

REPORT III
(PART I)

**INTERNATIONAL LABOUR
CONFERENCE**

THIRTY-THIRD SESSION

GENEVA, 1950

**SUMMARY OF REPORTS ON RATIFIED CONVENTIONS
(ARTICLE 22 OF THE CONSTITUTION)**

Third Item on the Agenda



INTERNATIONAL LABOUR OFFICE
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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.

In conformity with a decision taken by the Governing Body at its 105th Session, in future the period covered by annual reports will be 1 July to 30 June. As a temporary measure, the period for which reports were requested was 1 October 1948 to 30 June 1949. The present summary is submitted to the Conference in pursuance of the obligation laid down in Article 23 of the Constitution and contains information on the 55 Conventions in force at the beginning of this period.

A total of 806 reports was due from Governments. In the table under each Convention a complete list of ratifications is given. This list has been drawn up 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.

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

The summary contains a brief survey of the application of Conventions during the period under review. Special care has been taken in analysing the 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). The same applies to important changes in legislation.¹

* * *

The present volume covers reports received by the Office up to 20 March 1950, the opening date of the 20th Session of the Committee of Experts on the Application of Conventions and Recommendations, which finished its work on 1 April 1950. The Report of the Committee, which is communicated to the Conference in the form of Part IV of the present summary, has been printed separately.

Geneva, May 1950.

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.

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
Argentine Republic	30.11.1933	17.10.1949
Austria ¹	12. 6.1924	
Belgium	6. 9.1926	2.11.1949
Bulgaria	14. 2.1922	
Burma ²	14. 7.1921	5.12.1949
Canada	21. 3.1935	12.10.1949
Chile	15. 9.1925	7.11.1949
Colombia	20. 6.1933	
Cuba	20. 9.1934	5.10.1949
Czechoslovakia	24. 8.1921	2. 1.1950
Dominican Republic	4. 2.1933	7.10.1949
France ¹	2. 6.1927	
Greece	19.11.1920	4.11.1949
India	14. 7.1921	15.12.1949
Italy ¹	6.10.1924	
Latvia ¹	15. 8.1925	
Lithuania	19. 6.1931	
Luxembourg	16. 4.1928	4. 2.1950
New Zealand	29. 3.1938	11. 1.1950
Nicaragua	12. 4.1934	
Pakistan ³	14. 7.1921	17.10.1949
Peru	8.11.1945	31. 1.1950
Portugal	3. 7.1928	10.11.1949
Rumania	13. 6.1921	
Spain	22. 2.1929	
Uruguay	6. 6.1933	17.11.1949
Venezuela	20.11.1944	17. 1.1950

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.

Argentine Republic.

The report refers to the information previously supplied and adds that no new measures were taken during the period under review. The total number of inspection visits carried out was 35,531; 2,263 breaches of the regulations were noted, and action was taken in 2,046 cases. Copies of the report have been communicated to the representative employers' and workers' organisations.

Belgium.

Order of the Regent of 5 October 1948, to organise a special system of hours of work for the personnel of threshing undertakings.

The report repeats the information previously supplied and adds that the special

system regarding hours of work for employees in threshing undertakings, established by Order of the Regent of 5 October 1948, is covered by the exceptions provided for in Article 5 of the Convention.

During the period under review, 207 breaches of the regulations were reported and 20 decisions were given by courts of law. Inspection visits were made to 28,682 undertakings, employing 315,300 persons. Under § 7 of the Act of 14 June 1921, permits for overtime granted from 1 October 1948 to 30 June 1949 covered 53 undertakings and 1,912 workers; the number of additional hours worked amounted to 147,792, as compared with 573,341 during the corresponding preceding period. Copies of the report have been communicated to the representative employers' and workers' organisations.

Burma.

Factory (Amendment) Act, 1948.
Mines (Amendment) Act, 1948.

The Factory (Amendment) Act of 1948 reduced working hours in factories to eight per day and 44 per week for general purposes (48 per week for work carried on by continuous processes). The Mines (Amendment) Act of 1948 limits working hours per week to 40 for underground workers, 44 for surface workers and 48 for workers engaged in continuous processes. Permanent exceptions, authorising a maximum of 50 hours per week, relate to workers engaged in preparatory or complementary work. Temporary exceptions in case of pressure of work may not be granted for more than 60 hours a week and for more than two months at a time. Payment for overtime has been increased to twice the ordinary rate.

As regards railways, the hours of work of staff employed in the locomotive, carriage, signal, telegraph and general engineering workshops and locomotive running sheds are limited to eight a day and 44 a week. Under the Railways Act, the hours of work of other railway workers whose work is of a continuous nature are limited to 60 per week (84 hours in the case of essentially intermittent work). It is the practice, although this is not specified in the legislation, to limit the daily hours on duty of such

workers to eight and twelve respectively. Under the Railways Act, the Burma Railway Board is empowered to appoint "supervisors of railway labour" for the enforcement of the provisions of the Act relating to labour, but no such supervisors have yet been appointed.

The application of the 44-hour week has met with a certain measure of success, particularly in large factories where workers are more or less organised. Copies of the report have been communicated to representative employers' and workers' organisations.

Canada.

Legislation in Effect on 30 June 1949

Alberta.

Labour Act, 1947, Part I, ch. 8; eight Orders concerning hours of work in various trades.

British Columbia.

Hours of Work Act, R.S. 1948, ch. 154; 18 Regulations under the Act.

Manitoba.

Hours of Work Act, 1949.

Ontario.

Hours of Work and Vacations with Pay Act, 1944, ch. 26; Regulations under the Act.

Saskatchewan.

Hours of Work Act, 1947, ch. 105; 16 Regulations under the Act.

Other Statutes

Alberta.

Alberta Labour Act, 1947, ch. 8, Part IV (Industrial Standards).

British Columbia.

Metalliferous Mines Regulation Act, R.S. 1948, ch. 218.

Manitoba.

Fair Wage Act, R.S. 1940, ch. 71; as amended in 1946, ch. 14.

New Brunswick.

Factories Act, 1946, ch. 51; as amended in 1947, ch. 39.
Industrial Standards Act, 1948, ch. 10.
Mining Act, R.S. 1927, ch. 35.

Nova Scotia.

Limitation of Hours of Labour Act, 1935, ch. 12.
Coal Mines Regulation Act, 1923, ch. 23.
Nova Scotia Factories Act, R.S. 1923, ch. 160; as amended in 1947, ch. 8.
Industrial Standards Act, 1936, ch. 3.

Ontario.

Industrial Standards Act, R.S. 1937, ch. 191; as amended in 1938, ch. 37; 1939, ch. 21; 1946, ch. 89; 1947, ch. 49; 1948, ch. 47; 1949, ch. 44.

Quebec.

Limitation of Hours of Work Act, R.S. 1941, ch. 165.
Industrial and Commercial Establishments Act, R.S. 1941, ch. 175; as amended in 1942, ch. 50.
Minimum Wage Act, R.S. 1941, ch. 164; as amended in 1946, ch. 39; 1947, ch. 53; 1949, ch. 54.
Collective Agreement Act, R.S. 1941, ch. 163; as amended in 1943, ch. 29; 1944, ch. 30; 1946, ch. 38; 1949, ch. 54.

Saskatchewan.

Coal Miners' Safety and Welfare Act, R.S. 1940, ch. 270; as amended in 1944, ch. 82.
Industrial Standards Act, R.S. 1940, ch. 305; as amended in 1944, ch. 89; 1944, ch. 62 (2nd session).

The report refers to the information previously supplied, in particular to the fact that federal legislation on hours of work had been declared *ultra vires* since January 1937. It adds that there is a marked tendency towards a reduction of working hours, particularly through collective bargaining, and that the standard set forth in the Convention of an eight-hour day and a 48-hour week is equalled or bettered in the great majority of Canadian industries. Consultation with provincial Governments, which has continued through the period under review, is felt to have been instrumental in some of the progress made; however, as the provinces are autonomous in regard to the enactment of legislation on subjects within their competence, efforts on the part of the federal authorities to obtain compliance are necessarily limited in scope.

The report contains a detailed summary of provincial legislation relating to hours of work, as well as information on changes in provisions concerning hours of work during the period 1 October 1948 to 30 June 1949.

Acts limiting weekly hours of work to 48 or less now exist in five provinces: Alberta, British Columbia, Manitoba, Ontario and Saskatchewan. There is no statutory restriction on hours of work in Prince Edward Island and Newfoundland as regards the undertakings covered by the Convention. Prince Edward Island has a largely non-industrial economy, for which the provincial Government has not found it necessary to enact much labour legislation; Newfoundland only entered the Confederation on 31 March 1949.

The most significant recent change concerning hours of work is the enactment of an Hours of Work Act in Manitoba, effective as from 1 July 1949. This Act limits working hours in industrial undertakings (including mining, manufacturing, construction, insurance and other enumerated trades and occupations) to eight in the day and 48 in the week for men and to eight and 44 for women unless time and one half is paid for overtime. The Labour Board may authorise longer working hours, without payment of overtime rates being required in respect of any undertaking or group of undertakings, if it is satisfied that the nature of the work or the materials or methods used require such extended hours. Where the Board considers that it is not feasible to limit hours in an undertaking or group of undertakings to the limits prescribed, the Board may authorise any daily, weekly or monthly maximum number of working hours which it deems fair or reasonable, after consideration of any existing custom or agreement. With the approval of the Lieutenant-Governor in Council, the Board may suspend the application of the Act to any undertaking or

group of undertakings or to any area of the province of Manitoba. The appropriate administrative authorities in the other four provinces mentioned also have varying degrees of authority to grant exceptions or to fix maximum hours in excess of the limits prescribed in the Act.

All the above-mentioned Acts, except that of Saskatchewan, provide that the limit of hours may be exceeded in case of accident, urgent work to machinery or plant, or in case of *force majeure*. In Saskatchewan, where time and one half must be paid for work in excess of the eight and 44-hour limits, the employer must pay the overtime rate if he considers that overtime is necessary in case of emergency. In all five provinces, the daily eight-hour limit may be exceeded in accordance with an established working schedule or in order to adopt a five-day week, provided that the weekly limit is not exceeded. In Manitoba and Saskatchewan, the legislation permits shift workers to be employed for more than the maximum daily and weekly hours without the payment of overtime, provided the statutory average daily or weekly hours over a number of weeks do not exceed the limits fixed by the Acts.

Legislation restricting hours in certain industries and occupations is in force in the provinces of Quebec, New Brunswick and Nova Scotia. The Quebec Minimum Wage Act grants to the administrative authority power to fix maximum hours; under this Act, a 48-hour week has been established in some industries. The Quebec Collective Agreement Act provides that, where a collective agreement has been voluntarily entered into by a trade union or unions and by employers or an association of employers, the Government may, at the request of the parties and if the agreement covers a substantial number or a majority of workers in the industry, extend the conditions of the agreement, including the regulation of hours, so that they are legally binding on all employers and employees in the industry concerned. Agreements under this Act cover a large part of Quebec industry and establish weekly hours at 40, 44 and 48 and, in exceptional cases, at 50.

The report also lists various other provincial regulations and orders containing provisions relating to hours of work in specific industries or conditions.

Chile.

The report refers to the information previously supplied and adds that the total number of workers covered by the legislation applying the Convention is now as follows: mining, manufacture, 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 the period under review, breaches of the legislation were reported in 81 industrial undertakings. According to the reports

of the inspection services, the 48-hour week is satisfactorily applied throughout the country. Copies of the report have been communicated to the representative employers' and workers' organisations.

Cuba.

Decree No. 1696 of 31 May 1949, to fix hours of work on Tuesdays and Thursdays of the summer months at 8.30 a.m. to 1 p.m. in commercial establishments and public utility services.

Resolution No. 1619 of 22 March 1949, concerning the communication of reports to representative employers' and workers' organisations.

The Government repeats the information previously supplied and adds that Decree No. 1696 concerning commercial undertakings also applies to public utility services. Cuban legislation is general in character and, therefore, both manual and intellectual workers in all occupations are protected by law; domestic servants, however, are not covered. The extension of hours of work up to 56 hours per week is permitted under § 66 of the Constitution, but only in the sugar industry during the season. Copies of the report have been communicated to the representative employers' and workers' organisations.

Czechoslovakia.

Government Orders Nos. 29 and 116 of 1949. Act No. 87 of 1949.

The report refers to the information previously supplied and adds that the Notification of 18 October 1947, concerning the regulation of working hours in sugar refineries during the sugar beet season, ceased to be in operation on 31 December 1948. By Government Order No. 116 of 1949, the competence of the Ministry of Labour and Social Welfare (under § 1, paragraph 5 of Act No. 91 of 1918), to permit in certain groups of undertakings working hours differing from those laid down in § 1, paragraph 1, of the said Act, was transferred to the regional national committees.

Since 1 April 1949, labour inspectorates have been incorporated in the scheme of regional national committees, namely, in the sections on labour and social welfare (§ 2 of Act No. 87 of 1949 and Government Order No. 29 of 1949). Copies of the report have been communicated to the workers' and employers' representative organisations.

Dominican Republic.

The report refers to the information supplied for the preceding period.

Greece.

The report refers to the information previously supplied and adds that the Convention is satisfactorily applied, except in the case of certain categories of railway workers where, because of the civil war,

which is a case of *force majeure*, the Government has been unable to take the necessary steps for the complete application of the Convention. The Pan-Hellenic Confederation of Railway Workers has submitted a further request on this subject.

In spite of financial difficulties, a good measure of progress has been achieved in the organisation and working of the labour inspection service, which now comprises 40 regional services, employing over 80 inspectors. An extension of normal working hours may still be granted, but only if the labour inspection service considers the reasons to be sufficient; the number of additional hours authorised may in no case exceed 120 in the year. The weaving industries, in particular, applied for authorisation to work overtime. Copies of the report have been communicated to the representative employers' and workers' organisations.

India.

Factories Act of 23 September 1948, to consolidate and amend the law regulating labour in factories (L.S. 1948, Ind. 4).

The report repeats the information previously supplied and adds that the Factories Act, 1934, as subsequently amended, remained in force up to 1 April 1949, when the Factories Act, 1948, came into force. However, the rules and forms under this Act have not yet been completed. Copies of the report have been communicated to the representative employers' and workers' organisations.

Luxembourg.

The report repeats the information previously supplied.

New Zealand.

Mining Amendment Act, 1948.
Statutes Amendment Act, 1948.
Various awards made in virtue of the relevant legislation.

The report repeats the information previously supplied and refers to the following developments during the period under review.

The Mining Amendment Act, 1948, provides that overtime shall be paid to every workman employed underground in a mine for the period during which he is employed underground for more than 7 hours in any day.

The Factories Act, 1946, has been amended to provide that the prescribed hours of work for women may not be extended on more than 90 hours in any year; however, the inspector of factories, at his discretion, may grant a warrant to work extended hours, not exceeding 30 in any year, after the 90 hours in a year have been worked; the Minister of Labour may permit the voluntary working of further additional hours not exceeding 80 in any year.

There are no longer any suspension Orders in the country regarding the operation of the provisions of the Convention.

In April 1949, the estimated number of workers covered by legislation giving effect to the Convention was 284,602 (237,360 men and 47,242 women). During the year ending 31 December 1948, inspectors of factories granted permission for women to work overtime aggregating 610,570 hours. Copies of the report have been communicated to the representative workers' and employers' organisations.

Pakistan.

The report repeats the information given for the preceding year. Copies of the report have been communicated to representative workers' organisations. 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 important chambers of commerce.

Peru.

Act No. 2851 of 25 November 1918, to regulate the employment of women and children (L.S. 1919, Peru 1).

Act No. 3010 of 26 December 1918, to prohibit work on Sundays, on public holidays and on polling days.

Presidential Decree of 15 January 1919, to establish the eight-hour working day.

Presidential Decision of 22 June 1928.

Political Constitution of the State of 29 March 1933 (§ 46).

Presidential Decree of 26 June 1934, to issue rules to govern the procedure for payment of overtime.

Presidential Decision of 21 July 1934.

Civil Code of 30 August 1936 (L.S. 1936, Peru 2).

Presidential Decision of 27 October 1936, respecting hours of work in places of employment.

Presidential Decision of 9 April 1940.

Legislative Decree No. 10908 of 3 December 1948, respecting the sharing by wage-earning and salaried employees in the profits of undertakings (L.S. 1948, Peru 2).

Although the national legislation is in agreement with the general principles of the provisions of the Convention, it is not so detailed, and the latter are taken into account in negotiations for collective agreements and in administrative jurisprudence.

The Presidential Decree of 15 January 1919 fixes the eight-hour day in workshops and State railways, in agricultural and industrial establishments and in public works undertaken by the Government. Under the Presidential Decision of 21 July 1934, the eight-hour working day is strictly observed in public works undertakings; § 1572 of the Civil Code of 30 August 1936 stipulates that individual or collective contracts shall fix a maximum working day of eight hours. As Act No. 3010 of 26 December 1918 provides for a weekly rest day, the maximum hours of work are thus 48 per week. Under the Decree of 26 June 1934, employers are required to compensate employees for additional hours worked; the authorities ensure that payment for such overtime is at an additional rate of not less than 25 per cent. of the regular rate.

The Presidential Decision of 27 October 1936 requires employers to post up notices in conspicuous places regarding the hours at which work begins and ends and, where necessary, the timetable of the different shifts. A register must be kept of any overtime worked.

The application of the legislation is entrusted to the General Directorate of Labour and its inspection services; the municipalities are also responsible for supervision. The labour inspection service consists of the inspector-general (aided by 13 assistant inspectors and four social assistants), the Lima labour inspection service (18 officials) and the regional inspection service. The inspectorate also supervises observance of collective agreements and arbitration awards. Breaches of the regulations are reported and suitable fines are imposed. In Lima, claims respecting payments for additional hours are brought before special labour tribunals and, outside the city, before the labour inspectorate or courts of first instance. The report includes a summary of important awards made from 1935 to 1948. During the period under review, 11,649 visits of inspection were carried out and 51 breaches were reported, all in small undertakings. According to the 1940 census, 1,031,074 workers are covered by the legislation which applies the Convention. Copies of the report have been communicated to the representative employers' and workers' organisations.

Portugal.

Ordinance of 24 November 1948, concerning hours of work in the textile industry.

The report refers to the information previously supplied and adds that the provisions of the Convention were embodied in the majority of the collective agreements concluded during the period under review. Zinc smelting and laminating works have been added to the list of processes to be carried on continuously.

The supreme administrative tribunal gave one decision concerning the application of the legislation on hours of work; a copy of this decision was appended to the report. The labour inspectorate reported 2,131 cases of infringement respecting hours of work during the period under review. The total of additional hours authorised in Lisbon was 4,950,015 in transport undertakings and 6,873,234 in other branches. Copies of the report have been communicated to the representative employers' and workers' organisations.

Uruguay.

Act No. 9991 of 20 December 1940 concerning conditions of work and health requirements for workers employed in rice-producing undertakings.

Further amendments to the Decree of 17 November 1935 to issue regulations under Act No. 5350 respecting the eight-hour day.

The report repeats the information previously supplied and adds that the provisions

of Act No. 5350 of 1915 apply to approximately 130,000 industrial employees and workers. During the period under review, 57,300 inspection visits were carried out and 200 breaches were noted; fines amounting to 6,445 pesos were imposed. No additional hours were worked. The public authorities have recently authorised officials of the National Institute of Labour and allied services to collect fines and thus ensure the effective application of penalties.

Venezuela.

National Constitution of 23 April 1945.

Labour Act of 21 October 1947 (L.S. 1947, Ven. 2), to amend the Act of 16 July 1936, as amended by the Act of 4 May 1945 (L.S. 1945, Ven. 2).

Resolution No. 415 of 24 September 1949, concerning the reorganisation of the technical committee entrusted with the revision of social legislation.

The report repeats the information previously supplied and adds that the Labour Act of 21 October 1947, provides that, in the case of night work, the maximum hours may not exceed seven a day or 40 a week. During the period under review, the Government has not made use of the right provided under Article 4 of the Convention. A list of processes classified as necessarily continuous is being prepared.

Under a Resolution of 24 September 1949, the Government decided to reorganise the technical committee responsible for the revision of social legislation; this committee must examine immediately the question of including in the social legislation all the principles guaranteed by the new National Constitution.

Visits of inspection numbered 3,237, during which 41,950 workers were questioned. The labour inspectorate intervened in 28,015 individual disputes and arranged conciliation in 22,009 cases. As a result of these interventions, the workers concerned obtained a total of 9,400,463.77 bolivars. Requests were made by 379 undertakings for permits to work overtime. A total of 813,792 additional hours were worked by 97,060 workers. The report contains the text of a decision given by the Superior Labour Court.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Belgium

Belgian Congo and Ruanda-Urundi.

Although in many undertakings it is the custom to apply regulations in conformity with the provisions of the Convention concerning hours of work, it is not possible to establish any legislation at the present time.

Portugal

The Convention was ratified subject to the reservation of subsequent decisions as

regards its application to the Portuguese colonies, as was expressly stated in the letters of ratification dated 21 June 1928. No decisions have since been taken and the Convention, therefore, does not apply to these territories. Nevertheless, reports have been drawn up, territory by territory, in respect of each ratified Convention, on the basis of the report forms; these reports show that legislative measures applying the different principles laid down in these Conventions have been brought into force in some non-metropolitan territories under the administration of Portugal.

Angola.

Legislative Order No. 1840 of 6 November 1946.

Under the provisions of the above Legislative Order, and according to the analysis made in the report, the principles laid down in this Convention are applied in the colony. With regard to the application of Article 6 of the Convention, the Government states that the rate of pay for overtime is increased by 50 per cent., or 100 per cent. when the work is effected on days considered as rest days. The administrative and police authorities are responsible for the supervision of the application of the provisions of the above Legislative Order.

Cape Verde.

Legislative Order No. 12 of 30 April 1927.
Legislative Order No. 579 of 6 November 1937.
Ordinance No. 2441 of 2 May 1942.
Ordinance No. 2463 of 13 June 1942.
Ordinance No. 2556 of 1942.

Articles 1-8 of the Convention are applied in virtue of the provisions of Legislative Order No. 579. Under Article 5, the report states that employees in commercial establishments in places smaller than the chief town and in industrial establishments of a strictly rural character are exempted from the working timetable, at the request of the employers or their representatives, in agreement with the employees and subject to an authorisation granted by the superior authority for each calendar year. This authorisation is only refused if it is likely to cause economic or social disadvantages. The administrative authorities are responsible for the application of the laws and administrative regulations. Breaches of the application of regulations covered by legislative provisions are penalised by fines.

Macao.

There is no legislation regulating hours of work, since there is no important industry in the territory and the existing establishments are mainly concerned with task work and do not work continuously. The regulation of this question, as far as this is possible, is at present under consideration, with due regard to the special characteristics of industry, manpower and local conditions.

Mozambique.

Legislative Order No. 707 of 5 June 1940, to regulate hours of work of non-Native em-

ployees in commercial and industrial undertakings (men, women and children).

Ordinances of 21 September 1940, 22 October 1940, 27 May 1948, and 17 December 1948, to define and amend certain provisions under Legislative Order No. 707.

Legislative Order No. 707 defines as commercial and industrial establishments all offices, shops, stores, factories, city transport services and all other places where commercial or industrial work is effected. No discrimination is made as regards maritime and river transport services. The above-mentioned Order and Ordinances, published subsequently, establish a distinction between hours worked in industry (48 hours per week) and in commerce (36 hours per week). No special reference is made to agriculture. The weekly working timetable adopted in industrial undertakings is 48 hours; this limit may not be exceeded in any case. The provisions contained in Article 2 (a) of the Convention are reproduced in Article 3 of the Order. The undertakings concerned may ask for exceptions to the timetable; such requests are granted if they are based on sound reasons.

§ 11 of the Order provides for the organisation of shifts in the case of industries working continuously; each shift may not work more than the daily maximum hours established for the industry in question. The provisions of Articles 3, 4, 5 and 6 of the Convention are covered respectively by §§ 5, 11, 18, 8 and 14 of the Order. The rate of pay for overtime is increased by 50 per cent. The provisions of paragraphs 1 and 2 of Article 8 of the Convention are covered by §§ 20 and 28 of Legislative Order No. 707. It has not been possible to collect the information requested under Part III of the report form in time for submission to the forthcoming session of the Conference, but steps will be taken to compile this information.

The directorate of the civil administrative services, the provincial Governments and police services are responsible for the application of legislative measures and regulations; the police services are responsible for the supervision of the carrying out of these measures.

Some court decisions were given with regard to the application of Legislative Order No. 707. However, it is not possible to compile the information requested on this subject in time for submission to the forthcoming session of the Conference. Information concerning the application of the legislation in force in the colony will be supplied at the earliest possible date. The representative employers' and workers' organisations were consulted with a view to the revision of Legislative Order No. 707.

Portuguese Guinea.

Legislative Order No. 486 of 7 December 1929, to approve the Code of Police and Administrative Control Measures.

The industries existing in the colony are among those enumerated in paragraph 1 (b) and (c) of Article 1 of the Convention ; there are no industries of the type referred to in paragraph 1 (a). In virtue of Legislative Order No. 486, the line of division which separates hours of work in industry from hours of work in commerce and agriculture is covered by legislative measures in the colony, where agriculture is not on an organised basis and is carried out entirely by Natives working on their own account. The subject matter of Articles 1-6 of the Convention is covered by the above-mentioned Legislative Order. There has been no necessity to take legislative measures to cover the provisions of the Convention. With regard to Article 7 of the Convention, the report states that the Code referred to above contains provisions concerning the classification of processes considered as necessarily continuous ; as these provisions appear in an appendix to the report, it was not considered necessary to supply a list of such processes. There are no written agreements as provided for in Article 5, but the application of contracts is ensured normally in accordance with the provisions of the legislation in force.

Portuguese Indies.

Since the Convention was not made applicable to the colony, the report merely states that no legislative measures have been passed on this subject.

S. Tomé and Príncipe.

Decree No. 16,199 of 6 December 1928, to approve the Native Labour Code in the Portuguese Colonies in Africa (L.S. 1928, Por. 3).

Local Regulations, to apply the above-named Code (Ordinance No. 977 of 26 February 1947).
Legislative Order No. 261 of 3 September 1946.

The term " industrial establishment " applies only to undertakings in which articles for exportation are manufactured, altered or prepared, as well as undertakings effecting the production, transformation and transmission of motive power in general, the building industry and undertakings effecting the transport of goods and persons. In these, as in all other branches of activity, the hours of work of indigenous persons are limited to eight per day, in accordance with the provisions of Legislative Order No. 261 of 3 September 1946. All work performed by the same person, after the daily limit of eight hours, in urgent cases or in order to prevent the deterioration of foodstuffs, is considered as overtime and paid as such. The management of such undertakings is not obliged to comply with a fixed eight-hour limit, but is not normally employed for more than eight hours a day and receives special bonuses or supplementary remuneration for the duties performed.

Natives under the protection of the Curator General are subject to a nine-hour working day when they are engaged in

accordance with the provisions of the Native Labour Code, and are employed in agricultural services or in some services considered as industrial, such as the handling and preparation of agricultural produce for export and any other work in connection with agricultural undertakings. The nine hours of daily work include the time spent in the journey to and from the workplace ; this period may not exceed half an hour for each journey, thus limiting the normal hours of work to eight per day. Additional work effected in urgent cases of loading, to avoid the deterioration of food or other products, or in any other unforeseeable cases, is remunerated at the rate fixed for overtime or entitles the persons concerned to compensation in the form of an equivalent period of rest on the following day. These provisions are covered by local regulations concerning Native labour contracts, in particular, by Ordinance No. 1152 of May 1948, which contains models of the forms used in this respect.

The provisions in question are applied rigorously and there is strict compliance with the daily limits of hours of work. In undertakings where, by reason of their nature or functions, the work must be carried on continuously, it is effected by alternating relief shifts, changing at fixed hours. The payment of overtime is made in accordance with the provisions of Ordinance No. 1152.

The above-mentioned legislative measures cover the provisions of Articles 5, 6 and 8 of the Convention ; Ordinance No. 1152 contains the models of notices and records provided for under Article 8 of the Convention.

With regard to Part III of the report form, the report states that no measures have yet been taken in this connection, but that the question will shortly be examined when the legislation is revised.

With regard to Natives of S. Tomé and Príncipe, the administrative authorities and the police are responsible for the application of provisions relating to the Convention. In the case of Natives coming from other colonies and working under temporary contracts of labour, the Curator General for Workers and Natives or his agents are responsible for the application of the regulations. Frequent inspection visits to workplaces on the one hand, and the ease with which workers consult the authorities on the other hand, guarantee the effective application of the principles which are laid down in the Convention and are covered by the legislative measures and regulations in force in the colony.

Timor.

Ordinance of 26 December 1896, concerning hours of work and prohibiting employment of children under 14 years of age.

Ordinance No. 4391 of 2 July 1936, to approve the Native Labour Regulations.

The Official Bulletin of Timor has only been published since 1900 and the Ordinance

of 1896 was therefore registered in the Register of Ordinances. This was lost during the occupation of the colony by foreign armed forces during the last world war, and the competent authorities are at present reconstituting this and other documents lost in similar circumstances. In accordance with this Ordinance, hours of work are limited to eight in the day. Native labour is regulated under § 83 of the Native Labour Regulations, which do not explicitly fix hours of work, and stipulate that "workers may not be compelled to perform more than eight useful and effective hours per day". The application of the provisions of the Convention in the colony necessitates ratification and the issue of new legislation on the subject. No definition of the term "industrial undertaking" has been made, and no line of division separates industry and commerce from agriculture. The exceptions permitted under Articles 2, 3 and 4 of the Convention are not provided for in the legislation. No agreement such as

is provided for under Article 5 has been concluded and there are no regulations of the type indicated in Article 6 of the Convention. The provisions of Article 8 are not covered by any regulations. No use has been made of the exception authorised under Article 14. With regard to Part III of the report form, the report states that there are no continuous-process undertakings in the colony. There are no regulations concerning this matter and there are no employers' and workers' organisations in the colony. The administrative, police and municipal authorities are responsible for the application of legislative measures regarding hours of work. These questions are within the competence of the civil administration services. With regard to Native work, the Curator for Natives and his agents (one in every administrative district) are responsible for supervision. The Curator and his agents carry out inspection visits to workplaces. There were no court decisions and no infringements of the regulations.

2. Convention concerning unemployment

This Convention came into force on 14 July 1921

Countries	Date of registration of ratification	Reports received
Argentine Republic	30.11.1933	17.10.1949
Austria	12. 6.1924	3.11.1949
Belgium	25. 8.1930	2.11.1949
Burma ¹	14. 7.1921	5.12.1949
Bulgaria	14. 2.1922	
Chile	31. 5.1933	7.11.1949
Colombia	26. 6.1933	
Denmark	13.10.1921	4.10.1949
Estonia	20.12.1922	
Finland	19.10.1921	20.10.1949
France	25. 8.1925	27.10.1949
Germany	6. 6.1925	
Greece	19.11.1920	14.11.1949
Hungary	1. 3.1928	
India ²	14. 7.1921	
Ireland	4. 9.1925	17.11.1949
Italy	10. 4.1923	18.10.1949
Japan	23.11.1922	
Luxembourg	16. 4.1928	4. 2.1950
Netherlands	6. 2.1932	12. 1.1950
New Zealand	29. 3.1938	11. 1.1950
Nicaragua	12. 4.1934	
Norway	23.11.1921	27.10.1949
Poland	21. 6.1924	15.11.1949
Rumania	13. 6.1921	
Spain	4. 7.1923	
Sweden	27. 9.1921	15.10.1949
Switzerland	9.10.1922	14.10.1949
Union of South Africa	20. 2.1924	3.10.1949
United Kingdom	14. 7.1921	3.10.1949
Uruguay	6. 6.1933	17.11.1949
Venezuela	20.11.1944	17. 1.1950
Yugoslavia	1. 4.1927	

¹ See footnote 2 to Convention No. 1.

² Ratification denounced 16.4.1938.

Argentine Republic.

The report repeats the information supplied for the period 1947-1948. Copies of the report have been communicated to the repre-

sentative employers' and workers' organisations.

Austria.

Federal Act of 22 June 1949, respecting unemployment insurance, to replace the Federal Act of 15 May 1946.

The monthly average number of persons seeking employment registered with the public employment offices was 61,971; the number of vacancies was 46,527 and the monthly average number of placings effected through the employment offices 36,460. At the end of each month, the average number of vacancies unfilled was 35,663; 99,091 applicants were unplaced. Copies of the report have been communicated to the representative employers' and workers' organisations.

Belgium.

Orders of the Regent, dated 12 and 19 March 1949 and Ministerial Orders of 20 March and 13 June 1949, amending and supplementing the Order of the Regent of 26 May 1945 to set up the provisional fund for involuntarily unemployed persons (L.S. 1945, Bel. 1).

Orders of the Regent of 31 March, 4 and 22 June 1949, respecting unemployment allowances to workers engaged in the coal and ship-repairing industries in the port of Antwerp.

Ministerial Order of 22 January 1949, in pursuance of the Order of the Regent of 4 June 1947, respecting exceptional allowances to workers over 65 years of age or over the statutory pensionable age.

Ministerial Order of 17 March 1949, to set up specialised sections for placing young persons in employment.

Ministerial Orders of 12 April and 24 May 1949, respecting subsidies to recognised private free employment offices.

Ministerial Order of 6 May 1949, respecting the placing of unemployed persons by the provinces, communes and public undertakings.

There are the present 25 regional employment offices and 23 recognised private free employment offices organised by the fund for the maintenance of unemployed persons. Information regarding the co-ordination of the various national employment systems has been prepared for the International Labour Office for inclusion in the series of handbooks relating to national employment service organisation.

A reciprocity agreement is about to be concluded with Great Britain.

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

Burma.

Employment Statistics Act, 1948.

An Employment and Training Bill has been drafted for consideration by the Government. In addition to the public employment office, which continues to function in the Rangoon area in particular and for the whole country in general, another employment office has been set up at Mandalay. During the period under review, these two offices registered 3,081 applicants for work, submitted 1,936 workpeople for vacancies and effected 1,298 placings.

The Director of Labour has been appointed as Statistics Authority under the Employment Statistics Act, 1948. The employment problem in the oilfields continued to be acute. It was more acute during the first half of 1949 because of the discharge of workmen consequent on the dearth of raw materials in industries, in particular in Rangoon. The Government is trying its best to assist industries to obtain the required raw materials and to restrict the importation of categories of workmen who could be recruited locally in order to reduce unemployment among the indigenous population.

Copies of the report will be sent in due course to the representative employers' and workers' organisations.

Chile.

The Government sends regularly to the International Labour Office monthly information regarding unemployment.

During the period under review, the total number of persons registered with the employment offices throughout the country was 27,925. During the same period, the total number of persons registered with the employment office in Santiago was 24,578 (18,466 males and 6,112 females), and the total number of persons placed by the same office was 6,150 (4,716 males and 1,434 females).

Denmark.

A total number of 1,312,446 persons reported to the employment offices as unemployed

during the period 1 April 1947 to 31 March 1948. Of these, 302,536 were placed in employment.

Finland.

The report repeats the information previously supplied and adds that the application of the legislation is entrusted to the Labour Department of the Ministry of Social Affairs. Copies of the report have been communicated to the representative employers' and workers' organisations.

France.

Order of 15 December 1948, respecting the application of certain provisions of Act No. 47-1746 of 6 September 1947, as amended by Act No. 48-1532 of 29 September 1948, respecting the organisation of work connected with the moving of goods in ports.

Decree No. 49-238 of 1 March 1949, to modify conditions respecting the payment of benefits granted, under the Act of 21 October 1946, to workers engaged in building and public works in the event of bad weather and to fix methods for the payment of compensation payable by employers under the above-mentioned Act.

The total number of placings effected from October 1948 to June 1949 was 594,689; there were 1,633,926 applications for employment and 819,166 vacancies.

Five bilateral reciprocity agreements relating to unemployment, concluded before the war, have not yet been renewed. Since the war, two bilateral agreements have been concluded (one on 1 August 1946 between France and Switzerland, the other on 31 March 1948 between France and Italy) and are at present in force. The Convention relating to the International Status of Refugees, signed at Geneva on 28 October 1933, is still in force. The Unemployment Provision Convention (No. 44) ensures to nationals of the ratifying States equality of treatment with French citizens as regards unemployment relief. As regards any points not dealt with in the agreements and Conventions referred to above, the statute for foreign workers in France remains unchanged. At present, foreigners who are duly authorised to reside in France are granted unemployment allowances in the same conditions as those relating to French citizens.

Greece.

Various administrative measures, enacted in 1949 respecting unemployment allowances to workers engaged in the tobacco industry, in printing and lithographing works and in flour mills, and to ex-servicemen; the extension of unemployment insurance to various towns; the payment of wages by the unemployment office; notification of the cancellation of labour contracts.

During the period under review, the number of unemployed persons placed in employment amounted to 39,754 and the number of persons dismissed by undertakings to 7,224. The number of registered unemployed persons was greater than the number of persons placed in employment. Benefits, amounting

to 10,042 million drachmae were paid to 3,565 unemployed persons. These statistics may be supplemented next year by those compiled by the special statistical service organised by the Ministry of Labour. The Government has taken measures to put into effect important public works projects in order to provide employment for the displaced population, to extend unemployment insurance to additional districts and to protect ex-servicemen for whom, under Act No. 751 of 1947, employment was found in industrial or commercial undertakings during the first quarter following their demobilisation.

The public employment service is supervised by the Directorate of Employment and Unemployment attached to the Ministry of Labour. As the country is still experiencing financial difficulties, the staff of the employment office is inadequate. There are no private fee-charging employment offices. A labour office has been set up by the labour exchange for actors in order to place its members in employment and to afford them financial assistance.

Foreign workers who are in possession of a work book issued by the competent authority receive the same unemployment benefits as nationals of the country. No agreement has been concluded with other States Members.

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

Ireland.

Three Orders, issued in 1949 under the Social Welfare (Reciprocal Arrangements) Act, 1948, relating to agreements with the Governments of Great Britain and Northern Ireland.

On 25 June 1949, 45,505 persons were on the live registers of the employment exchanges and branch employment offices. During the four weeks ended 25 June 1949, 3,098 vacancies were notified to the exchanges and branch offices and 2,863 placings were effected.

Reciprocal agreements made by the Government of Ireland with the Governments of Great Britain and Northern Ireland were brought into operation, under the Social Welfare Orders issued in 1949, for the purpose of ensuring that seafarers resident in one country and employed on board ships or vessels owned by the other country are insured against unemployment. Agreements made by the Government of Ireland with the same countries were brought into operation to facilitate the payment of unemployment benefit to persons residing in one country and working in the other, in respect of contributions paid as from 5 July 1948.

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

Italy.

Act No. 264 of 29 April 1949, respecting the placing, assistance and vocational training of

unemployed persons, as amended (§ 26) by Act No. 256 of 21 August 1949.

The report contains statistics showing the number of applicants registered with the employment offices for each month of the period October 1948 to August 1949. These statistics are compiled by the Minister of Labour and Social Welfare according to the new system instituted in October 1948, under which applicants for work are divided into the following four categories: (1) retired workers and workers seeking other employment; (2) housewives; (3) young persons under 21 years of age and persons seeking work for the first time; and (4) workers who have lost their jobs.

Formerly, statistics were compiled according to branches of economic activity. The total number of applicants in the four categories listed above increased from 1,752,187 to 1,760,512. Applicants for work are still obliged to re-register each month or have their names withdrawn from the register.

Under the 1949 legislation, the employment service retains the character of a free public service conferred on it by previous legislation which is now replaced by the new legislation. §§ 25 and 26 of the Act of 29 April 1949, as amended, provide for the setting up of provincial and cantonal committees, entrusted with the duty of collaborating in the supervision and functioning of the placing activities carried on by the provincial labour and full employment offices. These committees are now being constituted. The provincial committees are authorised to take decisions in the matters referred to in the previous report; the communal committees merely act in an advisory capacity in this connection. In addition, a central committee for placing and assisting unemployed persons has just been instituted and has set up three sub-committees to deal with questions within its competence, namely, placing, assistance, and vocational guidance for unemployed persons.

Special measures will be taken for the placing of certain specified categories of workers, such as those engaged in public entertainments, in the paper and printing, glassworks, baking and hotel industries. The new legislation does not authorise free employment agencies to operate. Existing legislation provides for sanctions in the event of breaches of its provisions. Copies of the report have been communicated to the employers' and workers' trade unions.

Luxembourg.

Although, up to the present, Luxembourg has concluded no arrangements with other Members of the International Labour Organisation, *de facto* reciprocity exists in many cases which have been referred to in previous reports. However, in its relations with co-signatories of the Benelux and Brussels Treaties, Luxembourg is now taking steps to regulate former *de facto* reciprocity by means of treaties. In this connection, a

draft Labour Treaty has just been prepared with a view to establishing common bases for the regulation of all questions relating to the employment service and to unemployment.

Netherlands.

Act of 16 May 1934, to issue regulations regarding the work performed by foreigners.

Emigration Act of 1936.

Act of 1 August 1947, respecting the placing of persons with reduced working capacity.

During the period under review, unemployment increased, especially among unskilled workers. This led the Minister for Social Affairs to set up an Interdepartmental Employment Committee, which acts as an advisory body and helps to co-ordinate measures to maintain and facilitate employment. An important part of the work in connection with the preparation and application of these measures has been entrusted to the Director-General of the National Labour Office. The report contains information regarding the measures taken, which include the setting up of a service for the placing of persons with reduced working capacity, including ex-servicemen. A doctor is attached to each labour office to examine the physical fitness and suitability for employment of the persons concerned. A special placing committee, attached to each labour office, comprises representatives of industry and acts in an advisory capacity as regards placing. The labour offices are inspected by the Inspector-General. A Bill respecting unemployment insurance has recently been adopted by Parliament and will probably come into effect during 1950. The administrative departments of the communes are responsible for unemployment allowances, after consultation with the Labour Office and subject to the control of experts from the Department of Social Affairs.

There exist several unofficial free employment offices, largely concerned with the placing of domestic servants and seafarers, as well as artistes and musicians. These offices are obliged to submit periodical statistics regarding their activities to the directors of the local labour offices. During the period under review, the employment offices registered 513,853 persons seeking work and 391,791 vacancies; 302,266 persons were placed in employment.

A copy of the report has been communicated to the Labour Foundation.

New Zealand.

During the nine months ended 30 June 1949, 11,312 men and 4,772 women were placed in employment by the national employment service. On 30 June 1949, 10,066 vacancies were notified for men and 9,431 for women; 181 men and 6 women were registered as unemployed. By 31 March 1949, the number of servants' registry offices, registered as fee-charging employment agencies, had been reduced to 13.

The Government refers to the establishment and constitution of employment advisory committees and states that, at 30 June 1949, there were eleven district committees and five national committees operating.

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

Norway.

Although the manpower shortage has continued during the period under review, the Government has proceeded with measures to ensure the maintenance of high and stable employment in the event of a period of depression. Local authorities and State technical bodies have been encouraged to have workers' schemes and projects ready to be put into operation at short notice. Under the Directorate of Labour, systematic regional planning has been continued. A survey has been made of total public investment resources and grants have been approved for the erection of vocational training schools.

During the period under review, 140,089 applications for employment were received by the public employment service, 17,744 vacancies were notified and 131,767 placings were effected, as compared with 139,630 in the corresponding period of 1947-1948. The slight decline in placings is attributed to the fact that the choice of manpower was more restricted and the housing shortage was an obstacle to the geographical transfer of labour.

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

Poland.

Act of 18 July 1924, respecting unemployment insurance (L.S. 1924, Pol. 3).

Legislative Decree of 24 November 1927, respecting the insurance of intellectual workers (L.S. 1927, Pol. 6).

As a result of changes in the social structure of the country, there is no large-scale unemployment. Monies derived from contributions from manual and intellectual workers are used to finance schemes relating to employment, in particular, public investments, vocational training and guidance, and measures to grant financial assistance to unemployed persons.

Sweden.

Royal Decree of 19 December 1947, concerning the transfer to the State Employment Market Board of the duties formerly vested in the State Employment Market Commission.

Royal Decree of 30 December 1947, concerning the public employment service.

Royal Instruction of 17 June 1949, concerning the General Labour Directorate.

Royal Instruction of 17 June 1948, respecting provincial labour boards.

Royal Decree of 27 May 1949, concerning certain official measures as regards unemployment.

The report refers to the information previously supplied and adds that there are now

25 provincial labour boards with 25 main offices and 244 local offices; there are approximately 1,150 placing agents with 479 local agents entrusted, in principle, with the same duties as the local offices. During the period under review, there were 1,318,882 applications and 990,439 vacancies, 810,317 of which were filled. On 1 July 1949, there were 25 provincial centres with 24 branches for the vocational guidance and placing of young persons. During the period under review, the vocational guidance activities as regards young persons called up for their first period of compulsory military service became generalised and more uniform. The specialised placing service for employees, set up in 1944, now covers employees in the fullest sense of the term (*i.e.*, administrative employees, employees in agriculture and forestry, technicians, professors, office clerks, shop assistants), with a central office at Stockholm and provincial centres. The scheme for the exchange of young persons employed in agriculture, which has operated between Denmark, Finland and Norway, has been extended to include the United Kingdom and the United States. An agreement, of the type concluded with France and Switzerland for the annual exchange of a fixed number of apprentices, has been concluded with the Netherlands.

Sixty-two Danish and 37 Swedish funds have adhered to the general agreement concluded in 1946 with Denmark to provide for the right of the free transfer to unemployment funds in the two countries. A similar agreement was concluded on 18 December 1948 with the Government of Norway. Up to the present, 36 Swedish unemployment funds have agreed to grant to their members benefits under compulsory unemployment contributions paid in Norway.

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

Switzerland.

Federal Order of 30 November 1948, respecting the suppression of the service for allowances to needy unemployed persons and the expenses incurred in this connection in 1948.

Federal Order of 4 February 1949, to grant a further credit to encourage the supply of voluntary helpers in agriculture, as amended by the Federal Order of 8 March 1949.

Federal Order of 12 February 1949, to issue regulations regarding compensation to unemployed persons during the period of restrictions in the use of electricity.

Order of 22 February 1949, issued in application of the above-named Order.

The Government continues to forward regularly to the International Labour Office detailed and up-to-date information regarding the measures taken to combat unemployment. This information is contained, in particular, in the record of the monthly publication *La Vie économique*, which contains statistical data and studies regarding unemployment and related questions, and in a special quarterly report regarding the public employment service.

In a detailed report, the Government states that it is endeavouring systematically to adapt the machinery of the public employment service to the rapid change in circumstances and to the new demands of the economic situation, in such a way as to ensure an institution capable of meeting all requirements.

During the period under review, certain signs of economic regression made themselves felt. There was a marked slowing down in business in certain branches susceptible to economic changes, which exceeded the normal seasonal and temporary fluctuations. However, this slowing down, which was evident at the beginning of the period in question is only taking place gradually and, in the majority of the branches of industry, represents a return to the normal level of employment after a period of over-activity.

During the period under review, the number of totally unemployed persons registered with the labour offices at the end of each month was considerably higher than during the corresponding period for 1947-1948. These figures no longer cover, as was generally the case in previous years, persons who owing to the state of their health or other defects could not be placed easily in employment, but include unskilled labour, employees in commerce and certain intellectual workers.

The number of vacancies registered was slightly lower than for the same period in the previous year. The reduced number of applications for manpower was reflected in the reduction in the number of foreign workers admitted to Switzerland for employment mainly in household work, in the hotel and building industries and in agriculture.

There was a marked increase in the number of applications registered by the employment offices as compared with the previous period. This increase was particularly noticeable between October 1948 and January 1949; however, at the end of each month during the first quarter of 1949, the total number of applications remained high. During the period under review, the employment service registered 103,205 vacancies and 78,894 applications and effected 44,791 placings.

Under existing legislation, the federal authorities continue to apply the principle of equality of treatment to national and foreign workers. The arrangements concluded with France, Belgium, Germany and the Netherlands, in virtue of the Order of the Federal Council of 23 December 1942, remain in force.

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

Union of South Africa.

Unemployment Insurance Amendment Act, No. 41 of 1949.

During 1948, unemployment was of a casual and seasonal nature and few workers were unemployed for lengthy periods. During the period 1 January to 31 December 1948, benefits were paid to 58,558 unemployed

workers, the average period of unemployment being nine weeks. The total amount paid in benefits was £780,225.

The following figures show the number of applicants for work and placings effected during the first and last months of the period under review :

	Applicants for work		Placings effected	
	Adults	Juveniles	Adults	Juveniles
October 1948 .	16,298	1,042	5,078	361
June 1949 . .	19,706	1,643	5,347	809

Public employment agencies catering for Native work-seekers are developing in conjunction with the operation of the Unemployment Insurance Act. These agencies are now under the general supervision of the Department of Native Affairs.

During the period under review, the Unemployment Insurance Act, 1946, was amended by Act No. 41 of 1949, in terms of which, as from 1 January 1950, only those Native work-seekers whose earnings exceed £182 per annum will be covered. However, all Natives who were contributors on that date will continue to be entitled to draw unemployment benefits for a further three years without contributing to the unemployment insurance fund.

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, nor are they entitled to benefits, if the contract provides that, upon its termination, the employer is required to repatriate them.

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

United Kingdom.

In *Great Britain*, there are in all 1,627 free employment agencies (1,040 employment exchanges, 124 branch employment offices, 152 local agencies, 265 youth employment bureaux, 1 technical and scientific register, 14 appointments offices and 31 nursing appointments offices). During the period under review, 3,156,349 persons were placed by the employment exchange service. At the end of 1948, there were 379 local employment committees and 319 women's subcommittees. The Employment Service Recommendation, 1948 (No. 83), which embodies certain provisions regarding the international co-ordination of the operations of the various national systems, has been accepted by the United Kingdom Government.

In *Northern Ireland*, the number of free employment agencies on 30 June 1949 was 71. The number of applicants registered for employment at 13 June 1949 was 27,503; the number of vacancies filled during the nine months ended 30 June 1949 was 25,985.

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

Uruguay.

The report repeats the information supplied for the period 1947-1948.

Venezuela.

During the period under review, the total number of workers registered with the employment offices was 2,604; the total number of workers placed in employment was 2,291.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Belgium

Belgian Congo and Ruanda-Urundi.

The provisions of the Convention are not applied to Native workers by any decree or administrative regulations. There is a shortage of manpower and unemployment legislation is therefore not necessary. There are insurmountable obstacles to the application of the Convention in the present state of development of the territories.

Netherlands

Indonesia.

Decree No. J. 1-1-27 of 4 April 1949, issued by the Director of the Ministry of Social Affairs.

The Convention has been applied with modifications; during the period under review, there was a shortage of skilled labourers and supervisory personnel. Undertakings are trying to build up a skilled labour force by giving some training to unskilled labourers. Approximately 20,000 men and 2,200 women were registered with the employment office; approximately 8,500 persons were placed. Some more branch offices have been set up, and, at the end of the period under review, the head office in Batavia had 30 branch offices in all parts of the country. There is no unemployment insurance system. The report contains statistics on the activities of the employment office.

Netherland West Indies.

The report repeats the information previously supplied and adds that, during the period under review, there were approximately 450 applications for employment. All workers will be registered in due course. An unemployment insurance system does not exist. Employers and workers are acquainted with the activities of the employment office.

Surinam.

The Convention is not applied and no legislative measures have been enacted. Statistics on employment are compiled each month. There are no public employment offices. During the period under review, the average number of unemployed persons was 3,150. Unemployment only exists among unskilled workers. As the trade union movement is not very well developed, the setting up of advisory committees is inappropriate. There are no employers' organisations. The report has not been submitted to the workers' organisations because they are still in their infancy.

*United Kingdom**Aden.*

The report repeats the information previously supplied.

Barbados.

Only one employment agency exists, which in its present state of organisation, does not function effectively as a placing unit. The question of improving the usefulness of this agency is under consideration. The present stage of social and economic development of the territory makes an unemployment insurance system impracticable. There are large groups of the employable population who are either unemployed or partially employed.

Basutoland.

The report repeats the information previously supplied. There are no representative employers' or workers' organisations in the territory.

Bechuanaland.

The report repeats the information previously supplied and adds that there are no organisations to which the report could be communicated.

British Guiana.

The report repeats the information previously supplied and adds the following statistical information for the period under review :

	Males	Females	Total
Persons registered . . .	2,371	408	2,779
Vacancies notified . . .	2,175	187	2,362
Vacancies filled	1,631	128	1,759

British Honduras.

The report repeats the information previously supplied.

British Somaliland.

There are no administrative regulations or legislation applying the provisions of the Convention. The vast majority of the population is made up of nomads and the Government is the only large employer of labour. It has not been found practicable to maintain any statistical information concerning unemployment. There are no public employment agencies, no provisions for insurance against unemployment and no workers' or employers' organisations.

Brunei.

The report repeats the information previously supplied.

Cyprus.

The two labour exchanges which were established in 1945 and a third established

in 1949 are operating successfully, under the control of the Department of Labour, and the officers in charge were given permanent status with effect from 1 January 1949. Compliance with the provisions of the Convention can be enforced administratively, but a simple legislative measure may be found desirable. Advisory committees, representative of employers and workers, have recently been appointed for the first time in respect of two of the labour exchanges, after representations by the trade unions made during the last report period. A similar committee is to be set up for the newly established exchange. The committees consist of equal numbers of employers' and workers' representatives, with an independent chairman (a senior Government official), appointed by the Commissioner of Labour from among persons nominated by associations of employers and trade unions. Where no associations of employers exist, individual employers are appointed. A representative of the Director of Education is attached to each committee and attends when problems of juvenile unemployment or vocational training are under discussion. The committees are to advise on the organisation and operation of the employment service and the development of employment service policy in the districts served by the labour exchange. There are no private free employment agencies, the trade unions act as such as far as their members are concerned. Attempts have been made to co-ordinate the activities of the public exchanges with those of the trade unions, but it is only recently that some of the trade unions have begun to support the exchanges. The appointment of the advisory committees was instrumental in lessening the doubts previously felt by the trade unions. During the period under review, the two employment exchanges dealt with 21,275 registrations for employment, and 14,521 persons were placed. The onset of a trade recession has caused the number of permanently unemployed to rise to 5,000 in an earning population of just under 100,000. Consideration is now being given to the expansion of the activities of the exchanges in the direction indicated by the recommendations laid down in the Convention. Copies of the report have been communicated to the Pan-Cyprian Labour Federation, the Cyprus Workers' Confederation, the Cyprus-Turkish Trade Unions Federation, and the Association of Cyprus Industries.

Dominica.

The report repeats the information previously supplied.

Falkland Islands.

The report repeats the information previously supplied.

Fiji.

The report repeats the information previously supplied. Copies of the report have been communicated to the Labour Advisory Board which represents employers and organisations of workers in equal numbers (there is no federation of employers and, as yet, workers' organisations have not federated).

Gambia.

The report repeats the information previously supplied.

Gibraltar.

Employment Exchange and Registration Ordinance, No. 10 of 1949.

The above Ordinance was enacted on 28 April 1949 and it was anticipated that it would be brought into force during the latter half of 1949. The Director of the Department of Labour and Welfare will be responsible for its administration. The report repeats the information supplied previously and adds that, during the period under review, the number of applications received for employment was 2,152; the number of vacancies notified was 5,736, and the number of persons placed in employment was 5,965. Unemployment was at a low level.

Gilbert and Ellice Islands.

The report repeats the information previously supplied.

Gold Coast.

The report repeats the information previously supplied and adds that labour employment centres have been established but that the stage has not yet been reached when the information required under Article 1 of the Convention can be provided.

Grenada.

The report repeats the information previously supplied.

Hong Kong.

The report repeats the information previously supplied and adds the following details. The Government is taking steps to engage a labour officer with some experience of employment exchange work as practised in Great Britain, with a view to ascertaining whether a similar system, modified to meet local conditions, might not be started experimentally. During 1947 and 1948, the three seamen's unions in the colony expressed the wish that the Government should set up a system of engaging seamen different from that which has been employed at present, and proposed that a register be kept of unemployed seamen from which crews would be drawn. In 1949, a Com-

mittee was appointed to examine this proposal. During the period under review, there was one prosecution for employing children in an industrial undertaking. A conviction was obtained and the proprietor fined.

Kenya.

The report repeats the information previously supplied and adds that the employment service system is comparatively young in the colony and that there is still insufficient support from the employers, particularly from European and Asian employers. The African, however, is making good use of the service and, out of 9,143 applications made during 1948, all but 306 were placed in employment.

A small registration fee is charged in the case of the women's employment bureau (European and Asian). This bureau operates under the auspices of the East African Women's League, a voluntary body which receives a subsidy for this purpose. The Labour Department annual report for 1948 indicates that there is little or no unemployment in Kenya in the accepted sense; in these circumstances quarterly reports are not furnished. Copies of the report are available for perusal by the representative employers' and workers' organisations.

Federation of Malaya.

The Convention has not been applied; legislation and administrative regulations have not been drafted. Unemployment does not exist. There are no public or private employment agencies. The Government is unable to provide the necessary funds for the establishment of employment offices. There is no system of unemployment insurance. A copy of the report has been communicated to the Federal Labour Advisory Board, which is a tripartite body.

Malta.

No legislation is in force applying the provisions of the Convention. Administrative instructions relating to the employment service have been approved and are in force and, subject to certain reservations, the Convention has been applied in full. A system of free public employment agencies is being organised under the control of the Department of Labour. Owing to the small size of the service, it is not considered necessary to have an advisory committee as required by paragraph 1 of Article 2, but a youth advisory committee was set up in 1947 to advise the Government on the juvenile section of the employment office and kindred matters. Two free employment agencies have been set up, one in Malta and one in Gozo. During the period under review, 15,174 applications for employment were considered by the agencies and 2,515 persons were placed in employment. The number of vacancies notified was 2,550.

There are no private free employment agencies, and no system of unemployment insurance. Arrangements are in existence with the local Government Departments and the Defence Departments of the United Kingdom Government operating in Malta for all labour requirements, other than those posts filled by public competition, to be filled by the employment service. As these employers between them employ practically 30 per cent. of the total working population of Malta, the employment service is sure of a steady flow of vacancies to be filled by applicants. An approach has been made by the Government to the United Kingdom Government with a view to some measure of liaison being achieved between the two Governments in regard to the placing of Maltese workers in jobs in the United Kingdom, and the matter is receiving consideration. Copies of the report have been communicated to the General Workers' Union, the Chamber of Commerce and the Federation of Malta Industries.

Mauritius.

There is now a central employment registration bureau at the Labour Department in Port Louis and two sub-centres in other urban areas. There are also 20 agencies in the country districts. The centre and sub-centres record applications for employment, which have to be renewed weekly if the applicant is unemployed, or monthly if the applicant is already in employment. Applicants are informed of suitable vacancies in order of priority, according to date of registration. Employers' needs are also registered. The country agencies mostly register the names of headmen whose gangs are temporarily out of employment in the sugar industry, the principal industry of Mauritius. These gangs are offered work with the minimum of delay on the nearest estate in need of hands, or, if no such work is available, are offered work elsewhere, usually with the Public Works Department. In each district there is a committee composed of local Government officers, and representatives of the employers' associations and trade unions concerned, and these committees help the agencies in finding work suited to the capacities of the unemployed persons. The employers' associations and the trade unions are asked to appoint their representatives to the committees. During its six months of existence, the employment registration bureau has registered 7,959 applications, of which 4,365 are still on the books. All the vacancies notified have been filled, and 1,330 persons have been placed in employment. There are no private free employment agencies. Apart from the compilation of statistics by the same methods, it is not considered to be necessary for employment exchanges in the Island of Mauritius to co-ordinate their operations with other than neighbouring countries. There is no system

of State insurance. In practice, temporary unemployment is met by a strong sense of family loyalty and solidarity and, amongst agricultural workers, by the possession in many cases of a small garden plot and livestock. Prolonged unemployment during a drought or similar event has to be met by Government relief works. It is expected that unemployment in the future will become more serious, owing to the rise in population (10,000 a year in an island of 720 square miles with a population of 450,000). The employment registration bureau is staffed by officers of the Labour Department. Sub-centres and agencies are under constant inspection by the senior staff of the Department, and complaints by the public can be made to the field officers of the Department. The problem of finding employment for workers in theatrical enterprises has not yet arisen. Employers have complained that their employees take advantage of the exchanges to register themselves as unemployed and to go from one employment to another without advantage to anyone. Workers complain that the exchanges do not find employment for them quickly enough, or only find employment of which the workers were already aware. Some workers have supposed that, as the exchanges were the responsibility of Government, they would obtain there only Government employment. It is hoped that in time the real purpose of the exchanges will be better understood. Copies of the report have been communicated to the Mauritius Sugar Producers' Association, the Mauritius Chamber of Commerce, and the Trade Union Council of Mauritius.

Nigeria.

The report repeats the information previously supplied and adds that no free private employment agencies exist. The formation of further advisory committees in connection with public employment exchanges is under consideration. Statistics provided indicate that one adult employment exchange and one juvenile employment exchange ceased operations during the period under review. During this period, the number of applications for employment was 12,690, the number of vacancies notified 3,583 and the number placed in employment 1,640.

North Borneo.

The report repeats the information previously supplied and adds that there are no sufficiently representative local organisations.

Northern Rhodesia.

There is no legislation and there are no administrative regulations concerning this subject. There is no appreciable unemployment in Northern Rhodesia. Elementary labour exchanges are in operation for African labour, and it is hoped that this service will be extended to Europeans by the

establishment of a central employment registry during 1950. These exchanges are under the control of the Department of Labour and Mines. The six exchanges established are operating with varying success on a purely voluntary basis. Owing to the failure on the part of the employers to advise the exchanges when vacancies are filled, no proper records can be kept. It is estimated that 3,000 persons found employment through these exchanges during the period under review. The number of vacancies notified is greatly in excess of this figure as there is a serious shortage of labour. There are no private employment agencies.

The Government does not consider that there is any necessity at this time to co-ordinate the various labour exchanges. There is no system of insurance against unemployment in Northern Rhodesia.

Nyasaland.

The Convention has not been applied in this territory. The population of Nyasaland for the most part consists of peasants. Many of these are employed in agriculture, others in the growing of cash crops such as tobacco and cotton; the tea and tobacco estates offer both permanent and seasonal employment to many others. The industrial development of the country is still in its early stages and practically all wage-earning employment is supplemented by agricultural occupations. In relatively few cases is the worker separated from the land; he is, therefore, able to maintain his own village garden where he grows at least a proportion of his food supplies. Every year large numbers of men proceed to work in Southern Rhodesia and South Africa. It is estimated that nearly one third of the total able-bodied male population finds employment outside Nyasaland. It follows that there is little, if any, involuntary unemployment in the territory. In 1945, however, when the war was drawing to a close, the question of establishing employment registries was thoroughly examined with the primary object of assisting returning servicemen to find suitable employment on being released. Labour registry offices were set up in 1946 in 13 district headquarters and both employers and employees were invited to advertise their requirements on public notice boards. The results, however, have been disappointing and little use has been made of the registry offices. This is mainly due to the ease with which employers and employees may get in touch with one another on the estates and elsewhere. Only eight labour registry offices are now in operation, situated at the headquarters of the more important and populous districts.

During 1948, 1,296 applications for work were received and 799 vacancies were notified, 121 of which are known to have been filled through the registry offices. As, however, many applicants who have registered for work leave the district of

registration or obtain employment independently without notifying the registry offices, it is difficult to gauge the number of applicants still seeking work at any one time. The majority of the applications are received from young men seeking employment as clerks or office boys; many others are received from those desiring employment as motor drivers.

St. Helena.

The report repeats the information previously supplied and adds that the average number of unemployed during the period under review was 121. Conditions of work and pay were improved during the period by increasing the monetary relief allowance and decreasing hours of work to enable recipients to cultivate their food gardens and also seek casual labour to augment their living. Arrangements were made to employ 100 St. Helenians in agriculture in the United Kingdom; the men began work in August 1949.

St. Lucia.

The report repeats the information previously supplied.

St. Vincent.

The report repeats the information previously supplied and adds that the 16 unemployment registration centres in the territory, which were utilised both by local employers and for recruitment for employment overseas, ceased to function as from 31 December 1948, no further financial provision being available for their maintenance.

Sarawak.

The report repeats the information previously supplied.

Seychelles.

The report repeats the information previously supplied and adds that the supervision of application has hitherto been hampered by the absence of a qualified labour officer; the possibility of obtaining a qualified officer from Mauritius is under consideration.

Sierra Leone.

The report repeats the information previously supplied and adds that, during the period under review, there were 19,848 applications for employment, 17,161 vacancies were notified and 15,965 persons placed in employment. No system of unemployment insurance exists in the territory, the population being almost wholly engaged in peasant agriculture and the proportion of stable wage earners being as yet small. Statistical information on unemployment during the period in the colony shows that the number of unemployed in the first week

of October was 5,391, in the first week of January, 3,607 and in the first week of April, 3,424. Copies of the report have been communicated to the Sierra Leone Council of Labour. There is as yet no employers' association or federation.

Singapore.

Merchant Shipping (Registration and Supply of Seamen—Amendment) Ordinance.

There is no compulsory registration of unemployed persons. A free public employment exchange was set up in 1945 and a seamen's registration bureau was established in March 1948, with the object of replacing recruiting agents. No advisory committee has been appointed specifically for the employment exchange, but the Labour Advisory Board, a tripartite body, is available to consider problems which may arise in this connection. The seamen's registration bureau is assisted by a Seafarers' Administration Board, consisting of an independent chairman, three members nominated by the shipping interests, and three members by the seafaring unions. There is no unemployment insurance system. The Commissioner for Labour supervises the application of legislation. During the period under review, the labour exchange received 13,413 applications; 5,883 persons were placed. At the end of March 1949, seamen registered with the seamen's registration bureau numbered 13,203; approximately 2,000 seamen were placed. In future, the report will be communicated to the Labour Advisory Board.

Solomon Islands.

The report repeats the information previously supplied.

Swaziland.

The report repeats the information previously supplied and adds that there are no employers' or workers' organisations.

Tanganyika.

It has not been found necessary to enact special legislation to apply the provisions of the Convention in the territory. The great majority of the population consists of African peasants employed on tribal lands. Unemployed indigenous workers who do not wish to seek employment elsewhere can always find work in the territory.

When the Convention was ratified, the territory was under military administration, and its development under British civil administration had not commenced. The first labour exchange was not established until 1945, in connection with the scheme of demobilisation after the second world war. As the labour exchange system is in its infancy, there is no general problem of unemployment, and quarterly reports are not rendered.

Since 1 July 1945, 20 labour exchanges have been established throughout the territory, at the headquarters of either district commissioners or labour officers. Their activities are controlled by a central unemployment bureau in Dar-es-Salaam, and they have been established with the object of putting workers of all categories in touch with prospective employers. The bureau also provides free facilities for Europeans and Asians. In 1948, 5,086 Africans were placed in employment through labour exchanges, as well as six Europeans and five Asians. At the end of that year, 4,467 Africans were registered as desirous of employment, but it is believed that a considerable number of these men, although registered as unemployed, had in fact found employment. The need for the appointment of advisory committees, representative of employers and workers, has not yet arisen. There are no private free employment agencies.

A standardised system for controlling the operations of the free public employment exchanges exists, and the branch exchanges keep each other informed and inform the central employment bureau of existing vacancies and applications for employment. Similarly, the central employment bureau keeps the branch exchanges advised on this subject. The Groundnut Scheme has taken particular advantage of this service. The Government feels that, in the existing circumstances, the co-ordination of the operations of the various national systems in the East African territories can best be achieved by consultation between the representatives of the local Governments, should the need arise. Outside the regional arrangements of the British East African territories, it is assumed that any co-ordination which might be necessary of the national systems in non-metropolitan territories administered by different powers, would be conducted by the International Labour Office, in accordance with paragraph 3 of Article 2, in agreement with the metropolitan States respectively responsible for the international relations of these territories.

No system of insurance against unemployment can be envisaged in the present state of development of this country.

The administration of the labour exchange system is entrusted to an officer who has been specially appointed for this work and is responsible to the Labour Commissioner. Apart from this officer, who carries out regular inspection duties, the supervision of the branch labour exchanges is one of the duties of labour officers, who, when practicable, themselves interview applicants for employment. Copies of the report will be communicated to members of the Labour Board.

Trinidad and Tobago.

The report repeats the information previously supplied and adds that, during the

period under review, 6,604 applications for employment were received, 1,310 vacancies notified and 742 persons placed in employment. A copy of the report has been communicated to the Trinidad and Tobago Trades Union Council. There is no confederation of employers' associations.

Uganda.

The report repeats the information previously supplied and adds that a free public employment agency was opened in May 1949 and active steps are being taken to provide branch agencies throughout the protectorate. In view of the fact that only one agency existed in the period under review, and that only for five weeks, very little value can be attached to the statistics of its operation. The number of registrations made during the five weeks mentioned are as follows: applications for employment: 307; vacancies notified: 742; number of persons placed in employment: 54. Of the 742 vacancies notified, over 600 were in places a considerable distance from the employment exchange, a fact which explains the relatively low figure of placings. With the development of branch agencies this situation should improve. There are no private free agencies; the question of co-ordination does not therefore arise. In view of the limited scope and short period of operation of the one agency at present in existence, it is not yet possible to express any views as to the means of securing co-ordination of this service through the International Labour Office.

The employment agency has been instituted under the aegis of the labour department and the general supervision and control is in the hands of the Labour Commissioner. The employment agency service is in its infancy. There are, however, indications that it will acquire the confidence of both employers and employees and that, as it becomes more widely known and its operations are extended, it will develop into a satisfactory service.

There are in the territory only one employers' organisation and three registered trade unions. These bodies cannot be considered as in the least representative.

Zanzibar.

The report repeats the information previously supplied and adds that, during the nine months ending 30 June 1949, 911 applications for employment were received, 228 vacancies were notified and 229 persons were placed in employment.

No record is available of persons who failed to find employment through the bureau. It is probable that the majority found employment by their own efforts. The employment bureau can always place applicants in agricultural employment without receiving any notification of vacancies.

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 representative employers' and workers' organisations.

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 Republic	30.11.1933	17.10.1949
Brazil	26. 4.1934	10.11.1949
Bulgaria	14. 2.1922	
Chile	15. 9.1925	7.11.1949
Colombia	20. 6.1933	
Cuba	6. 8.1928	5.10.1949
Germany	31.10.1927	
Greece	19.11.1920	4.11.1949
Hungary	19. 4.1928	
Latvia	3. 6.1926	
Luxembourg	16. 4.1928	4. 2.1950
Nicaragua	12. 4.1934	
Rumania	13. 6.1921	
Spain	4. 7.1923	
Uruguay	6. 6.1933	17.11.1949
Venezuela	20.11.1944	17. 1.1950
Yugoslavia	1. 4.1927	

Argentine Republic.

The report refers to the information previously supplied. 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 3,586 employers and 48,367 women workers. A sum of 3,020,679 pesos was paid by the fund in maternity benefits for 10,192 cases. Copies of the report have been communicated to the representative employers' and workers' organisations.

Brazil.

Legislative Decree No. 5452 of 1 May 1943, to approve the consolidation of labour laws (L.S. 1943, Braz. 1).

§§ 391, 392, 393 and 396 of Legislative Decree No. 5452 of 1 May 1943 contain the following provisions relating to maternity protection.

The fact that a woman becomes pregnant may not be deemed to be a legitimate reason for the termination of her contract of employment. No clause restricting the right of a woman to retain her employment in

the event of pregnancy may be introduced in any regulations of any kind or in collective or individual contracts of employment. A pregnant woman may not be employed during the six weeks preceding her confinement and the six weeks after it. In exceptional cases, the rest periods before and after confinement may be increased by two weeks in each case in pursuance of a medical certificate.

During the above-mentioned periods, a woman is entitled to her wages in full on the basis of the average wage during the preceding six months; she is also entitled to return to the post which she held previously. The granting of maternity benefit by a provident institution does not exempt the employer from the foregoing obligations. A woman who nurses her child is entitled to two special rest periods a day, of half an hour each, until the child is six months old. If necessary for the health of the child, the period of six months may be prolonged at the discretion of the competent authority.

The report adds that the above-mentioned principles are embodied in § 157 of the Federal Constitution, promulgated on 18 September 1946, which lays down that legislation relating to labour and social welfare shall establish the right of a pregnant woman to a rest period before and after confinement without prejudice to her right to retain her employment and to receive her wages.

In its report for 1946-1947, the Government stated that the supervision of the application of the legislation in the Federal District is carried out by the National Department of Labour, through the medium of a staff of inspectors and social assistants, controlled by a body of doctors specialised in matters relating to industrial hygiene. In the States, supervision is carried out by the regional labour delegates, assisted by specialist doctors or, in their absence, by official doctors.

Chile.

In reply to the observations made by the Committee of Experts, the report states that the Government has already submitted to the National Congress for approval a Bill for the revision of Act No. 4054 respecting insurance against sickness and invalidity. In virtue of this Bill, maternity benefits will be provided entirely out of social insurance funds, in conformity with Article 3 (c) of the Convention.

As regards Article 3 (d) of the Convention, the report states that the national legislation only provides for nursing periods in the case of women wage-earning employees but that, as soon as it is possible to undertake a general revision of the Labour Code, consideration will be given to the amendments which are necessary to ensure conformity between the provisions of the legislation and the Convention as regards women employed in private undertakings. It should be pointed out however, that, owing to the social conditions and the mentality of women employed in

private undertakings in Chile, the extension of nursing periods to such women, which would make it necessary to set up nurseries in the undertakings in which they work, would have no practical results.

Very few decisions are given by courts of law. During the period under review, two decisions (the texts of which are appended to the report) were brought to the notice of the General Directorate of Labour. Only three breaches of the legislative provisions were reported.

In 1948, the compulsory insurance fund paid maternity benefits amounting to 4,559,761 pesos in respect of 16,337 women workers, in addition to the benefits paid by employers. The fund also paid nursing benefits amounting to 11,303,102 pesos to approximately 16,000 women. Statistical information is given showing the number of women salaried employees in various occupations. Copies of the report have been communicated to the representative employers' and workers' organisations.

Cuba.

The Central Health and Maternity Office and special offices, through the medium of their inspection services, ensure the application of the legislation. No information has been supplied by these institutions regarding the organisation and functioning of their inspection services. In point of fact, during their visits to workplaces, the inspectors ascertain whether or not employers apply the provisions relating to maternity. A register is kept of all persons who pay insurance contributions.

Statistics appended to the report and compiled by the provincial health and maternity offices show the amount paid in indemnities, the number of women beneficiaries and the amount imposed in fines for breaches of the legislation. Copies of the report have been communicated to the representative employers' and workers' organisations.

Greece.

With a view to extending the social insurance scheme to the entire country, so as to take due account of the programme provided for in Act No. 6298 of 1934, as well as of the observations of the Committee on the Application of Conventions, the Government, under an Order of the Ministry of Labour, has set up offices of the Social Insurance Institution in ten towns; a list of these towns is given in the report. As a result of the functioning of these offices, there has been a considerable reduction in the number of women not in receipt of maternity benefits. With regard to maternity allowances received by women insured with special funds and therefore not required to be insured with the Social Insurance Institution established under the legislation, the report gives information regarding special insurance funds at present in existence and covering the contingency of sickness-maternity in about ten

branches of activity. By way of example, the report states that, in 1948, 13,428 women were members of the fund for workers in the tobacco industry. In the event of confinement, this fund grants to an insured woman a lump-sum maternity allowance, the amount of which is fixed in each case by a decision of the governing body of the fund according to its financial resources; the amount must not be greater than 15 times the daily basic wage of the woman worker. In cases where confinement takes place in a clinic operated by the fund, the cost of hospitalisation is deducted from this allowance. Where confinement does not take place in a hospital establishment, the governing body may also decide to grant medicaments and other therapeutic requisites.

In addition, the fund grants the insured woman a daily pecuniary allowance (pregnancy and maternity benefits) equal to sickness benefit for six weeks before and six weeks after confinement, provided she is absent from her work. This allowance is paid after the attending physician has certified that the insured woman is in the seventh month of pregnancy; it is increased by 50 per cent. for the birth of twins and is doubled for the birth of triplets. The insured woman is also entitled, if the child lives, to a nursing allowance equal to 75 per cent. of the sickness allowance for 60 days after confinement and from the date on which the confinement allowance ceases. In addition to these cash benefits, the insured woman is entitled on confinement to medico-pharmaceutical assistance and to free hospitalisation.

The statutes of the sickness fund for employees of the Agricultural Bank authorise a pregnancy allowance amounting to a lump-sum payment of 200,000 drachmae, a confinement allowance amounting to 700,000 drachmae and benefits in kind consisting of various goods, the value of which amounts to approximately 200,000 drachmae. In addition, the fund has set up a special service responsible for dealing with the health of children; this fund makes monthly grants of food, the value of which varies between 80,000 and 200,000 drachmae. In addition to these allowances, persons employed by the Bank are paid their monthly salary in full during the entire period for which they are absent from work because of confinement.

The application of the provisions of the Convention relating to maternity leave is entrusted to the labour inspection service and, where necessary, to the police authorities. Supervision of the granting of maternity

benefits is entrusted to the competent insurance institutions (Social Insurance Institution, insurance funds for different undertakings and branches of activity).

The Convention is applied in a satisfactory manner. According to statistics compiled by the Social Insurance Institution, in 1948 the latter paid benefits in respect of 3,002 confinements during a total period of 332,473 days. In 1948, the insurance fund for workers in the tobacco industry paid benefits amounting to 281,319,000 drachmae in respect of 628 confinements. Copies of the report have been communicated to the representative employers' and workers' organisations.

Luxembourg.

The application of the relevant laws and regulations is entrusted to the labour and mines inspection service, which includes a special section relating to women's work.

Uruguay.

The report repeats the information previously supplied and adds that the 1937 Bill to amend the Children's Code, which was submitted by the National Institute of Labour with a view to bringing the national legislation into complete harmony with the provisions of the Convention, is still under consideration. In 1949, the Institute again drew attention to this Bill.

Venezuela.

Act of 21 October 1947 (L.S. 1947, Ven. 2), to amend the Labour Act of 16 July 1936 (L.S. 1936, Ven. 2), as amended in 1945 (L.S. 1945, Ven. 1).

The report repeats the information previously supplied and adds that social insurance has been extended to the Municipality of Maracay, District of Girardot, in the State of Aragua. This has entailed considerable advantages for workers in this important industrial sector of the country.

See also under Convention No. 1 for information relating to the authorities entrusted with the application of the Convention.

NON-METROPOLITAN TERRITORIES (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 ¹	12. 6. 1939	13. 2. 1950
Albania	17. 3. 1932	
Argentine Republic	30. 11. 1933	17. 10. 1949
Austria	12. 6. 1924	3. 11. 1949
Belgium ²	12. 7. 1924	2. 11. 1949
Brazil ²	26. 4. 1934	10. 11. 1949
Bulgaria	14. 2. 1922	
Burma ³	14. 7. 1921	5. 12. 1949
Chile	8. 10. 1931	7. 11. 1949
Colombia	20. 6. 1933	
Cuba	6. 8. 1928	5. 10. 1949
Czechoslovakia	24. 8. 1921	2. 1. 1950
Estonia ²	20. 12. 1922	
France ⁴	14. 5. 1925	27. 10. 1949
Greece ²	19. 11. 1920	
Hungary ²	19. 4. 1928	
India ⁴	14. 7. 1921	15. 12. 1949
Ireland ²	4. 9. 1925	
Italy	10. 4. 1923	18. 10. 1949
Lithuania	19. 6. 1931	
Luxembourg	16. 4. 1928	4. 2. 1950
Netherlands ²	4. 9. 1922	
Nicaragua	12. 4. 1934	
Pakistan ⁵	14. 7. 1921	17. 10. 1949
Peru	8. 11. 1945	31. 1. 1950
Portugal	10. 5. 1932	10. 11. 1949
Rumania	13. 6. 1921	
Spain	29. 9. 1932	
Switzerland ²	9. 10. 1922	
Union of South Africa ²	1. 11. 1921	
United Kingdom ²	14. 7. 1921	
Uruguay	6. 6. 1933	17. 11. 1949
Venezuela	7. 3. 1933	17. 1. 1950
Yugoslavia	1. 4. 1927	

¹ Has ratified Conventions Nos. 4 and 41 simultaneously.

² Has ratified Convention No. 41 and has denounced this Convention.

³ See footnote 2 to Convention No. 1.

⁴ Has ratified Convention No. 41 but has not denounced this Convention.

⁵ See footnote 3 to Convention No. 1.

Afghanistan.

In its first report, the Government states that the work of women in Afghanistan is limited to household duties, teaching, handicrafts, village industries, nursing and domestic service. Wherever women are engaged in village industries such as carpet weaving, embroidery, etc., work is organised as a family concern, not covered by existing legislation. Traditionally, no woman is employed in industrial undertakings covered by the Convention. From information available in the recently organised Department of Labour and in the Department of Industries of the Ministry of National Economy (which according to the existing legislation is still in charge of the enforcement of legislation), only one factory, i.e., the wool textile factory of Kandahar, employs women for the purpose of sorting wool, which is a daytime job.

Argentine Republic.

The report refers to the information previously supplied. See under Convention No. 1 for statistical data. Copies of the report have been communicated to the representative employers' and workers' organisations.

Austria.

The report repeats the information previously supplied and adds that progress has been made with the preparation of the new legislation on hours of work, mentioned in last year's report. The Government hoped that, in the late autumn of 1949, it would be in a position to submit to Parliament a Bill on hours of work which would give full effect to the provisions of the Convention. During 1948, the labour inspection services reported 165 breaches of the legislation on night work, including some concerning young male workers.

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

Burma.

The Convention is applicable only to factories. "Factory" means any premises, including the precincts thereof, where 20 or more workers are working or were working on any day of the preceding 12 months and in any part of which a manufacturing process is being carried on with the aid of power or is ordinarily so carried on, but does not include a mine subject to the operation of the Mines Act, 1923. No line of division has yet been defined to separate industry from commerce and agriculture.

The term "night" has not been defined in the legislation, but no woman is allowed to work in a factory between 7 p.m. and 6 a.m. The term "women" is interpreted as covering all women without distinction as to the nature of their duties or their age. Provision is made in the Factories Act empowering the President to make rules exempting women employees in fish curing or fish canning from the night work restriction, but no rules have yet been made.

The application of the Convention has been handicapped as, owing to the unsettled conditions in the country, it has not been possible for inspectors to effect night visits, particularly in the districts. However, no contraventions were reported. Copies of the report have been communicated to the representative employers' and workers' organisations.

Chile.

The report repeats the information previously supplied and adds that no breaches of the legislation were reported by the labour inspectors.

With regard to the observations made in 1949 by the Conference Committee on the Application of Conventions, the report states that the National Congress has not yet approved the ratification of Convention No. 41; the time does not seem to have come therefore for taking action as regards the denunciation of Convention No. 4. Copies of the report have been communicated to the representative employers' and workers' organisations.

Cuba.

The report repeats the information previously supplied and adds that no use has been made of the exceptions provided for in Article 4 of the Convention. No case of women working at night has been found in industrial undertakings. Copies of the report have been communicated to the representative employers' and workers' organisations.

Czechoslovakia.

Notification No. 2609, issued by the Ministries of Social Welfare, Schools, Science and Arts, dated 30 October 1948, respecting measures to ensure a smooth electricity supply.

The report refers to the information previously supplied and adds that Notification No. 1191 of 21 November 1947 respecting measures to ensure a smooth electricity supply ceased to have effect as from 8 November 1948. Under § 15, Part 1, of Notification No. 2609 of 30 October 1948, women over 18 years of age may be employed temporarily at night as long as this is necessitated by reason of the shifting of the regular working hours in order to ensure a smooth electricity supply. During the winter season 1948-1949, it was not necessary to apply this provision.

The Act of 19 December 1918 (§ 9, paragraph 3) authorises certain classes of undertakings to employ women over 18 years of age on comparatively light work during the night, provided this is necessary for the uninterrupted progress of the undertaking or out of special consideration for public interests. The authority to grant such exceptions has been transferred, under Government Order No. 116 of 1949, from the Ministry of Labour and Social Welfare to the Regional National Committees.

See under Convention No. 1 for information respecting the organisation of the inspection service. The supervision of the application of Notification No. 2609 of 1948 is entrusted to the works councils in the various undertakings. Copies of the report have been communicated to the representative employers' and workers' organisations.

France.

The report repeats the information previously supplied and adds that an enquiry made by the labour inspection services shows that, in general, the Convention is applied in a satisfactory manner. It has not been considered necessary to communicate the report to the representative employers' or workers' organisations. These organisations, which are of the unanimous opinion that the legislative provisions provide adequate safeguards, co-operate with the labour inspection service in order to ensure their application.

India.

Factories Acts of 23 September 1948, to consolidate and amend the law regulating labour in factories (L.S. 1948, Ind. 4).

The report repeats the information previously supplied and adds that the Factories Act of 1934, as subsequently amended, remained in force up to 1 April 1948, from which date the Factories Act of 1948 came into force. The Regulations under the 1948 Act are being completed.

No notes on the working of the Factories Act during 1947 have so far been published in the *Indian Labour Gazette*. Special rules of employment in factories and industrial institutions in India in 1947 were published in the *Gazette*. Copies of the report have been communicated to the representative employers' and workers' organisations.

Italy.

The report repeats the information previously supplied and refers to the observations made in 1949 by the Committee of Experts in connection with § 13 of Act No. 653 of 1934, which authorises an exception not provided for in the Convention as regards the definition of night work in bakeries. The Government refers to a note on this subject by which it submitted to the Council of Ministers, with a view to its adoption, a Bill to clarify the interpretation of § 13 of the above Act in conformity with the provisions of the Convention. The report adds, that while at first sight the definition of cases of *force majeure* provided for in § 15 of the above-mentioned Act appears to differ from that contained in Article 4 (a) of the Convention, there is no substantial discrepancy, and this Article is interpreted and applied in conformity with the Convention. The competent authorities grant permits only in cases where reasons of *force majeure* can be justified by the necessity for making up time lost as a result of the renewal or maintenance of equipment, damages, catastrophes or other technical reasons; requests based on purely commercial reasons are refused. Moreover, no exceptions are authorised in cases where women can be replaced by men.

As regards Article 4 (b) of the Convention, the report states that an enquiry was undertaken by means of a circular letter addressed

to the labour inspection services. Under this Article of the Convention, exceptions were authorised for work in connection with the treatment of fresh fish, the stacking of goods, the drying and sorting of cocoons (during the month of June), and the manufacture of tomato, fruit and vegetable preserves (August and September). Because of the urgent nature of such work, the Ministry of Labour, after hearing the opinion of the trade union associations concerned, authorised the labour inspection services to grant the necessary exceptions. In the event of a difference of opinion, the decision rests with the Ministry of Labour. During the period under review, very few exceptions were granted for work of a seasonal nature and in connection with perishable materials. Permits were granted by the labour inspection services in respect of 71 women wage-earning employees; permits were also granted by the Ministry of Labour to only two undertakings, covering 64 wage-earning employees for a total of 27,860 hours of night work. Permits for exceptions to hours of work are granted subject to the following conditions: (1) the unanimous approval of the trade union associations concerned; (2) the women to be employed at night must be over 21 years of age; (3) the corresponding statutory rest periods must be granted and the hours of work laid down in the legislation must not be exceeded; (4) night work must be performed according to weekly rotas; (5) overtime must be paid for night work.

No use has been made of the provisions of Articles 6 and 7 of the Convention.

The application of the legislation is entrusted to the Ministry of Labour and Social Welfare, through the medium of the labour inspection services. The legal authorities endeavour to ensure the strict application of the legislation. There was only one dispute in connection with conditions required to constitute a case of *force majeure*; a judgment was given in this respect.

Exceptions were granted because of increased production to 18 undertakings (covering 697 women and a total number of 252,615 hours of night work); two undertakings for seasonal work (46 women and a total number of 14,280 hours of night work); and 31 undertakings for reasons of *force majeure* (2,062 women and a total number of 844,474 hours of night work). Some of these exceptions were in respect only of fractions of the night period. The most important exceptions were granted in the textile industry. Taking into account the exceptions referred to in connection with Article 4 (b) of the Convention, the number of undertakings making use of exceptions has risen to 53, the number of women employed at night to 2,871 and the number of hours worked at night to 1,139,229. In addition, 221 women wage-earning employees worked 100,000 hours at night in 15 undertakings which had obtained the necessary authorisations from the Ministry of Labour because of the shortage of electric power. Copies of the report have been com-

municated to the representative employers' and workers' organisations.

Luxembourg.

The Convention has been strictly applied and no breaches of the regulations were noted. Moreover, the employment of women in Luxembourg has not assumed the same proportions as in other industrial countries. At the end of the period under review, industrial employment included a total of 38,900 workers of both sexes, only 1,700 of whom were women.

Pakistan.

The report repeats the information previously supplied and adds that statistics regarding the application of the Convention have not yet been compiled.

Copies of the report have been communicated to the representative workers' organisations. There are, as yet, no representative employers' organisations, but copies of the report have been forwarded to the provincial Governments for transmission to the important chambers of commerce.

Peru.

Act No. 2851 of 23 November 1918, to regulate the employment of women and children (L.S. 1919, Per. 1).

Supreme Decree of 25 June 1921, to issue regulations under the above-named Act.

Under Article 1 of the Convention, the report states that, as the legislation applies to all the industries enumerated in this Article, the line of division which separates industry from commerce and agriculture has not been defined. Article 2 of the Convention is applied under § 6 of the Act of 23 November 1918, which defines night work as all work carried out between 8 p.m. and 7 a.m. No use has been made of the exception provided for under paragraph (b) of this Article. The prohibition of the night work of women laid down under Article 3 of the Convention is regulated under § 6 of the above Act. An exception is provided under § 10 of the Act which, subject to the authorisation of the Executive Authority, permits the employment of women for not more than ten hours each day and for not more than 60 days a year, provided this is justified by the necessities of the undertaking. The prohibition of night work applies to all women irrespective of the nature of their duties. The national legislation does not provide for the exceptions covered by Articles 4 and 7 of the Convention.

The general inspectorate of labour has an office at Lima where four certificated social assistants are entrusted exclusively with the task of ensuring the strict application of the legislation relating to the employment of women and children. The Act of 25 November 1918 (§ 30) also stipulates that "infringements of this Act shall be a ground for prosecution (*acción popular*)" and that "it shall be the duty of all institutions for

the protection of childhood and maternity to exercise the right of prosecution".

During the period under review, no breaches of the legislation were detected during the course of 166 inspection visits to workplaces employing women. According to the 1940 census, there were 31,759 women workers who are all protected by the legislation on the night work of women. Copies of the report have been communicated to the representative employers' and workers' organisations.

Portugal.

The report refers to the information previously supplied and adds that the supervision of the legislation is entrusted to the labour inspection service; the new Regulations for this service are appended to the report on Convention No. 1. The number of women employed in industrial establishments remains practically the same as that indicated in previous reports. During the period under review, proceedings were instituted in ten cases in various districts. Copies of the report have been communicated to the representative employers' and workers' organisations.

Uruguay.

The report repeats the information previously supplied and again states that the Bill on the application of the Convention, which was adopted by the Chamber of Deputies and submitted to the Senate in 1938, has not yet been discussed by the latter.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Portugal

See introductory note to Convention No. 1.

Angola.

Legislative Order No. 1840 of 6 November 1946.

Under § 16 of Legislative Order No. 1840, women may not be required to work in industrial undertakings between the hours of 6 p.m. and 7 a.m. Women may only be employed outside these limits in exceptional circumstances and for sound reasons, subject to the special authorisation of the Director of the Services of Civil Administration; exceptions may also be granted if agreed to in virtue of contracts of employment approved by the Governor-General of the colony. An Ordinance of the Governor-General, to be published in the Official Bulletin of the colony, will determine the work which is authorised and prohibited for women and young persons in undertakings covered by Legislative Order No. 1840.

Cape Verde.

No legislative measures have been taken with regard to the subject matter of the Convention.

Macao.

No legislation concerning the provisions of the Convention has been enacted as there is no night work of women in the colony.

Mozambique.

Legislative Order No. 707 of 5 June 1940.

The subject matter of the Convention has been dealt with and regulated by §§ 6 and 7 of Legislative Order No. 707. § 6 provides that the minimum age for admission to employment in commercial or industrial establishments is fixed at 14 years in the case of both boys and girls. In such cases, the young persons must know how to read, write and count correctly; failing this, they may not be employed. § 7 provides that women and young persons under 18 years of age may not, as a rule, be employed in industrial establishments beyond the limits of the timetable provided for in § 9, which stipulates, in particular, that the normal hours of work in industrial establishments may not begin before 6 a.m. or extend after 6 p.m.

Portuguese Guinea.

As there is no industry in the colony in which women are required to work, there is no night work of women. For this reason, the provisions relating to the prohibition of night work are irrelevant.

Portuguese Indies.

The Convention has not been made applicable up to the present and no legislative measures have been enacted concerning its provisions.

S. Tomé and Príncipe.

Decree No. 16,199 of 6 December 1928, to approve the Native Labour Code for the Portuguese Colonies in Africa (L.S. 1928, Por. 3).
Ordinance No. 977 of 26 February 1947, to issue Local Regulations in pursuance of the above-named Code.

The only industries established in the colony which are covered by Article 1 of the Convention are the following: industries in which produce for exportation is manufactured, altered or prepared, industries for the transmission and transformation of motive power in general, the building industry and services for the transport of goods and persons. No legislative measures have been enacted defining the period covered by the term "night". § 200 of the Native Labour Code prescribes that night work is work which is effected between the setting and the rising of the sun. In

accordance with the principles established in the legislation and regulations, women may not normally be employed on night work except in special circumstances or when necessary in order to avoid the deterioration of foodstuffs or other produce, or in urgent cases which could not be foreseen; notice must be given to the competent authorities. In the event of such work being effected, local Orders and Regulations contain provisions regarding the compensation to which the workers concerned are entitled. In addition to these provisions and, as a general rule, women who are called upon to work at night may only do so if accompanied by members of their family, should there be any. The administration and police authorities are entrusted with the control of the application of these provisions with regard to Natives. The Curator General of workers and Natives, or his agents, are responsible with regard to workers from other colonies who are employed under temporary contracts of employment. The frequent inspection of workplaces and the readiness with which workers appeal to the authorities guarantee the effective application of

the principles which are laid down in the Convention and are covered by the legislative measures and regulations in force.

Timor.

There is no special legislation with regard to the subject matter of the Convention as there are no women employed in industrial undertakings. The Convention is covered by the provisions of the Native Labour Regulations of the colony, approved by Ordinance No. 439 of 10 July 1936, in particular, by § 12 (2). There is no definition of the term "industrial establishments" and no line of division has been defined to separate industry and commerce from agriculture.

Women are not employed in any industry and there is no industry working during the night. Matters relating to industry are the responsibility of the Central Service for Public Works and Development; the latter is also entrusted with supervision. The Convention is not applicable in practice. There are no representative employers' and workers' organisations.

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	
Argentine Republic	30. 11. 1933	17. 10. 1949
Austria	26. 2. 1936	3. 11. 1949
Belgium	12. 7. 1924	2. 11. 1949
Brazil	26. 4. 1934	10. 11. 1949
Bulgaria	14. 2. 1922	
Chile	15. 9. 1925	7. 11. 1949
Colombia	20. 6. 1933	
Cuba	6. 8. 1928	5. 10. 1949
Czechoslovakia	24. 8. 1921	2. 1. 1950
Denmark	4. 1. 1923	4. 10. 1949
Dominican Republic	4. 2. 1933	7. 10. 1949
Estonia	20. 12. 1922	
France	29. 4. 1939	27. 10. 1949
Greece	19. 11. 1920	14. 11. 1949
Ireland	4. 9. 1925	17. 11. 1949
Japan	7. 8. 1926	
Latvia	3. 6. 1926	
Luxembourg	16. 4. 1928	4. 2. 1950
Netherlands	21. 7. 1928	12. 1. 1950
Nicaragua	12. 4. 1934	
Norway	7. 7. 1937	27. 10. 1949
Poland	21. 6. 1924	15. 11. 1949
Rumania	13. 6. 1921	
Spain	29. 9. 1932	
Switzerland	9. 10. 1922	14. 10. 1949
United Kingdom	14. 7. 1921	19. 10. 1949
Uruguay	6. 6. 1933	17. 11. 1949
Venezuela	20. 11. 1944	17. 1. 1950
Yugoslavia	1. 4. 1927	

Argentine Republic.

The report refers to the information previously supplied. See under Convention No. 1 for statistical data. Copies of the report have been communicated to the repre-

sentative employers' and workers' organisations.

Austria.

The report repeats the information previously supplied. With regard to the registration of young persons which, according to Austrian legislation is prescribed only for undertakings employing more than five young persons, the report refers to the letter of 3 June 1949 in which the Government stated that this minor discrepancy would be removed by the amending legislation which it proposed to submit to Parliament in the late autumn of 1949. During 1948, the labour inspection services reported 18 breaches of the legislation applying the Convention. Copies of the report have been communicated to the representative employers' and workers' organisations.

Belgium.

The report repeats the information previously supplied and adds that two breaches of the legislation were reported during the period under review. Copies of the report have been communicated to the representative employers' and workers' organisations.

Brazil.

Legislative Decree No. 5452 of 1 May 1943, to approve the consolidation of labour laws (L.S. 1943, Braz. 1).

§ 403 of Act No. 5452 prohibits the employment of children under 14 years of age. This prohibition does not apply to day pupils or boarders in establishments which provide exclusively vocational education, or establishments of a charitable or disciplinary nature which are subject to official supervision. § 433 of the Act provides that the employer shall be bound to send every year to the competent divisions of the Ministry of Labour, Industry and Commerce, between 1 November and 31 December, a list in duplicate of all young persons (under 18 years of age) in his employment, in conformity with a model form to be issued by the above-mentioned Ministry.

The provisions of the Convention are also embodied in the Federal Constitution, § 157 of which lays down that legislation relating to labour and social welfare must prohibit the employment of children under 14 years of age.

Chile.

The report repeats the information previously supplied and adds that, during the period under review, there were only six breaches of the legislation. Copies of the report have been communicated to the representative employers' and workers' organisations.

Cuba.

The report repeats the information previously supplied and adds that the labour inspectors make periodical visits to industrial establishments in order to check the age of workers. No breaches of the legislation were reported; the Constitution and the legislative provisions have merely confirmed a traditional custom. The annual reports are at the disposal of all occupational organisations; copies of the report have been communicated to the representative employers' and workers' organisations.

Czechoslovakia.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Denmark.

The report refers to the information previously supplied and adds that proceedings were instituted in two cases in respect of breaches of the legislative provisions relating to the minimum age for employment.

Dominican Republic.

The report repeats the information previously supplied.

France.

The report repeats the information previously supplied and adds that, according to

an enquiry undertaken by the labour inspection service throughout France, the provisions of the Convention are considered to be satisfactorily applied in general. The legislative provisions are considered as satisfactory by employers' and workers' organisations who co-operate with the competent services in order to ensure their application.

Greece.

The report repeats the information previously supplied and adds that, where there is no labour inspection service, the application of the Convention is entrusted to agents responsible for public law and order.

See under Convention No. 1 for information respecting the functioning and strength of the labour inspection service. It can be considered that the Convention is applied in a satisfactory manner. Workbooks are only issued by the labour inspectors after careful examination. Strict supervision is exercised by the labour inspection services as regards the application of the Convention; the number of breaches of the legislation is very small. Copies of the report have been communicated to the representative employers' and workers' organisations.

Ireland.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Luxembourg.

The report repeats the information previously supplied and adds that the number of young persons under 16 years of age employed by industrial undertakings on light work is not more than a few hundred out of an approximate total of 38,900 workers.

Netherlands.

Labour Act, 1919, as amended by the Acts of 14 June 1930 (L.S. 1930, Neth. 2) and of 9 May 1935 (L.S. 1935, Neth. 2).
Mining Regulations, 1939.

The report repeats the detailed information previously supplied and adds that, while the Labour Act of 1919 is only applicable in part to work in railway and tramway undertakings (§ 89), this exception does not apply to the prohibition of the employment of children. The line of division which separates industry from commerce and agriculture is sufficiently well defined in the provisions of the Labour Act (§§ 1, 2, 3 and 7).

During 1948, proceedings were instituted in 524 cases for breaches of the prohibition of the employment of children; 86 of these cases related to work in factories or workshops, 333 to various types of distribution and messenger work and 105 to other kinds of work. Breaches of the legislation covered 491 children subject to compulsory school

attendance and 26 children not covered by this provision. The amount imposed in fines varied from 0.50 to 600 florins. In addition, 137 notices were issued to parents and guardians to the effect that children under 14 years of age or still subject to compulsory school attendance should not be allowed to engage in work of any kind. Among the above-mentioned cases, there were some relating to non-industrial establishments. Copies of the report have been communicated to the representative employers' and workers' organisations.

Norway.

See under Convention No. 59.

Poland.

The report repeats the information previously supplied. Copies of the report have been communicated to the Central Committee of Polish Trade Unions.

Switzerland.

During the period under review, the Federal Court was called upon to give decisions in five appeals arising out of the matters covered by the Federal Factories Act; three of these appeals were dismissed and two are pending. In two of its awards, the Federal Court established a line of division between industry and agriculture, thus defining the scope of the Factories Act. The number of factories covered by the Act has continued to increase but not so rapidly as in the past, owing to less favourable conditions. Although there is no recent information regarding the number of undertakings subject to the provisions of the Convention, the fact that 60,000 undertakings employing approximately 1,000,000 workers are covered by compulsory insurance, gives an idea of the extent to which production, with the exception of agriculture, has developed.

The cantons are responsible for the application of the legislation, under the supreme control of the Federal Council, through the Federal factory inspectors attached to the Federal Department of Public Economy (Federal Office of Industry, Arts and Crafts and Labour). In most cantons, a central authority is entrusted with this task, while in the communes the local authorities are responsible, either alone or in co-operation with the cantonal police.

The canton of Zurich contemplates the introduction of a ninth year of compulsory school attendance. This measure, which has been introduced by one other important canton, has resulted in keeping children at school until they reach the age of 15 years and has thus prevented the admission of young persons to work in factories before the prescribed age.

The reports of the Federal factory inspectors for 1947 and 1948 have been communicated to the International Labour Office. In 1949, the cantons were requested to sub-

mit reports concerning the application of the Factories Act in 1947 and 1948; a summary of these reports will be supplied with the Government's next report. Extracts from the reports drawn up by the cantons in 1948 respecting the application of the Act concerning the minimum age for employment in 1946 and 1947 are appended to the report. During the period under review, there were ten convictions in cases arising out of this Act. Fines were imposed and, in most cases, the infringements were of minor importance. There has been no increase in the number of infringements and fines in spite of the present situation and of the shortage of manpower. Only a few undertakings have been forced by circumstances to seek a solution to this problem by employing young workers under the statutory age. Copies of the report have been communicated to the representative employers' and workers' organisations.

United Kingdom.

The report repeats the information previously supplied for Great Britain and Northern Ireland. Copies of the report have been communicated to the representative employers' and workers' organisations.

Uruguay.

The report repeats the information previously given and again states that the Bill submitted in 1937 by the National Institute of Labour in order to ensure complete conformity between the Children's Code and the Convention has not yet become law.

Venezuela.

Labour Act of 21 October 1947 (L.S. 1947, Ven. 2), to amend the Labour Act of 16 July 1936 (L.S. 1936, Ven. 2), as amended in certain respects by the Act of 4 May 1945 (L.S. 1945, Ven. 1).

The report repeats the information previously supplied. See under Convention No. 1 for information relating to the authorities entrusted with the application of the legislation.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Belgium

Belgian Congo and Ruanda-Urundi.

Decree of 16 March 1922, respecting the contract of employment, § 2.

Ordinance of 8 December 1940, respecting the health and safety of workers, § 6, § 7 and § 8.

Decree of 25 June 1949, respecting the contract of employment, § 9.

The legislation concerning the minimum age of Native workers makes no distinction between industrial and other employment. It applies to all contracts of employment made between a Native worker and a non-

Native or Native employer; the latter, however, must be subject to a personal tax other than the Native tax. Nor is the legislation concerning contracts of employment limited to industrial employment; it applies to all workers employed under the authority, direction or supervision of an employer.

As there is no regularly organised registry office and disputes may arise concerning the establishment of the apparent age, it is necessary to refer to the methods which have proved satisfactory up to now and which may be summarised as follows: no person may be employed in industrial establishments, whether public or private, or in their outbuildings, unless he is adult and holds a medical certificate testifying to his physical fitness for the work in which he is employed. The colonial legislator does not authorise non-adult workers who do not hold such a certificate to be employed in family undertakings.

In virtue of the legislative provisions, any contract for the employment of persons under 16 years of age automatically becomes null.

Netherlands

Indonesia.

The report repeats the information previously supplied.

Netherland West Indies.

The report repeats the information previously supplied and adds that draft legislation covering the requirements of the Convention is being prepared. The Department of Social and Economic Affairs supervises the application of the legislation. No children under 13 years of age may be employed as work-books are not issued to them. The Registration of Labourers Ordinance facilitates supervision. Employers and workers are acquainted with the legislation.

Surinam.

The Convention is not applied and no legislative measures have been enacted. Draft legislation covering the requirements of the Convention is in course of preparation.

United Kingdom

Aden.

The report repeats the information previously supplied.

Barbados.

The report repeats the information previously supplied. Copies of the report have been communicated to the Barbados Sugar Producers' Federation, the Shipping and Mercantile Association of Barbados and the Barbados Workers' Union.

Basutoland.

The report repeats the information previously supplied.

Bechuanaland.

The report repeats the information previously supplied.

British Guiana.

The report repeats the information previously supplied.

British Honduras.

The report repeats the information previously supplied.

British Somaliland.

Employment of Women, Young Persons and Children Ordinance, No. 26 of 1938.

Ordinance No. 26 ensures the application of Articles 1, 2, 3 and 4 of the Convention as it existed on 5 July 1938, the date when this Ordinance became law.

No child under the age of 12 years may be employed in any industrial undertaking for attendance on any machinery, or in any open-case works or sub-surface workings which are entered by means of a shaft or adit.

The Governor may, by Order, prohibit the employment of any child in any specified trade or industrial undertaking.

Articles 1 to 4 of the Convention are set out in the first schedule of the Ordinance, but they have not been specifically applied. It therefore follows that, apart from a case falling within paragraphs 1, 2 and 3 of § 4, the provisions of the Convention could not be legally enforced and the act of ratification does not affect the position. § 4 (7) provides for the keeping of a register of young persons employed in an industrial undertaking. Failure to keep such a register, or refusal or neglect to produce it, is an offence for which a fine not exceeding Rs. 300 can be imposed. No special method of registration is in use and no form has been prescribed.

The only large-scale employer of labour at present is the Government. All complaints and disputes are dealt with by the department concerned, subject to the general control of the secretariat.

Brunei.

The report repeats the information previously supplied.

Cyprus.

The report repeats the information previously supplied and adds that, in 1948, 99 prosecutions were instituted and 97 convictions obtained. The extent to which the Employment of Children and Young Persons Laws are contravened causes serious concern. This situation is mainly due to lack of proper schemes of apprenticeship and of facilities for technical training; the trade unions have suggested that compulsory education up to the age of 14 years should

be introduced and that technical schools should be established. Owing to the shortage of teachers and school buildings, practical difficulties were encountered as regards compulsory education, but an apprentices' training centre under the Education Department, in co-operation with the Public Works Department and private employers, provides a five-year course in engineering and allied trades. Copies of the report have been communicated to the Pan-Cyprian Federation of Labour, the Cyprus Workers' Confederation, the Cyprus-Turkish Trade Unions Federation, and the Association of Cyprus Industries.

Dominica.

The report repeats the information previously supplied.

Falkland Islands.

The report repeats the information previously supplied.

Fiji.

In practice, the keeping of the register is not insisted on in undertakings which do not employ young persons, unless they employ a large staff or anticipate employing young persons in the future. During the period under review, 13 cases of infringement of the legislation were notified; the employers concerned were required to discharge the children.

Copies of the report have been communicated to the Labour Advisory Board.

Gambia.

The report repeats the information previously supplied.

Gibraltar.

The report repeats the information previously supplied and adds that, during the period under review, the Director of the Department of Labour and Welfare paid visits of inspection to most of the larger industrial undertakings in the colony. No cases of the employment of children contrary to the Ordinance were reported.

Gilbert and Ellice Islands.

The report repeats the information previously supplied.

Gold Coast.

The report repeats the information previously supplied. Copies of the report have been communicated to the Chamber of Mines, the chambers of commerce and the Trade Union Congress.

Grenada.

The report repeats the information previously supplied.

Hong Kong.

The report repeats the information previously supplied and adds that, during the period under review, there was one prosecution in connection with the employment of children in an industrial undertaking. A conviction was obtained and the employer fined.

Kenya.

The report repeats the information previously supplied. A copy of the report has been placed at the disposal of the representative employers' and workers' organisations.

Federation of Malaya.

Labour Code for the States of Johore, Kedah, Kelantan, Malacca, Negri Sembilan, Pahang, Penang, Perak, Perlis, Selangor, Trengganu.

Federal legislation lays down that no child under the age of eight years shall be employed in any form of labour. Different provisions have been made with regard to working hours and rest periods for children of 8, 12 and 14 years of age. The situation under the Labour Codes of the different States is as follows: no Indian child under the age of ten years, being an immigrant, may be employed in any place of employment. The minimum age for admission to employment in factories, mines or the transport of passengers in Kelantan and Trengganu is 12 years. The minimum age is 16 years for underground work in mines and any service involving the attendance of or proximity to "live" apparatus not effectively insulated.

No decisions have been taken with regard to paragraph 2 of Article 1. Articles 2 and 3 of the Convention are covered by federal legislation. There is no provision to carry out the requirements of Article 4. The application of the legislation is entrusted to the Departments of Labour, Social Welfare, Mines and Electricity. A copy of the report has been communicated to the Federal Labour Advisory Board.

Malta.

The report repeats the information previously supplied, and adds that legislation is contemplated which will prohibit the employment of apprentices under 14 years of age. A register must be kept of all persons under 17 years of age; this register must contain certain detailed information. The enforcement of the Ordinance is entrusted to the Department of Labour. Labour officers visit all industrial undertakings in Malta approximately twice a year, and fines may be imposed for contraventions under the Ordinance. A fairly high standard of compliance with the provisions of the Ordinance has been attained. The contraventions brought to light have been dealt with by letters of advice and warning, and in no case was reference to the courts necessary during the period under review. Copies of the report

have been communicated to the General Workers' Union, the Chamber of Commerce, and the Federation of Malta Industries.

Mauritius.

Apprenticeship Ordinance, 1946.

The report repeats the information previously supplied and adds that employers are required to keep a register of all persons employed who are under the age of 18 years. On the whole, the spirit of the Convention is observed, although it is usually difficult to assess the age of children. In virtue of the Apprenticeship Ordinance, 1946, no minor (under 21 years of age) may be employed in a trade designated by the Governor unless he has entered into a contract of apprenticeship approved by the Labour Commissioner. So far, only the large engineering workshops have been designated, but it is intended eventually to designate all trades which would profit by an apprenticeship system. Copies of the report have been communicated to the Mauritius Sugar Producers' Association and the Trade Union Council.

Nigeria.

The report repeats the information previously supplied.

North Borneo.

The provisions of the Convention are applied, with the exception of Article 4. No decisions have been taken in regard to paragraph 2 of Article 1. Article 4 of the Convention has not yet been applied, as the registration of births is a comparatively recent innovation and, illiteracy being widespread, many persons do not know their exact ages.

Northern Rhodesia.

The report repeats the information previously supplied.

Nyasaland.

The report repeats the information previously supplied and adds that the Government intends to revoke Government Notices Nos. 5 and 23, of 1943, which permit the employment of young persons between the ages of 12 and 14 years on light work, of a specified character, in certain private industrial undertakings.

St. Helena.

The report repeats the information previously supplied, and adds that employers in industrial undertakings are now required to keep a register of persons under the age of 16 years, showing their names and dates of birth. The register is open at any time for inspection by the employment officer. In addition to the inspection of industrial undertakings by the employment officer, the education officer, assisted by the school attendance officer, supervises the application of § 13 of the Education Ordinance.

St. Lucia.

The report repeats the information previously supplied.

St. Vincent.

The report repeats the information previously supplied.

Sarawak.

The report repeats the information previously supplied and adds that the employment of children under 14 years of age in public or private undertakings or on board ship is prohibited.

Seychelles.

The report repeats the information previously supplied and adds that the supervision of the application of the Convention has hitherto been hampered by the absence of a qualified labour officer. The possibility of obtaining a qualified officer from Mauritius is under consideration.

Sierra Leone.

The report repeats the information previously supplied and adds that an adequate definition of the line of division separating industry from commerce and agriculture is contained in the Employers and Employed Ordinance, 1934, as amended.

Singapore.

Labour Ordinance, Chapter 69 of the Laws of the Straits Settlements, §§ 16 and 21 A.
Machinery Ordinance, Chapter 206, § 16.
Rules under the Children Ordinance, Chapter 28.
Protection of Workers Ordinance, No. 9 of 1939.

The term "industrial undertaking" is defined in accordance with the Convention. No definition has been made of the line of division which separates industry from commerce and agriculture. The employment of children under the age of 12 years is prohibited in any industrial undertaking. The new Children and Young Persons Ordinance will increase the minimum age to 14 years. The Machinery Ordinance stipulates that persons under the age of 16 years may not be employed in any service involving management of or attendance on machinery in motion. There are no children under the age of 14 years in technical schools. Article 4 of the Convention has not been implemented. In the new Labour Ordinance, it is proposed to require the registration of all persons under 18 years who are employed in industrial undertakings. The Commissioner for Labour and the Chief Inspector of Machinery supervise the application of legislation.

The low standard of living in the territory and the rapid increase in population make it essential for the potential wage earner to begin adding to the family budget as early as possible. There is as yet no universal compulsory education. It is therefore scarcely

surprising that attempts to enforce the Convention are often regarded by workers and employers alike rather as a hindrance than as a help to the welfare of the child and its family. In future, a copy of the report will be communicated to the Labour Advisory Board.

Solomon Islands.

The report repeats the information previously supplied and adds that, at present, the inspection service comprises a chief inspector of labour, a labour inspector and six officials who may also carry out inspection visits. This staff ensures satisfactory supervision.

Swaziland.

The report repeats the information previously supplied.

Tanganyika.

Employment of Women and Young Persons (Exempted Occupations) Order, 1948.

The legislation prohibits the employment in industrial undertakings of children under 15 years of age. The definition of the term "industrial undertakings" contained in the principal Ordinance is the same as that in Article 1 of the Convention. The legislation concerning the minimum age of children in industrial employment therefore goes further than the requirements of the Convention.

Certain specified occupations of an agricultural nature which, by anomaly, are considered as forming part of an industrial undertaking, have been excluded from the provisions of the Ordinance by the Employment of Women and Young Persons (Exempted Occupations) Order, 1948, (Government Notice No. 196 of 1948). These occupations include frightening birds and monkeys away from plantations, planting and harvesting operations, weeding, sweeping compounds, picking coffee berries, planting suckers, etc.

§ 9 of the Ordinance prohibits the employment of children under the age of 15 in any industrial undertaking. Family undertakings are exempted from this prohibition by § 3(a). No specific provision to this effect has yet been made, but the provisions of this Article are being incorporated in a new Employment Bill which is in course of preparation. § 11 of the Ordinance requires an employer to keep a register of all "young persons" (defined as persons under 18 years of age) in an industrial undertaking. This complies with the provisions of Convention No. 59, Minimum Age (Industry) (Revised), reproduced in Convention No. 83, Labour Standards (Non-Metropolitan Territories). No specific form of register has been prescribed, but particulars must be recorded of the age or apparent age of the young persons, the date of their employment, the conditions and nature of their employment and any other particulars that may be prescribed.

Articles 5 and 6 of the Convention do not apply.

The administration of the Ordinance is effected by the Labour Department, whose officers carry out regular and frequent inspection visits.

Children are chiefly employed in agricultural occupations in undertakings which are both of an agricultural and industrial nature. Only two prosecutions were instituted in 1948 for contraventions of the Ordinance. However, the accurate determination of the ages of South African children will remain impracticable until the enactment of legislation requiring the compulsory registration of births. Copies of the report will be communicated to members of the Labour Board.

Trinidad and Tobago.

The report repeats the information previously supplied and contains in an appendix a specimen copy of the new register prescribed in virtue of Article 4 of the Convention. A copy of the report has been communicated to the Trinidad and Tobago Trade Union Council.

Uganda.

The report repeats the information previously supplied and adds that, with regard to the application of Article 4 of the Convention, the Uganda Employment Ordinance, No. 13 of 1946, requires that each employer shall keep a nominal register of employees in English. No provision is made in this register for a separate section relating to persons under 16 years of age.

The Labour Commissioner is responsible for the application of the legislation relating to the Convention. In addition, in certain circumstances, discretionary power is vested in the Government Medical and Education Departments. Thus § 3 of the Employment of Children Ordinance, No. 27 of 1946, provides that young persons between the ages of 16 and 18 years may only be employed in mines if a medical certificate is produced attesting fitness for such work. The Director of Education is empowered to exercise discretion regarding the employment of children who have not attained school leaving age. The inspection of places of employment is carried out by both European and African officers of the Labour Department. The scope of these visits of inspection is being steadily expanded and the periodicity of inspection depends largely on the nature of conditions revealed by former inspection visits. The policy pursued is to inspect major undertakings periodically under all circumstances at such frequent intervals as the resources of personnel will allow.

The labour officials on their visits to industrial undertakings pay particular attention to the employment of juveniles. Action is taken when a breach of the Employment of Children Ordinance is detected. In the period under review, 24 contraventions were reported. There were four prosecutions and four convictions; in the remaining 20 cases the warning issued proved to be sufficient.

Zanzibar.

Decree No. 27 of 1948, to amend the Employment of Women, Children and Young Persons (Restriction) Decree of 1932.

The publication of the Decree of 1948 permitted the application of Convention No. 59 concerning the minimum age in industry.

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 representative employers' and workers' organisations.

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	
Argentine Republic	30.11. 1933	17.10. 1949
Austria	12. 6. 1924	3.11. 1949
Belgium	12. 7. 1924	2.11. 1949
Brazil	26. 4. 1934	10.11. 1949
Bulgaria	14. 2. 1922	
Burma ¹	14. 7. 1921	5.12. 1949
Chile	15. 9. 1925	7.11. 1949
Cuba	6. 8. 1928	5.10. 1949
Denmark	4. 1. 1923	4.10. 1949
Estonia	20.12. 1922	
France	25. 8. 1925	27.10. 1949
Greece	19.11. 1920	14.11. 1949
Hungary	19. 4. 1928	
India	14. 7. 1921	15.12. 1949
Ireland	4. 9. 1925	24.12. 1949
Italy	10. 4. 1923	18.10. 1949
Latvia	3. 6. 1926	
Lithuania	19. 6. 1931	
Luxembourg	16. 4. 1928	4. 2. 1950
Mexico	20. 5. 1937	
Netherlands	17. 3. 1924	12. 1. 1950
Nicaragua	12. 4. 1934	
Pakistan ²	14. 7. 1921	17.10. 1949
Poland	21. 6. 1924	15.11. 1949
Portugal	10. 5. 1932	10.11. 1949
Rumania	13. 6. 1921	
Spain	29. 9. 1932	
Switzerland	9.10. 1922	14.10. 1949
United Kingdom ³	14. 7. 1921	
Uruguay	6. 6. 1933	17.11. 1949
Venezuela	7. 3. 1933	17. 1. 1950
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.

Argentine Republic.

The report refers to the information previously supplied. See under Convention No. 1 for statistical data. Copies of the report have been communicated to the representative employers' and workers' organisations.

Austria.

The report repeats the information previously supplied. See under Convention No. 4 for information with regard to breaches of the legislation. Copies of the report have been communicated to the representative employers' and workers' organisations.

Belgium.

Royal Order of 26 August 1939, respecting exceptions to the prohibition of night work in the event of the expansion or mobilisation of the army.

The report repeats the information previously supplied. As regards Article 7 of the Convention, the report states that, apart from the possibility of suspending § 14 of the Act respecting the employment of women and children, the Ministry of Labour and Social Welfare may grant exceptions to the prohibition of night work in the event of the expansion or mobilisation of the army, in accordance with the provisions of the Royal Order of 26 August 1939. During the period under review, no use was made of this authority.

Officials appointed by the Government supervise compliance with the legislation, without prejudicing the duties entrusted to the police officers responsible for investigations. The social inspection service and engineers attached to the General Administration of Mines ensure supervision in the undertakings for which they are responsible. One decision was given by a court of law; copies of the decision are not available. One breach of the legislation was reported. Only a very limited use was made of the exceptions provided for in Articles 2, 3 and 4 of the Convention. Such exceptions were granted under the conditions laid down in the national legislation and subject to the control of the social inspection service. Copies of the report have been communicated to the representative employers' and workers' organisations.

Brazil.

Legislative Decree No. 5452 of 1 May 1943, to approve the consolidation of labour laws (L.S. 1943, Braz. 1).

The Act of 1 May 1943 prohibits the employment of young persons under 18 years of age on night work. Work performed between 10 p.m. and 5 a.m. is deemed to be night work (§ 404). This principle has also been embodied in § 157 of the Constitution, which lays down that the legislation relating to labour and social welfare shall provide, *inter alia*, that the night work of children and young persons under 18 years

of age shall be prohibited, taking into account the conditions laid down in the legislation and the exceptions authorised by the competent judge.

Burma.

The report repeats the information previously supplied and adds that the Convention is applicable only to factories.

See under Convention No. 4 for a definition of the term "factory" and for information relating to inspection visits. No persons under 15 years of age or between the ages of 15 and 17 years, who have been certified as children for the purposes of the Act, are allowed to work in factories except between the hours of 6 a.m. and 7 p.m. The Government may, however, allow such persons to work for any period of 13 hours between 5 a.m. and 7.30 p.m. Male young persons between the ages of 15 and 17 years who have been certified as adults may be employed at night. No provision is made in the Factories Act for the suspension of the prohibition of the night work of young persons in virtue of Article 7 of the Convention. The Chief Inspector of Factories is entrusted with the application of the Convention and enforcement is carried out by inspectors making visits to factories during the night. Copies of the report have been communicated to the representative employers' and workers' organisations.

Chile.

The report repeats the information previously supplied and adds that, in 1948, no breaches of the provisions of the Convention were detected by the inspection services. Copies of the report have been communicated to the representative employers' and workers' organisations.

Cuba.

The report repeats the information previously supplied, and adds that there is no evidence from the inspection visits made to show that young persons under 16 years of age have been employed at night in sugar refineries, in the manufacture of paper or in iron and steel factories, which are the only industries in Cuba in which work is carried on at night.

No use has been made of the provisions of Article 7 of the Convention authorising the suspension of the prohibition of night work. Periodical visits have been made by the inspection services. No breaches of the regulations have been reported and no exceptions authorised. Copies of the report have been communicated to the representative employers' and workers' organisations.

Denmark.

The report refers to the information previously supplied and adds that proceedings were instituted in five cases for breaches of the legislative provisions.

France.

The report repeats the information previously supplied and adds that, during the period under review, no use was made of the exception provided for in Article 7 of the Convention. An enquiry undertaken by the labour inspection service shows that, on the whole, the legislation relating to the night work of young persons is satisfactorily applied. Employers' and workers' organisations co-operate with the labour inspection service in order to ensure compliance with the legislation.

Greece.

The report repeats the information previously supplied. See under Convention No. 1 for information relating to the organising and functioning of the inspection services.

The supervision exercised by the inspection services as regards the application of the Convention is considered to be satisfactory, in view of the fact that control is effected not only on the occasion of inspection visits to undertakings but also when a check is made of the staff lists submitted for approval to the inspection services by the various undertakings. These lists show the ages of workers and the timetable for hours of work. Copies of the report have been communicated to the representative employers' and workers' organisations.

India.

Act of 23 September 1948, to consolidate and amend the law regulating labour in factories (L.S. 1948, Ind. 4).

The report repeats the information previously supplied and adds that the Factories Act, 1934, as subsequently amended, remained in force up to 1 April 1949, from which date the Factories Act, 1948, came into force. The regulations under the 1948 Act are being completed. See under Convention No. 4 for information relating to the administration of the Factories Act. Copies of the report have been communicated to the representative employers' and workers' organisations.

Ireland.

The report repeats the information previously supplied and adds that, during the period under review, no cases of emergency occurred which necessitated the application of Article 4 of the Convention; there has been no suspension of the prohibition of night work under Article 7. One contravention was reported. Copies of the report have been communicated to the representative employers' and workers' organisations.

Italy.

The report repeats the information previously supplied and adds that, apart from a small number of cases in glass works

and sugar refineries, no use has been made of the exceptions provided for in Article 2, paragraph 2, of the Convention. The national legislation is in conformity with the provisions of Article 3, paragraph 3, except as regards bakeries, in respect of which the legislation authorises the extension of hours of work up to 11 p.m. on Saturday. However this discrepancy exists only in theory, for in practice only a very small number of children are employed and they belong to the families of owners of undertakings.

No use has been made of the exceptions provided for in Articles 4 and 7 of the Convention. Undertakings seldom employ children at night, mainly because of economic and social obstacles (in particular, unemployment) which prevent the employment of young persons under 18 years of age. Contracts for the baking industry also prohibit the employment of young persons under 16 years of age. Owing to reasons of *force majeure* (shortage of electric power), three exceptions were authorised in respect of three undertakings, covering a total of 22 children and 6,652 hours of night work. Copies of the report have been communicated to the representative employers' and workers' organisations.

Luxembourg.

No breaches of the laws and regulations which ensure the full application of the Convention were reported by the labour and mines inspection service. The night work of young persons in industrial undertakings is practically non-existent.

Netherlands.

Labour Act, 1919, as amended by the Acts of 14 June 1930 (L.S. 193,0 Neth. 2) and 9 May 1935 (L.S. 1935, Neth. 2).

Decree of 8 September 1936, respecting hours of work in factories and workshops (L.S. 1936, Neth. 2).

Stevedores Act of 1914, as amended by the Act of 27 July 1931 (L.S. 1931, Neth. 3).

Stonemasons Act of 20 December 1921 (L.S. 1921, Neth. 3).

Mining Regulations, 1939.

Royal Orders of 27 February 1946 and 4 May 1948, to amend the Tramway Regulations of 24 February 1920, as amended in 1922 and 1931.

Order of 13 October 1948, to amend the Decree of 15 May 1933 issuing general service regulations for railways (L.S. 1933, Neth. 3 A).

The report repeats the detailed information previously supplied and adds that, in 1948, proceedings were instituted in eight cases for breaches of the prohibition of the night work of children. The amount imposed in fines varied between 10 and 30 florins. Copies of the report have been communicated to the Labour Foundation.

Pakistan.

The report repeats the information previously supplied. Statistics regarding the application of the Convention have not yet been

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

Poland.

The report repeats the information previously supplied and adds that no legislative measures have been taken under Article 7 of the Convention in order to authorise the night work of young persons between 16 and 18 years of age. The night work of young persons has been completely abolished in principle in Poland. Copies of the report have been communicated to the representative employers' and workers' organisations.

Portugal.

The report repeats the information previously supplied and adds that it is not possible to indicate the number of children employed in industrial undertakings. However, the Government hopes that, after a census of the population, which it proposes to undertake in 1950, it will be possible to compile the required statistical data. Proceedings were instituted in ten cases of breaches of the provisions of the Convention in various districts. Copies of the report have been communicated to the representative employers' and workers' organisations.

Switzerland.

See under Convention No. 5 for information relating to appeals in connection with the Federal Factories Act, the scope of the Act and enforcement of the legislation.

The three glassworks which for a considerable number of years have been authorised to employ young workers between 16 and 18 years of age at night have continued to make use of these authorisations. In 1949, the cantons were requested to submit reports regarding the application of the Factories Act in 1947 and 1948. A summary of these reports will be supplied with the Government's next report. Extracts from the reports drawn up by the cantons in 1948 regarding the application of the Act respecting the employment of young persons and women in arts and crafts during 1946 and 1947 are appended to the report. These reports contain information showing, in particular, the difficulties encountered by the cantonal authorities in ensuring compliance with the legislation in certain bakeries.

During the period under review, there was only one conviction for infringement of the Factories Act; a fine of 400 francs was imposed. Information relating to other penalties, the number and importance of which are not specified, is also contained in the extracts from the cantonal reports.

As stated in 1949 by the Swiss Government member on the Committee on the Application of Conventions, it is very difficult to enforce the legislation concerning the prohibition of the night work of young persons in bakeries in Switzerland because of the need for the vocational training of apprentice bakers. The Federal Office of Industry, Arts and Crafts and Labour is devoting serious attention to the examination of this problem and hopes, at a comparatively early date, to find a solution which will take due account of the practical difficulties peculiar to the baking industry.

The Convention continues to be applied in Switzerland. Copies of the report have been communicated to the representative employers' and workers' organisations.

Uruguay.

The report repeats the information previously supplied.

Venezuela.

Labour Act of 21 October 1947 (L.S. 1947, Ven. 2), to amend the Act of 16 July 1936 (L.S. 1936, Ven. 2), as amended by the Act of 1945 (L.S. 1945, Ven. 1).
Children and Young Persons Code of 10 January 1939.

The report repeats the information previously supplied and adds that, during the period under review, no use was made of the exception provided for in Article 7 of the Convention.

See under Convention No. 1 for information relating to the authorities entrusted with the application of the legislation.

§ 6 of the Children and Young Persons Code of 10 January 1939 lays down that any child or young person is considered to be neglected or in danger if he performs any manual work which is prohibited for him under the legislation and regulations governing the work of children and young persons. The officials entrusted with the application of the Code collaborate with the officials of the labour inspection service in order to ensure the application of the Convention. The labour inspection service has ensured satisfactory compliance with the provisions of § 261 (formerly § 257) of the Labour Act respecting penalties in the event of contraventions of the provisions relating to the employment of children.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Belgium

Belgian Congo and Ruanda-Urundi.

Ordinance of 20 January 1948, respecting the night work of Native children.

The Ordinance of 20 January 1948 reproduces the main provisions of the Convention and stipulates that the prohibition of night work applies to Natives who are not re-

cognised as fit for general work within the meaning of the legislative provisions concerning the health and safety of workers. The term "night" includes the period between 7 p.m. and 6 a.m. Night work is only authorised in the case of emergencies. No regulations enforce special conditions for the use of this exception. However, employers must justify the use made of the exception before the administrative or judicial authorities. Breaches of the regulations are punishable by the penalties provided for in the Ordinance.

France

French Cameroons.

Decree of 28 December 1937, promulgated on 4 February 1938, to apply the Convention to the Cameroons.

Article 1 of the Convention: the line of division separating industry from commerce and agriculture is defined explicitly in French law.

Article 2: children are not called upon to work at night in any branch of activity.

Article 3 is inapplicable.

Article 4: the exception provided for in this Article has not been included in any labour regulations applicable to the territory; no use has ever been made of this exception.

Article 7: the prohibition of the night work of young persons has never been suspended. The labour inspection service is responsible for ensuring compliance with the provisions of this Article, which are generally observed. No decisions by courts of law have been given since the promulgation of the Convention. The provisions of the Convention have been adopted as common practice and no difficulties have been encountered in applying them. Copies of the report have been communicated to the representative employers' organisations in France and in the territory.

French Equatorial Africa.

Decree of 28 December 1937, to apply to the colonies the provisions of certain international labour Conventions.

General Order of 8 February 1938, to promulgate the above-named Decree.

No decisions were given under Article 1 of the Convention. None of the industries provided for in paragraph 2 (a) of Article 2 has been set up in the territory. No regulations have been issued under Articles 3, 4 and 7.

The application of the Convention is entrusted to the labour inspection service. No breaches of the provisions of the Convention were reported. Copies of the report have been communicated to the representative employers' and workers' organisations in France and in French Equatorial Africa.

French Establishments in India.

Decree of 6 April 1937, to issue regulations respecting the conditions of employment in

the French Establishments in India (L.S. 1937, Fr. 8).

The above Decree provides that children, whether employees or apprentices, under 18 years of age may not be employed between the hours of 6 p.m. and 6 a.m.

Article 1 : since there are no important agricultural concerns in the French Establishments in India, it has not been considered necessary to define the line of division which separates conditions of work in industry from those in commerce and agriculture.

Article 2 : the regulations make no provision for any exceptions authorising night work in certain circumstances for young persons under 18 years of age.

Article 3 : the term "night" is defined by the Decree as applying to the period of 12 consecutive hours between 6 p.m. and 6 a.m. There are no coal or lignite mines in the territory. Any exceptions authorised with regard to hours of work in bakeries apply exclusively to adult men (Order of 14 December 1937, § 5, final paragraph). The local regulations make no provisions with regard to the exception authorised under paragraph 4.

Article 4 : the exception referred to in this Article is authorised under the local regulations, which permit the extension of hours of work as a means of recovering lost hours, provided that compensation is granted within the prescribed period.

Article 7 : the prohibition of night work for children has not been suspended during the period 1 July 1948-30 June 1949.

A labour inspector ensures the application of the provisions of the Decree and of all the relevant texts. This official visits the buildings of industrial undertakings and examines the working timetables posted up in these places ; he also checks the cards of workers and requests statements concerning the night work of children.

Heads of undertakings affected by the Convention must obtain authorisation in advance from the labour inspector before recovering hours of work lost because of collective work stoppages. Such requests must include the following information : the nature, cause and date of the interruption, the number of hours lost, the temporary changes which must be made to the working timetable in order to recover hours lost and the number of persons affected by this change. Heads of undertakings must post up, in every workplace, dated working timetables which must be signed by them and a copy of which must be sent to the labour inspectorate. Finally, they must make a statement to the labour inspectorate concerning the number of workers, including children, affected by an extension of the normal hours of work.

Sixty-seven young workers, employed in the three main spinning industries of the territory, are protected by the labour legislation.

The report is the first to be drawn up with regard to the application of a Convention. It will be communicated to the management

of the three textile industries in Pondicherry, since there is no employers' organisation, and to the Federation of Trade Unions in the French Establishments in India.

French Settlements in Oceania.

Decree of 28 December 1937, applying the Convention to the overseas territories, promulgated for the French Settlements of Oceania by Order No. 209-C of 22 February 1938.

The Convention was published in the local Official Journal of 1 March 1938.

Article 1 : no special decision has been taken to define the line of division provided for under this Article, but the distinction may be deduced from the type of licence.

Article 2 : the exception authorised only applies to the one sugar refinery in the French Settlements in Oceania. Approximately 30 workers are employed and no young person under 18 years of age is employed in the small night shifts.

Article 3 : the legislation does not prohibit night work for all persons employed in the baking industry. No special regulations have been made to apply paragraph 4 of this Article. In accordance with a Resolution of the Labour Council, all work effected between 8 p.m. and 6 a.m. is considered as night work.

With regard to the application of Articles 4 and 5, the answer is in the negative.

Copies of the report have been communicated to the Employers' Association of the French Settlements in Oceania and to the Union of Tahitian Trade Unions.

French West Africa.

Decree of 28 December 1937, to apply to the colonies the provisions of certain international labour Conventions.

Order No. 343-AP of 24 January 1938, to promulgate the above-named Decree in French West Africa.

The Decree of 28 December 1937 calls for the strict application of the provisions of the Convention. The report contains the following detailed information regarding the application of the various Articles of the Convention.

Article 1 : no official line of division has been established separating industry from commerce and agriculture. Such a distinction has no practical value as, in virtue of the Decree of 18 September 1936, the night work of children is prohibited in general.

Article 2 : the night work of young persons under 18 years of age is strictly prohibited in all industrial undertakings. There are at present no industries in which reverberatory or regenerative furnaces are used.

Article 3 : the provisions of this Article, as regards the night work of young persons between 10 p.m. and 5 a.m., are strictly applied. No exceptions have been authorised. There are no coal or lignite mines in the territory ; night work in the baking industry is not prohibited. In no case has the nightly rest period of young persons under 18 years of age been less than the 11 consecutive

hours laid down in the Convention. In addition, the Decree of 18 September 1936 stipulates that children should have a minimum nightly rest period of 11 consecutive hours.

Article 4 : in practice, young persons are not called upon to work at night even in exceptional circumstances. However, the Decree of 18 September 1936 provides that the nightly rest period of children could be reduced to ten hours in case of urgent work, the performance of which is necessary to prevent imminent accidents, the organisation of safety measures or measures to deal with accidents to material, installations and buildings of an undertaking.

Article 7 : there have been no exceptions regarding the prohibition of the night work of children under 18 years of age. The application of the provisions of the Convention is entrusted to the labour inspection service, subject to the application of the general rules for industrial health and safety laid down in French West Africa by the General Order of 25 May 1947. During the period under review, no breaches of the provisions of the Convention were reported by the labour inspection service. The number of young persons under 18 years of age employed in industrial undertakings can be estimated at 2,500. The labour inspection service has not received any observations from employers' or workers' organisations. Copies of the report have been communicated to the representative employers' and workers' organisations.

Madagascar.

Decree of 28 December 1937, promulgated by the Order of 4 February 1938, to apply the Convention to the colonies.

Order of 7 April 1938, to issue labour regulations in Madagascar.

Article 1 of the Convention : the line of division separating "industrial" and "commercial" undertakings has been adopted by custom. Such a distinction is not provided for in any official text.

Article 2 : § 21 of the Decree of 7 April 1938 lays down that "young persons may not be compelled to perform any work at night, except in industrial undertakings where all the members of one family are employed and if the work is in connection with goods likely to deteriorate rapidly". In virtue of § 19 of the same Decree, young persons are deemed to be boys and girls under 18 years of age. Local regulations are in strict conformity with the provisions of paragraph 1 of Article 2 of the Convention. The use of the exception provided for in paragraph 2 of this Article has not been necessary.

Articles 3 and 4 are inapplicable in Madagascar. Children are only employed in accessory operations which involve little fatigue.

Articles 5 and 6 are inapplicable.

Article 7 : the prohibition of night work has not been suspended. The application of the regulations respecting the night work of young persons is subject to the supervision of the labour inspectors. In virtue of

§ 23 of 7 April 1938, any exception to the conditions of work of young persons must be submitted, in each individual case, for the approval of the labour inspectors. These officials are authorised to make visits at any hour of the night to workplaces where young persons are employed. No breaches of the legislation have been reported and none has ever been referred to courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations in France and in the territory.

New Caledonia and Dependencies.

Decree of 2 March 1939, promulgated on 12 April 1939, to apply to New Caledonia the provisions of Book II of the Code of Labour and Social Welfare.

Article 1 of the Convention : all the types of work defined in this Article are enumerated in § 11 of the Decree of 2 March 1939. It has not been necessary to establish the line of division which separates industry from commerce and agriculture.

Article 2 : the only exception which would be possible under paragraph 2 (a) of this Article would be for the employment of young persons over 16 years of age in metallurgical processes, the production of ferro-nickel in electric ovens, and the extraction of nickel mattes by the waterjacket process. This exception is possible under § 16 of the Decree of 2 March 1939 ; however, no Order issued in pursuance of paragraph 2 of § 16 authorises its use.

Article 3 : the regulations do not authorise any exceptions with regard to coal and lignite mines, which are not exploited in the territory, or the baking industry. No use has been made of the exceptions provided for in paragraph 4 of this Article.

Article 4 : the use of the exception provided for in this Article is subject to previous notice to the labour inspector. This exception may not be employed for more than 15 nights during a year without authorisation from a labour inspector.

Article 7 : existing regulations do not authorise the use of the exception provided for in this Article.

The supervision of the application of the Convention is normally within the competence of the labour inspection service, without prejudice to eventual supervision by officials of the legal police and the public medical and health services. No decisions were given by courts of law or other courts. The present reports of the inspection service make no reference to any difficulties or infringements in connection with the application of the Convention. No supervisory visits and no information have made it possible to detect the employment of children on industrial work during the night, such work being, in general, strictly limited to the period comprised between 7 a.m. and 5.30 p.m. No observations were received from employers' or workers' organisations regarding the application of the Convention

or the national regulations. Copies of the report have been communicated to the representative employers' and workers' organisations in France and in the territory.

Togoland.

Decree of 28 December 1937, to apply the Convention.

The information submitted with regard to the Convention concerning the night work of women in industry applies also to young persons, who are only employed in Togoland on light agricultural work, in particular, the gathering of nuts, cotton, etc. Copies of the report have been communicated to the representative employers' and workers' organisations in France and in the territory.

Netherlands

Indonesia.

Ordinance No. 8 of 1949, to amend Ordinance No. 647 of 1925.

The age limit has been increased from 12 to 14 years. In other respects, the report repeats the information previously supplied. One breach of the legislation concerning night work was reported.

Netherland West Indies.

The Convention has not been applied. No legislation exists and no persons under 20 years of age are engaged for night work.

Surinam.

The Convention is not applied. No legislative measures have been enacted. The prohibition of night work for young persons has never been stipulated. Reference is made to Ordinance No. 10 of 1931 on night work in bakeries. The labour inspection service and police officials supervise the application of the legislation.

Portugal

See introductory note to Convention No. 1.

Angola.

Legislative Order No. 1840 of 6 November 1946.

In accordance with § 16 of Legislative Order No. 1840, young persons under 18 years of age may not as a rule be employed in industrial establishments between the hours of 6 p.m. and 7 a.m. They may only be employed outside these limits, in exceptional circumstances and for sound reasons, subject to special authorisation from the Director of the Services of Civil Administration, or to contracts of employment approved by the Governor-General of the colony. The definition of work which is permitted or prohibited for young persons in the establishments covered by Legislative Order No. 1840 will be dealt with in an Ordinance of the Governor-General to be published in the Official Bulletin of the colony.

Cape Verde.

No legislative measures have been taken with regard to the subject matter of this Convention.

Macao.

There is no night work for children in the colony and no legislation has therefore been enacted with regard to the subject matter of the Convention.

Mozambique.

Legislative Order No. 707 of 5 June 1940.

§§ 6 and 7 of Legislative Order No. 707 contain regulations relating to the subject covered by the Convention. § 6 of the Legislative Order provides that young persons of either sex may not be admitted to employment in commercial or industrial establishments until they have reached 14 years of age, and are able to read, write and count correctly; otherwise, they may not be employed. § 7 provides that women and young persons under 18 years of age may not, as a rule, be required to work in industrial undertakings for more than the prescribed hours of work laid down. § 9 stipulates, in particular, that work in industrial establishments may not, as a rule, begin before 6 a.m. or continue after 6 p.m.

Portuguese Guinea.

Code of police and administrative control measures, approved by Legislative Order No. 486 of 7 December 1929.

§ 294 and following of the above-named Code enumerate the branches of industry in the colony which are covered by the Convention. No provision has been made in this legislation regarding the night work of children. During the period under review, no measures were taken to amend the legislation in force, in conformity with the provisions of the Convention. § 350 of the Code, under which young persons under 16 years of age may in no case be compelled to work more than eight hours a day, provides that hours of work in factories may not exceed seven hours. There are no industries in the colony of the type enumerated in Article 2, paragraph 2 (a), (b), (c), (d) and (e) of the Convention. The provision of Article 3, paragraph 1, is covered by the Code. There are no coal or lignite mines in the colony. In virtue of § 35 of the Code, night work in the baking industry is not prohibited, except for young persons. The provision regarding a nightly period of less than 11 hours can be disregarded, since hours of work are fixed by Legislative Order No. 486, which stipulates that they shall be from 7 and 8 a.m. to 12 noon and from 2-3 p.m. to 5 p.m. In urgent cases, hours of work may be extended beyond these limits if agreed to by the employer and worker; in such cases, the worker is entitled to a compensatory period of rest on the following day. As will be seen

from the foregoing, the night work of children under 16 years of age is prohibited (§ 305 of the Order). Young persons between 16 and 18 years of age cannot be employed at night, since their hours of work are fixed as stated above. The application of the provisions of the Code is entrusted to the police and administrative authorities and to the employers and workers (§ 303), and is supervised by the civil administration services. The inspection services have their headquarters in Portugal in the Ministry of Colonies, where there is a service known as the "Superior Inspection Service for Colonial Administration". Every four years this service sends out an official entrusted with the duty of examining the administration of inspection in the colony. There were no decisions by any court of law. The provisions of the Convention are applied in accordance with the provisions of the above-mentioned Code. It was not possible to supply reports from the inspection service as no reports have been drawn up since 1946. All workers are protected by the legislation, but it is not possible to state their exact number, since there are no statistical data on this subject. No breaches were reported and the exceptions authorised under Articles 2, 3 and 4 of the Convention are not applicable in the colony as the provisions of Legislative Order No. 486 have proved sufficient. No observations have been received from the employers' and workers' organisations concerned with regard to the practical application of the principles of the Convention. The obligation mentioned under Part VI of the report form has not been carried out since there are no representative employers' or workers' organisations in the colony.

Portuguese Indies.

The Convention has not as yet been made applicable to the colony and no relevant legislative measures have therefore been enacted.

S. Tomé and Príncipe.

Legislative Decree No. 16,199 of 6 December 1928, to approve the Native Labour Code for the Portuguese Colonies in Africa (L.S. 1928 Por. 3).

Ordinance No. 977 of 26 February 1947, to issue Local Regulations in pursuance of the above-named Code.

The night work of children is prohibited both in industrial establishments, strictly speaking, and in undertakings working in connection with agriculture which handle agricultural products and prepare them for export.

Timor.

There is no special legislation relating to the Convention, as there are no industries working at night and therefore no children are employed. The provisions of the Convention may be considered as covered by the principles of the Native Labour Regula-

tions approved by Ordinance No. 439 of 10 July 1936, in particular § 12 (2). No definition of the term "industrial establishment" has been drawn up, and no line of division has been defined to separate industry and commerce from agriculture. No use has been made of the exceptions provided for in Article 2, paragraph 2, of the Convention. As no children are employed in industry and there is no night work, Articles 2, 3 and 7 of the Convention do not apply. Matters relating to industry are the responsibility of the Central Service for Public Works and Development; the latter is responsible for supervision. However, Native labour is supervised by the Curator for Natives and by ten subordinate agents (one for each administrative district). As no children are employed and there is no night work, no decisions were given by courts of law or other courts with regard to the application of the provisions of the Convention. The latter is not applicable in practice. There are no representative employers' and workers' organisations.

United Kingdom

Aden.

The report repeats the information previously supplied.

Barbados.

The report repeats the information previously supplied. Copies of the report have been communicated to the Barbados Sugar Producers' Federation, the Shipping and Mercantile Association of Barbados and the Barbados Workers' Union.

Basutoland.

The report repeats the information previously supplied.

Bechuanaland.

The report repeats the information previously supplied.

British Guiana.

The report repeats the information previously supplied.

British Honduras.

The report repeats the information previously supplied.

British Somaliland.

Employment of Women, Young Persons and Children Ordinance, No. 6 of 1938.

Ordinance No. 6 applies Articles 1, 2, 3, 4 and 7 of the Convention as it existed on 5 July 1938, the date when this Ordinance became law. § 4 (6) of the Ordinance prohibits the employment of young persons at night in any industrial undertaking as defined in Article 1, except to the extent to which, and in the circumstances in which,

such employment is permitted under the Convention. Penalties are prescribed under § 6 of the Ordinance. No decision has been taken in regard to the last paragraph of Article 1 and there are no administrative regulations on this subject. § 4 (1) of the Ordinance prohibits the employment of any child under 12 years of age in any industrial undertaking.

Articles 3, 4 and 7 of the Convention are set out in Part II of the Schedule to the Ordinance.

There are no industrial undertakings which employ young persons at night.

Brunei.

Labour Code of 1932, § 78.

The Convention is applied. No decisions have been taken in regard to the last paragraph of Article 1 of the Convention. None of the processes mentioned in paragraph 2 of Article 2 is carried on and there are no coal or lignite mines. There is no prohibition of night work in the baking industry; therefore no night interval has been fixed. The legislation makes no provision for the cases of emergencies referred to in Article 4. There has been no case of the prohibition or suspension of night work under Article 7. The report repeats other information previously supplied and adds that the legislation will be embodied in a redrafted Labour Code which will take into account the requirements of Convention No. 90.

Cyprus.

The report repeats the information previously supplied. Copies of the report have been communicated to the Pan-Cyprian Federation of Labour, the Cyprus Workers' Confederation, the Cyprus-Turkish Trade Unions Federation, and the Association of Cyprus Industries.

Dominica.

The report repeats the information previously supplied.

Falkland Islands.

The report repeats the information previously supplied.

Fiji.

Article 2, paragraph 2, of the Convention is not specifically applied but, in practice, the provisions of the Convention are applied. Two permits were granted for young persons over 16 years of age who were engaged in crushing candlenuts. In both cases, the permit was granted after an inspection visit by the labour officer and a medical examination of the young persons concerned. There were no cases of the employment of young persons under the age of 18 years in the gold-mining and sugar industries. The right of suspension provided for in

Article 7 is not contained in the legislation and therefore has not been used. No prohibition of night work appeared to be necessary during the period under review, and the provisions respecting the night work of young persons are fully observed in the few local industries involved. No contraventions were detected by inspectors of the Labour Department. In 1948 only 152 young persons under 16 years of age were employed during the day. A copy of the report has been communicated to the Labour Advisory Board.

Gambia.

The report repeats the information previously supplied.

Gibraltar.

The report repeats the information previously supplied.

Gold Coast.

The report repeats the information previously supplied. Copies of the report have been communicated to the Chamber of Mines, the Chambers of Commerce and the Trade Union Congress.

Grenada.

The report repeats the information previously supplied.

Hong Kong.

The report repeats the information previously supplied and adds the following details. The application of the legislation is made difficult in Hong Kong by the fact that Chinese workers generally have no objection to working at night if they are offered extra wages and, secondly, that so much of the industry of the colony is carried on in small establishments using purely manual labour. The policy which has been followed in Hong Kong is to endeavour to educate both employers and workers and to secure the co-operation of organised labour in eradicating illegal night work. The fact that there were relatively few prosecutions in the period under review gives reason to believe that the policy followed is having effect where young persons are concerned. At the end of June 1949, 17,047 young persons were registered as employed in industrial undertakings; 7,751 inspections were carried out, of which 338 were at night. There were four prosecutions for employing young persons at night. As regards Article 4 of the Convention, the report points out that permits were granted to one aerated-water factory (when it was feared that further water restrictions were to be imposed), one factory for the canning of fruit, vegetables and meat, and six manufacturers of textiles, rubber goods, vacuum flasks and chemicals.

Kenya.

The report repeats the information previously supplied and adds that no observations were made by the employers' and workers' organisations. Copies of the report are available to these organisations.

Federation of Malaya.

Labour Codes of the different States.

The night work of young persons under 18 years of age is prohibited between 8 p.m. and 6 a.m. No special decision has been taken with regard to Article 1 of the Convention, but the definition of employment given in the legislation corresponds to that contained in this Article. Article 2, paragraph 1, is applied by the Labour Codes. The processes mentioned under Article 2, paragraph 2, do not exist in the country. Article 3, paragraph 1, is applied by the legislation. There is only one coal mine. There is no special legislation for the baking industry and no legislative provision regarding unforeseen emergencies. The enforcement of the legislation is entrusted to the Department of Labour. A copy of the report has been communicated to the Federal Labour Advisory Board.

Malta.

The report repeats the information previously supplied, and adds that the legislation is not fully in harmony with the Convention. No decision has been taken in regard to paragraph 2 of Article 1. The legislation in force prohibits night work generally for all young persons under the age of 16 years (except in such trades or industries in which only members of the same family are employed). The minimum age of bus conductors and drivers in the public passenger transport services has recently been revised under the Traffic Regulation Ordinance, and conformity with the Convention has been attained in this regard. The enforcement of the Ordinance is entrusted to the Department of Labour. A team of inspecting labour officers, under the direct supervision of the enforcement officer, visit all industrial undertakings in Malta approximately twice a year. A fairly high standard of compliance with the provisions of the Ordinance has been attained. The contraventions brought to light have been dealt with by letters of advice and of warning, and action in court was taken in some cases. Copies of the report have been communicated to the General Workers' Union, the Chamber of Commerce, and the Federation of Malta Industries.

Mauritius.

The report repeats the information previously supplied and adds that night work only takes place in the baking industry and in the cane-crushing mills during the crop season. The work is light and young

persons, if employed at all, are there as learners. Copies of the report have been communicated to the representative employers' and workers' organisations.

Nigeria.

The report repeats the information previously supplied.

North Borneo.

The report repeats the information previously supplied and adds that the Convention has been applied. No decisions have been taken in regard to the last paragraph of Article 1 of the Convention. None of the processes mentioned in the second paragraph of Article 2 are carried on and there are no coal or lignite mines. Night work is not prohibited for all workers in the baking industry, therefore no alternative night interval is provided for. The legislation makes no provision for the emergencies provided for under Article 4. The prohibition of night work has not been suspended in any of the circumstances mentioned in Article 7. It is anticipated that Convention No. 90 will be applied to the colony in due course.

Northern Rhodesia.

Employment of Women, Young Persons and Children Ordinance, Chapter 191 of the Laws of Northern Rhodesia, and Regulations made thereunder.

Article 1 of the Convention is applied by § 3 of the Ordinance and Article 2 is enforced by §§ 9 and 10 of the Ordinance. No exceptions to the legislation have been authorised. Except for iron foundries which do not employ young persons, the listed industries do not operate in Northern Rhodesia. Article 3 of the Convention is applied by § 2 of the Ordinance, as read with §§ 9 and 10; paragraphs (a), (b) and (c) do not apply. Article 4 is enforced by § 11. No special conditions are imposed. The prohibition dealt with in Article 7 cannot be suspended.

Nyasaland.

The report repeats the information previously supplied.

St. Helena.

The report repeats the information previously supplied.

St. Lucia.

The report repeats the information previously supplied.

St. Vincent.

The report repeats the information previously supplied.

Sarawak.

The report repeats the information previously supplied and adds that paragraph 1 of Article 1 of the Convention is produced word for word in the legislation. No decisions were given in regard to paragraph 2 of this Article. The exceptions provided for in paragraph 2 of Article 2 do not exist.

Seychelles.

The report repeats the information previously supplied.

Sierra Leone.

The report repeats the information previously supplied and adds that an adequate definition of the line of division separating industry from commerce and agriculture is contained in the Employers and Employed Ordinance, 1934, as amended. The Governor may reduce the prohibited period to ten hours on 60 days of the year, but this provision has never been utilised. A copy of the report has been communicated to the Sierra Leone Council of Labour.

*Singapore.**Labour Ordinance.*

New legislation covering the requirements of the Convention is being prepared. The line of division, as required in Article 1, has not been defined. Young persons under 18 years of age may not be employed in any kind of labour other than domestic service, during the night. The term "night" is defined as a period of not less than 11 consecutive hours, including the interval between 10 p.m. and 5 a.m. There are no coal and lignite mines in Singapore. The prohibition of night work has not been suspended during the period under review. The Commissioner for Labour supervises the application of the legislation. Very few cases of disregard of the legislation have been notified. In future, the report will be communicated to the Labour Advisory Board.

Solomon Islands.

The report repeats the information previously supplied.

Swaziland.

The report repeats the information previously supplied.

Tanganyika.

The legislation is stricter than the provisions of the Convention, since it does not provide for the exceptions authorised under Articles 2, 3, 4 and 7 of the Convention. A provision to this effect will be included

in the new Employment Bill, which is in course of preparation.

The definition of industrial undertakings contained in Ordinance No. 5 of 1940 is in conformity with that given in the Convention. No specific definition is laid down by legislation other than that inherent in the definition of "industrial undertaking", but, as was stated in the report on Convention No. 5, some specified occupations have been exempted from the application of the provisions of the Ordinance. § 10 of the Ordinance prohibits the employment of young persons (defined as persons under 18 years of age) in any industrial undertakings between the hours of 5 p.m. and 7 a.m. The local legislation contains no provisions for the exceptions mentioned in paragraph 2 of Article 2. The industries mentioned in clauses (a), (b) and (c) of paragraph 2 of this Article do not exist in the territory. Moreover, no young persons are employed in the industries mentioned in clauses (d) and (e). The Ordinance defines "night" as the continuous period of 14 hours between 5 p.m. and 7 a.m.

The provisions of paragraphs 2 and 3 of Article 3 are not applicable, since this form of industrial employment does not exist in the territory. The legislation contains no provisions concerning the exceptions dealt with in paragraph 3 of Article 4. Articles 5 and 6 are not applicable in the territory.

The legislation contains no provision applying Article 7 of the Convention. The situation envisaged by this article does not exist in the territory.

The administration of the Ordinance is effected by the Labour Department, whose officers ensure its enforcement by means of regular and frequent inspections. No decisions were given by courts of law or other courts.

Tanganyika being primarily an agricultural country, very few young persons are employed in industry and few industrial undertakings operate regularly at night. There were no breaches of the provisions of the Convention and no observations from employers' or workers' organisations.

Copies of the report will be communicated to members of the Labour Board.

Trinidad and Tobago.

The report repeats the information previously supplied and adds that a copy of the report has been communicated to the Trinidad and Tobago Trades Union Council.

Uganda.

The report repeats the information previously supplied and adds that the term "night" is not expressly defined in the Employment of Children Ordinances. The Employment of Women Ordinance, No. 1 of 1936, defines the term "night" as in Article 3, paragraph 1, of the Convention.

In the Employment of Women (Amended) Ordinance, No. 11 of 1938, "women" are defined as all persons of the female sex without definition of age, therefore, female juveniles will come under this heading.

The application of the Convention is ensured by the labour commissioner. Night work in Uganda is uncommon but, where necessary, inspections are carried out by European and African officers of the Labour Department. No breaches of the legislation have been reported as a result of the inspections effected.

Zanzibar.

Decree No. 27 of 1948, to amend the Employment of Women, Children and Young Persons (Restriction) Decree of 1932.

The report repeats the information previously supplied.

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 representative employers' and workers' organisations.

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
Argentine Republic	30.11.1933	17.10.1949
Australia	28. 6.1935	5. 8.1949
Belgium	2. 2.1925	2.11.1949
Brazil	8. 6.1936	10.11.1949
Bulgaria	16. 3.1923	
Canada	31. 3.1926	10.10.1949
Chile	18.10.1935	7.11.1949
China	2.12.1936	
Colombia	20. 6.1933	
Cuba	6. 8.1928	5.10.1949
Denmark	12. 5.1924	4.10.1949
Dominican Republic	4. 2.1933	7.10.1949
Estonia	3. 3.1923	
Finland	10.10.1925	20.10.1949
Germany	11. 6.1929	
Greece	16.12.1925	9.11.1949
Hungary	1. 3.1928	
Ireland	4. 9.1925	17.11.1949
Italy	14. 7.1932	18.10.1949
Japan	7. 6.1924	
Latvia	3. 6.1926	
Luxembourg	16. 4.1928	4. 2.1950
Mexico	17. 8.1948	
Netherlands ¹	26. 3.1925	
Nicaragua	12. 4.1934	
Norway	7.10.1927	27.10.1949
Poland	21. 6.1924	15.11.1949
Rumania	8. 5.1922	
Spain	20. 6.1924	
Sweden	27. 9.1921	15.10.1949
United Kingdom	14. 7.1921	3.10.1949
Uruguay	6. 6.1933	17.11.1949
Venezuela	20.11.1944	17. 1.1950
Yugoslavia	1. 4.1927	

¹ Denunciation 8.7.1947.

Argentine Republic.

The report refers to the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Australia.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Belgium.

See under Convention No. 58.

Brazil.

See under Convention No. 58.

Canada.

The report repeats the information supplied for the period 1947-1948.

Chile.

The report refers to the information previously supplied and adds that copies of the report have been communicated to the representative employers' and workers' organisations.

Cuba.

The report repeats the information given for the period 1947-1948. Copies of the report will be communicated to the representative employers' and workers' organisations.

Denmark.

The report refers to the information previously supplied.

Dominican Republic.

The report refers to the information supplied for the period 1947-1948.

Finland.

The report repeats the information supplied for the period 1947-1948. Copies of the report have been communicated to the representative employers' and workers' organisations.

Greece.

The report repeats the information supplied for the preceding period and adds that the control of the age of young persons working on board vessels is ensured by the port authorities and the seamen's employment offices. Severe penalties are imposed for breaches of the regulations. Copies of the report have been communicated to the representative employers' and workers' organisations.

Ireland.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Italy.

The report repeats the information previously supplied and adds the following: the admission of children to employment at sea is now governed by § 119 of the Shipping Code, which differs from the provisions of the Convention in some respects but in the direction of better and fuller protection for children. Under Article 2 of the Convention, the report states that § 119 of the Shipping Code stipulates that Italian nationals under 14 years of age may not be entered in the register of seafarers and consequently they cannot obtain certificates to engage in the profession of seaman in any capacity. The exception authorised under this Article of the Convention for employment on vessels upon which only members of the same family are employed is not reproduced in the Code.

Under Article 4 of the Convention, the Government points out that the Code does not require shipmasters to keep a special register or list of the crew containing the names of all persons under 16 years of age employed on board, and their dates of birth. However, under §§ 170 and 171 of the Code, a list of the crew must be kept for vessels over a certain tonnage; in the case of smaller vessels a licence (*licenza*) is required. These documents must contain a list of all persons engaged for service on board, with an indication of their dates of birth.

The report contains detailed information regarding the methods by which compliance with the regulations is ensured by the maritime authorities under the Ministry of Marine, and adds that the standard of enforcement of the provisions of the Convention is stricter than that required by the Convention itself. Copies of the report have been communicated to the representative employers' and workers' organisations.

Luxembourg.

The report repeats the information previously supplied.

Norway.

The report refers to the information previously supplied and adds that copies of the report have been communicated to the representative employers' and workers' organisations.

Poland.

The report repeats the information previously supplied.

Sweden.

The report repeats the information previously supplied and adds that copies of the report have been communicated to the representative employers' and workers' organisations.

United Kingdom.

The report repeats the information supplied for the period 1947-1948. Copies of the report have been communicated to the representative employers' and workers' organisations.

Uruguay.

The report repeats the information supplied for the preceding year.

Venezuela.

Labour Act of 21 October 1947 (L.S. 1947, Ven. 2) to amend the Act of 16 July 1936 (L.S. 1936, Ven. 2), as amended in 1945 (L.S. 1945, Ven. 1).

The report repeats the information previously supplied.

NON-METROPOLITAN TERRITORIES
(ARTICLE 35 OF THE CONSTITUTION)

*Belgium**Belgian Congo and Ruanda-Urundi.*

Act of 5 June 1928 respecting seamen's articles of agreement, §§ 106 *et seq.* (L.S. 1928, Bel. 5 A).

The Belgian Congo has no seagoing fleet navigating under its own flag. The Belgian Act of 5 June 1928 applies to seamen's articles of agreement entered into by Natives of the Congo for service on board ships plying between Belgium and the colony.

Under § 103 of the Act, seamen under 16 years of age may not be required to serve on watch duty between 8 p.m. and 4 a.m.; seamen under 18 years of age may not be employed as trimmers or stokers. The medical practitioner responsible for the medical examination shall refuse to issue a certificate of employment to any seaman under 18 years of age if his physical capacity or the state of his health make him unfit for service on board ship. § 107 of the Act provides that, in the case of seamen who are Natives of the Belgian Congo, the minimum age may be reduced to 14 years for service on watch duty.

If a seaman who is a Native of the Belgian Congo has entered into an agreement in the territory of the Congo, the above-mentioned provisions are supplemented by a provision stipulating that a compulsory examination must be made regarding his fitness for work and his adult status, according to the corresponding provisions regarding the contract of employment (Decree of 16 March 1922 (§ 2)) and the provisions of the Ordinance of 8 December 1940, issued in application of this Decree (§ 6).

*Netherlands**Indonesia.*

The report refers to the information previously supplied.

*United Kingdom**Aden.*

The report repeats the information previously supplied.

Barbados.

The report repeats the information previously supplied. Copies of the report have been communicated to the Barbados Sugar Producers' Federation, the Shipping and Mercantile Association of Barbados and the Barbados Workers' Union.

Basutoland.

The Convention is inapplicable since Basutoland has no seaboard.

Bechuanaland.

No children of the territory are employed at sea.

British Guiana.

The report repeats the information previously supplied.

British Honduras.

The report repeats the information previously supplied.

British Somaliland.

Employment of Women, Young Persons and Children Ordinance, No. 6 of 1938.

Ordinance No. 6 applies Articles 1, 2, 3 and 4 of the Convention.

§ 4 (4) of the Ordinance prohibits the employment of children in any work, except to the extent to which, and in the circumstances in which, such employment is permitted under the Convention. This section does not apply to a child employed on a Native vessel (as defined in the Ordinance) or under the care of a relative who is a member of the crew and is a proper person to have care of such a child. Penalties for breaches of these provisions are laid down in § 6 (2) of the Ordinance.

Articles 2, 3 and 4 of the Convention are set out in the schedule to the Ordinance. Under § 4 (8) of the Ordinance masters of ships (except masters of Native vessels) are bound to keep a register of young persons employed. No ship has been registered in the protectorate and the few ships visiting the country are nearly all registered in the United Kingdom or in Aden. No special method of registration is prescribed in the territory. The Governor may authorise any officer of the Government to supervise the application of the Ordinance. For the reasons stated above, it has not been found necessary to appoint such an officer.

Brunei.

The report repeats the information previously supplied.

Cyprus.

The report repeats the information previously supplied. Copies of the report have been communicated to the Pan-Cyprian Federation of Labour, the Cyprus Workers' Confederation, the Cyprus-Turkish Trade Unions Federation, and the Association of Cyprus Industries.

Dominica.

The report repeats the information previously supplied.

Falkland Islands.

The report repeats the information previously supplied.

Fiji.

The Convention is applied. The master of the ship is required to keep a register of all young persons under 18 years of age. The Commissioner of Labour supervises the observance of the legislation. A copy of the report has been communicated to the Labour Advisory Board.

Gambia.

The report repeats the information previously supplied.

Gilbert and Ellice Islands.

The report repeats the information previously supplied.

Gibraltar.

The report repeats the information previously supplied and adds that, during the period under review, no persons under 16 years of age were taken into employment in locally registered ships. There were no contraventions.

Gold Coast.

The report repeats the information previously supplied. Copies of the report have been communicated to the Chamber of Mines, the chambers of commerce and the Trade Union Congress.

Grenada.

The report repeats the information previously supplied.

Hong Kong.

The report repeats the information previously supplied.

Kenya.

The report repeats the information previously supplied and adds that no observations were received from employers' and workers' organisations. Copies of the report have been made available to these organisations.

Federation of Malaya.

The report repeats the information previously supplied and adds that the Marine Department is entrusted with supervision of the legislation. A copy of the report has been communicated to the Federal Labour Advisory Board.

Malta.

The report repeats the information previously supplied, and adds that apprentices are excluded from the provisions of the present legislation. Legislation is contemplated, however, which will prohibit the employment of apprentices under 14 years of age. The present Education Ordinance makes school attendance compulsory up to the age of 14 years. No relaxation of the prohibition of employment of children is permitted in the case of vessels upon which only members of one single family are employed. Registers must be kept of all minors employed. The enforcement of the Ordinance is entrusted to the Department of Labour. In addition, the Collector of Customs and Superintendent of the Ports has the power to call in the registers referred to above; fines may be imposed in respect of any child or young person whose particulars are not recorded. A fairly high standard of compliance with the provisions of the Ordinance is being maintained. Copies of the report have been communicated to the General Workers' Union, the Chamber of Commerce, and the Federation of Malta Industries.

Mauritius.

The report repeats the information previously supplied.

Nigeria.

The report repeats the information previously supplied.

North Borneo.

The report repeats the information previously supplied and adds that in September 1949 there were twelve ships in the colony's register of shipping, all under 100 net register tons. Article 4 of the Convention has not been applied for the reasons mentioned in the report on Convention No. 5.

Northern Rhodesia.

The Convention is not applicable as Northern Rhodesia has no seaboard.

Nyasaland.

The Convention is inapplicable since Nyasaland has no seaboard. However, legislation is now under consideration providing similar safeguards with regard to the employment of children in lake shipping.

St. Helena.

The report repeats the information previously supplied.

St. Lucia.

The report repeats the information previously supplied and adds that the labour commission, and not the harbourmaster, is responsible for enforcement.

St. Vincent.

The report repeats the information previously supplied.

Sarawak.

The report repeats the information previously supplied.

Seychelles.

The report repeats the information previously supplied and adds that supervision of the application of the legislation has hitherto been hampered by the absence of a qualified labour officer. The possibility of obtaining a qualified officer from Mauritius is under consideration.

Sierra Leone.

The report repeats the information previously supplied. Copies of the report have been communicated to the Council of Labour.

Singapore.

Laws of the Straits Settlements, Chapter 150 (Merchant Shipping).

The term "ship" means "any seagoing boat of any description which is registered in the colony as a British ship, but does not include any tug, dredger or sludge vessel, barge, or other craft, whose ordinary course of navigation does not extend beyond the sea-wall limits of the jurisdiction of the harbour authority of the port at which such vessel is regularly employed". Children under the age of 14 years shall not be employed on ships other than ships in which only members of the same family are employed. Exemption is made for school-ships or training ships. The list specified in Article 4 of the Convention must be included in every agreement with the crew. The port officer supervises the application of the legislation. Young persons (under 18 years of age) must produce a medical certificate before entering into employment. In future, the report will be communicated to the Labour Advisory Board.

Solomon Islands.

The report repeats the information previously supplied.

Swaziland.

The Convention cannot be applied since Swaziland has no coastline.

Tanganyika.

The report repeats the information previously supplied and adds that the legislation contains no provisions for the exceptions authorised under Article 3; a provision to this effect will be included in the new Employment Bill, which is in course of preparation. The provisions of Article 4 will also be embodied in the new Employment Bill.

Under § 14 of the Native Vessels Ordinance (Chapter 114), the captain of a Native vessel must be issued with a list of the crew by the boat officer.

Vessels other than Native vessels call at four ports only in the territory, Dar-es-Salaam, Tanga, Lindi and Mtwara. All these ports are under the control of officers of the East African Railways and Harbours Administration, who work in close conjunction with the officers of the Labour Department. However, accurate determination of the ages of African children will remain impracticable until the enactment of legislation to require the compulsory registration of births. Copies of the report will be communicated to members of the Labour Board.

Trinidad and Tobago.

The report repeats the information previously supplied. A copy of the report has been communicated to the Trinidad and Tobago Trades Union Council.

Uganda.

The report repeats the information previously supplied and adds that the Uganda Employment Ordinance, No. 13 of 1946, requires all employers to keep a nominal roll of employees. No provision is made for a separate section in this register for young persons under 16 years of age.

Zanzibar.

Employment of Women, Children and Young Persons Decree, 1932, as amended by Decree No. 27 of 1948.

The publication of the Decree of 1948 has enabled the application of the Minimum Age (Sea) (Revised) Convention, 1936.

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 representative employers' and workers' organisations.

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
Argentine Republic	30.11.1933	17.10.1949
Australia	28. 6.1935	5. 8.1949
Belgium	2. 2.1925	2.11.1949
Bulgaria	16. 3.1923	
Canada	31. 3.1926	10.10.1949
Chile	18.10.1935	7.11.1949
Colombia	20. 6.1933	
Cuba	6. 8.1928	5.10.1949
Denmark	15. 2.1938	4.10.1949
Estonia	3. 3.1923	
Finland	20. 1.1950	
France	21. 3.1929	27.10.1949
Germany	4. 3.1930	
Greece	16.12.1925	9.11.1949
Ireland	5. 7.1930	17.11.1949
Italy	8. 9.1924	18.10.1949
Latvia	29. 8.1930	
Luxembourg	16. 4.1928	4. 2.1950
Mexico	20. 5.1937	21.11.1949
Netherlands	15.12.1937	12. 1.1950
Nicaragua	12. 4.1934	
Norway	21. 7.1936	27.10.1949
Poland	21. 6.1924	15.11.1949
Rumania	10.11.1930	
Spain	20. 6.1924	
Sweden	1. 1.1935	15.10.1949
United Kingdom	12. 3.1926	3.10.1949
Uruguay	6. 6.1933	17.11.1949
Yugoslavia	30. 9.1929	

Argentine Republic.

The report refers to the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Australia.

There has been no change since the submission of the last report. Copies of the report have been communicated to the representative employers' and workers' organisations.

Belgium.

According to the maritime authorities, the term "loss through shipwreck" covers not only loss through the complete destruction of the vessel but any other accidents at sea which lead to the abandoning of a ship, and which may be assimilated to total loss. Damage which does not cause the abandoning of the ship must be considered as a case of *force majeure* covered by § 52 of the Act of 5 June 1928.

As regards unemployment resulting from loss through shipwreck, it is clear from § 53

of the Act that, where a seaman is paid by the voyage, he shall be paid the wages agreed upon without any additional compensation, but if a seaman is paid by the month and loses his ship through shipwreck two or three days before the return to the home port he is entitled to compensation for the actual period of the resulting unemployment, up to a maximum period of two months. The unemployment indemnity is calculated on the same basis as wages due, and may be recovered through the same proceedings. In case of dispute, the seaman may have recourse to the probiviral court, after an attempt at conciliation before the Maritime Commissioner. The number of seamen protected (merchant navy and fishing fleet) is approximately 5,000. During the period under review, indemnities were paid in three cases of shipwreck, covering 75 beneficiaries. Copies of the report have been communicated to the representative employers' and workers' organisations.

Canada.

The report repeats the information previously supplied.

Chile.

Decree No. 178 of 5 February 1949, to approve the regulations respecting seamen's articles of agreement.

The above Decree contains provisions relating to indemnities in case of shipwreck. During 1948, one vessel of 377 tons and two small river craft were lost. The seafarers concerned received the statutory indemnities. The legislation covers 3,917 seamen and 1,640 officers. Copies of the report have been communicated to the representative employers' and workers' organisations.

Cuba.

The report repeats the information previously supplied and includes a copy of the Message sent by the President to the Senate with regard to the observations made by the Committee of Experts concerning the amendments required to bring Cuban legislation into harmony with the provisions of the Convention. There were no cases of shipwreck. The number of seamen employed on board Cuban ships and covered by the national legislation is estimated at approximately 500. The report will be communicated to the employers' and workers' organisations.

Denmark.

The report refers to the information previously supplied.

France.

No changes have taken place since the last report. Approximately 132,000 seamen are covered by the Convention. Copies of the report have been communicated to the representative employers' and workers' organisations.

Greece.

The report refers to the information previously supplied and adds that, although no statistics are available, it can be estimated that 200 seamen received indemnities as the result of 54 shipwrecks of small vessels. Copies of the report have been communicated to the representative employers' and workers' organisations.

Ireland.

The report repeats the information previously supplied and adds that, during the period under review, there were no cases of the loss or foundering of a vessel. Copies of the report have been communicated to the representative employers' and workers' organisations.

Italy.

The term "loss through shipwreck" relates to cases where the crew becomes unemployed, whether or not the ship is completely lost. Compensation is paid from the date on which the shipwreck occurs. The indemnity paid by the shipowner includes a food allowance in addition to the basic salary. No special provision limits this indemnity to two months' salary. Claims for indemnities by seamen are within the special jurisdiction of the harbour-masters. The Ministry of Merchant Marine is responsible for the application of the Convention. Copies of the report have been communicated to the representative employers' and workers' organisations.

Luxembourg.

The Convention calls for no practical application in the Grand Duchy.

Mexico.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Netherlands.

§ 450 of the Commercial Code provides that compensation is paid for the duration of unemployment as the result of the loss of a vessel by shipwreck; the amount of compensation is, in principle, equal to the part of the wages fixed in money. The judicial authorities are entrusted with the application of § 450 and the Shipping Council must give its award respecting the cause of the disaster. During the period under review, two shipwrecks occurred; nine persons were paid the statutory indemnity. A copy of the report has been communicated to the Labour Foundation.

Norway.

The report refers to the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Poland.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Sweden.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

United Kingdom.

The report repeats the information supplied for the period 1947-1948. Copies of the report have been communicated to the representative workers' and employers' organisations.

Uruguay.

The report repeats the information supplied for the period 1948-1949.

NON-METROPOLITAN TERRITORIES
(ARTICLE 35 OF THE CONSTITUTION)

*Australia**Papua-New Guinea.*

The report repeats the information previously supplied and adds that supervision is entrusted to the Harbour Master's Branch of the Department of Customs and Marine. Native seamen had been excluded from the protection of the two Ordinances of 1937, as it was considered that they were effectively protected by the terms of their employment under the respective Native Labour Ordinances in force at that time. Under the Native Labour Ordinance, 1946, for the territory of Papua-New Guinea, the employment of Natives as seamen is permitted either under contract, or under Part 9 of the Ordinance, which allows employment without contract. The protection originally contained in the separate Ordinances therefore no longer exists and steps are now being taken to remove the exclusions in question.

*Belgium**Belgian Congo and Ruanda-Urundi.*

Act of 5 June 1928, to issue regulations for seamen's articles of agreement, § 53 (L.S. 1928, Bel. 5A).

The Belgian Congo has no seagoing fleet navigating under its own flag. The Belgian Act of 5 June 1928 applies to seamen's articles of agreement entered into by Natives of the Congo for service on board ships plying between Belgium and the colony. Under these articles of agreement, the payment of unemployment indemnities in the event of the loss of the vessel by shipwreck is settled in accordance with Belgian legislation (§ 53 of the above-mentioned Act).

*Netherlands**Indonesia.*

The report refers to the information previously supplied.

Netherland West Indies.

The report repeats the information previously supplied.

Surinam.

The report repeats the information previously supplied.

*United Kingdom**Aden.*

The report repeats the information previously supplied.

Barbados.

No Order in Council applying the provisions of the United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925, has been issued but these provisions are observed in respect of all foreign-going ships. Ships of under 250 tons gross register tonnage are exempted from the provisions while engaged in inter-colonial voyages because of the inability of some local employers to pay wages up to the time that the crew reach their home port.

Basutoland.

The Convention is inapplicable since Basutoland has no seaboard.

Bechuanaland.

The Convention is not applicable to the territory.

British Guiana.

The report repeats the information previously supplied.

British Honduras.

The report repeats the information previously supplied.

British Somaliland.

There are no legislative or administrative provisions which apply the provisions of the Convention. No shipping is registered in the protectorate and practically all shipping arriving in the country is registered either in the United Kingdom or in Aden.

Brunei.

The report repeats the information previously supplied and adds that the Convention is applied. It has not been considered necessary to apply the provisions of Article 2 of the Convention. The indemnity payable under Article 3 has been limited to two months' wages. Seamen may institute a lawsuit in order to recover wages.

Cyprus.

The report repeats the information previously supplied and adds that the ships on the Cyprus Register now number 23 small sailing vessels and one small steamer, totaling 927 gross tons. § 1 of the Merchant Shipping Act of 1894 was partly repealed by the British Nationality Act, 1948, which came into force on 1 January 1949, and owners of Cyprus ships have been required since that date to change their registries into British. Cyprus registration of ships will therefore eventually lapse. Only about 110 seamen are employed, mainly on a "share" basis of the profits earned, and no claims of indemnity have been reported. Copies of the report have been communicated to the Pan-Cyprian Federation of Labour, the Cyprus Workers' Confederation, the Cyprus-Turkish Trade Unions Federation, and the Association of Cyprus Industries.

Dominica.

The report repeats the information previously supplied.

Falkland Islands.

The report repeats the information previously supplied.

Fiji.

Articles 1 and 2 of the Convention are covered by the legislation in force. For the purposes of Article 3, seamen have the same remedy as they have for recovering arrears of wages, *i.e.*, by civil action in a court of law. The Commissioner of Labour supervises the observance of the legislation. A copy of the report has been communicated to the Labour Advisory Board.

Gambia.

The report repeats the information previously supplied.

Gibraltar.

The report repeats the information previously supplied.

Gilbert and Ellice Islands.

The report repeats the information previously supplied.

Gold Coast.

The report repeats the information previously supplied.

Grenada.

The report repeats the information previously supplied.

Hong Kong.

The report repeats the information previously supplied and adds that during the period under review two cases were reported of the foundering of ships registered at Hong Kong.

Kenya.

The Convention is not applicable to Kenya. With the exception of Native vessels, no vessels have been registered in Mombasa, the only harbour in Kenya.

Federation of Malaya.

Merchant Shipping Ordinances and Enactments in the various States.

"Ship" includes every description of vessel used in navigation not propelled by oars. "Seaman" includes every person except masters, pilots and apprentices duly indentured and registered, employed or engaged in any capacity on board ship.

In the event of the wreck or loss of a ship a seaman who becomes unemployed is entitled to his wages up to a maximum period of two months. Article 2 of the Convention is applied. Claims for wages may be recovered by suit in the appropriate court. The Marine Department is entrusted with the application of the legislation. A copy of the report has been submitted to the Federal Labour Advisory Board.

Malta.

The report repeats the information previously supplied, and adds that the indemnity is limited to two months' wages. The term "wages" is interpreted to mean the basic wages as indicated in the articles of agreement, but where no food is provided by the owner, the wages are higher than normal. The Civil Code (Chapter 23) provides that seamen shall have the same remedies for recovering indemnities as they have for recovering arrears of wages. The application of the legislation and administrative regulations is entrusted to the Collector of Customs and Superintendent of Ports, and control is exercised by the Shipping Master. Copies of the report have been communicated to the General Workers' Union, the Chamber of Commerce, and the Federation of Malta Industries.

Mauritius.

Merchant Shipping (Colonies) Order, 1927.
Government Notice No. 239 of 1927.

No legislation has been enacted to give effect to the Convention. There are only four vessels registered in Mauritius which would leave the crew unemployed if shipwrecked. The Merchant Shipping (Colonies) Order, 1927, applies to vessels registered in Mauritius. § 1 (1) of the Act requires the shipowner to pay the wages of a shipwrecked crew for a period of two months if suitable

employment cannot be found for them in the meantime (Government Notice No. 239 of 1927).

Nigeria.

The report repeats the information previously supplied.

North Borneo.

The report repeats the information previously supplied and adds that in September 1949 there were 12 ships in the colony's register of shipping of less than 100 net register tons.

Northern Rhodesia.

The Convention is not applicable as Northern Rhodesia has no sea coast.

Nyasaland.

The Convention is not applicable since Nyasaland has no seaboard.

St. Helena.

The report repeats the information previously supplied.

St. Lucia.

The report repeats the information previously supplied.

St. Vincent.

The report repeats the information previously supplied.

Sarawak.

The report repeats the information previously supplied.

Seychelles.

The report repeats the information previously supplied.

Sierra Leone.

The report repeats the information previously supplied and adds that no vessels were lost during the period under review.

Singapore.

Laws of the Straits Settlements, Merchant Shipping Ordinance, Chapter 150.

The term "seamen" is defined as "all persons, except masters, pilots and appren-

tices, duly indentured and registered, employed or engaged in any capacity on board any ship". The term "ship" is defined as "every description of vessel used in navigation, not propelled by oars". In case of the wreck or loss of a ship, the seaman is entitled to compensation for all the days on which he is unemployed within a prescribed period. He shall not be entitled to wages if the owner shows that unemployment was not due to the wreck or loss of the ship. The seaman has the right to sue before any district court. Orders made by the court are final.

Solomon Islands.

The report repeats the information previously supplied and adds that no vessels were lost during the period under review. At present, 320 men are employed on board vessels.

Swaziland.

The Convention cannot be applied since Swaziland has no coastline.

Tanganyika.

The report repeats the information previously supplied.

Trinidad and Tobago.

The report repeats the information previously supplied. Copies of the report have been communicated to the Trinidad and Tobago Trades Union Council.

Uganda.

Lake shipping traffic is not of sufficient volume to warrant legislation to give effect to the provisions of the Convention.

Zanzibar.

The Convention has not been applied in Zanzibar. The voyages in 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 temporary lack of employment owing to the foundering of a vessel, except in the case of a foreign vessel. In such cases, 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, of repatriation and payment of arrears of wages earned are recoverable by ordinary processes of law.

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 Republic	30.11.1933	17.10.1949
Australia	3. 8.1925	28. 9.1949
Belgium	4. 2.1925	2.11.1949
Bulgaria	16. 3.1923	
Chile	18.10.1935	7.11.1949
Colombia	20. 6.1933	
Cuba	6. 8.1928	5.10.1949
Denmark	23. 8.1938	4.10.1949
Estonia	3. 3.1923	
Finland	7.10.1922	20.10.1949
France	25. 1.1928	27.10.1949
Germany	6. 6.1925	
Greece	16.12.1925	9.11.1949
Italy	8. 9.1924	18.10.1949
Japan	23.11.1922	
Latvia	3. 6.1926	
Luxembourg	16. 4.1928	4. 2.1950
Mexico	1. 9.1939	21.11.1949
Netherlands	9. 1.1948	12. 1.1950
New Zealand	29. 3.1938	11. 1.1950
Nicaragua	12. 4.1934	
Norway	23.11.1921	27.10.1949
Poland	21. 6.1924	15.11.1949
Rumania	10.11.1930	
Spain	23. 2.1931	
Sweden	27. 9.1921	15.10.1949
Uruguay	6. 6.1933	17.11.1949
Yugoslavia	30. 9.1929	

Argentina Republic.

The report refers to the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Australia.

There has been no change since the submission of the last report. The total number of seamen engaged in the Australian shipping industry during the year ended 30 June 1949 was 10,094, and the number of engagements and re-engagements of seamen (including officers) in Australian ports during the same period was 32,263. The estimated daily average number of seamen (excluding officers) unemployed at the principal Australian ports during the above period was 307. Copies of the report have been communicated to the representative employers' and workers' organisations.

Belgium.

The report contains a detailed comparative analysis of the provisions of the Belgian legislation (and in particular of the Act of 16 June 1928), already mentioned in previous reports, and of the provisions of the Convention. The number of seamen available in the "Pool" at the end of June 1949 amounted to 203 (unemployed seamen); the total strength of crews on Belgian ships

was approximately 3,000. Copies of the report have been communicated to the representative employers' and workers' organisations.

Chile.

Decree No. 178 of 5 February 1949, to approve regulations respecting seamen's articles of agreement.

Twenty-seven public and free employment offices for harbour workers, six offices for seamen and one office for inland navigation functioned during the period under review. A total of 1,640 officers and 3,917 seamen registered for employment; the resulting placings were 1,472 and 2,175 respectively.

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

Cuba.

The report repeats the information previously supplied. Appended to the report are copies of returns from the various harbour-masters, showing that no placing operations took place during the year.

Denmark.

The Government refers to the information previously supplied and adds that 11,555 engagements were effected through the medium of the public shipping offices during the period 1 October 1948-30 June 1949.

Finland.

The report, which repeats the information for 1947-1948, has been communicated to the representative employers' and workers' organisations.

France.

No amendments have been made since the previous report. Seamen who have been unable to find stable employment and are without a ship may either register with a labour exchange or with a maritime employment office which operates as an occupational section of the departmental manpower office. During the past year, many new specialised employment offices (in future, State organisations) were established or reorganised. Copies of the report have been communicated to the representative employers' and workers' organisations.

Greece.

The report analyses the provisions of Act No. 192 of 30 September 1936 mentioned

in previous reports. During the period under review, there were 1,830 further requests for registration from seamen; 12,667 unemployed seamen also registered, making a total of 14,497 requests for enlistment; 12,590 placings were effected. Copies of the report have been communicated to the representative employers' and workers' organisations.

Italy.

The report analyses the legislative provisions previously mentioned. Copies of the report have been communicated to the representative employers' and workers' organisations.

Luxembourg.

The Convention calls for no practical application in the Grand Duchy.

Mexico.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Netherlands.

The report repeats the information previously supplied. During the period under review, the three offices in Rotterdam, Amsterdam and Groningen, which are specially concerned with the placing of seamen, registered 6,390 applications and 6,600 vacancies; a total number of 5,190 seamen was placed in employment. Copies of the report have been communicated to the Labour Foundation.

New Zealand.

The report repeats the information previously supplied and adds that during the period 1 October 1948-30 June 1949 a total of 224 persons in the "water transport" group were placed in employment. Copies of the report have been communicated to the representative employers' and workers' organisations.

Norway.

Seamen's employment exchange facilities in small ports, where separate seamen's exchanges do not exist, have been established in accordance with the provisions of the Employment Act of 1947, as announced in the Government's former report. The Seamen's Board appoints experienced personnel officers, qualified to deal with seafarers, to carry out the placing and signing-on of seafarers. District seamen's employment offices have been set up in 16 towns, the personnel officer in charge being responsible to a district office. A collective agreement has been concluded between the representative employers' and workers' organisations

concerning the placing and signing-on of seafarers as covered by the provisions of the Act. The agreement has been endorsed by the Decree of 17 June 1949.

Poland.

The report repeats the information previously supplied and adds that, during the period covered by the report, there was no unemployment among seamen.

Sweden.

The report repeats the information previously supplied and adds that, during the period 1 October 1948-30 June 1949, 49,554 seamen registered for employment; the number of vacancies was 31,818 and the number of placings effected was 30,037. During the same period, 5,444 foreign seamen reported to the public employment service, 2,837 of whom were placed in employment.

Uruguay.

The report repeats the information given for the period 1947-1948.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Belgium

Belgian Congo and Ruanda-Urundi.

There are no regulations concerning the placing of seamen who are Natives of the Belgian Congo.

Netherlands

Indonesia.

The report refers to the information furnished for the period 1947-1948.

Netherland West Indies.

Commercial Code, § 556.

Articles 1, 2, 3, 4, 6, 7, 8 and 9 of the Convention are applied. Article 5 of the Convention has not been applied because it has not been considered necessary to set up the committees provided for in this Article. As the system referred to in Article 10, paragraph 1, of the Convention is not similar to the system now in force in the territory, no details can be provided. The harbour police supervise the application of the legislation. Owing to the fact that the application of the legislation is exclusively within the competence of the administration, it has not been considered necessary to promulgate the Convention.

Surinam.

The report repeats the information previously supplied.

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
Argentine Republic	26. 5. 1936	17. 10. 1949
Austria	12. 6. 1924	3. 11. 1949
Belgium	13. 6. 1928	2. 11. 1949
Bulgaria	6. 3. 1925	
Chile	18. 10. 1935	7. 11. 1949
Cuba	22. 8. 1935	5. 10. 1949
Czechoslovakia	31. 8. 1923	2. 1. 1950
Dominican Republic	4. 2. 1933	7. 10. 1949
Estonia	8. 9. 1922	
Hungary	2. 2. 1927	
Ireland	26. 5. 1925	17. 11. 1949
Italy	8. 9. 1924	18. 10. 1949
Japan	19. 12. 1923	
Luxembourg	16. 4. 1928	4. 2. 1950
New Zealand	8. 7. 1947	11. 1. 1950
Nicaragua	12. 4. 1934	
Poland	21. 6. 1924	15. 11. 1949
Rumania	10. 11. 1930	
Spain	29. 8. 1932	
Sweden	27. 11. 1923	15. 10. 1949
Uruguay	6. 6. 1933	17. 11. 1949

Argentine Republic.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Austria.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Belgium.

The report repeats the information given for the period 1947-1948. Copies of the report have been communicated to the representative employers' and workers' organisations.

Chile.

The report repeats the information previously supplied. Appended to the report is the text of a decision given by the Court of Valparaíso on 10 November 1948, concerning a sentence against an employer who employed a person under 18 years of age without the permission of the competent

authority and without ascertaining whether or not the minor had finished his schooling. Copies of the report have been communicated to the representative employers' and workers' organisations.

Cuba.

The report repeats the information previously supplied. Copies of the report will be communicated to the representative employers' and workers' organisations.

Czechoslovakia.

The report repeats the information previously supplied. Copies of the report have been communicated to the Central Council of Trade Unions and the Confederation of Czechoslovak Employers' Organisations.

Dominican Republic.

The report refers to the information supplied for the period 1947-1948.

Ireland.

The report repeats the information supplied for the period 1947-1948. Copies of the report have been communicated to the representative employers' and workers' organisations.

Italy.

The report repeats the information supplied for the preceding period and adds that new regulations are under consideration by the Minister of Public Instruction with a view to rendering more effective the application of the existing legislation. The legislation contains no detailed provisions regarding employment outside the hours fixed for compulsory school attendance; special standards in this connection will be laid down in the above-mentioned regulations. In rural centres which are comparatively well-developed and industrialised, the regulations regarding compulsory school attendance are observed by a higher percentage of children. Difficulties are encountered in applying the legislation in certain provinces where a large number of schools were

destroyed as a result of the war. Other difficulties, which are gradually being overcome, lie in the fact that parents employ their children on work of a family nature, in particular, at the busiest periods of work in connection with sowing and harvesting. However, the situation in this respect is becoming normal in view of the rapid recovery of the national economy and of the constant improvement in living conditions. Once the proposed new schools are opened for country districts, the situation as regards compulsory school attendance is improved, and supervision is increased, it is hoped that, at an early date, the difficulties referred to above will be eliminated.

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

Luxembourg.

The report repeats the information previously supplied.

New Zealand.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Poland.

The report repeats the information previously supplied. A copy of the report has been communicated to the Central Committee of Polish Trade Unions.

Sweden.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Uruguay.

The report repeats the information previously supplied.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Belgium

Belgian Congo and Ruanda-Urundi.

Decree of 16 March 1922, respecting contracts of employment (§ 2).

Ordinance of 8 December 1940, respecting the hygiene and safety of workers (§§ 6-8).

No distinction is made between industrial and agricultural work. Both industrial and agricultural workers must hold a medical certificate attesting their physical fitness for the work for which they are employed; if such is not the case, the certificate must state whether the worker is fit for certain specified light work.

The application of these provisions is entrusted to the officials mentioned under § 23 of the Ordinance of 8 December 1940, that is, to officials responsible for industrial and labour inspection, officials and agents of the territorial service and to approved medical practitioners.

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
Argentine Republic	26. 5. 1936	17. 10. 1949
Austria	12. 6. 1924	3. 11. 1949
Belgium	19. 7. 1926	2. 11. 1949
Bulgaria	6. 3. 1925	
Burma ¹	11. 5. 1923	5. 12. 1949
Chile	15. 9. 1925	7. 11. 1949
China	27. 4. 1934	
Colombia	20. 6. 1933	
Cuba	22. 8. 1935	5. 10. 1949
Czechoslovakia	31. 8. 1923	2. 1. 1950
Denmark	20. 6. 1930	4. 10. 1949
Estonia	8. 9. 1922	
Finland	19. 6. 1923	20. 10. 1949
France	23. 3. 1929	27. 10. 1949
Germany	6. 6. 1925	
India	11. 5. 1923	15. 12. 1949
Ireland	17. 6. 1924	17. 11. 1949
Italy	8. 9. 1924	18. 10. 1949
Latvia	9. 9. 1924	
Luxembourg	16. 4. 1928	4. 2. 1950
Mexico	20. 5. 1937	21. 11. 1949
Netherlands	20. 8. 1926	12. 1. 1950
New Zealand	29. 3. 1938	11. 1. 1950

¹ See footnote 2 to Convention No. 1.

Countries	Date of registration of ratification	Reports received
Nicaragua	12. 4. 1934	
Norway	11. 6. 1929	27. 10. 1949
Pakistan ²	11. 5. 1923	17. 10. 1949
Peru	8. 11. 1945	31. 1. 1950
Poland	24. 6. 1924	15. 11. 1949
Rumania	10. 11. 1930	
Spain	29. 8. 1932	
Sweden	27. 11. 1923	15. 10. 1949
Switzerland	23. 5. 1940	14. 10. 1949
United Kingdom	6. 8. 1923	3. 10. 1949
Uruguay	6. 6. 1933	17. 11. 1949
Venezuela	20. 11. 1944	17. 1. 1950
Yugoslavia	30. 9. 1929	

² See footnote 3 to Convention No. 1.

Argentine Republic.

The report refers to the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Austria.

The report repeats the information previously supplied and adds that the Act of 2 June 1948 respecting agricultural work, which contains provisions regarding freedom of association, is being introduced into the legislation of the various provinces. The federal province of Vienna has already promulgated Act No. 22 of 1949; similar action is expected shortly in other provinces. Copies of the report have been communicated to the representative employers' and workers' organisations.

Belgium.

The report, which repeats the information previously supplied, has been communicated to the representative employers' and workers' organisations.

Burma.

Constitution of the Union of Burma.
Agricultural Labourers' Minimum Wage Act, 1948.
Trade Unions (Amendment) Act, 1949.

§ 31 of the Burmese Constitution provides for State assistance to workers' organisations and for their protection by legislative measures. § 7 of the Agricultural Labourers' Minimum Wage Act, 1948, gives agricultural labourers the right to form and join associations for the purpose of improving their living conditions and obtaining higher wages. The Trade Unions (Amendment) Act, 1949 was promulgated on 8 April 1949, but has not yet been enforced. No agricultural unions have been registered under the Trade Unions Act but there exist a few such unions, among which "The All Burma Peasants' Union" has a large following. Copies of the report will be sent to the representative employers' and workers' organisations.

Chile.

Reference is made to previous reports, as well as to the observation made in 1949 by the Conference Committee on the Application of Conventions. In reply to this observation, the report states that consideration is being given to the possibility of securing from the National Congress the amendment of § 14 of Act No. 8811 (§ 431 of the Labour Code), which prohibits the association or combination of agricultural unions.

The reports of the inspection services indicate that agricultural workers have not shown any marked interest in the formation of trade unions. However, a few such bodies have been registered or are about to be recognised; most of these unions have only a limited membership.

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

Cuba.

No change has taken place in the application of the Convention. Copies of the report have been communicated to the representative employers' and workers' organisations.

Czechoslovakia.

The report refers to the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Denmark.

Reference is made to previous reports.

Finland.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

France.

The report, which repeats the information previously supplied, has been communicated to the representative employers' and workers' organisations.

India.

The report, which repeats the information previously supplied, has been communicated to the representative employers' and workers' organisations.

Ireland.

Reference is made to the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Italy.

The report repeats the statement made in the report for the period 1947-1948, to the effect that there are at present no legislative provisions concerning trade union organisation, but that the competent authorities are examining the possibility of introducing legislative provisions based on § 39 of the new Constitution. Copies of the report have been communicated to the representative employers' and workers' organisations.

Luxembourg.

Reference is made to the information previously supplied.

Mexico.

The report, which repeats the information previously supplied, has been communicated to the representative employers' and workers' organisations.

Netherlands.

The report, which repeats the information previously supplied, has been communicated to the representative employers' and workers' organisations.

New Zealand.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Norway.

The report, which repeats the information previously supplied, has been communicated to the representative employers' and workers' organisations.

Pakistan.

The report repeats the information previously supplied and adds that trade unionism has not yet developed among agricultural workers. Copies of the report have been communicated to the representative workers' organisations and to the important chambers of commerce.

Peru.

Political Constitution of Peru of 29 March 1933 (§§ 27 and 69).

Resolution of 3 September 1920, respecting organisations of industrial and agricultural workers (Yanaconas).

Decree of 23 March 1936, respecting the supervision by the Directorate-General of Labour of the functioning of workers' mutual aid societies, as supplemented by the Decree of 4 July 1938 and amended by the Decree of 17 December 1945.

Civil Code of 30 April 1936 (§ 72).

The national legislation concerning workers' right of association is of a general character and applies to all workers. There are no legislative or administrative provisions governing the rights of agricultural workers as such. § 27 of the Constitution recognises freedom of association as a social right.

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

Poland.

Trade Union Act of 1 July 1949.

The above Act repeals all prior provisions which limited workers' rights of association and subjected the activities of trade unions to supervision by the administrative authorities. Copies of the report have been communicated to the Central Committee of Polish Trade Unions.

Sweden.

The report, which repeats the information previously supplied, has been communicated to the representative employers' and workers' organisations.

Switzerland.

The report refers to previous information. Copies have been communicated to the representative employers' and workers' organisations.

United Kingdom.

The report, which refers to the information previously supplied, has been communicated to the representative employers' and workers' organisations.

Uruguay.

The report repeats the statement made in the report for the period 1947-1948, to the effect that draft legislation on trade unions is still before the legislative authority.

Venezuela.

The report repeats the information previously supplied and adds that, during the period under review, the number of permanent special labour commissioners (labour inspectors) was reduced from 131 to 112.

NON-METROPOLITAN TERRITORIES
(ARTICLE 35 OF THE CONSTITUTION)

*Belgium**Belgian Congo and Ruanda-Urundi.*

Legislative Order of 17 March 1946, respecting Native occupational organisation.

Ordinance of 10 May 1946, respecting the organisation of Native trade unions (L.S. 1946, Bel. 10).

No discrimination is made between agricultural, industrial and other workers with regard to the right of association and combination.

§ 1 of the Legislative Order of 17 March 1946 provides that Native workers of the Congo and neighbouring colonies employed in the administration, in industry, commerce, agricultural or the liberal professions, either in the same or in allied or similar occupations, may form Native trade unions established with a view to studying, protecting and developing the occupational and social interests of their members. The establishment of trade unions is subject to certain conditions and to the approval of the district authorities; an appeal may be made to the superior authority. The local administrative officer or his delegate is kept informed of the activities of the trade unions; he may be present at meetings and may obtain copies of the documents and records of the trade unions.

Native workers in various branches of industry have constituted occupational organisations, but agricultural workers have so far shown no desire to become members.

*Netherlands**Indonesia.*

The report refers to the information supplied for the previous period.

Netherland West Indies.

The report repeats the information previously supplied.

Surinam.

The right of association is laid down in the Constitution. No distinction is made between industrial and agricultural workers. The Attorney-General supervises the application of this principle.

*United Kingdom**Aden.*

The report repeats the information previously supplied.

Barbados.

The report repeats the information previously supplied and adds that a large number of agricultural workers are now members of a trade union. Copies of the report have been communicated to the Barbados Sugar Producers' Federation, the Shipping and Mercantile Association of Barbados and the Barbados Workers' Union.

Basutoland.

Trade Union and Trade Disputes Proclamation, No. 17 of 1942, as amended by Proclamation No. 1 of 1949.

This legislation does not discriminate against agricultural workers in any way. The Convention can accordingly be regarded as applying to the territory.

Bechuanaland.

No legislation has been enacted and no administrative regulations issued, since there is no association or combination of agricultural workers.

British Guiana.

The report repeats the information previously supplied.

British Honduras.

The report repeats the information previously supplied.

British Somaliland.

There are neither legislative nor administrative provisions applying the Convention. The majority of the population of the protectorate are nomads who tend their stock in tribal or family units. Agriculture does not exist on any extensive scale and

there are virtually no persons employed for agricultural purposes.

Article 1 of the Convention has not been applied, but the rights of association of agricultural workers are the same as those of industrial workers. Trade unions are regulated under the Trade Unions and Trade Disputes Ordinance, No. 8 of 1944, as amended by Ordinance No. 11 of 1947.

Brunei.

The report repeats the information previously supplied.

Cyprus.

The Trade Unions and Trade Disputes Law, No. 4 of 1949.

The above law gives full effect to the Convention. There are no legislative or other provisions restricting the rights of association and combination of persons engaged in agriculture. The application of the legislation is entrusted to the Registrar of Trade Unions. At the end of the year under review, there were eight registered trade unions of agricultural workers with 11 branches and a total membership of 840. Copies of the report have been communicated to the Pan-Cyprian Federation of Labour, the Cyprus Workers' Confederation, the Cyprus-Turkish Trade Unions Federation and the Association of Cyprus Industries.

Dominica.

The report repeats the information previously supplied.

Falkland Islands.

The report repeats the information previously supplied.

Fiji.

Organisations of agricultural workers registered under the legislation are of two kinds, namely, organisations of wage-earning employees (*e.g.*, Sugar Workers' Union) and organisations of sugar-cane farmers as such. The purpose of including the last category of organisations within the scope of the Industrial Associations Ordinance is to provide them with facilities for collective bargaining, because the sugar canes are all sold to one manufacturer. There are seven farmers' organisations. A copy of the report has been communicated to the Labour Advisory Board.

Gambia.

The report repeats the information previously supplied.

Gibraltar.

The report repeats the information previously supplied.

Gilbert and Ellice Islands.

The report repeats the information previously supplied.

Gold Coast.

The report repeats the information previously supplied. Copies of the report have been communicated to the Chamber of Mines, the chambers of commerce and the Trade Union Congress.

Grenada.

The report repeats the information previously supplied and adds that the following legislation was enacted: The Trade Union and Trade Disputes Ordinance, No. 5 of 1948.

Hong Kong.

The report repeats the information previously supplied.

Kenya.

The report repeats the information previously supplied and adds that no observations have been received from employers' and workers' organisations. Copies of the report have been made available to these organisations.

Federation of Malaya.

F.M.S. Enactment No. 11 of 1940 (extended throughout all the States and Settlements by Ordinance No. 12 of 1946).
Registration of Societies laws in various States.

The application of the legislation is entrusted to the Registrar of Trade Unions, the Department of the Trade Union Adviser and the Department of Labour, in close contact with a Labour and Trade Union Liaison Committee, of which the Registrar of Trade Unions, the Trade Union Adviser and the Commissioner for Labour are members and chairman respectively. A copy of the report has been communicated to the Federal Labour Advisory Board.

Malta.

The report repeats the information previously supplied, and adds that the application of the legislation is entrusted to the Registrar of Trade Unions. Farming in Malta is mainly of the peasant type and no association of agricultural employees has so far been registered as a trade union under the Ordinance. Copies of the report have been communicated to the General Workers' Union, the Chamber of Commerce and the Federation of Malta Industries.

Mauritius.

The report repeats the information previously supplied and adds that no distinction has ever been made between industrial and agricultural workers regarding rights of

association and combination. In practice, the latter have much greater difficulty in building up effective trade unions owing to their isolation and lack of education.

Nigeria.

The report repeats the information previously supplied.

North Borneo.

The report repeats the information previously supplied.

Northern Rhodesia.

The provisions of the Convention are embodied in the Trade Unions and Trade Disputes Bill which has recently been enacted. The application and administration of the trade union legislation, until recently in force under the provisions of the Imperial Acts Extension Ordinance, is ensured by the Commissioner for Labour and Mines, with the assistance of the specially appointed trade union labour officer. No trade union of agricultural workers has yet been formed.

Nyasaland.

Government Notice No. 86 of 1949.

Regulations concerning the registration of trade unions have been issued. No associations of agricultural workers have yet applied for registration.

St. Helena.

The report repeats the information previously supplied.

St. Lucia.

The Convention is applied in the territory. As there is no legislation restricting the rights of association and combination of agricultural workers, all workers are free to join trade associations for their own benefit.

St. Vincent.

Under the Trade Unions Ordinance, No. 22 of 1933, as amended by Ordinances Nos. 17 of 1939, 11 of 1940 and 7 of 1943, workers engaged in agriculture enjoy the same rights of association and combination as industrial and other workers.

Sarawak.

The report repeats the information previously supplied.

Seychelles.

The report repeats the information previously supplied.

Sierra Leone.

The report repeats the information previously supplied and adds that the application

of the Convention is ensured by the definition of "trade union" contained in the Trade Union Ordinance. However, the definition of "workmen" in the Trade Disputes Ordinance does not clearly include agricultural workers and will have to be amended at an early opportunity.

Singapore.

There is no legislation discriminating against agricultural workers. The trade union adviser, the registrar of trade unions and the Commissioner for Labour supervise the application of this principle. One agricultural workers' union was registered at the end of June 1949. In future, reports will be communicated to the Labour Advisory Board.

Solomon Islands.

The report repeats the information previously supplied.

Swaziland.

Trade Unions and Trade Disputes Proclamation No. 31 of 1942, as amended by Proclamation No. 3 of 1948.

No agricultural trade unions have yet been formed in the territory and the Convention does not, therefore, apply.

Tanganyika.

The report repeats the information previously supplied and adds that the application of the legislation is ensured by the Labour Department and a specially appointed trade

union officer. Copies of the report will be communicated to members of the Labour Board.

Trinidad and Tobago.

The report repeats the information previously supplied. Copies of the report have been communicated to the Trinidad and Tobago Trades Union Council.

Uganda.

The report repeats the information previously supplied and adds that, although the law provides for the free rights of association of agricultural and other workers, there is no combination of agricultural workers (with the exception of co-operative societies of peasant producers).

Zanzibar.

Agricultural workers enjoy the same rights of association and compensation as industrial workers; no restrictive provisions exist. Consequently, the Convention may be regarded as applying to the protectorate. So far, there has been no evidence of any desire among agricultural workers to associate. Most of the paid agricultural employment is of a casual or short-term nature and the numbers in each case are small.

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 representative employers' and workers' organisations.

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 Republic	26. 5.1936	17.10.1949
Belgium	26.10.1932	2.11.1949
Bulgaria	6. 3.1925	
Chile	15. 9.1925	7.11.1949
Colombia	20. 6.1933	
Cuba	22. 8.1935	5.10.1949
Denmark	26. 2.1923	4.10.1949
Finland	20. 1.1950	
Estonia	8. 9.1922	
France	4. 4.1928	27.10.1949
Germany	6. 6.1925	
Ireland	17. 6.1924	17.11.1949
Italy	1. 9.1930	18.10.1949
Latvia	29.11.1929	
Luxembourg	16. 4.1928	4. 2.1950
Mexico	1.11.1937	21.11.1949
Netherlands	20. 8.1926	12. 1.1950
New Zealand	29. 3.1938	26. 1.1950
Nicaragua	12. 4.1934	
Poland	21. 6.1924	15.11.1949
Spain	1.10.1931	
Sweden	27.11.1923	15.10.1949
United Kingdom	6. 8.1923	3.10.1949
Uruguay	6. 6.1933	17.11.1949

Argentine Republic.

The report refers to the information previously supplied and gives an analysis of the application of the national legislation from the points of view of statistics, theory and jurisprudence. Reference is made to several decisions given by courts of law with respect to workmen's compensation in agriculture. There is still some difficulty in obtaining statistics in the provinces. Copies of the report have been communicated to the representative employers' and workers' organisations.

Belgium.

Legislative Orders of 9 June, 26 September, 22 November and 13 December 1945, 17 and 27 December 1946.

Royal Orders of 15 January and 3 June 1946, and 27 January and 8 March 1948.

The report refers to the information previously supplied and adds that copies of the report have been communicated to the

representative employers' and workers' organisations.

Chile.

The report refers to information previously supplied; copies of two decisions given by the courts of law are appended to the report. In 1948, 459,618 persons were covered by the legislation (409,337 workers and 50,281 employees). There were 19,667 accidents, a figure slightly lower than that of 1947. Copies of the report have been communicated to the representative employers' and workers' organisations.

Cuba.

The report repeats the information previously supplied. Owing to the fact that insurance is covered by global policies it is not possible to furnish the exact number of workers covered. The report states, however, that all agricultural workers (807,919, according to the latest census) are entitled to compensation for accidents arising out of their employment. Copies of the report have been communicated to the representative employers' and workers' organisations.

Denmark.

The report refers to the information previously supplied.

France.

The situation has remained unchanged during the period under review.

Ireland.

Workmen's Compensation (Amendment) Act, 1948, to amend the Workmen's Compensation Act, 1934 (L.S. 1934, Ire. 1).

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Italy.

Legislative Decree of the Provisional Head of the State No. 882 of 29 July 1947, to maintain in effect for a further period the provisions extending compulsory insurance against accidents in agriculture to workers over 65 years of age, contained in Act No. 288 of 17 March 1941 and Act No. 1576 of 31 October 1942.

The report repeats the information previously supplied. A Bill which is at present under consideration provides that compensation payable to victims of employment accidents shall be in the form of a lump-sum payment and that the amount be increased. The rates of compensation granted to agricultural workers in case of temporary incapacity have been increased by 100 to 120 per cent., under an agreement dated 23 June 1949. The courts have found rapid and satisfactory solutions in cases of accidents occurring to workers during journeys to or from their place of work. Copies of the

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

Luxembourg.

The report repeats the information previously supplied and adds that the Convention is strictly applied. No observations have been received from the agricultural employers' organisation. There is no workmen's agricultural organisation.

Mexico.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Netherlands.

Acts of 29 October 1948 (L.S. 1948, Neth. 1), 13 January and 25 February 1949 (L.S. 1949, Neth. 1 A - 1 B), to amend the Act of 20 May 1922 insuring persons employed in agricultural occupations against accidents (L.S. 1922, Neth. 2).

Royal Decrees of 23 February, 12 April, 7 October, 23 November and 28 December 1948, and 9 April and 10 June 1949.

Ministerial Decree of 18 January 1949.

The report confirms that the compensation received by agricultural workers and their survivors in case of employment accidents is the same as that provided for under the Act of 1921 concerning compensation for industrial accidents. The report contains detailed information regarding benefits provided in such cases and the authorities entrusted with the application of the relevant legislation (State Insurance Bank and occupational organisations). The number of standard-workers (a term corresponding to 300 working days per annum) in agriculture and horticulture subject to compulsory insurance is 220,000. A copy of the report has been communicated to the Labour Foundation.

New Zealand.

The report refers to the information supplied with regard to Convention No. 17 and adds that the Workmen's Compensation Act of 1922 makes no distinction between workers employed in industry and agricultural workers. The report contains statistical information concerning the number of agricultural workers (43,181 men and 5,979 women in 1945), and the total number of persons engaged in agricultural occupations (144,000 persons in April 1949). Copies of the report have been communicated to the representative employers' and workers' organisations.

Poland.

The report repeats the information previously supplied and refers to the report submitted for Convention No. 17. However, contrary to the regulations applying to employees, the rates of benefits for small-

holders and their families are uniform, except for supplementary benefits for children and orphans' pensions. On 31 March 1949, the number of permanent agricultural workers, with the exception of smallholders, numbered 296,800. There is no statistical data respecting temporary agricultural workers. Copies of the report have been communicated to the Central Committee of Polish Trade Unions.

Sweden.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

United Kingdom

Great Britain.

Various Regulations issued in 1948-1949, covering national insurance (industrial injuries).

Northern Ireland.

Various Regulations, 1948, concerning industrial injuries.

The report refers to the information previously supplied and adds that the provisions of the Convention are fully applied. Information is not available concerning the number of agricultural wage earners covered by industrial injuries insurance, or the number and nature of accidents. Copies of the report have been communicated to the representative employers' and workers' organisations.

Uruguay.

The report repeats the information previously supplied.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Belgium

Belgian Congo and Ruandi-Urundi.

Decree of 20 December 1945, respecting compensation to non-indigenous persons for injuries resulting from industrial accidents.

Decree of 1 August 1949, respecting compensation to Native workers for injuries resulting from industrial accidents and occupational diseases.

The Convention has been made applicable to the Belgian Congo and Ruanda-Urundi. No special provisions have been made with respect to industrial accidents in agriculture. The provisions of the Convention are applied, together with those covered by Convention No. 17 concerning industrial accidents, in all undertakings, concerns or establishments other than those of an agricultural nature.

Netherlands

Indonesia.

The report refers to the information supplied for the period 1947-1948.

Netherland West Indies.

Accident Regulation, 1936, revised edition, Ordinance No. 103 of 1946.

The Convention is applied. The Ministry of Social and Economic Affairs supervises the application of the legislation. The administration is entrusted to private insurance companies; undertakings are under the obligation to insure all their workers. In the event of failure to comply with this provision, the undertakings may be closed. No court decisions were given and no complaints received. All employers and workers are familiar with the Accident Regulation.

Surinam.

The report repeats the information previously supplied.

United Kingdom

Aden.

The report repeats the information previously supplied.

Barbados.

The report repeats the information previously supplied. Copies of the report have been communicated to the Barbados Sugar Producers' Federation, the Shipping and Mercantile Association of Barbados and the Barbados Workers' Union.

Basutoland.

Workmen's Compensation Proclamation No. 4 of 1948, as amended by Proclamation No. 63 of 1948.

Bechuanaland.

The report repeats the information previously supplied.

British Guiana.

The report repeats the information previously supplied.

British Honduras.

The report repeats the information previously supplied and gives statistical information showing the number of accidents incurred in private and Government employment, the number of man-hours lost and the amount of compensation paid and awarded during the period under review.

British Somaliland.

There are no legislative or administrative provisions applying the Convention. The majority of the population of the protectorate are nomads who tend their stock in tribal or family units. Agriculture does not exist on any extensive scale and there are virtually no persons employed for agricultural purposes.

Compensation for personal injuries by accidents arising out of employment is payable under the Employers' Liability Ordinance, No. 7 of 1927 (Chapter 60, Revised Edition, 1930). This Ordinance is of very limited scope; injuries must have been caused by the negligence of the employer or of the person supervising the workmen. There is no other legislation concerning compensation for industrial accidents and no insurance against accidents.

Brunei.

Workmen's compensation legislation is being drafted, but consideration still has to be given as to the extent of its application to agricultural undertakings, since there are few of any considerable size in the State.

Cyprus.

The report repeats the information previously supplied. Representations to the effect that the provisions of the Convention should be extended to agricultural wage earners employed by the largest agricultural enterprises have been received from the Pan-Cyprian Labour Federation. Copies of the report have been communicated to the Pan-Cyprian Federation of Labour, the Cyprus Workers' Confederation, the Cyprus-Turkish Trade Unions Federation and the Association of Cyprus Industries.

Dominica.

The report repeats the information previously supplied.

Falkland Islands.

The report repeats the information previously supplied and refers to the enactment of the Workmen's Compensation (Amendment) Ordinance, No. 13 of 1948, containing one minor amendment to existing legislation.

Fiji.

When necessary the Commissioner of Labour supervises the observance of the legislation and acts for the workers where negotiations with the employers are necessary. For this reason, court decisions are rarely given. No case is known of an agricultural worker having been unlawfully refused compensation. A copy of the report has been communicated to the Labour Advisory Board.

Gambia.

There are only a few agricultural workers in the territory and these are covered by the Workmen's Compensation Ordinance, No. 18 of 1940, under which it is provided that the payment of compensation for permanent disability and death be paid into the court. The labour officer assists workers in regard to their compensation claims.

Gibraltar.

The report repeats the information previously supplied.

Gilbert and Ellice Islands.

The Convention has not been applied. The enactment of a Workmen's Compensation Ordinance covering the provisions of the Convention is proposed for 1949-1950.

Gold Coast.

The report repeats the information previously supplied and adds that four fatal cases were reported during the period 1947-1948. Copies of the report have been communicated to the Chamber of Mines, the Chamber of Commerce and the Trade Union Congress.

Grenada.

The report repeats the information previously supplied.

Hong Kong.

The report repeats the information previously supplied.

Kenya.

The report repeats the information previously supplied and adds that, during the period under review, accidents involving permanent incapacity were as follows: foot: 4; leg: 9; hand: 55; fingers: 58; arm: 9; shoulder: 4; and eye: 9. Compensation was paid in every case.

Copies of the report are available to the representative employers' and workers' organisations.

Federation of Malaya.

Ordinance No. 23 of 1947, to amend the Workmen's Compensation laws in various States.

In Johore, Malacca, Negri Sembilan, Pahang, Penang, Perak and Selangor, compensation is only granted to workmen earning less than \$400 per month and employed on any estate or plantation on which not less than 25 persons are employed on any one day of the year. In Kedah, Kelantan, Perlis and Trengganu, the same provisions exist as in the other States, but the minimum number of workers is 50. Any estate or plantation employing fewer than 25 or 50 workers is a very small one and is organised on a family basis. A Bill is under consideration which will exclude any workers earning more than \$400 a month. In this way, more agricultural workers will benefit from the workmen's compensation legislation. Any worker may submit a claim for benefits without seeking the aid of the Department of Labour and, in fact, many cases are settled directly between workers and employers. The Department of Labour has dealt with the

following cases : 163 fatal cases, amount paid \$228,419 ; 207 permanent disability cases, amount paid \$124,506 ; 807 temporary disability cases, amount paid \$32,796. Permanent disability includes both permanent total disability and permanent partial disability. A copy of the report has been communicated to the Federal Labour Advisory Board.

Malta.

The report repeats the information previously supplied and adds that the legislation will be reviewed shortly. The Workmen's Compensation Ordinance is administered by the Department of Labour. All insured persons are issued with a contribution and receipt book on which contribution stamps (shared equally by employers and workers) are affixed. Claims to benefit are considered by a board composed of the Director of Labour as chairman, a medical member, a legal member, and two members representing trade unions. Enforcement is entrusted to inspecting labour officers who work under the immediate control of the Enforcement Officer. Copies of the report have been communicated to the General Workers' Union, the Chamber of Commerce and the Federation of Malta Industries.

Mauritius.

The report repeats the information previously supplied and adds that compensation is only paid in case of personal injury arising out of and in the course of employment, and not arising out of or in the course of employment, as stated in the Convention. Administration is entrusted to the industrial court, assisted by the Labour Department. The workers of Mauritius are now generally aware of their rights to compensation, and most cases do not come to court, provided the labour inspectors are satisfied that full compensation has been paid.

Nigeria.

The report repeats the information previously supplied and adds that during the period under review there were 618 accidents involving Government employees.

North Borneo.

The report repeats the information previously supplied.

Northern Rhodesia.

The report repeats the information previously supplied.

Nyasaland.

Ordinance No. 6 of 1949, to amend the Workmen's Compensation Ordinance, No. 2 of 1944.

The report repeats the information previously supplied and adds that no agricultural accidents have been brought to the notice of the Government.

St. Helena.

Regulations issued under the Workmen's Compensation Ordinance, No. 3 of 1946 (Statutory Rules and Orders, No. 19 of 1946).

The report repeats the information previously supplied.

St. Lucia.

The report repeats the information previously supplied and refers to Ordinance No. 7 of 1949, amending existing workmen's compensation legislation by providing for higher rates of benefit.

St. Vincent.

The report repeats the information previously supplied.

Sarawak.

The report repeats the information previously supplied.

Seychelles.

A Bill covering the requirements of the Convention will be introduced during the period 1949-1950.

Sierra Leone.

The report repeats the information previously supplied and adds that the report has been communicated to the Council of Labour.

Singapore.

The term "workman" is defined as "any person who is employed on wages at a rate not exceeding \$400 per month". The following are not covered by the definition: persons whose employment is of a casual nature, persons in the military forces or in the civil Government and members of the police force. The Commissioner for Labour and the Commissioner for Workmen's Compensation supervise the enforcement of the legislation. In cases of dispute, an officer of the Labour Department acts as mediator. There is no discrimination against workers of other nationalities. No accidents were reported during the period under review. In future, the report will be communicated to the Labour Advisory Board.

Solomon Islands.

The report repeats the information previously supplied.

Swaziland.

There is no legislation concerning workmen's compensation in agriculture.

Tanganyika.

Workmen's Compensation Ordinance, No. 43 of 1948, as amended by Ordinance, No. 41 of 1949.

The Ordinance of 1948 is applicable to all manual workers, irrespective of race,

trade or nationality and makes no discrimination between agricultural and other wage earners. However, during the period under review, the operative legislation was contained in §§ 29 and 30 of the Master and Native Servants' Ordinance which applied to indigenous workers only. Agricultural wage earners are covered by the definition of "servants" in § 2 of the Master and Native Servants' Ordinance.

Employers are required by law to report all accidents involving either the death or disability of their employees. Proper records of accidents and compensation awarded are maintained in all labour offices.

At the end of 1948, approximately 210,000 agricultural workers were covered by this legislation. The total number of Native employees injured in 1948 was 735, but the number of agricultural workers included in this figure is not available. Most accidents in which agricultural workers were concerned occurred in the sisal industry. No instances of failure to pay compensation as assessed by the Labour Department have come to light.

Copies of the report will be communicated to members of the Labour Board.

Trinidad and Tobago.

The report repeats the information previously supplied. Copies of the report have been communicated to the Trinidad and Tobago Trade Union Council.

Uganda.

The report repeats the information previously supplied and adds that the application of the Convention is ensured by the labour commissioner, district commissioners and their staffs, as well as by the necessary advice from registered medical practitioners.

Zanzibar.

The report repeats the information previously supplied.

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 representative employers' and workers' organisations.

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	13. 2.1950
Argentine Republic	26. 5.1936	17.10.1949
Austria	12. 6.1924	3.11.1949
Belgium	19. 7.1926	2.11.1949
Bulgaria	6. 3.1925	
Chile	15. 9.1925	7.11.1949
Colombia	20. 6.1933	
Cuba	7. 7.1928	5.10.1949
Czechoslovakia	31. 8.1923	2. 1.1950
Estonia	8. 9.1922	
Finland	5. 4.1929	20.10.1949
France	19. 2.1926	27.10.1949
Greece	22.12.1926	14.12.1949
Hungary ¹	4. 1.1928	
Latvia	9. 9.1924	
Luxembourg	16. 4.1928	4. 2.1950
Mexico	7. 1.1938	21.11.1949
Netherlands	15.12.1939	12. 1.1950
Nicaragua	12. 4.1934	
Norway	11. 6.1929	27.10.1949
Poland	21. 6.1924	15.11.1949
Rumania	4.12.1925	
Spain	20. 6.1924	
Sweden	27.11.1923	15.10.1949
Uruguay	6. 6.1933	17.11.1949
Venezuela	28. 4.1933	17. 1.1950
Yugoslavia	30. 9.1929	

¹ Conditional ratification registered.

Afghanistan.

Industrial Award of 1946 (Chapter 4).

The labour inspection services and the inspectors attached to the Department of

Industries (Ministry of National Economy) have no record of the use of white lead paint or of any compounds thereof in any of the industrial or commercial undertakings in the country.

Although there is no specific provision in the Industrial Award of 1946 as to the use of white lead, Chapter 4 of this Award, relating to hygiene, contains various provisions (§ § 73, 74, 95, 100, 111, 134) respecting measures to protect the health of workers.

Argentine Republic.

The report refers to the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Austria.

During the period under review, one case of lead poisoning was reported. Copies of the report have been communicated to the representative employers' and workers' organisations.

Belgium.

The report repeats the information previously supplied. Permits for the purchase and use of white lead numbered 2,602. There was one case of lead poisoning. One

decision was given by courts of law (sale of white lead). Copies of the report have been communicated to the representative employers' and workers' organisations.

Chile.

Reference is made to previous reports. Copies of the report have been communicated to the representative employers' and workers' organisations.

Cuba.

The report repeats the information supplied for the preceding period. Copies of the report will be communicated to the Cuban Confederation of Workers and to the employers' organisations registered at the Ministry of Labour.

Czechoslovakia.

The report refers to the information previously supplied. Copies of the report are being communicated to the representative employers' and workers' organisations.

Finland.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

France.

Decree No. 48.1901 of 11 December 1948, to issue public administrative regulations concerning special measures of hygiene applicable in undertakings in which persons are exposed to the risk of lead poisoning.

Order of 12 December 1948, in pursuance of the above-named Decree, fixing the text of the notice pointing out the dangers of lead poisoning and the precautions to be taken to avoid them.

Order of 12 December 1948, establishing the list of industrial employments covered by Decree No. 48.1901 of 11 December 1948.

Order of 12 December 1948, establishing the text of the instructions for medical examinations carried out in virtue of Decree No. 48.1901 of 11 December 1948.

Decree No. 48.2034 of 30 December 1948, to issue public administrative regulations concerning the prohibition of the use of white lead, sulphate of lead and linseed oil with a lead content in the painting of buildings.

Act No. 48.1106 of 10 July 1948 repeals the provisions of Book II, Chapter IV (§ § 78 to 80) of the Labour Code, containing special provisions for the use of lead compounds in painting work. The Decree of 30 December 1948, which was enacted in pursuance of these provisions, contains all the provisions of § 19 of Act No. 48.1106 which remains provisionally in force until the publication of the above-mentioned Decree.

The new Chapter IV does not maintain the provisions of § 80 (Book II of the Labour Code), which authorised exceptions in connection with special kinds of work. The Decree of 30 December 1948 does not provide for any exceptions. The application of the Convention was not affected by

the new regulations. No cases of lead poisoning were reported. Copies of the report have been communicated to the representative employers' and workers' organisations.

Greece.

The report repeats the information previously supplied. Statistics relating to cases of lead poisoning (of which there were very few) are included in those concerning industrial accidents and occupational diseases. Copies of the report have been communicated to the representative employers' and workers' organisations.

Luxembourg.

The report repeats the information previously supplied.

Mexico.

The report repeats the information previously supplied and adds that the text of the new industrial hygiene regulations is being examined by the Secretariat of Labour, which will be called upon to incorporate therein the provisions of the Convention.

Netherlands.

Act of 2 July 1934, to issue safety provisions for the performance of work in general and safety in factories and workplaces in particular (L.S. 1934, Neth. 2).

Order of 8 August 1939, to issue public administrative regulations concerning safety measures for work involving the use of white lead.

Under Articles 1 and 2 of the Convention, the report gives the provisions of § § 13, 14, and 18 of the Act respecting industrial safety, which relate to measures to be taken and exceptions authorised regarding the use of white lead.

Article 5 of the Convention is applied under § § 15 and 17 of the above-mentioned Act and the Order of 8 August 1939.

The supervision of the legislation is entrusted to the labour inspection service, as well as to the national and communal police and the officials mentioned in § 141 of the Code of Criminal Instruction. In addition, all doctors are required to make a written statement recording any cases of disease which they treat, including lead poisoning. Any case of disease in which lead poisoning was suspected was examined by the labour inspection service, but no symptoms were detected which indicated that the disease was caused by work not carried on according to the provisions of the Convention. Copies of the report have been communicated to the representative employers' and workers' organisations.

Norway.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Poland.

The report repeats the information previously supplied. Copies of the report have been communicated to the Central Committee of Polish Trade Unions.

Sweden.

The report refers to the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Uruguay.

The report repeats the information previously supplied and adds that, recently, the National Institute of Labour and its related services forwarded to the Ministry of Industry and Labour a Bill which ensures complete harmony between the national legislation and the provisions laid down in the Convention.

Venezuela.

Labour Act of 21 October 1947 (L.S. 1947, Ven. 2), to amend the Act of 16 July 1936 (L.S. 1936, Ven. 2), as amended in 1945 (L.S. 1945, Ven. 1).

The report repeats the information previously supplied.

NON-METROPOLITAN TERRITORIES
(ARTICLE 35 OF THE CONSTITUTION)

*Belgium**Belgian Congo and Ruanda-Urundi.*

Decree of 20 December 1945, respecting compensation to non-indigenous persons for injuries resulting from industrial accidents.

Decree of 1 August 1949, respecting compensation to Native workers for injuries resulting from industrial accidents and occupational diseases.

Ordinance of 17 February 1919, respecting dangerous, unhealthy and noxious establishments.

Undertakings manufacturing paint are included among dangerous and unhealthy establishments. They are required to possess special working permits and are subject to special supervision. Moreover, in the case of both Natives and non-Natives, poisoning resulting from lead and its alloys and compounds is included in the list of occupational diseases for which compensation is paid.

*France**Cameroons.*

Decree of 28 December 1937 to apply the Convention to the colonies, promulgated in the Cameroons on 4 February 1938.

Article 1 of the Convention : recourse to the exceptions provided for in the first paragraph of this Article has not so far been authorised.

Article 2 : no regulations have been issued with regard to the provisions of paragraph 2.

Article 3 : no permits have been required for the employment of apprentices in the circumstances provided for under paragraph 2.

Article 5 : no regulations have been issued, but white lead poisoning is covered by the regulations concerning industrial accidents and compensation may be granted.

Article 6 : breaches of the provisions of the Convention are punishable by penal sanctions.

Article 7 : no cases of white lead poisoning have so far been notified.

The supervision of undertakings likely to use paints containing white lead is ensured by the health department and the labour inspectorate. The customs service controls the composition of paints imported. The application of the Convention has given rise to no difficulties. Copies of the report have been communicated to the representative employers' and workers' organisations in France and in the territory.

French Equatorial Africa.

Decree of 28 December 1937, to apply the Convention to the colonies, promulgated in French Equatorial Africa by the General Order of 8 February 1938.

Article 1 of the Convention : no decision was taken during the period under review.

Article 2 : no exceptions have been provided for with regard to paragraph 1 and no regulations issued with regard to paragraph 2.

Articles 3-6 : no special regulations have been issued.

Article 7 : no cases of white lead poisoning have been notified by the supervisory services ; supervision is ensured by the labour inspectorate, by which no infringements were reported during the period under review. No observations were made by the employers' and workers' organisations concerned. Copies of the report have been communicated to the representative employers' and workers' organisations in France and in French Equatorial Africa.

French Establishments in India.

Decree of 28 December 1937, to apply the Convention to the colonies, promulgated by the Local Order of 23 December 1939.

There are no enactments in France and no local regulations concerning the use of paint containing white lead or sulphate of lead, since this form of painting is rarely employed for the buildings of the territory. The promulgation of the Decree of 28 December 1937 has not resulted in any legislative changes. However, the application of the provisions of the Convention may be ensured by supervision at workplaces when the substance in question is being used.

There are no factories for the manufacture of industrial paint and no large workshops specialising in this substance which involve

the use of white lead, sulphate of lead, or products containing these pigments. The local administration has not, therefore, defined the cases where the use of white lead is necessary. As the use of white lead, sulphate of lead and all products containing these pigments is rare, the local administration has not considered it necessary to define the different painting operations or to regulate the use of these products. The employment of apprentices in general is authorised; no special methods have been provided to permit the employment of painters' apprentices. No regulations have been issued with regard to the application of Article 5. The application of paint in the form of spray is non-existent in the territory. With regard to ordinary painting, the report states that general health conditions have been laid down in the Decree of 6 April 1937 (labour code), which provides for washing facilities after work and for cloakrooms to be placed at the disposal of workers where they may leave their working clothes at the end of the day's work. As regards Article 6, the report states that only health regulations have been issued. If these regulations are not observed, the workers' organisations may submit any observations or complaints to the employers concerned. No cases of lead poisoning among working painters have been notified at any time by factory doctors. The statistics of such cases are established by these doctors and communicated to the labour inspectorate.

The labour inspectorate is entrusted with the application of the laws and administrative regulations. Supervision is ensured by visits and enquiries made by the labour inspectors at workplaces. These enquiries relate, in particular, to the noxious character of poisonous emanations from paint. The application of the Convention in the factories and workshops of the territory is carried out through the health regulations laid down in the Decree of 6 April 1937 and in the Order of 6 August 1937, which prescribe general safety and health measures applicable to all industrial undertakings. The number of painters protected by the legislation is 142; they are employed in four large spinning undertakings and in two iron forging and smelting works. Copies of the report have not yet been communicated to the representative employers' and workers' organisations.

French Establishments in Oceania.

Decree of 28 December 1937, to extend to the overseas territories the application of the Convention, promulgated in the French Establishments in Oceania by Order No. 209-C of 22 February 1938.

The Convention was published in the local official journal of 1 March 1938.

The cases provided for under Article 1 of the Convention, in which the use of white lead, sulphate of lead and all products containing these pigments may be considered necessary, do not occur in the territory. It follows that the competent authorities have not declared the use of

such products to be necessary. No special methods of application have been adopted with regard to Article 2. The employment of apprentices in the conditions provided for in paragraph 2 of Article 3 has not been authorised. No special regulations have been issued with regard to the application of Article 5, since contractors generally make use of prepared paints imported from France, the United States and Australia. If, in exceptional cases, they are compelled to prepare paint involving the use of white lead or sulphate of lead for certain operations (colour-washing of the iron fittings of boats, etc.), the precautionary measures prescribed in Article 5 are taken. No special measures have so far been taken to regulate the use of white lead in painting. Draft regulations fixing methods for the application of the Convention will be submitted shortly to the employers' and workers' organisations. No cases of lead poisoning have so far been officially notified.

The labour inspectorate is normally responsible for the supervision of protective measures against the dangers resulting from the use of white lead. Only a very small number of workers are covered by this legislation (about 30 at the most). The employers' and workers' organisations have not as yet made any observations with regard to the practical application of the provisions of the Convention. However, some painting contractors have drawn attention to the difficulties involved in imposing the use of masks on employees handling paints considered as harmful. Copies of the report have been communicated to the representative employers' and workers' organisations.

French Somaliland.

There are no regulations concerning the use of white lead in painting, since this product is seldom employed.

French West Africa.

Decree of 28 December 1937, to apply the Convention to the colonies, promulgated in French West Africa by Order No. 344 AP of 24 January 1938.

Article 1 of the Convention: the promulgation of the Decree of 1937 ensures the strict application of all the provisions of the Convention. No exceptions have been admitted to the prohibition of the use of white lead, sulphate of lead and all other products containing these pigments in painting operations.

Article 2: as no exceptions have been authorised, it has not been considered necessary to issue any regulations.

Article 3: the prohibition of the employment of young persons under 18 years of age and of women in painting operations of an industrial character involving the use of white lead, sulphate of lead or products containing these pigments does not apply since there is a general prohibition. This also applies to the employment of painters' apprentices in the same operations.

Article 4 : the provisions of the Convention have been applied in French West Africa as from the date of the promulgation of the Decree of 28 December 1937.

Article 5 : no special regulations have been issued since there is a general prohibition.

Article 6 : it has not been considered necessary to take any special steps for the application of the Convention to possible exceptions.

Article 7 : no cases of white lead poisoning have been notified among working painters.

The labour inspection services are responsible for the application of the provisions of the Convention without prejudice to the application of the general regulations for the health and safety of workers laid down in French West Africa under the General Order of 23 May 1947. No decisions were given by courts of law or other courts. No infringements were reported by the labour inspection services during the period under review. Prepared paints imported from France do not contain the harmful elements referred to above and, for many years, locally prepared paints have had a basic content of white zinc. Approximately 850 professional painters are covered by the legislation. No observations were received by the labour inspectorate from the employers' and workers' organisations concerned. Copies of the report have been communicated to the representative employers' and workers' organisations in France and in French West Africa.

Madagascar.

Decree of 28 December 1937, to apply the Convention to the colonies, promulgated by the Order of 4 February 1938.

Decree of 7 April 1938, to issue labour regulations in Madagascar.

§ 61 of the Decree of 7 April 1938 provides that the use of white lead, sulphate of lead and of all products containing these pigments, shall be prohibited under the conditions laid down by the Convention adopted by the International Labour Conference at its 3rd Session. The report also contains the following information :

Article 1 of the Convention : no official text provides that the use of white lead, sulphate of lead and all products containing these pigments shall be considered necessary in certain cases.

Articles 2-7 of the Convention do not apply. The application of the Convention merely confirmed conditions which have existed for many years, as use was seldom made in paint of white lead in the place of white zinc. The labour inspectors are responsible for supervising the application of these regulations. No infringements were reported and no decisions given by the courts of law. No observations were received from the employers' and workers' organisations concerned. Copies of the report have been communicated to the representative em-

ployers' and workers' organisations in France and in the territory.

New Caledonia and Dependencies.

Decree of 28 December 1937, to apply the Convention to the colonies, promulgated in New Caledonia on 18 February 1938.

Decree of 2 March 1939, to apply the labour code to New Caledonia.

The general provisions of the Convention which had been made applicable to New Caledonia by the Decree of 28 December 1937, are reproduced in the Decree of 2 March 1939 (§§ 83-85). The report contains the following additional information :

Article 1 of the Convention : no exceptions have been authorised, not even those provided for in the second paragraph of this Article.

Article 2 : as no exceptions have been provided, the dividing line between artistic painting and fine lining has not been defined.

Article 3 : no women and very few young men have been employed in painting operations of any type.

Article 5 : as far as is known by the competent services, none of the industrial painting effected in New Caledonia involves the use of white lead. It has not, therefore, been necessary to issue any regulations.

Article 6 : for the reasons set out under Articles 3 and 5 of the Convention, it has not been considered necessary to consult the employers' and workers' organisations concerned.

Article 7 : no cases of white lead poisoning have been notified to the competent services.

The supervision of the application of the Convention is normally ensured by the labour inspectorate, although this does not preclude the possibility of supervision by officers of the judicial police and eventually by the medical and public health services. No decisions were given by courts of law or other courts. No special information has been supplied with regard to the application of the Convention in the reports of the inspection services. At present there are three undertakings for the painting of buildings and two for industrial painting work (restoration of coachwork). These undertakings do not normally employ more than 20 persons. Copies of the report have been communicated to the representative employers' and workers' organisations in France and in the territory.

Togoland.

There are no undertakings or workshops manufacturing paint in the territory. The paint used contains minium and is imported from France or from abroad, particularly from Great Britain and the United States. The director of the health service of the territory was consulted and stated that in the past ten years, no case of white lead poisoning or other illness resulting from the use of paint had been notified to his

service. Copies of the report have been communicated to the representative employers' and workers' organisations in France and in the territory.

Netherlands

Indonesia.

The report refers to the information supplied for the period 1947-1948.

Netherland West Indies.

The report repeats the information previously supplied.

Surinam.

The Convention is not applied. Draft legislation covering the requirements of the Convention is in course of preparation.

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	13. 2.1950
Argentine Republic	26. 5.1936	17.10.1949
Belgium	19. 7.1926	2.11.1949
Bulgaria	6. 3.1925	
Burma ¹	11. 5.1923	5.12.1949
Canada	21. 3.1935	12.10.1949
Chile	15. 9.1925	7.11.1949
China	17. 5.1934	
Colombia	20. 6.1933	
Czechoslovakia	31. 8.1923	2. 1.1950
Denmark	30. 8.1935	4.10.1949
Estonia	29.11.1923	
Finland	19. 6.1923	20.10.1949
France	3. 9.1926	27.10.1949
Greece	11. 5.1929	14.12.1949
India	11. 5.1923	15.12.1949
Ireland	22. 7.1930	24.12.1949
Italy	8. 9.1924	18.10.1949
Latvia	9. 9.1924	
Lithuania	19. 6.1931	
Luxembourg	16. 4.1928	4. 2.1950
Mexico	7. 1.1938	21.11.1949
New Zealand	29. 3.1938	28.10.1949
Nicaragua	12. 4.1934	
Norway	7. 7.1937	27.11.1949
Pakistan ²	11. 5.1923	17.10.1949
Peru	8.11.1945	31. 1.1950
Poland	21. 6.1924	15.11.1949
Portugal	3. 7.1928	10.11.1949
Rumania	18. 8.1923	
Spain	20. 6.1924	
Sweden	22.12.1931	15.10.1949
Switzerland	16. 1.1935	14.10.1949
Turkey	27.12.1946	19.10.1949
Uruguay	6. 6.1933	17.11.1949
Venezuela	20.11.1944	17. 1.1950
Yugoslavia	1. 4.1927	

¹ See footnote 2 to Convention No. 1.

² See footnote 3 to Convention No. 1.

Afghanistan.

Regulations of 16 January 1946 governing the employment of persons in industrial establishments in Afghanistan (L.S. 1946, Afg. 1).

The national regulations apply to all industrial establishments, none of which may require its employees to work on more than six days of the week. Friday is the weekly day of rest (24 hours). The weekly rest day may be abolished for technical reasons (*e.g.*, deterioration of raw materials); compensation must be given in the form of shorter daily hours. If he considers it

necessary, the employer is entitled to fix a day other than Friday as the weekly rest day. Workers may be required to work for a few hours on the weekly rest day for the purposes of maintenance or cleaning, provided their wages are increased by 15 to 25 per cent.

For reasons connected with the national defence, the Government may require persons employed in certain establishments to work on Fridays, with the exception of the hours of prayer prescribed by religion. The report adds that, since the date of ratification of the Convention, it has not proved necessary to suspend or shorten the weekly day of rest.

The Minister of National Economy has the authority to inspect industrial establishments whenever he considers it necessary. At the same time, since September 1948, the Department of Labour has gradually taken over the responsibility for inspection and, wherever feasible, is organising a labour inspection service under its auspices.

Argentine Republic.

The report repeats the information previously supplied and adds that, during the period under review, 35,531 visits of inspection were effected; 2,263 breaches of the legislation were detected and 2,046 breaches were reported. Copies of the report have been communicated to the representative employers' and workers' organisations.

Belgium.

Order of the Regent of 22 June 1949, issued in pursuance of Legislative Order of 22 June 1945, respecting joint committees and the Sunday rest for workers employed in inland navigation.

The report repeats the information previously supplied and adds that an Order of the Regent issued on 22 June 1949 made legally binding a decision ensuring Sunday rest for workers engaged in inland navigation.

During the period under review, the inspection service carried out visits to 28,682 undertakings employing 315,300 persons; two breaches of the legislation were reported.

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

Burma.

The report repeats the information previously supplied and adds that the enforcement of the provisions of the Convention has been handicapped by the fact that inspectors are not able to effect the desired surprise visits to factories, particularly to those in remote places. Four contraventions were reported during the period under review. Copies of the report have been communicated to the representative employers' and workers' organisations.

Canada.

Dominion.

Lord's Day Act, R.S. 1927, ch. 123.

Alberta.

Labour Act, 1947, ch. 8, Part I, s. 15.

British Columbia.

Male and Female Minimum Wage Acts, R.S. 1948, c.c. 220 and 221, and twelve Minimum Wage Orders.

Manitoba.

One Day's Rest in Seven Act, R.S. 1940, ch. 155.

Nova Scotia.

Limitation of Hours of Labour Act, 1935, ch. 12.

Minimum Wage for Women Act, 1920, ch. 11.
Minimum Wage Order No. 3.

Ontario.

One Day's Rest in Seven Act, R.S. 1937, ch. 193.

Quebec.

Weekly Day of Rest Act, R.S. 1941, ch. 166.

Minimum Wage Act, R.S. 1941, ch. 164.

Minimum Wage Order, No. 4, 1942.

Saskatchewan.

One Day's Rest in Seven Act, R.S. 1940, ch. 306.

The Government refers to information previously furnished regarding the fact that the Act designed to implement the Convention was declared *ultra vires* of the Parliament of Canada in 1937, and adds a summary of legislation relating to weekly rest, with special reference to recent changes.

The report reviews previously existing legislation, such as the Lord's Day Act, passed by the Parliament of Canada under its authority to enact criminal law, which prohibits employment on Sunday except in "work of necessity or mercy". The provinces of Alberta, British Columbia, Manitoba, Nova Scotia, Ontario, Quebec and Saskatchewan provide for a weekly rest day, with varying scopes of coverage in the occupations, localities or industries prescribed and with varying degrees of exemptions and exceptions.

During the period 30 October 1948-30 June 1949, changes with respect to a weekly rest day were made in the Saskatchewan One Day's Rest in Seven Act to bring

watchmen and janitors within its scope, and in the revision of a British Columbia Minimum Wage Order governing elevator operators and starters, whereby a weekly rest of 32 hours is provided instead of the former requirement of 24 hours.

The Government appends to its report a note in which it states that the degree of compliance with the provisions of the Convention is encouraging. Consultation with provincial Governments, which has continued during the period under review, is felt to have been instrumental in some of the progress made but, since the provinces are autonomous in regard to enactment of legislation on subjects within their competence, efforts on the part of federal authorities to obtain compliance are necessarily limited in scope. A more detailed analysis of legislation on weekly rest is hoped to be made during the coming year, in which case it will form part of next year's report.

Chile.

The report refers to the information previously supplied. A copy of one decision given by a court of law and relating to an industrial establishment is appended to the report. The supervision of the application of the legislation concerning weekly rest and public holidays has been intensified during 1948; thus, 6,856 visits of inspection were effected and 406 breaches were reported. Most of these breaches, however, took place in commercial undertakings. Copies of the report have been communicated to the representative employers' and workers' organisations.

Czechoslovakia.

Notification No. 2609 of 30 October 1948.
Act No. 87 of 1949.

The report refers to the information previously supplied and adds that Notification No. 2609 of 30 October 1948, which provides for certain exceptions permitting work on Sundays and on other days of rest in order to ensure better utilisation of electric power, was issued because of exceptional circumstances. However, in view of the fact that, during the winter 1948-1949, the electricity supply was found to be sufficient, the provisions of this Notification were not applied in practice during the period covered by the report. On 1 April 1949, regional labour boards, responsible for the application of legislative measures concerning changes in the normal working timetable, were abolished and their competence was transferred to the regional national committees in accordance with Act No. 87 of 1949. Copies of the report have been communicated to representative workers' and employers' organisations.

Denmark.

The report refers to the information previously supplied. Nine exceptions for

periods of up to a few months were granted to various undertakings.

Finland.

The report repeats the information previously supplied and adds that no statistical data are available. Copies of the report have been communicated to the representative employers' and workers' organisations.

France.

The report repeats the information previously supplied and adds that copies of the report have been communicated to the representative employers' and workers' organisations.

Greece.

The report refers to the report for 1947-1948 and adds that, according to labour inspection reports, 1,566 exceptions to the provisions on weekly rest were granted by the authorities of the districts of Athens, Patras and Corfu. Copies of the report have been communicated to the representative employers' and workers' organisations.

India.

Factories Act of 23 September 1948, to consolidate and amend the law regulating labour in factories (L.S. 1948, Ind. 4).

The report repeats the information previously supplied and adds that the Factories Act, 1934, as subsequently amended, remained in force up to 1 April 1949 when the Factories Act, 1948, came into force. The regulations and forms under this Act have not yet been completed. As the 1934 Act was in force for the greater part of the period under review, no reference to the 1948 Act has been made in the report. Copies of the report have been communicated to representative employers' and workers' organisations.

Ireland.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Italy.

The report refers to the information previously supplied and adds that the legislative provisions are in harmony with the requirements of the Convention and are scrupulously applied. The workers' representatives have expressed the wish that the regulations should be extended in due course to cover public services. Copies of the report have been communicated to the representative employers' and workers' organisations.

Luxembourg.

The provisions of the national legislation are more favourable than those of the Convention. Permits to work on weekly rest days are only granted in very exceptional circumstances. During 1948, only 76 workers were affected by such permits, granted to six undertakings to enable them to effect urgent deliveries within the agreed time.

Mexico.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

New Zealand.

Statutes Amendment Acts: 1944 (§§ 7, 8, 9); 1945 (§§ 7, 8, 9, 10); 1946 (§ 17).
Coal Mines Amendment Act, 1947.
Coal Act, 1948.
Mining Amendment Acts, 1947, 1948.
Transport Act, 1949.
Various amendments of Orders, Regulations and Awards.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Norway.

The report refers to the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Pakistan.

The report repeats the information supplied for the period 1947-1948. Copies of the report have been communicated to the representative organisations of workers. 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.

Peru.

Act No. 2851 of 23 November 1918, concerning the employment of women and children (L.S. 1919, Peru 1).
Act No. 3010 of 26 December 1918, to prohibit work on Sundays, on public holidays and on polling days.
Act No. 4239 of 26 March 1921.
Presidential Decree of 25 June 1921, to issue regulations under Act No. 2851 respecting the employment of women and children.
Presidential Decision of 22 June 1928, to issue regulations under the Salaried Employees Acts (Nos. 4916, 5006 and 5119).
Political Constitution of 29 March 1933.
Civil Code of 30 August 1936 (L.S. 1936, Peru 2).
Legislative Decree No. 10908 of 3 December 1948, respecting the sharing by salaried employees and workmen in the profits of undertakings (L.S. 1948, Peru 2).

The national legislation is in harmony with the provisions of the Convention, the ratification of which has increased the supervision exercised by the labour inspec-

torate in this field. Moreover, the system of weekly rest has been improved by means of collective agreements and now applies both to Sunday and to Saturday afternoon.

The national legislation applies to all persons employed in industry. Act No. 3010 covers the requirements of Article 2 of the Convention; Act No. 2851 deals with exceptions regarding women and persons under age (Article 3 of the Convention). Under Act No. 3010, adult workers may be allowed to work on Sundays and public holidays, provided authorisation has been granted by the competent services of the Ministry of Labour. Overtime is paid at the rate of 25 per cent. on wages and, in certain cases, up to 200 per cent.

In such cases, officials of the labour administration must consult the employers and workers and their representative organisations and make certain that they are in possession of all the necessary information. Article 5 of the Convention is covered by Act No. 3010, which provides for compensatory rest periods and enumerates the exceptions authorised by the national legislation. Employers are required to post up conspicuously a list of working hours and timetables.

The General Directorate of Labour is responsible for the supervision of the application of the Convention and is assisted by its inspection services, with the collaboration of the municipal authorities. The report includes a list of decisions given by courts of law from 1941 to 1948. A total of 1,031,074 workers are protected by the legislation; 11,649 inspection visits were effected and 71 breaches of the legislation were reported. Copies of the report have been communicated to the representative employers' and workers' organisations.

Poland.

The report repeats the information previously supplied. Copies of the report have been communicated to the Central Council of Polish Trade Unions.

Portugal.

The report refers to the information previously supplied. Appended to the report is the text of a model of the municipal regulations respecting the Act of 5 July 1948, which stipulates that Sunday is considered as the weekly day of rest in the whole country. Such regulations were issued by 56 municipalities during the period under review, when 1,000 proceedings were instituted for infringements of the regulations regarding the weekly rest period. Copies of the report have been communicated to the representative employers' and workers' organisations.

Sweden.

The report refers to the information previously supplied. Copies of the report

have been communicated to the representative employers' and workers' organisations.

Switzerland.

The report repeats the information previously supplied and adds that the scope of application of the Factory Act has continued to increase, the number of factories covered having increased from 11,376 to 11,425 during the period under review. There are no further data regarding the number of undertakings subject to the provisions ensuring compliance with the Convention, but 60,000 undertakings, employing one million persons, are covered by compulsory insurance.

During the period under review, the cantons were requested to submit reports regarding the working of the Factory Act and the Act respecting weekly rest in 1947 and 1948. These reports will be reviewed in the next annual report. During the period under review, there were three convictions for breaches under the Factory Act; the total amount imposed in fines was 330 francs. Detailed information regarding factory inspection visits made in 1947 and 1948 is appended to the report. Copies of the report have been communicated to representative employers' and workers' organisations.

Turkey.

Act No. 394 of 2 January 1924, respecting the weekly rest, as amended by Acts Nos. 936 of 1 December 1926 and 3062 of 13 November 1936.

Act No. 2739 of 25 May 1935, respecting the National Festival and public holidays and rest days (L.S. 1935, Turk. 1), supplemented by Act No. 3466 of 20 June 1938.

Labour Act No. 3008 of 8 June 1936 (L.S. 1936, Turk. 2).

Act No. 3780 of 18 January 1940, respecting the national defence, as amended by Act No. 4180 of 20 January 1942.

Act No. 4865 of 16 February 1945 to ratify the Convention.

The report repeats the detailed information supplied in the Government's first report, in which it stated, as regards Article 1 of the Convention, that the Act respecting the weekly rest does not define industrial undertakings, but that the definition of industry contained in § 3 of the Labour Act, 1936, is in conformity with the Convention. The Act respecting the weekly rest covers not only industry but all workplaces and branches of occupational activity, including the public administrative offices. Although no legislative provisions exist defining the line which separates industry from commerce and agriculture, in practice such a distinction is made.

As regards Article 2 of the Convention, the report states that, according to the provisions of the legislation, all industrial, commercial and other undertakings, including the public administrative offices, must close for a period of 35 hours from 1 p.m. on Saturday; retail shops may, however, remain open on Saturday afternoons. The

period of weekly rest is thus granted simultaneously to the entire staff of each undertaking. The legislation does not provide for the exception allowed in Article 3 of the Convention. As regards Article 4, the report states that total and partial exceptions to Article 2 of the Convention are provided for in the legislation. The question of consultation of organisations of employers and workers does not therefore arise. The report contains a list of the total and partial exceptions to the provisions of the legislation relating to the weekly rest.

According to § 19 of the Act of 20 January 1942 concerning the national defence, as amended, the provisions of the Act relating to the weekly rest may be waived either totally or partially by Ministerial Decision provided that, with the exception of persons whose work is interrupted by intervals of at least one month, the right to a weekly rest day is maintained. The Act concerning the national defence is of a temporary nature and was promulgated as the result of an exceptional period; it will cease to be in force on the day on which the end of this exceptional period is proclaimed.

As regards Article 5 of the Convention, the report states that, with the exception of undertakings which are wholly exempted by the legislation from the weekly rest provisions, every establishment in which this rest period is not given on the day specified (*i.e.*, Sunday) is obliged to allow a compensatory rest period on another day of the week. There are no special agreements or local customs in this respect.

The provisions of Article 7 of the Convention concerning the posting up of notices and the keeping of registers have not yet been applied but the necessary action will be taken in the near future.

The application of the legislation is entrusted to local authorities and municipal services and, in those establishments covered by the Labour Act (establishments employing at least ten workers), to the services of the Ministry of Labour. Supervision is exercised by Government officials or by the competent inspectors belonging to these services; compliance with the relevant legislation is ensured in conjunction with the supervision of other legislation. Supervision is effected by means of visits to the establishments concerned from time to time on rest days.

Legal action is pending in the case of 12 employers responsible for breaches of the legislation; no decisions have been given. There were 26 infringements reported during the period 1 January-31 May 1949. Copies of the report have been communicated to the representative employers' and workers' organisations.

Uruguay.

The report repeats the information previously supplied and adds that 160,000 workers are covered by the legislation.

There were 15,560 visits of inspection; 89 breaches of the legislation were reported and fines amounting to 2,606 pesos were imposed.

Venezuela.

National Constitution of 23 April 1945.

Labour Act of 21 October 1947 (L.S. 1947, Ven. 2), to amend the Act of 16 July 1936 (L.S. 1936, Ven. 2) as amended by the Act of 4 May 1945 (L.S. 1945, Ven. 1).

The report repeats the information previously supplied and adds that, under the amending Act of 21 October 1947, full wages are paid for the compulsory weekly rest day. During the period under review, 3,227 visits of inspection were made, during which 41,950 workers were questioned. The labour inspectorate intervened in 28,015 individual disputes and effected conciliation in 22,009 cases.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Belgium

Belgian Congo and Ruanda-Urundi.

Decree of 16 March 1922, respecting contracts of employment (§ 14 (2)).

Decree of 25 June 1949, respecting contracts of employment (§ 14 (6)).

The Decree concerning contracts of employment contains a provision stipulating that at least four days' holiday must be granted a month. The Decree stipulates that a rest period of at least 24 consecutive hours must be granted every week, preferably on Sunday. The weekly rest day on Sunday is generally applied, not only in industrial establishments, but also in all branches of industrial, agricultural and commercial activity.

Portugal

See introductory note to Convention No. 1.

Angola.

Legislative Order No. 1840 of 6 November 1946. Act No. 2029 of 5 June 1948.

The weekly rest is regulated by Legislative Order No. 1840 (§§ 27-30). As a general rule, Sundays and public holidays are considered as rest days. Work on these days is only permitted in exceptional circumstances; when this is the case, the worker must be granted a compensatory day of rest within the three days following that on which he worked (§ 2 of Act No. 2029 and §§ 27 to 29 of Legislative Order No. 1840). § 12 of the above-mentioned Legislative Order provides for exceptions with regard to the application of working timetables to persons employed in a confidential capacity or holding positions of management or supervision and to persons employed in small undertakings who are

very closely related to the employer. In industries working continuously, when the workers are employed during the rest days, the employers are obliged to grant them compensatory leave for the rest days from which they have not benefited (§ 29). The only persons exempted from the application of the working timetable are those covered by § 12 of Legislative Order No. 1840. Working timetables must always specify the opening and closing hours of the undertakings and the hours and days of rest for the employees.

Cape Verde.

Legislative Order No. 579 of 1937.

§ 12 of Legislative Order No. 579 provides that all commercial and industrial establishments must be closed for one whole day each week. This day may only be established on a day other than Sunday, provided that a decision to this effect has been communicated in each case to the administrative and police authorities. Apart from undertakings working continuously, the following exceptions to this provision are authorised: chemists' shops, hospitals, convalescent homes, hydros, hotels, boarding houses, restaurants, cafés, confectioners' shops, bars, dairies, stands or stalls for sale in public markets, tobacconists' shops, shipping agencies and depots for the sale of water. On weekly rest days, only chemists' shops which are indispensable for the public service may remain open, and a rotation roll established by the district administration must be drawn up for all places where the number of chemists' shops makes this possible.

Macao.

There is no legislation relating to the subject matter of the Convention.

Mozambique.

Legislative Order No. 707 of 5 June 1940.
Ordinance of 21 and 22 September 1940, 1 April, 27 May and 17 December 1948.

Legislative Order No. 707 defines as "commercial and industrial undertakings" all offices, shops, store-houses, factories, urban communal transport services and all other places where commercial or industrial operations are effected. The weekly rest day is applied as a rule without prejudice to the weekly working timetable of 48 hours. It has not been considered necessary to define the line of division separating industry from commerce and agriculture. The provisions of Articles 2 and 3 of the Convention are dealt with in §§ 16, 18 and 3 of Legislative Order No. 707, § 18 of which provides that certain industries which are carried on continuously may not be obliged to grant weekly rest days in accordance with the regulations. In such cases, these industries must grant a compensatory period of paid leave in lieu of the weekly rest days which

have not been granted, apart from the paid leave granted under § 28 of the National Labour Statute.

Under the provisions of the Ordinances of 1 April, 27 May and 17 December 1948, Sunday has been set apart as the weekly rest day for workers in bakeries, markets and butchers' shops. The provisions of Article 7 of the Convention are covered by § 20 of Legislative Order No. 707. The application of the legislative measures and relevant regulations is entrusted to the directorate of the civil administrative services, the provincial Governments and the police services; the latter are responsible for supervising compliance with these provisions.

Some court decisions were given with regard to the application of Legislative Order No. 707. It has not been possible, however, to compile the information requested in time for submission to the next session of the Conference.

Portuguese Guinea.

Code of Police and Administrative Control Measures, approved by Legislative Order No. 486 of 7 December 1928.

The report enumerates the various industrial undertakings existing in the colony and which are included among those mentioned in sub-paragraphs (b), (c) and (d) of Article 1 of the Convention. The special national exceptions referred to in Convention No. 1 are applied in the colony in conformity with the relevant provisions of the above-mentioned Code. § 283 of this Code provides that the line of division with regard to the working timetable in industry and commerce shall be dealt with by means of legislative measures in the colony. No reference is made to agriculture, as this does not exist in an organised form and is carried on mainly by Natives on their own account. The work of persons employed in industrial undertakings, whether public or private, is duly regulated, even in the case of undertakings in which only the members of one single family are employed, as in terms of the legislation, the latter are included in the general expression "employees". Hours of work are eight per day and 48 per week, with Sunday as the compulsory rest day in all commercial, industrial and similar establishments, except in certain exceptional cases provided for in Legislative Order No. 446. Article 4 of the Convention is covered by § 286 of the Code, which provides for compensatory rest periods in cases where the weekly rest has been suspended or curtailed (§§ 274 and 280). The exceptions authorised in conformity with Articles 3 and 4 of the Convention are provided for in the legislation in force, which stipulates that the provisions of sub-paragraphs (a) and (b) of Article 7 are not applicable, since supervision is ensured by the administrative authority.

The application of the above-mentioned laws and regulations is entrusted to the

judicial and administrative authorities. The above-mentioned Code indicates the methods by which this supervision is ensured. No information is given concerning the organisation and functioning of the inspection services, since the latter are not yet covered by regulations. No observations concerning the application of the Convention or of the national laws ensuring the application of the Convention have been received from the employers' and workers' organisations concerned. Copies of the report have not been communicated to the representative employers' and workers' organisations, as such organisations have not yet been set up.

Portuguese Indies.

As the Convention has not yet been made applicable, no legislative measures have been published concerning its application.

S. Tomé and Príncipe.

Decree No. 16,199 of 6 December 1928, to approve the Native Labour Code for the Portuguese colonies in Africa (L.S. 1928, Por. 3).

Local Regulations issued in pursuance of the above-named Code (Ordinance No. 977 of 26 February 1947).

Legislative Order No. 261 of 1946.

Ordinance No. 1037 of 13 September 1947.

In conformity with the classification laid down in Article 1 of the Convention, the term "industrial undertakings" may be considered to cover only those undertakings in which products are manufactured, altered or prepared for export, undertakings for the production, transformation and transmission of motive power in general, the building industry and the transport of persons and goods. The subject matter of Articles 2, 3, 4, 5, 6 and 7 of the Convention is regulated by the above-named legislative measures. The supervision of the application of the provisions relating to the Convention is entrusted to the administrative and police authorities as regards Natives, and to the Curator General of Natives or his agents as regards Native workers from other colonies and working in S. Tomé and

Príncipe under temporary contracts of employment. Frequent visits to workplaces, on the one hand, and the ease with which workers consult the authorities, on the other, guarantee the effective application of the principles laid down in the Convention and governed by the legislative measures and regulations in force.

Timor.

Decree of 17 December 1910, to establish the principle of the weekly rest day in all Portuguese colonies.

Native Labour Regulations, approved by Ordinance No. 439 of 2 July 1936.

The provisions of the Convention are covered by the above-mentioned legislative measures. No classification has been made of industrial undertakings and no provision has been made for the special exceptions authorised under Convention No. 1. There is no line of division which separates industry from commerce and agriculture. The provisions of Article 2 are applied and no exceptions are provided for in this respect. No use has been made of the provisions of Article 4 and no agreement has been concluded under Article 5 of the Convention. As no exceptions, either total or partial, have been established under Articles 3 and 4, it is not necessary to draw up a list in this connection. No regulations have been issued with regard to the provisions of Article 7.

The police and municipal authorities are responsible for supervising the application of measures relating to the weekly rest. The civil administrative services are responsible for questions connected with application. The Curator General of Natives and his agents (one in each administrative district) are responsible with regard to the employment of Natives and for making frequent inspection visits to workplaces. There were no decisions by courts of law and no breaches of the legislative provisions. The weekly rest day is established as Sunday; it was considered necessary, however, to issue Regulations under the Decree of 17 December 1910. There are no representative employers' and workers' organisations.

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
Argentine Republic	26. 5.1936	17.10.1949
Australia	28. 6.1935	5. 8.1949
Belgium	19. 7.1926	2.11.1949
Bulgaria	6. 3.1925	
Burma ¹	20.11.1922	19.12.1949
Canada	31. 3.1926	10.10.1949
Chile	18.10.1935	7.11.1949
China	2.12.1936	
Colombia	20. 6.1933	
Cuba	7. 7.1928	5.10.1949
Denmark	12. 5.1924	4.10.1949
Estonia	8. 9.1922	
Finland	10.10.1925	20.10.1949
France	16. 1.1928	27.10.1949
Germany	11. 6.1929	
Greece	14. 6.1930	9.11.1949
Hungary	1. 3.1928	
India	20.11.1922	23.11.1949
Ireland	5. 7.1930	17.11.1949
Italy	8. 9.1924	18.10.1949
Japan	4.12.1930	
Latvia	9. 9.1924	
Luxembourg	16. 4.1928	4. 2.1950
Netherlands	17. 6.1931	12. 1.1950
Nicaragua	12. 4.1934	
Norway	7.10.1927	27.10.1949
Pakistan ²	20.11.1922	17.10.1949
Poland	21. 6.1924	15.11.1949
Rumania	18. 8.1923	
Spain	20. 6.1924	
Sweden	14. 7.1925	15.10.1949
United Kingdom	8. 3.1926	3.10.1949
Uruguay	6. 6.1933	17.11.1949
Yugoslavia	1. 4.1927	

¹ See footnote 2 to Convention No. 1.

² See footnote 3 to Convention No. 1.

Argentine Republic.

The report refers to the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Australia.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Belgium.

The report repeats the information previously supplied and adds that, while the legislation does not provide for the exceptions allowed under Article 3 of the Convention, it sometimes happens that a few apprentice-stokers are employed on board a State training ship. However, this exception is covered by paragraphs (a) and (b) of the above-mentioned Article. The exception provided for under Article 4 of the Convention is not reproduced in the legis-

lation and no use has ever been made of it. The names of all members of the crew, of whatever age, and the dates of their births, are entered in the register. Articles of agreement are based on the Act of 5 June 1928; they do not reproduce all the special provisions of the Convention. The Convention is very strictly applied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Burma.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Canada.

The report repeats the information previously supplied.

Chile.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Cuba.

The report repeats the information previously supplied. Copies of the report will be communicated to the representative employers' and workers' organisations.

Denmark.

The report refers to the information previously supplied.

Finland.

The report repeats the information supplied for the period 1947-1948. Copies of the report have been sent to the representative organisations of employers and workers.

France.

The report repeats the information supplied for the period 1947-1948. Copies of the report have been communicated to the representative employers' and workers' organisations.

Greece.

The report repeats the information previously supplied and adds that there is no necessity to compile any statistical data

relating to the application of the Convention. Copies of the report have been communicated to the representative employers' and workers' organisations.

India.

The report repeats the information previously supplied and adds that copies of the report are being communicated to the representative employers' and workers' organisations.

Ireland.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Italy.

The report repeats the information previously supplied and adds that the admission of young persons to employment in the engine-room department is now governed by § 320 of the Shipping Code. More comprehensive provisions on the subject are to be included in the regulations issued under the Code which are now approaching completion.

§ 320 of the Code prohibits the employment of persons under 18 years of age in any capacity (not only as trimmers and stokers).

The exceptions authorised under paragraphs (a) and (b) of Article 3 and under Article 4 of the Convention are not reproduced in the Shipping Code, which does not require shipmasters to keep a special register or list of all persons under 18 years of age employed on board, together with their dates of birth. However under §§ 170 and 171 of the Code, a list of the crew is required in respect of vessels over a certain tonnage; in the case of smaller vessels a licence (*licenza*) is required. The Code does not contain any provisions corresponding to Article 6 of the Convention.

The provisions of the Convention are applied even more strictly than the Convention itself requires. Copies of the report have been communicated to the representative employers' and workers' organisations.

Luxembourg.

The report repeats the information previously supplied.

Netherlands.

Under Article 5 of the Convention, the report states that the Decree of 16 November 1946 provides that on all seagoing vessels employing one or more young persons a register must be kept showing their names and dates of birth. The age of the seaman must also be entered in the list of crew. The Decree also lays down that the articles of agreement of seamen engaged on seagoing

vessels, with the exception of vessels engaged in fishing, must contain the following provision: "persons under 18 years of age must not be employed on board as trimmers and stokers".

The application of the legislation is entrusted to officials of the labour inspection service; officials of the national and communal police are empowered to investigate infringements of the legislation, and have free access to workplaces. Copies of the report have been communicated to the Labour Foundation.

Norway.

The report refers to the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Pakistan.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative workers' organisations. There are as yet no employers' organisations, but copies of the report have been communicated to the provincial Governments for transmission to important chambers of commerce.

Poland.

The report repeats the information previously supplied.

Sweden.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

United Kingdom.

The report repeats the information supplied for the period 1947-1948. Copies of the report have been communicated to the representative employers' and workers' organisations.

Uruguay.

The report repeats the information given for the period 1947-1948.

NON-METROPOLITAN TERRITORIES
(ARTICLE 35 OF THE CONSTITUTION)

Belgium

Belgian Congo and Ruanda-Urundi.

Act of 5 June 1928, to issue regulations for seamen's articles of agreement, § 103 (L.S. 1928, Bel. 5 A).

The Belgian Congo has no merchant navy navigating under its own flag. The Belgian Act of 5 June 1928 regulates seamen's

articles of agreement concluded by Natives of the Belgian Congo for service on board ships plying between Belgium and the colony. Under this legislation, no person under 18 years of age may be employed as a trimmer or stoker.

If a seaman who is a Native of the Belgian Congo is engaged in the territory of the Belgian Congo, the provisions of the Belgian Act which fix the minimum age are supplemented by a provision stipulating that the seaman must be subjected to an examination regarding his fitness for work and his adult status, in accordance with the corresponding provisions of the Decree of 16 March 1922 (§ 2) concerning contracts of employment and the Ordinance of 8 December 1940.

Netherlands

Indonesia.

The report refers to the information supplied for the period 1947-1948.

Netherland West Indies.

The report repeats the information previously supplied.

Surinam.

The Convention is not applied. Draft legislation covering the requirements of the Convention is in course of preparation.

United Kingdom

Aden.

The report repeats the information previously supplied.

Barbados.

No Order-in-Council, applying with modifications the provisions of the United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925, has been issued, but the provisions of the Act are observed in respect of foreign-going ships.

Basutoland.

The Convention is inapplicable since Basutoland has no seaboard.

Bechuanaland.

There are no trimmers or stokers in the protectorate.

British Guiana.

The report repeats the information previously supplied.

British Honduras.

The report repeats the information previously supplied.

British Somaliland.

Employment of Young Persons and Children Ordinance, No. 6 of 1938.

§ 5 (1) of the Ordinance provides that, subject to the provisions of Articles 3 and 4 of the Convention, no young person may be employed on work as a trimmer or stoker in any ship. Penalties for breaches of this provision are set out in § 6 (2) of the Ordinance. Articles 1, 2, 3, 4, 5, 6 and 11 of the Convention are set out in Part V of the schedule to the Ordinance. Under § 5 (2) of the Ordinance, masters of ships are bound to keep a register of young persons employed on their ships, with particulars of their ages, or apparent ages, and the dates on which they become or cease to be members of the crew. No shipping has been registered in the protectorate, and the few ships visiting the country are generally registered in the United Kingdom or in Aden. No special method of registration has so far been prescribed. The Governor may authorise any officer of the Government to supervise the application of the Ordinance. It has not been found necessary to appoint such an officer.

Brunei.

A Bill has recently been drafted which, when enacted, will ensure the application of the Convention.

Cyprus.

The report repeats the information previously supplied. Copies of the report have been communicated to the Pan-Cyprian Federation of Labour, the Cyprus Workers' Confederation, the Cyprus-Turkish Trade Unions Federation, and the Association of Cyprus Industries.

Dominica.

The report repeats the information previously supplied.

Falkland Islands.

The report repeats the information previously supplied.

Fiji.

Order-in-Council of 25 July 1927, to apply the relevant provisions of the United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925.

The above Act contains various provisions corresponding to the Articles of the Convention. The Commissioner of Labour and the Fiji Marine Board are entrusted with the supervision of the application of the Act. Article 4, however, is not applied in Fiji; vessels engaged in the coastal trade are powered by means other than steam and employ no trimmers or stokers. The enforcement of the Convention is not therefore necessary.

Gambia.

The report repeats the information previously supplied.

Gibraltar.

The report repeats the information previously supplied.

Gilbert and Ellice Islands.

The report repeats the information previously supplied.

Gold Coast.

The report repeats the information previously supplied. Copies of the report have been communicated to the Chamber of Mines, the chambers of commerce, and the Trade Union Congress.

Grenada.

The report repeats the information previously supplied.

Hong Kong.

The report repeats the information previously supplied.

Kenya.

The report repeats the information previously supplied and adds that no observations have been received from employers' and workers' organisations. Copies of the report have been made available to these organisations.

Federation of Malaya.

The report repeats the information previously supplied and adds that the legislative provisions only apply to the ports situated in the States of Penang and Malacca and are sufficient as larger ships calling at ports in the Malay States are registered elsewhere. Ships registered in the ports in the Malay States are small craft such as junks, *tongkangs*, fishing boats, sampans, motor launches, lighters, etc. Articles 1-6 of the Convention are covered by the legislation in force, which defines the terms "vessel" and "young person". No young person may be employed as a trimmer or stoker. A copy of the report has been communicated to the Federal Labour Advisory Board.

Malta.

The report repeats the information previously supplied, and adds that the enforcement of the Convention is entrusted to the Collector of Customs and the Superintendent of Ports. Contraventions are punishable by fines imposed by the courts. Copies of the report have been communicated to the General Workers' Union, the Chamber of Commerce and the Federation of Malta Industries.

Mauritius.

The report repeats the information previously supplied, and adds that, under § 4 of Part IV of the Schedule to Ordinance No. 37 of 1934, which applies Article 5 of the Convention, the age is under 16 instead of under 18 years. This oversight will be amended. Young persons under 18 years of age are not employed, in any capacity, in locally registered vessels.

Nigeria.

The report repeats the information previously supplied.

North Borneo.

The report repeats the information previously supplied and adds that the Convention has been applied without modification except as regards Article 5, which has not been applied for the reasons mentioned in the report on Convention No. 5. In September 1949, there were 12 ships, all under 100 tons net register, on the colony's register of shipping.

Northern Rhodesia.

The Convention is not applicable as Northern Rhodesia has no seacoast.

Nyasaland.

The Convention only applies to ships engaged in maritime navigation and is therefore inapplicable to Nyasaland. However, legislation is now under consideration providing safeguards similar to those laid down in the Convention with regard to the employment of young persons in lake shipping.

St. Helena.

The report repeats the information previously supplied.

St. Lucia.

The report repeats the information previously supplied.

St. Vincent.

The report repeats the information previously supplied.

Sarawak.

The report repeats the information previously supplied.

Seychelles.

The report repeats the information previously supplied.

Sierra Leone.

The report repeats the information previously supplied and adds that effect is

given to Article 3 of the Convention by the Employers and Employed Ordinance, as amended by § 4 of Ordinance No. 32 of 1947; paragraph (c) of this Article has been applied locally to the West African coastal trade. A copy of the report has been communicated to the Council of Labour.

Singapore.

Merchant Shipping Ordinance, Chapter 150.

A vessel is defined as "any ship or boat or any other description of vessel used in navigation". Young persons under 18 years of age may not be employed as trimmers or stokers. Exemptions are made for schoolships or training ships. Articles 4, 5 and 6 of the Convention are covered by legislation. The port officer supervises the application of the legislation. No cases were reported of young persons under 18 years of age being engaged as stokers and trimmers. In future, the report will be communicated to the Labour Advisory Board.

Solomon Islands.

The report repeats the information previously supplied.

Swaziland.

The Convention cannot be applied since Swaziland has no coastline.

Tanganyika.

The report repeats the information previously supplied and adds that Article 5 of the Convention is not applied by the legislation. However, a special provision will be contained in the new Employment Bill, which is in course of preparation and

which contains a definition of the term "vessel". The employment of any young persons (under 18 years of age) as trimmers or stokers is prohibited.

Vessels other than Native vessels call at four ports only in the territory, Dar-es-Salaam, Tanga, Lindi and Mtwara. All these ports are under the control of officers of the East African railways and harbours administration, who work in close conjunction with the officers of the Labour Department. No contraventions were reported. Copies of the report will be communicated to members of the Labour Board.

Trinidad and Tobago.

The Government repeats the information given in previous reports. Copies of the report have been communicated to the Trinidad and Tobago Trade Union Council.

Uganda.

The report repeats the information previously supplied.

Zanzibar.

Employment of Women, Children and Young Persons (Restriction) Decree, 1934, amended by Decree No. 27 of 1948.

The new legislation has enabled the application of Article 6 of the Convention under § 3 B (2) of Chapter 132 of the laws.

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 representative employers' and workers' organisations.

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 Republic	26. 5.1936	17.10.1949
Australia	28. 6.1935	1.10.1949
Belgium	19. 7.1926	2.11.1949
Brazil	8. 6.1936	10.11.1949
Bulgaria	6. 3.1925	
Burma ¹	20.11.1922	19.12.1949
Canada	31. 3.1926	10.10.1949
Chile	18.10.1935	7.11.1949
China	2.12.1936	
Colombia	20. 6.1933	
Cuba	7. 7.1928	5.10.1949
Denmark	23. 4.1938	4.10.1949
Estonia	8. 9.1922	
Finland	10.10.1925	20.10.1949
France	22. 3.1928	27.10.1949
Germany	11. 6.1929	
Greece	28. 6.1930	9.11.1949
Hungary	1. 3.1928	

¹ See footnote 2 to Convention No. 1.

Countries	Date of registration of ratification	Reports received
India	20.11.1922	23.11.1949
Ireland	5. 7.1930	17.11.1949
Italy	8. 9.1924	18.10.1949
Japan	7. 6.1924	
Latvia	9. 9.1924	
Luxembourg	16. 4.1928	4. 2.1950
Mexico	9. 3.1938	21.11.1949
Netherlands	9. 3.1928	12. 1.1950
Nicaragua	12. 4.1934	
Pakistan ¹	20.11.1922	17.10.1949
Poland	21. 6.1924	15.11.1949
Rumania	18. 8.1923	
Spain	20. 6.1924	
Sweden	14. 7.1925	15.10.1949
United Kingdom	8. 3.1926	3.10.1949
Uruguay	6. 6.1933	17.11.1949
Yugoslavia	1. 4.1927	

¹ See footnote 3 to Convention No. 1.

Argentine Republic.

The report refers to the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Australia.

The report repeats the information supplied for the period 1947-1948 and adds that 290 persons were examined during the year ending 30 June 1949; of these, 282 were passed, 4 deferred and 4 rejected. The reasons for deferment were chest condition, poor physique, carious teeth. The reasons for rejection were high blood pressure, deafness, defective vision, albuminuria. Copies of the report have been communicated to the representative employers' and workers' organisations.

Belgium.

The medical examination concerning the seaman's state of health and his fitness for the work for which he is engaged is renewed at each enrolment (in practice every three or four months). In addition, visual and hearing tests are made every year in respect of all seafarers. At the time of enrolment, the maritime commissioner makes sure that all the seamen have passed the medical examination. Copies of the report have been communicated to the representative employers' and workers' organisations.

Brazil.

Decree No. 22,872 of 29 June 1933, to set up a seamen's retirement and survivors' pension institution, issue regulations for its operations and provide for other matters (L.S. 1933, Braz. 2).

Decree No. 5,798 of 11 June 1940, to enforce the regulations respecting harbour masters.

Legislative Decree No. 5,092 of 15 December 1942, establishing a National Labour Department.

Legislative Decree No. 5,452 of 1 May 1943, to approve the consolidation of labour laws (L.S. 1943, Braz. 1).

Decree No. 22,872 provides that, before admission to employment in maritime transport undertakings, every employee shall undergo a medical examination at the expense of the Seamen's Retirement and Survivors' Pension Institution. Admission to employment is subject to the production of a health certificate and compliance with certain other requirements. The supervision of the application rests with the National Labour Department of the Ministry of Labour, Industry and Commerce.

Burma.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Canada.

The report repeats the information previously supplied.

Chile.

The report refers to the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Cuba.

The report repeats the information previously supplied. Copies of the report will be sent to the employers' and workers' organisations.

Denmark.

The report refers to the information previously supplied.

Finland.

The report, which repeats the information given for 1947-1948, has been communicated to the representative employers' and workers' organisations.

France.

No amendments have been made since the previous report. On 1 July 1948, approximately 3,900 ship's boys and 5,600 ordinary seamen were covered by the Convention. Copies of the report have been communicated to the representative employers' and workers' organisations.

Greece.

A maritime certificate is granted to any person to be employed on board ship and may not be issued unless the seafarer has passed a medical examination before a board appointed by the competent authorities. In addition, after two years' service, all enrolled seamen must submit to a medical examination before a medical board appointed by the State. Copies of the report have been communicated to the representative employers' and workers' organisations.

India.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Ireland.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Italy.

Under § 323 of the Code of the Mercantile Marine, the registration of seafarers is sub-

ject to a medical examination carried out by the doctor attached to the harbour authorities. The Convention is fully applied and use has not been made of the right authorised under Article 4. Application is ensured by the Ministry of the Mercantile Marine, acting through the medium of the maritime authorities. Copies of the report have been communicated to the representative employers' and workers' organisations.

Luxembourg.

The Convention calls for no practical application in the Grand Duchy.

Mexico.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Netherlands.

The medical examination of seamen is regulated by §§ 30-35 of the Seamen's Order of 15 May 1937. These provisions stipulate that a health certificate is only valid for one year after its issue. The inspector general of shipping, assisted by a body of inspectors and experts, is responsible for the supervision of the application of the legislation. Moreover, control is effected by the maritime committees (*Waterschout*) at the time of registration. No infringements were reported during the period under review; 871 seamen underwent a medical examination. A copy of the report has been communicated to the Labour Foundation.

Pakistan.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative workers' organisation and, in the absence of representative employers' organisations, to the provincial Governments for transmission to the chambers of commerce.

Poland.

The report repeats the information previously supplied.

Sweden.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

United Kingdom.

The report repeats the information given for the period 1947-1948. Copies of the report have been communicated to the representative employers' and workers' organisations.

Uruguay.

The report repeats the information given for the period 1947-1948.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Belgium

Belgian Congo and Ruanda-Urundi.

Act of 5 June 1928, to issue regulations for seamen's articles of agreement (L.S. 1928, Bel. 5 A).

Decree of 16 March 1922, respecting contracts of employment.

Ordinance of 9 December 1940, respecting the health and safety of workers.

The Belgian Congo has no merchant navy navigating under its own flag. The Belgian Act of 5 June 1928, concerning seamen's articles of agreement, applies to agreements concluded by the Natives of the Belgian Congo for service on ships plying between Belgium and the Congo. Under § 21 of this Act, a seaman is not entered in the ship's articles unless he has been subjected to a medical examination.

If a seaman who is a Native of the Congo is engaged in the territory of the Belgian Congo, the Decree of 16 March 1922 (§ 2) and the Ordinance of 8 December 1940 (§ 6) stipulate that he must be subjected to an examination as regards his fitness for work and his adult status.

Netherlands

Indonesia.

The report refers to the information supplied for the period 1947-1948.

Netherland West Indies.

The report repeats the information previously supplied.

Surinam.

The Convention is not applied and there are no legislative provisions. Children or young persons are seldom employed on board ship.

United Kingdom

Barbados.

No Order-in-Council, applying with modifications the provisions of the United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925, has been issued, but the provisions of this Act are observed in respect of foreign-going ships.

Basutoland.

The Convention is inapplicable since Basutoland has no seaboard.

Bechuanaland.

The Convention is not applicable to the territory.

British Guiana.

The report repeats the information previously supplied.

British Honduras.

The report repeats the information previously supplied.

British Somaliland.

Employment of Women, Young Persons and Children Ordinance, No. 6 of 1938.

§ 4 (5) of the Ordinance provides that no child or young person shall be employed in any ship other than a Native vessel, except under the conditions provided for in the Convention. Penalties are laid down in § 6 (2) of the Ordinance. Articles 1, 2, 3, 4 and 9 of the Convention are set out in the schedule to the Ordinance.

The Governor may authorise any officer of the Government to supervise the application of the Ordinance. Except for Native vessels defined in § 2 of the Ordinance, the ships visiting the protectorate are generally registered in the United Kingdom or in Aden. It has therefore been found unnecessary to appoint an officer to supervise the application of the Ordinance.

Brunei.

A Bill has recently been drafted which, when enacted, will ensure the application of the Convention.

Cyprus.

The report repeats the information previously supplied. Copies of the report have been communicated to the Pan-Cyprian Federation of Labour, the Cyprus Workers' Confederation, the Cyprus-Turkish Trade Unions Federation, and the Association of Cyprus Industries.

Dominica.

The report repeats the information previously supplied.

Falkland Islands.

The report repeats the information previously supplied.

Fiji.

Order-in-Council of 25 July 1927, to apply the relevant provisions of the United Kingdom Merchant Shipping Act, 1925.

Articles 1 to 4 of the Convention are covered by the legislation in force. Statistics are not available. There is no tendency to employ young persons on vessels. Copies of the report have been communicated to the Labour Advisory Board.

Gambia.

The report repeats the information previously supplied.

Gibraltar.

The report repeats the information previously supplied and adds that, during the

period under review, the number of young persons employed in locally registered vessels was approximately 15, and that they were all medically examined.

Gilbert and Ellice Islands.

The report repeats the information previously supplied.

Gold Coast.

The report repeats the information previously supplied. Copies of the report have been communicated to the Chamber of Mines, the chambers of commerce and the Trade Union Congress.

Grenada.

The report repeats the information previously supplied.

Hong Kong.

The report repeats the information previously supplied.

Kenya.

The report repeats the information previously supplied and adds that no observations have been received from employers' and workers' organisations. Copies of the report have been made available to these organisations.

Federation of Malaya.

The report repeats the information previously supplied and adds that Articles 1, 2, 3 and 4 of the Convention are implemented in Penang and Malacca. A copy of the report has been communicated to the Federal Labour Advisory Board.

Malta.

The report repeats the information previously supplied and adds that the administration of the legislation is entrusted to the Collector of Customs and Superintendent of Ports. Any master of a vessel contravening the law is liable to a fine on conviction by a court. The engagement of young persons on ships at Malta is infrequent. Control is exercised by the Shipping Master of the Department of Customs and Ports; no contraventions were reported during the period under review. Copies of the report have been communicated to the General Workers' Union, the Chamber of Commerce, and the Federation of Malta Industries.

Mauritius.

The report repeats the information previously supplied and points out that the employment of children under the age of 15 years is absolutely forbidden except in the case of vessels upon which only members of the family are employed. On the other

hand, only children and not young persons are required to show medical certificates of fitness.

Nigeria.

The report repeats the information previously supplied.

North Borneo.

The report repeats the information previously supplied and adds that in September 1949, there were 12 ships on the colony's register of shipping, all under 100 tons net register.

Northern Rhodesia.

The Convention is not applicable as Northern Rhodesia has no sea coast.

Nyasaland.

The Convention only applies to seagoing vessels and is therefore inapplicable in Nyasaland. Legislation, however, is now under consideration providing for the medical examination of children and young persons employed in lake shipping.

St. Helena.

The report repeats the information previously supplied.

St. Lucia.

The report repeats the information previously supplied.

St. Vincent.

The report repeats the information previously supplied.

Sarawak.

The report repeats the information previously supplied.

Seychelles.

The report repeats the information previously supplied.

Sierra Leone.

The report repeats the information previously supplied. Copies of the report have been communicated to the Sierra Leone Council of Labour.

Singapore.

Merchant Shipping Ordinance, Chapter 150.

A vessel is defined as "any ship or boat or any other description of a vessel used in navigation". No young person may be employed on board ship unless he has delivered to the master a medical certificate that he is fit to be employed in that capacity. This provision does not apply to ships in which

only members of the same family are employed. A certificate remains in force for a period of 12 months. On the grounds of urgency, a port officer or consular officer may authorise a young person to be employed on board ship without a certificate, but the required formalities must be carried out at the first port of call. The port officer and the port health officer supervise the application of the legislation; their powers are described in the report. No breaches of the Ordinance were reported during the period under review. In future, the report will be communicated to the Labour Advisory Board.

Solomon Islands.

The report repeats the information previously supplied.

Swaziland.

The Convention cannot be applied since Swaziland has no coastline.

Tanganyika.

Employment of Women and Young Persons Ordinances (Nos. 5 of 1940 and 10 of 1946).

The application of the Convention has had actual legal effect because, prior to the enactment of this Ordinance, there was no legislation on the subject.

The Ordinance contains no definition of the term "vessel", but this omission will be remedied in the new Employment Bill which is in course of preparation. § 14 (1) of the Ordinance gives effect to Article 2 of the Convention; however, it does not permit the relaxation permitted in respect of vessels upon which only members of one family are employed. Only Government medical officers are permitted to sign medical certificates of fitness. Such certificates are valid for one year but are extended if they expire during a voyage. A medical certificate may be revoked at any time by a medical officer if he is satisfied that the young person is no longer fit for work. The Ordinance does not provide for the exceptions dealt with under Article 4.

Vessels other than Native vessels call at the four major ports in the territory, Dar-es-Salaam, Tanga, Lindi and Mtwara. All these ports are under the control of officers of the East African railways and harbours administration, who work in close conjunction with the officers of the Labour Department. So far as is known, no young persons have been engaged for employment at sea except in the case of Native vessels. Copies of the report will be communicated to the members of the Labour Board.

Trinidad and Tobago.

The report repeats the information previously supplied. A copy of the report has been communicated to the Trinidad and Tobago Trade Union Council.

Uganda.

The application of the Convention is ensured by the labour commissioner, authorised officers and approved medical practitioners.

Zanzibar.

Employment of Women, Children and Young Persons (Restriction) Decree, 1932, as amended by Decree No. 27 of 1948.

Articles 1, 2 and 4 of the Convention are applied. The application of the legislation is entrusted to the port officer, who enforces the provisions by means of routine procedure prescribed under the Merchant Shipping Act of 1925. It has not been the practice to require medical certificates in respect of young persons employed on Native vessels since, in a large number of cases, the young

persons are related to other members of the crew. When this is not the case, certificates are required. There is no special system of inspection beyond the cases which come to the notice of the authorities in exercise of the procedure prescribed in rules Nos. 80 and 81 of the Port Rules of 1927. No complaints or known abuses have arisen and the Convention appears to be satisfactorily applied. About 300 young persons are affected by the legislation, including those employed on board dhows who have relatives among the crew.

The Government of the *United Kingdom* states that copies of the reports concerning the application of this Convention on the foregoing non-metropolitan territories have been communicated to the representative employers' and workers' organisations.

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
Argentine Republic	14. 3.1950	
Austria	21. 8.1936	3.11.1949
Belgium	3.10.1927	2.11.1949
Bulgaria	5. 9.1929	
Chile	8.10.1931	7.11.1949
Colombia	20. 6.1933	
Cuba	6. 8.1928	5.10.1949
Finland	20. 1.1950	
France	17. 5.1948	27.10.1949
Hungary	19. 4.1928	
Latvia	29. 5.1928	
Luxembourg	16. 4.1928	4. 2.1950
Mexico	12. 5.1934	21.11.1949
Netherlands	13. 9.1927	12. 1.1950
New Zealand	29. 3.1938	26. 1.1950
Nicaragua	12. 4.1934	
Poland	3.11.1937	15.11.1949
Portugal	27. 3.1929	10.11.1949
Spain	22. 2.1929	
Sweden	8. 9.1926	15.10.1949
United Kingdom	28. 6.1949	
Uruguay	6. 6.1933	17.11.1949
Yugoslavia	1. 4.1927	

Austria.

Federal Act of 15 October 1948 (L.S. 1948, Aus. 1 C), as amended by the Federal Act of 19 May 1949 (L.S. 1949, Aus. 2 D), to amend the provisions of the Social Insurance Act and to provide for food allowances granted as supplements to social insurance benefits.

Federal Acts of 16 December 1948 and 19 May 1949 (L.S. 1949, Aus. 2 B), to amend the Federal Act of 12 June 1947 (L.S. 1947, Aus. 5 A), to make provision for the transition to the new Austrian social insurance legislation (Second and Third Acts to amend the Social Insurance (Transitional Provisions) Act).

The report repeats the information previously supplied and adds that copies of the report have been communicated to the representative employers' and workers' organisations.

Belgium.

Legislative Orders of 9 June, 26 September, 22 November and 13 December 1945, 17 and 27 December 1946.

Royal Orders of 15 January and 3 June 1946, 27 January and 8 March 1948.

The report refers to the information previously supplied and adds that copies of the report have been communicated to the representative employers' and workers' organisations.

Chile.

The report refers to the information previously supplied. Copies of 15 decisions by courts of law are appended to the report. Detailed statistical data are also given showing that 735,022 wage earners are covered by the general legislation concerning workmen's compensation for accidents; 25,210 workers are affiliated to special schemes. In addition, 459,618 agricultural workers, 18,197 seamen and 2,135 fishermen are covered by this legislation. Cash benefits amounting to 100,398,136.53 pesos were paid in 1948. In the same year, there were 100,584 minor accidents, 5,466 serious and 418 fatal accidents; a document appended to the report contains detailed information in this respect. Copies of the report have been communicated to the representative employers' and workers' organisations.

Cuba.

Decree No. 4324 of 1948, to amend § 58 of Decree No. 223 of 31 January 1935 in pursuance of the Act respecting industrial accidents.

Decree No. 3104 of 1948, to prescribe safety measures for cinema-operators' cabins.

Resolution No. 1555 of 1949, to appoint a committee entrusted with the revision of doctors' fees.

The report repeats the information previously supplied and adds that, during the period under review, the number of workers covered by insurance amounted to 101,872; benefits in cash amounted to 764,053.33 pesos and in kind to 726,094.40 pesos. There were 27,682 minor accidents, 16,853 more serious, 1,559 serious and 39 fatal accidents. Visits of inspection were effected to 56 undertakings and 25 breaches reported; two decisions were given and two cases are pending. Copies of the report have been communicated to the representative employers' and workers' organisations.

France.

Decree of 9 February 1949, to supplement the list of occupational diseases appended to the Decree of 31 December 1946.

Decree of 11 June 1949, to amend and supplement the Decree of 31 December 1946, issued in pursuance of the Act of 30 October 1946 (L.S. 1946, Fr. 12).

Act No. 49/1111 of 2 August 1949, with retro-active effect as from 1 September 1948.

The special schemes covering certain categories of workers may be considered, in general, as equivalent to the schemes provided by the Convention. The majority of these schemes are undergoing changes. Improvements have recently been made in the scheme for State employees; other improvements are envisaged for employees of local organisations. In reply to observations made by the Committee of Experts with regard to Article 5 of the Convention, the report states that the control of the utilisation of lump-sum payments is unnecessary in the event of the remarriage of a childless surviving husband or wife, and impossible in cases where the beneficiary is no longer domiciled in France. Act No. 49/1111 of 2 August 1949 provides that, as from 1 September 1948, allowances paid to persons totally incapacitated for work and whose condition makes necessary the constant attendance of another person are to be calculated at the rate of 40 per cent. of the pension and may not be less than 120,000 francs. This Act also increases to 180,000 francs the minimum wage used as the basis in calculating pensions for persons whose degree of incapacity is not less than 10 per cent.; as from 1 September 1948, therefore, such persons receive 180,000 francs plus 120,000 francs (300,000 francs).

Detailed statistical data are appended to the report. The total number of wage earners covered by the general scheme amounted to 9,161,000 persons on 31 December 1948. Cash benefits were paid amounting to 6,438,300,000 francs; benefits in kind amounting to 2,398,100,000 francs were also paid. In 1948, 1,605,518 accidents were reported, 52,880 of which were serious and 2,274 were fatal. Copies of the report have been communicated to the representative employers' and workers' organisations.

Luxembourg.

The report refers to the information previously supplied and repeats that the Convention is applied under the legislation. Information is given regarding the method of calculating the basic wage and the rates of pensions granted.

Mexico.

The report repeats the information previously supplied and adds, in reply to certain observations made in 1949 by the Committee of Experts, that, in virtue of § 133 of the Mexican Constitution the national legislation is modified automatically by the Convention. Thus, any worker may claim the application of the provisions of the Convention relating to the renewal of artificial limbs and the granting of additional compensation to injured persons whose condition necessitates the constant help of another person.

The discrepancies between the national legislation and the Convention are purely formal in nature. The Government, which intends to bring the provisions of the legislation into conformity with those of the Convention, is awaiting a favourable political moment in order to do so. The report contains extracts from awards made by the Superior Court with regard to industrial injuries. Copies of the report have been communicated to the representative employers' and workers' organisations.

Netherlands.

Acts of 29 October 1948 (L.S. 1948, Neth. 1) and 25 February 1949 (L.S. 1949, Neth. 1 B), to amend the Act of 28 June 1921, respecting accident insurance (L.S. 1921, Neth. 1). Royal Decrees of 23 February, 12 April, 20 August, 7 October, 23 November and 28 December 1948, 9 April and 10 June 1949. Ministerial Decrees of 22 December 1948 and 18 January 1949.

The report contains detailed information concerning the application of the Convention and adds that accident insurance covers all wage-earning workers, including unpaid voluntary workers and apprentices, homeworkers in certain industries and public works employees who are engaged in work which would be subject to compulsory insurance if carried out for a private undertaking. Benefits to the victim or survivors are paid in the form of a pension or, in certain cases specified by law, in the form of a lump-sum payment. In certain conditions laid down in the legislation, the pension may be commuted. Compensation is granted as from the first day after the accident, provided that the incapacity for work lasts for at least three days. If the condition of the insured person is such as to necessitate constant attendance, his pension, amounting to 70 per cent. of wages in cases of total incapacity, may be increased up to 100 per cent. of his wages. The national legislation provides for supervisory measures and the eventual revision of benefits. Victims of industrial accidents are entitled to medical, surgical and pharmaceutical aid, including the supply and renewal of surgical appliances. The State is responsible for compensation due to insured persons and their survivors. Employers who wish to assume liability for compensation are required, as a rule, to supply a guarantee.

The application of the legislation is entrusted to the State Insurance Bank. Special regulations apply to officials who are not covered by the Act respecting accident insurance. In 1948, the number of standard-workers (an expression corresponding to 300 days' work per annum) covered by compulsory insurance amounted to 1,878,000. In 1947, the total amount of cash benefits was 39,142,413 florins; benefits in kind amounted to 4,786,890 florins. In 1947, there were 347,814 accidents, 73,331 of which did not involve incapacity or involved incapacity for less

than three days. Incapacity lasting from three days to six weeks was reported in respect of 256,573 cases; there were 17,488 cases involving incapacity for over six weeks and 432 fatal cases. Copies of the report have been communicated to the Labour Foundation.

New Zealand.

The report repeats the information previously supplied and adds that recent legislative measures have extended the scope of the legislation concerning workmen's compensation for accidents. With regard to Article 11 of the Convention, the report points out that the Act of 1947, which amended the Workers' Compensation Act of 1922, provides for the establishment of the Employers' Liability Insurance Account, from which indemnities are paid to employers in respect of all sums for which they become liable; injured persons are thus protected against the risk of the employer's insolvency. In July 1949, the Department of Labour and Employment recorded 448,519 employees (325,559 men and 122,960 women). Preliminary figures for 1948 show 7,525 accidents in factories, 597 in bush undertakings and 159 in building and construction. Copies of the report have been communicated to the representative employers' and workers' organisations.

Poland.

Decrees of 8 January 1946 (L.S. 1946, Pol. 3), 13 December 1946 and 28 October 1947 (L.S. 1947, Pol. 4), to amend the Act of 28 March 1933 respecting social insurance (L.S. 1933, Pol. 5).

Act of 1 March 1949 (L.S. 1949, Pol. 1 A) and Orders of 16 January 1948, 23 February and 8 March 1949 (L.S. 1949, Pol. 1 B and 1 C), issued in pursuance of this Act.

The report points out that accident insurance is a branch of compulsory social insurance which covers all workers and repeats the detailed information supplied in previous reports with regard to the persons covered by insurance and the benefits paid by the latter. The insured person is entitled to a pension if his degree of incapacity is at least 25 per cent, and lasts for more than four weeks. Persons sustaining less serious injuries are entitled to social insurance benefits in the form of a lump sum. The report contains detailed information concerning the calculation of pensions. As from 1 January 1949, the General Social Insurance Fund, its regional branches and primary funds are responsible for compensation for industrial accidents under the supervision of the Ministry of Labour and Social Welfare.

The labour inspection services are entrusted with inspection. Disputes are brought before the regional insurance tribunals of first instance, and appeal may be made to the social insurance tribunal. The number of insured persons, including seafarers and fishermen, but excluding agricultural workers and smallholders, amounted

to 3,374,900 on 31 March 1949. On 3 June 1949, 49,100 insured persons and 24,300 dependants were in receipt of accident pensions. The expenses involved in this connection amounted to 1,031.5 million zlotys during the second quarter of 1948 and to 1,423.8 million zlotys during the first quarter of 1949. Copies of the report have been communicated to the Central Committee of Polish Trade Unions.

Portugal.

The report refers to the information previously supplied and gives a summary of various decisions by courts of law in connection with industrial accidents. Copies of the report have been communicated to the representative employers' and workers' organisations.

Sweden.

The report repeats the information previously supplied and adds that, since 1 January 1949, the maximum increase in pensions which may be granted to totally incapacitated insured persons has been fixed at 1,800 kronor per annum. In 1946, the number of persons "working by the year" amounted to 2,198,676, a figure lower than the total number of insured persons. During the period under review, the National Insurance Office paid 27,470,270 kronor in cash benefits and 3,833,013 kronor in benefits in kind (medical care). Other benefits were paid by the State and by certain employers who have assumed liability for the risks of industrial accidents. During this period 203,214 industrial accidents were reported. The report also contains information concerning the administration expenses of the National Insurance Office. Copies of the report have been communicated to the representative employers' and workers' organisations.

Uruguay.

The report repeats the information previously supplied.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Belgium

Belgian Congo and Ruanda-Urundi.

Royal Order of 1 December 1947, respecting rates and scales for the calculation of pensions.
Ministerial Order of 2 March 1948, respecting rates for medical and surgical expenses, etc., granted outside the Belgian Congo and Ruanda-Urundi.

Ministerial Order of 23 July 1948, respecting insurance against the insolvency of employers who are not insured or who have been disqualified.

This legislation is applicable to non-Natives. New legislation extending to Native workers the compensation for injuries

resulting from industrial accidents has been submitted to and approved by the Colonial Council.

The report repeats the information previously supplied and gives the following additional information :

Article 6 : in case of incapacity, compensation is paid from the day of the accident ; the cost of benefits is defrayed by the employer for the first 60 days and by insurance institutions from the 61st day.

Article 7 : the conditions of payment and the amount of supplementary compensation are laid down in § 9 of the Decree of 20 December 1945 which states that : " with regard to seriously injured persons whose condition makes absolutely necessary the constant help of another person, the judge may increase the annual pension to a sum not more than 80 per cent. higher than the first instalment ; the sum payable for the second instalment remains fixed at 20 per cent. "

The application of the Decrees, Orders and Ordinances concerning compensation for industrial accidents is entrusted to the administrative and judicial authorities. A labour inspection service was set up under the Royal Order of 1 July 1947. The only interventions by courts of law concerned the confirmation of agreements concluded between the insurer and the injured person.

The implementation of industrial accident legislation, the principles of which are based on those adopted in the most advanced industrial nations, gives rise to difficulties resulting from the special position of non-metropolitan territories.

The organisation of workmen's compensation for accidents sustained by non-Natives is comparatively recent. Moreover, this legislation permits the co-existence of private insurance and the Colonial Invalidity Fund ; the latter is an institution set up by a Royal Order and under the guarantee of the colony. Steps are being taken to organise the supervision of private insurance schemes and so make it possible to compile final statistics.

Statistics relating to private undertakings, were compiled on 28 February 1949 and show that in the Belgian Congo there were 11,048 non-Native employees, 10,038 of whom were men and 1,010 were women ; in Ruanda-Urundi 300 non-Native men and 29 non-Native women were employed. The legislation also covers persons employed under contract by the Governments of the Belgian Congo and Ruanda-Urundi and a certain number of Natives employed under the employment contract system. The total number of employees is approximately 13,500. In 1947 and 1948, the Colonial Invalidity Fund registered 125 and 253 accidents respectively.

The cost of the application of legislation concerning workmen's compensation for accidents cannot as yet be estimated exactly, since the above-mentioned Decree only came into force on 1 January 1947. In the case

of total incapacity, an annual pension of 46,600 francs is granted for remuneration amounting to 120,000 francs (this figure does not take into account the additional payments made in cases where the injured person requires the help of another person). The payment of pensions is ensured by the constitution of assets either at the General Saving and Retirement Fund in Brussels or in an approved establishment. The Colonial Invalidity Fund has been approved for the constitution of the necessary assets for the pensions payable in its name. Copies of the report have been communicated to the representative employers' and workers' organisations.

Netherlands

Indonesia.

The report repeats the general information previously supplied and adds that, because of existing circumstances, the number of workers now covered by the legislation is much below the pre-war figure : in 1940, 660,000 workers were employed in 8,800 undertakings while, at the end of the period under review, there were 313,883 workers in 4,264 undertakings. There were 1,582 accidents, 80 of which were fatal ; the average period of incapacity for work was 15 days.

Netherland West Indies.

The Accident Regulation of 1936 is applicable to all employees. The legislation only provides for exceptions similar to those referred to in Article 2 (b), (c) and (d) of the Convention. Seamen are covered by the legislation ; fishermen are not. Article 5 of the Convention is applied by the legislation. Compensation is paid as from the day following that on which the accident took place. No special compensation is paid under Article 7 of the Convention, but free hospitalisation is granted. Article 9 of the Convention is applied. The supply of artificial limbs is not compulsory but, when necessary, they are provided by an insurance company or by the Government. The Government safeguards the interests of insured persons. The Ministry of Social and Economic Affairs is responsible for supervision. Approximately 45,000 workers are covered by the Accident Regulation. In 1948, there were 2,197 accidents, six of which were fatal. All the employers and workers are familiar with the Accident Regulation.

Surinam.

Accident Regulation No. 145 of 1947.

The Convention is partly applied. Forestry workers are not covered because supervision is practically impossible. The labour inspection service supervises the application of the legislation. Every employer is

obliged to insure his workers with an insurance company.

Portugal

See introductory note to Convention No. 1.

Angola.

Act No. 1942 of 27 July 1936, respecting the right to compensation for the consequences of industrial accidents or occupational diseases (L.S. 1936, Por. 2 A).

Legislative Decree No. 27,165 of 10 November 1936. Decree No. 27,649 of 12 April 1937.

Code of Procedure for Labour Tribunals, approved by Legislative Decrees Nos. 31,464 and 31,465 of 12 August 1941 and Ordinance No. 10,698 of 6 July 1944.

Every employee working for another person, who meets with an industrial accident which gives rise to an injury or illness is entitled to medical assistance (irrespective of the form in which it must be given), medicaments or a pension as established under the above-mentioned Code, provided the accident occurs in the following circumstances: (a) at the workplace and during hours of work; (b) in the course of work and outside the workplace and the normal hours of work, provided the accident occurs when the worker is carrying out orders or performing tasks under the employer's authority; (c) in the performance of tasks voluntarily performed by the worker for the employer and which are likely to be to the latter's financial advantage. If the injury or illness is not recognised immediately after the accident, the injured person is required to prove that the injury or illness is a consequence of the accident.

The following persons are exempted from responsibility for compensation and other expenses resulting from industrial accidents: (a) persons who avail themselves of the services of others without exercising authority, management or supervision over them; (b) persons who call upon one or several workers to perform some casual service for a few hours or days, provided that this does not involve the establishment of a habitual employer-worker relationship, is not rendered for the working of the industry, and is not related to the employer's occupational activity; (c) persons who require the performance of work which is not in the nature of an economic activity and is effected at the worker's home or establishment; (d) persons who habitually work alone but occasionally call in one or several workers to help them.

Under Act No. 1942, persons whose daily salary or wage exceeds 50 escudos are only entitled to compensation, up to 50 escudos. The right to medical attendance and medicaments is not affected, whatever the amount of the salary or wages. If the accident involves incapacity for work, the injured person is entitled to compensation as follows: (a) in the case of permanent total incapacity, a pension equal to two thirds of his wages; (b) in the case of permanent partial incapacity, a pension equal to two

thirds of the reduction in his total general earning capacity; (c) in the case of temporary total incapacity, compensation equal to two thirds of the salary or wages, provided that for the first three days after the accident the compensation shall only be one third of the salary or wages; (d) in the case of temporary partial incapacity, compensation equal to two thirds of the reduction in earnings while the injured person is under treatment without being confined to hospital, and to compensation equal to two thirds of the reduction in his total general earning capacity if, at the end of treatment, he undergoes a treatment for vocational rehabilitation and for the duration of the said treatment.

Compensation for temporary incapacity shall be due as from the day next after the accident. Pensions for permanent incapacity shall be due as from the day following that on which the injured person finishes his treatment. Compensation in the case of workers with a monthly or yearly salary is based upon $\frac{1}{30}$ and $\frac{1}{360}$ of the respective salaries. The wages for the day on which the accident occurred are paid by the employer, whether or not he has effected the requisite insurance. The Directorate of the civil administrative services may authorise or decree that the corporative bodies in the respective areas shall establish accident insurance for employees in the various occupations represented by them or for persons who perform services for their members, in cases where it is found that insurance on a corporative basis is the most efficient method of applying the legislation. Insurance shall be effected exclusively through the national trade unions and people's and fishermen's institutes in cases where it applies to workers who, owing to the nature of their occupation, work in groups and perform services for various employers. The national trade unions which may be called upon to effect industrial insurance are entitled to collect the premium corresponding to the wages or salaries from the employers who employ workers in the occupation concerned. In these conditions, the employers are discharged of their liability in respect of industrial accidents or occupational diseases which may occur to workers covered by the insurance scheme operated by the responsible national trade union. For the purposes of insurance, compulsory provident institutions may take the place of the national trade unions, provided that this is authorised by the superior authority. Any person concerned may apply for the revision of a pension for permanent incapacity within five years reckoned from the date of the ratification of the agreement or the date when the award became enforceable, on the ground of an alteration in the total earning capacity; such claims may only be made after six months have elapsed since the date when the pension was fixed or last revised.

Cape Verde.

Decree No. 14,054 of 6 August 1927.
 Legislative Order No. 771 of 6 March 1943.
 Legislative Order No. 12 of 27 April 1927.
 Decree No. 16,199 of 6 December 1928, to approve the Native Labour Code for the Portuguese colonies in Africa (L.S. 1928, Por. 3).

The administrative authorities are responsible for the application of legislative measures relating to the Convention.

Macao.

Since industrial accidents seldom occur, no legislation has been enacted on this subject. Should such an accident occur, the legislation in force in Portugal is applied.

Mozambique.

Act No. 83 of 27 July 1913.
 Ordinance No. 643 of 13 October 1917, to approve the general regulations respecting industrial accidents.

The above-mentioned regulations have been amended, as regards the section relating to procedure, by the Code of Procedure for Labour Tribunals, approved by Legislative Decree No. 31,464 of 12 August 1941.

The provisions of paragraphs 1 and 2 (a) of Article 2 of the Convention are covered respectively by §§ 1 and 15 (1) of the general regulations concerning industrial accidents. Compensation for industrial accidents is ensured to workers and employees in the fishing industries when the latter are not administered in common by the fishermen themselves.

The legislation concerning compensation for industrial accidents covers agricultural and forestry work in which use is made of machinery. Paragraph 1 of Article 5 is covered by §§ 4 and 5 of the general regulations concerning industrial accidents.

Employers may pay compensation in the form of a lump sum, provided an agreement to this effect has been concluded before the Government representative in the colony. In case of death, compensation is granted as from the day on which death occurred; in case of total or partial incapacity, compensation is paid as from the day of the accident. Compensation is payable by the employer, whether the latter is the State administration, directorate or office, a dependent service of these organs, a managing owner, or an undertaking engaged in a branch of industry or commerce. Compensation is based on the wages of the injured person; the rates of compensation vary according to wages.

Medical, surgical or pharmaceutical assistance is payable for the period prescribed by the doctor, except where the injured person or the employer expresses his disagreement. In such cases, the injured person shall be examined by three doctors, two of whom shall represent the parties concerned and the third the health service. The employer is responsible for all the expenses connected with assistance.

Paragraph 1 of Article 10 is covered by § 19 of the general regulations respecting industrial accidents. Employers and industrial undertakings must deposit reserve funds with the public treasury equal to the pensions for which they have assumed liability in respect of accidents resulting in death or permanent incapacity for work. The State and municipal institutions are exempted from effecting this deposit when they are considered as employers. The payment of these pensions is the responsibility of the State and is effected by the treasurer or his delegates. Employers may substitute for the amount deposited a mortgage, security or guarantee to cover the total payment of the pensions which may be due by employers. When an employer or an industrial undertaking has supplied a mortgage, security or guarantee with a view to the payment of pensions or compensation, and then ceases to operate, he is required to deposit the necessary reserves with the public treasury. He may also deposit with the treasury any pension bonds whose dividends represent the pension or compensation due; these bonds will be returned to him when the payments have been effected. When an employer or industrial undertaking ceases to operate for reasons of sale or because of the constitution of a new undertaking, their responsibilities may be guaranteed in the same way.

The application of the above-mentioned legislation is entrusted to the judicial authorities. It has not been possible to compile the information requested under Parts IV and V of the report form in time for submission to the next session of the Conference.

Portuguese Guinea.

Decree No. 14,054 of 6 August 1927.
 Act No. 1942 of 27 July 1936, respecting the right to compensation for the consequences of industrial accidents or occupational diseases (L.S. 1936, Por. 2 A).
 Legislative Decree No. 31,464 of 12 August 1941, as amended on 23 August 1941.
 Legislative Decree No. 31,465 of 12 August 1941.
 Ministerial Ordinance No. 10,698 of 6 July 1944, to apply to the colonies Legislative Decree No. 31,464 and the first article of Legislative Decree No. 31,465.

Compensation at least equal to that provided for in the Convention is ensured for persons who meet with an industrial accident or their survivors. The legislative measures and regulations concerning compensation for industrial accidents are applied to workers, employees and apprentices employed in any undertaking, enterprise or establishment, whether public or private. The exceptions laid down in paragraph 2 of Article 2 of the Convention are provided for in the national legislation but have not been applied since the necessity to do so has never arisen. The above-named legislative measures are applicable to workers, employees or apprentices in general, except in the case of workers in the service of the State who are covered by Decree No. 14,054.

There are no provisions in the legislation in force relating to the occupations mentioned in paragraph 1, or to the persons covered by paragraph 2 of Article 3. It has not therefore been necessary to have recourse to such exceptions. Article 4 is not applicable since agriculture is not fully organised and this branch of activity is mainly in the hands of Natives working on their own account.

Compensation due for industrial accidents resulting in unemployment or permanent incapacity is paid to the injured persons themselves in the form of a pension. Under §270 of the Native Labour Code, compensation in the form of a lump sum is payable to Natives, but only in the case of accidents resulting in death; in such cases, payment is made to members of the victim's family by the employer in whose place of work the accident occurred, with the intervention of the administrative authority. The Curator of Natives, or his agents, is competent to decide as to the total or partial payment of compensation in the form of a lump sum; the Curator generally requires a guarantee that this sum will be judiciously employed. In case of incapacity resulting from an accident, compensation is paid on a monthly basis, including payment for the month in which the accident occurred. Payment is suspended on the day following that on which a medical examination shows that incapacity for work no longer exists.

No legislative measures have yet been taken as regards Article 7, since the system of additional compensation is not applied. No legislative measures have been applied as regards Article 8. Any person who meets with an industrial accident is always entitled to every type of medical, surgical and pharmaceutical aid which may be considered necessary. The cost of medical aid is borne by the worker, but in the case of Natives the employer is responsible. Assistance is ensured in the hospitals of the colony through the medium of doctors, surgeons and nurses, and any pharmaceutical aid prescribed by doctors or surgeons. No legislative measures have yet been taken with regard to the provisions of Article 10.

Portuguese Indies.

Ministerial Order No. 11,855 of 27 May 1947.

Under the provisions of this Order and with a view to its application, §49 of Act No. 1942 of 27 July 1936 and §85 of Legislative Decree No. 27,649 of 12 April 1937 to regulate workmen's compensation in Portugal, were published in all the colonies. §49 of Act No. 1942 and §85 of Legislative Decree No. 27,649 relate to the assessment of the injured person's reduction in earning capacity. §85 of Decree No. 27,649 provides that compensation shall be calculated in conformity with the Lucien Mayet Scale, 5th edition. As will be seen from the foregoing, the only legislative measure in force is the Portuguese provision concerning the assessment of the injured person's reduction in earning capacity.

The application of the Act is entrusted to the ordinary courts. There are no services ensuring the supervision of the application of the legislation and so far no information has been received concerning decisions given by courts of law. Since 1 January 1949, the statistical services have started using a form intended for the compilation of information relating to each decision given by courts of law with regard to industrial accidents. The model in use is similar to that adopted by the National Statistical Institution. However, it should be noted that, from 1 January to 30 August 1949, no cases of industrial accidents were brought before the courts. The only representative employers' organisation is the Commercial Association of Goa, but copies of the report have never been communicated to it, since the legal provisions mentioned above only came into force in July 1948.

S. Tomé and Príncipe.

Act No. 1942 of 27 July 1936, respecting the right to compensation for the consequences of industrial accidents or occupational diseases (L.S. 1936, Por. 2 A), applicable to Europeans and Natives.

Legislative Decree No. 16,199 of 6 December 1928, to approve the Native Labour Code for the Portuguese colonies in Africa (L.S. 1928, Por. 3).

Local regulations issued under the Native Labour Code (Ordinance No. 977 of 28 February 1947).

Regulations respecting industrial accidents occurring to Natives (Ordinance No. 904 of 24 August 1946).

All the provisions of the Convention are covered by regulations, in particular, by the regulations concerning industrial accidents occurring to Natives, which ensure the practical application of the relevant provisions of the Native Labour Code. Any accident resulting in incapacity for work up to 90 days and which does not cause a physical disablement or deformity, entitles the injured person to compensation equal to his total wages without any deductions. After the expiry of this period, and up to one year, the handicapped person is entitled to 50 per cent. of his wages. For any further period of incapacity, the injured person receives one third of his wages.

In case of permanent total incapacity, the injured person is entitled to compensation equal to one third of the wages which he was receiving at the time of the accident. In the case of an accident resulting in permanent partial incapacity, the life pension shall correspond to the percentage of the reduction in his earning power, in conformity with the Lucien Mayet Scale, calculated at the rate of one third of the wages which he was receiving at the time of the accident.

In case of death, the beneficiaries are entitled to compensation varying between 1,500 and 3,000 escudos, fixed by the Curator General of Workers and Natives, taking due account of the age of the injured person, the number of persons in his family who were dependent on him, the wages earned by him

and the financial position of the employer. The regulations also provide for the compulsory payment of life pensions in the form of a lump sum when capacity for work is not reduced by more than 45 per cent. The above-mentioned provisions are even more specific with regard to the actual regulations concerning compensation for industrial accidents.

The control of the application of the provisions relating to the Convention is entrusted to the administration and police authorities with regard to Natives of S. Tomé and Príncipe, and to the Curator General or his agents with regard to Native workers from other colonies working in S. Tomé and Príncipe under temporary contracts of employment. The frequent inspection of workplaces, and the facility with which workers consult the authorities, safeguard the efficient application of the principles established in the Convention and covered by the legislative measures and regulations in force.

Timor.

Act No. 1942 of 27 July 1936, respecting the right to compensation for the consequences of industrial accidents and occupational diseases (L.S. 1936, Por. 2 A).

Decree No. 27,165 of 10 November 1936.

Decree No. 27,149 of 12 April 1937.

Legislative Decrees Nos. 31,464 and 31,465 of 12 August 1941.

Ordinance No. 10,698 of 6 July 1944.

The above-named legislative measures are in conformity with the provisions of the Convention. Natives are covered by §§154-168 of the Native Labour Regulations published on 3 July 1936.

Cases which are not provided for are covered by the provisions of the above-named general legislation which applies to Europeans and assimilated persons.

The legislation in force applies to all employees working for another person. The exceptions provided for are those contained in sub-paragraphs 1-4 of sole subsection 6 of Act No. 1942. The legislation is applied to all victims of industrial accidents which give rise to an injury or disease occurring in the following circumstances: (a) at the workplace and during the hours of work; (b) in the course of work outside the workplace and the normal hours of work, provided the accident occurs during the carrying out of orders or the performance of tasks under the employer's authority; (c) in the performance of tasks voluntarily performed by the worker for the employer and which are likely to be to the financial advantage of the latter.

The following exceptions should be mentioned with regard to paragraph 2 of Article 2 of the Convention: (a) work performed for a few hours or days, provided it does not involve the establishment of a habitual employer-worker relationship and that it is carried out in the working of the industry or in relation to the occupational activity of the employer; (b) persons who require the

performance of work which is not in the nature of an economic activity and is effected at the worker's home or establishment. Seamen, fishermen and agricultural workers are not exempted.

In case of death, compensation is paid in the form of a pension to the survivors. In other cases, compensation is paid in the form of a pension to the injured persons. Pensions may be paid in the form of a lump sum, provided that they do not exceed 240 escudos a year and the parties are in agreement, or when the pension does not exceed 120 escudos a year and one of the parties so requests.

Judges of labour tribunals are competent to decide on the means of payment and to indicate the required safeguards.

Compensation in the case of incapacity is payable as from the day following that on which the accident occurred. Compensation is paid by the employers, who may transfer their liability to companies which are legally authorised to assume responsibility for this insurance. In case of permanent total incapacity, the pension is equal to two thirds of the wages. Measures of supervision are laid down in §24 of Act No. 1942. The revision of compensation may be claimed within a period of five years in the case of pensions for permanent incapacity, provided that six months have elapsed since the date on which the pension was fixed or last revised. Injured persons are entitled to medical, surgical and pharmaceutical assistance and to hospitalisation until cured, at the expense of the employer. The information requested with regard to paragraphs (a) and (b) of Article 10 is contained in §20 of Act No. 1942.

When employers do not transfer their liability to legally authorised companies, they are required to furnish security safeguarding the payment of compensation in the case of insolvency (§10 of Act No. 1942).

The application of the above-named laws and regulations is entrusted to the central civil administrative service and to the ordinary courts which function as labour tribunals. With regard to European workers, no inspection services have been organised, since this would not be justified by the amount of work performed. The Curator and his agents carry out inspection visits with regard to Native workers. No decisions were given by courts of law with regard to industrial accidents occurring to European workers. With regard to Natives, decisions are taken by the agents of the Curator; appeal may be made to the latter. The only decisions given concern the fixing of compensation and pensions for industrial accidents.

The Convention cannot be applied in practice to European workers, since there is only a very small number of such workers, in the service of the State. Only three accidents resulting in death were reported. There are no representative employers' and workers' organisations.

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	3. 11. 1949
Belgium	3. 10. 1927	2. 11. 1949
Bulgaria	5. 9. 1929	
Burma ²	30. 9. 1927	5. 12. 1949
Chile	31. 5. 1933	7. 11. 1949
Colombia	20. 6. 1933	
Cuba ¹	6. 8. 1928	5. 10. 1949
Czechoslovakia	19. 9. 1932	2. 1. 1950
Denmark	18. 6. 1934	4. 10. 1949
Finland	17. 9. 1927	20. 10. 1949
France ¹	13. 8. 1931	27. 10. 1949
Germany	18. 9. 1928	
Hungary ¹	19. 4. 1928	
India	30. 9. 1927	15. 12. 1949
Iraq ¹	26. 11. 1938	6. 8. 1949
Ireland ³	25. 11. 1927	
Italy	22. 1. 1934	18. 10. 1949
Japan	8. 10. 1928	
Latvia	29. 11. 1929	
Luxembourg	16. 4. 1928	4. 2. 1950
Netherlands ³	1. 11. 1928	12. 1. 1950
Nicaragua	12. 4. 1934	
Norway ¹	11. 6. 1929	27. 10. 1949
Pakistan ⁴	30. 9. 1927	17. 10. 1949
Poland	3. 11. 1937	15. 11. 1949
Portugal	27. 3. 1929	10. 11. 1949
Spain	29. 9. 1932	
Sweden ³	15. 10. 1929	15. 10. 1949
Switzerland	16. 11. 1927	14. 10. 1949
United Kingdom ³	6. 10. 1926	
Uruguay	6. 6. 1933	17. 11. 1949
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.

Belgium.

Order of the Regent of 16 February 1949, fixing the rates of compensation to be paid during 1948 by heads of undertakings subject to the Act of 24 July 1927 concerning compensation for injury caused by occupational diseases.

Act of 29 March 1949, conferring on the King the authority to grant supplementary allowances to certain beneficiaries under the Act of 24 July 1927 (compensation for injury caused by occupational diseases).

Order of the Regent of 23 May 1949, to grant supplementary allowances to certain beneficiaries under the Act of 24 July 1927.

The report repeats the information previously supplied and adds that the report of the governing body of the Welfare Fund for victims of occupational diseases contains statistical information relating to the period 1940-1948.

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

Burma.

The report repeats the information previously supplied. Copies of the report will

be communicated to the representative employers' and workers' organisations.

Chile.

The report repeats the information previously supplied and adds that 257 cases of occupational diseases were reported during the period under review. Copies of the report have been communicated to the representative employers' and workers' organisations.

Cuba.

No cases of occupational diseases were reported by the General Directorate of Health and Social Welfare; however, one insurance company reported that it was dealing with two claims, without specifying the type of disease or occupation in question. The Directorate of Health and Social Welfare, in accordance with instructions from the Ministry of Labour, intends to examine the number of workers particularly subject to the risks of occupational diseases. Copies of the report will be communicated to the Cuban Confederation of Workers and to the representative employers' organisations registered with the Ministry of Labour.

Czechoslovakia.

Occupational diseases are deemed to be the diseases enumerated in the schedule to § 78, paragraph 1 of the National Insurance Act, provided that such diseases result from an occupation in the undertakings mentioned in the schedule. See also under Convention No. 24. Copies of the report have been communicated to the representative employers' and workers' organisations.

Denmark.

The report refers to the information previously supplied and adds that, during the period under review, 13 cases of occupational diseases were approved; compensation amounting to 156,180 kroner was paid in respect of 68 previously approved cases.

Finland.

The Act of 12 May 1939 concerning occupational diseases has been modified by Act No. 955 of 30 December 1948 which contains a list of all the diseases enumerated in the Convention. The report gives statistical data for the period 1938-1944 regarding occupational diseases and inflammation consequent upon friction caused by implements. Copies of the report have been communicated to the representative employers' and workers' organisations.

France.

See Convention No. 42.

India.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Italy.

The report repeats the information previously supplied and adds that Act No. 52 of 3 March 1949 increases the basic rate for the calculation of contributions and benefits in case of permanent invalidity and death. Copies of the report have been communicated to the representative employers' and workers' organisations.

Luxembourg.

The provisions of existing legislation concerning compulsory accident insurance have been extended progressively to an increasing number of occupational diseases, thus ensuring the full application of the Convention.

Norway.

The report refers to the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Pakistan.

The report refers to the information previously supplied. Copies of the report have been communicated to the workers' organisations. 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.

Poland.

The report refers to the information supplied for 1947-1948. Copies of the report have been communicated to the Central Committee of Polish Trade Unions.

Portugal.

The report refers to the information previously supplied and adds that no statistical information is available at present. The report contains the texts of two decisions given by courts of law relating to the application of the Convention. Copies of the report have been communicated to the representative employers' and workers' organisations.

Switzerland.

The report refers to the information previously supplied and adds that the

decisions given by federal courts of law are published in the "Collection of Awards by the Federal Insurance Tribunal". The Swiss National Accident Insurance Fund has registered 38 cases of lead poisoning (in respect of three of which invalidity pensions were granted), costing 86,825 francs for unemployment benefits, medical expenses and invalidity pensions; 11 cases of mercury poisoning, costing 9,428 francs for unemployment benefits and medical expenses. Copies of the report have been communicated to the representative employers' and workers' organisations.

Uruguay.

The report repeats the information previously supplied.

NON-METROPOLITAN TERRITORIES
(ARTICLE 35 OF THE CONSTITUTION)

*Belgium**Belgian Congo and Ruanda-Urundi.*

Decree of 20 December 1945, respecting compensation to non-indigenous persons for injuries resulting from industrial accidents.

Decree of 1 August 1949, respecting compensation to Native workers for injuries resulting from industrial accidents and occupational diseases.

The Convention has been made applicable to the Belgian Congo and Ruanda-Urundi. It is applied by the legislative provisions in force.

Portugal

See introductory note to Convention No. 1.

Angola.

Act No. 1942 of 27 July 1936, respecting the right to compensation for the consequences of industrial accidents or occupational diseases (L.S. 1936, Por. 2 A).

Decree No. 27,649 of 12 April 1937.

Code of Procedure for Labour Tribunals, approved by Legislative Decree No. 31,464 of 12 August 1941.

§ 1 of Act No. 1942 provides that every employee working for another person who meets with an industrial accident which gives rise to an injury or disease shall be entitled to medical attendance (irrespective of the form in which it is given), medicaments and the compensation or pension prescribed by the above-mentioned Act. These provisions apply in the case of accidents occurring in the following circumstances: (a) at the workplace and during the hours of work; (b) in the course of work or outside the workplace and the normal hours of work, provided that the accident occurs when the worker is carrying out orders or performing tasks under the employer's authority; (c) in the performance of tasks voluntarily performed by the worker for the employer, which are likely to be to the latter's financial advantage. The employer or his representative must ensure

first medical and pharmaceutical aid for the injured person and must also provide transport in comfortable conditions to the nearest medical aid centre and inform the injured person immediately of the name of the medical practitioner. Whenever the medical practitioner considers it necessary, the injured person must be hospitalised, preferably in a specialised establishment. In case of hospitalisation, the doctor chosen by the responsible employer shall retain his status of medical practitioner in attendance, for the purposes of the law, although medical attendance and advice concerning treatment are the responsibility of the hospital doctor, in conformity with the internal regulations. Should the medical practitioner consider that hospitalisation must come to an end and should the resident doctor raise objections to this course, a request may be made for an examination of the injured person by the expert of the tribunal in order to establish whether or not the patient should be discharged. Injured persons treated in such establishments have the right to refuse to undergo surgical operations without the previous agreement of the medical practitioner and the resident doctor. Failing such an agreement, the expert of the tribunal shall conduct the necessary examination and decide whether or not the injured person must undergo a surgical operation. These provisions do not apply in cases of emergency and in cases where the delay entailed by such formalities would be harmful to the health of the injured person or cause an aggravation of his injuries.

The cost of the hospitalisation of a person who meets with an industrial accident is borne by the person responsible, who must sign an undertaking to this effect. The injured person is only entitled to choose the operating surgeon in the case of a major operation or where the operation may endanger his life.

Compensation is withheld in the following cases: (a) if the injured person wilfully aggravates his injuries or, by manifest neglect, contributes to their aggravation; (b) if he ceases to follow the orders of the medical practitioner in attendance; (c) if, except in cases where he is allowed a choice of doctor, he causes any other person to take part in the treatment, other than the medical practitioner assigned to him by the responsible employer or a person chosen by the latter; (d) if he fails to give notice of the accident to the employer or his representative, either directly or through another person, within 48 hours of the accident or of the development of the injury or manifestation of the disease; in cases where the injury or disease do not declare themselves immediately, the victim must prove that the injury or disease is a result of the accident; (e) if the injured person fails to report himself to the medical practitioner whenever required to do so, provided he is able to move freely or that facilities are provided for him to do so.

The employer's liability for the expenses arising out of an occupational disease shall

subsist in full for a period of one year reckoned from the day following the date of the employee's dismissal and a period of five years if the disease is radiologist's cancer. If the disease appears before the liability has been established, all the employers shall be liable in proportion to the period of employment spent with each of them in work of the kind in question within the prescribed time limit referred to above. The employee may in every case claim the whole compensation from the last employer, who shall then have a right of recovery against the preceding employer or employers.

Employers liable for the expenses arising out of industrial accidents or occupational diseases may transfer their liability to companies legally authorised to effect insurance for this purpose.

Cape Verde.

Decree No. 14,054 of 6 August 1927.

Legislative Order No. 12 (Official Bulletin No. 18, 1927).

Legislative Order No. 41 (Official Bulletin No. 30, 1927).

Legislative Order No. 771 of 6 March 1943 (Official Bulletin No. 10, 1943).

The above-mentioned legislative measures relate to the provisions of the Convention.

Macao.

Since no cases of occupational diseases have been reported, no legislative measures have been taken on this subject.

Mozambique.

There is no special legislation. Diseases contracted during work are considered as industrial accidents and the relevant legislation is applied. Apart from such cases, the legislative measures in force, establishing minimum wages in different occupations and the collective agreements already concluded, lay down the conditions in which workers are entitled to compensation in the case of illness.

Portuguese Guinea.

Decree No. 14,054 of 6 August 1927.

Act No. 1942 of 27 July 1936, respecting the right to compensation for the consequences of industrial accidents or occupational diseases (L.S. 1936, Por. 2 A).

Ministerial Ordinance No. 10,698 of 6 July 1944 to apply Legislative Decree No. 31,464 and the first article of Legislative Decree No. 31,645 of 12 August 1941 to the colony.

Decree No. 16,199 of 6 December 1928, to approve the Native Labour Code for the Portuguese colonies in Africa (L.S. 1928, Por. 3).

Persons suffering from occupational diseases or their survivors are entitled to compensation in accordance with the general principles of the national legislation respecting compensation for industrial accidents; the legislation establishes and regulates the conditions for the payment of this compensation. Decree No. 14,054, based upon the criterion of establishing for the colony the

right to medical and pharmaceutical assistance and compensation, provides that all workers employed by the State in the colony are entitled to compensation, as prescribed in §§ 3 and 4 of this Decree, should they meet with industrial accidents in the course of their work, by reason of their work, and which may result in any disease or in permanent or temporary incapacity for work.

It should be noted that Ministerial Ordinance No. 10,698 provides for the publication in the colonies, with a view to their implementation, of Legislative Decree No. 31,464 and § 1 of Legislative Decree No. 31,645 which relate to Act No. 1,942. These legislative measures lay down provisions concerning the granting of compensation for industrial accidents, as well as provisions concerning the right to compensation contained in §§ 60 to 86 of the Code, as approved by Legislative Decree No. 31,464. Since there are no restrictive regulations in the colony, the above-mentioned provisions are applied in the case of all diseases resulting from industrial accidents.

§§ 270 and 285 of the Native Labour Code contain provisions applying to Natives. The rates of compensation for Natives are established as follows: (a) where an industrial accident causes incapacity for work for not more than three months, compensation is equal to the amount of wages for the duration of the incapacity; (b) where the accident causes incapacity for work for more than three months, compensation is equal to 50 per cent. of the wages at the time of the accident for the duration of the incapacity; (c) where the accident causes permanent incapacity, a life pension equal to one third of the wages at the time of the accident. Compensation payable to Natives for industrial accidents causing death is fixed at a maximum amount of 15,000 escudos, with due regard to the circumstances in which the accident occurred and the financial resources of the employer. §§ 16 *et seq.* of Act No. 1942 lay down the rates of compensation which are payable to national and foreign workers.

In the case of workers employed by the State, compensation rates for industrial accidents resulting in death are prescribed under §§ 3 *et seq.* of Legislative Decree No. 14,054 and are as follows: 20 per cent. of the minimum annual wage for the surviving husband or wife; this compensation is tripled and paid in one sum if the latter remarries; 15 per cent. of the wages if there is only one legitimate, legitimised or adopted child up to the ages of 14 and 16 years; 25 per cent. of the wages if there are two children; 35 per cent. of the wages if there are three children and 40 per cent. if there are four or more children. In the case of orphans who have lost both parents, each child receives 25 per cent. of the wages up to a maximum limit of 60 per cent. If there are no children, compensation is paid to the relations in the ascending line and any minor heirs up to the ages of 14 and 16 years respectively for boys and girls, provided they were maintained by the victim of the accident.

Compensation for each of these persons is equal to 10 per cent. of the annual wage, but may not exceed a maximum limit of 40 per cent. In case of permanent total incapacity, compensation is equal to two thirds of the annual wages of the injured person. In case of permanent partial incapacity, compensation is equal to two thirds of the minimum wages, and in case of temporary total incapacity, compensation is equal to two thirds of the wages for every working day.

Under the above-mentioned legislation, the diseases and poisonings contained in the table appended to the report are also considered as occupational diseases; this table includes seven different groups of industries or occupations which are enumerated, amongst others, in those listed in the table contained in the report form.

The application of the laws and administrative regulations mentioned in the report is entrusted to the judicial and administrative authorities; legislative provisions govern the means by which control is ensured. No information concerning the organisation and functioning of the inspection services has been supplied, as no regulations have yet been issued in this respect. No decisions were given by courts of law. The Convention is applied in conformity with the above-mentioned legislative measures. No information is given with regard to the number of workers, as statistics were last established in 1940. There were only two cases of accidents resulting in death, in one case, a European and in the other a Native; there was only one case of permanent incapacity to a European and a few cases resulting in temporary incapacity for Natives.

The following decisions were given: in the case of the accident resulting in the death of the European, compensation equal to 20 per cent. of the minimum annual wages was granted to the victim's family. In the case of the accident resulting in permanent incapacity for the European, it was decided to grant him a pension equal to his minimum annual wages, to be paid in monthly instalments. Compensation equal to 15,000 escudos was paid to the family of the Native who died as the result of an industrial accident. Actions relating to cases of industrial accidents resulting in temporary incapacity for certain Natives are at present being examined. No observations concerning the application of the national legislation were received from the employers and workers. Copies of the report have not been communicated to representative employers' and workers' organisations, as such organisations have not yet been set up.

Portuguese Indies.

No legislative measures have been published concerning the provisions of the Convention.

S. Tomé and Príncipe.

Act No. 1942 of 27 July 1936, respecting the right to compensation for the consequences

of industrial accidents or occupational diseases (L.S. 1936, Por. 2 A).

Decree No. 16,199 of 6 December 1928, to approve the Native Labour Code in the Portuguese colonies in Africa (L.S. 1928, Por. 3).

Local Regulations issued under the Code (Ordinance No. 977 of 26 February 1947).

Regulations respecting industrial accidents occurring to Natives (Ordinance No. 904 of 26 August 1946).

Compensation for occupational diseases is prescribed under Act No. 1942 with regard to Europeans and Natives and by the Industrial Accident Regulations with regard to Natives from other colonies under the trusteeship of the Curator General of Workers and Natives.

The general principles governing this question have already been set out in the report on Convention No. 17. It should be noted that the reduction in the working capacity after the disease has been duly established by the State doctors is calculated according to the Lucien Mayet Scale. This procedure is the same as that in force with regard to industrial accidents. As regards Natives, the control of the application of the provisions concerning the Convention is entrusted to the administrative and police authorities; the Curator General or his agents are responsible as regards Native workers from other colonies and working under contracts of employment.

The frequent inspection visits to places of work, and the facility with which workers consult the authorities, ensure the efficient application of the principles established in the Convention and which are covered by the legislative measures and regulations in force. During recent years, there have been

no actions in regard to incapacity resulting from diseases contracted during work.

Timor.

The legislation and administrative regulations concerning this subject are the same as those set out in the report on Convention No. 17. These legislative measures are in conformity with the provisions of the Convention. The list of occupational diseases is contained in § 8 of Act No. 1942 of 1936 and the list of corresponding industries and occupations is contained in the table appended to this Act. These lists are in conformity with the provisions of Article 2 of the Convention. The application of the above-mentioned legislation and regulations is entrusted to the Government of the colony (the central civil administrative service) and to the ordinary tribunals which function as labour tribunals (Ordinance No. 10,698 of 6 July 1944).

No inspection services have been organised with regard to European workers since this would not be justified by the amount of work done. With regard to Native workers, the Curator and his agents effect inspection visits (§ 17 of the Native Labour Regulations). In view of the small number of European workers, no decisions have been given by courts of law with regard to occupational diseases; with regard to Native workers decisions are given by the Curator or his agents. The Convention is not applied in practice in the colony, since there are no industries which cause occupational diseases. There are no employers' or workers' organisations.

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
Argentine Republic	14. 3.1950	
Austria	29. 9.1928	3.11.1949
Belgium	3.10.1927	2.11.1949
Bulgaria	5. 9.1929	
Burma ¹	30. 9.1927	5.12.1949
Chile	8.10.1931	7.11.1949
China	27. 4.1934	
Colombia	20. 6.1933	
Cuba	6. 8.1928	5.10.1949
Czechoslovakia	8. 2.1927	2. 1.1950
Denmark	31. 3.1928	4.10.1949
Egypt	29.11.1948	28.12.1949
Estonia	14. 4.1930	
Finland	17. 9.1927	20.10.1949
France	4. 4.1928	27.10.1949
Germany	18. 9.1928	
Greece	30. 5.1936	14.11.1949
Hungary	19. 4.1928	
India	30. 9.1927	15.12.1949
Iraq	30. 4.1940	6. 8.1949
Ireland	5. 7.1930	17.11.1949

¹ See footnote 2 to Convention No. 1.

Countries	Date of registration of ratification	Reports received
Italy	15. 3.1928	18.10.1949
Japan	8.10.1928	
Latvia	29. 5.1928	
Lithuania	28. 9.1934	
Luxembourg	16. 4.1928	4. 2.1950
Mexico	12. 5.1934	21.11.1949
Netherlands	13. 9.1927	12. 1.1950
Nicaragua	12. 4.1934	
Norway	11. 6.1929	27.10.1949
Pakistan ¹	30. 9.1927	17.10.1949
Peru	8.11.1945	31. 1.1950
Poland	28. 2.1928	15.11.1949
Portugal	27. 3.1929	10.11.1949
Spain	22. 2.1929	
Sweden	8. 9.1926	15.10.1949
Switzerland	1. 2.1929	14.10.1949
Union of South Africa	30. 3.1926	17.10.1949
United Kingdom	6.10.1926	3.10.1949
Uruguay	6. 6.1933	17.11.1949
Venezuela	20.11.1944	17. 1.1950
Yugoslavia	1. 4.1927	

¹ See footnote 3 to Convention No. 1.

Austria.

See under Convention No. 17 for legislation.

The report repeats information previously supplied. The Federal Act of 16 December 1948, amended § 61 of the Workmen's Compensation Act and entitled nationals of countries which have ratified the Convention to the same workmen's compensation benefits in the case of residence abroad as Austrian nationals. In such a case, the payment of compensation is made when the insurer has approved the residence of the beneficiary abroad. Copies of the report have been communicated to the employers' and workers' representative organisations.

Belgium.

See under Convention No. 17 for legislation.

The report repeats information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Burma.

Workmen's Compensation Act, 1923, as subsequently amended (L.S. 1923, Ind. 1; L.S. 1926, Ind. 3 A; L.S. 1929, Ind. 3; L.S. 1933, Ind. 2).

Workmen's Compensation Rules, 1924.

The report repeats information previously supplied and adds that the legislation makes no distinction between foreigners and nationals in the payment of workmen's compensation. Rules enacted in 1935 contain provisions regarding the payment of compensation to beneficiaries residing or intending to reside abroad. No special agreements were made with other States. The application of the legislation is entrusted to the Director of Labour, assisted by the labour inspectors. Copies of the report will in due course be communicated to the Trade Union Congress and the chambers of commerce.

Chile.

The report refers to information previously supplied and gives details regarding the number of foreign workers (18,337 workers and 22,709 employees) and their occupations as well as the number of accidents which occurred in 1948 (224). The reports of the inspection services show that no difficulties were encountered as regards the payment of compensation. Copies of the report have been communicated to the representative employers' and workers' organisations.

Cuba.

The report repeats information previously supplied and contains some statistical data. Copies of the report have been communicated to the representative employers' and workers' organisation.

Czechoslovakia.

Act No. 99 of 15 April 1948 respecting national insurance (L.S. 1948, Cz. 1).

Act No. 99 of 1948 makes no distinction between national and foreign workers in regard to compensation for industrial accidents. Insurance against such accidents covers all workers employed under a contract of service in private or public law. The only persons exempted from compulsory insurance are persons enjoying diplomatic immunities and extra-territorial rights, casual workers and persons employed by an employer residing abroad. Benefits may be paid outside the national territory subject to the agreement of the Insurance Institution. In such cases, State subsidies, amounting to one third of the benefits, are not granted. A special agreement has been signed with Poland in respect of the payment of benefits abroad. The administration of insurance against industrial accidents is ensured by the Central National Insurance Institution. In Slovakia, supervision is entrusted to the office of the Slovak Commissioner for Labour and Social Welfare. 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 repeats the information previously supplied.

Egypt.

Act No. 64 of 1936 respecting industrial accidents gives effect to the provisions of the Convention. § 3 of this Act makes no distinction between foreigners and nationals as regards workmen's compensation. The application of the provisions of this Act and of the relevant Orders is supervised by inspectors attached to the Labour Administration Service; this measure ensures the full application of the legislation.

Finland.

Act of 20 August 1948, respecting accident insurance (L.S. 1948, Fin. 4 A), to repeal the Act of 12 April 1935 respecting accident insurance for wage-earning employees.

Act of 30 December 1948, to modify the Act of 20 August 1948 respecting accident insurance.

Act of 20 August 1948, respecting the increase of benefits provided under the Act respecting accident insurance.

Act of 20 August 1948, to modify the Act of 12 April 1935 respecting the right of civil servants and other State employees to compensation for accidents.

Act of 30 December 1948, to modify the Act respecting occupational diseases.

Orders of 3 and 10 December 1948 (L.S. 1948, Fin. 4 B), respecting workmen's compensation for accidents.

Resolutions of the Council of Ministers of 9 December 1948 and 27 January 1949, respecting the application of the Act respecting accident insurance to public works and concerning supplementary benefits.

Various Orders of the Ministry of Social Affairs, issued in 1948 and 1949, as regards industrial accidents.

The report repeats information previously supplied, according to which foreign nationals residing in Finland have the same benefit rights as citizens of the country. Beneficiaries who live abroad for more than one year forfeit their right to benefit for the duration of their residence abroad. The report gives information on the changes in workmen's compensation legislation as from the beginning of 1949; the scope of this legislation has been extended to cover white-collar workers as well as manual workers but is based on the principle of the personal liability of the employer up to a certain maximum limit, compulsory insurance covering amounts above this limit. Copies of the report have been communicated to the representative employers' and workers' organisations.

France.

See under Convention No. 17 for legislation.

The report refers to information previously supplied and adds that, during the period under review, special arrangements were made with Great Britain, the French-Polish Agreement was published and an agreement was signed with Czechoslovakia and ratified by France. The agreement between France and the Saar was signed on 25 February 1949 and is in process of ratification. The report adds that the Government fully applies the Convention as regards the payment of workmen's compensation or pensions to the victims of industrial accidents or to their beneficiaries who do not reside in the national territory: if the pension is forceably commuted into a lump sum equal to three annual payments of the pension for beneficiaries leaving French territory, this rule applies only to the nationals of countries which have not concluded a bilateral agreement with France or have not ratified the Convention. The report contains information on the agreements concluded with other States as regards workers temporarily employed in a country other than that where they usually work. The report contains also information on the workmen's compensation scheme in force in France and on the changes made in this scheme during the period under review. Statistical data are given showing the number of foreign workers in France (1,030,000 on 31 December 1948) and the distribution of accidents according to nationality in the Marseilles region where there is a large number of foreign workers; no figures can be given on this point for the country as a whole. Copies of the report have been communicated to the representative employers' and workers' organisations.

Greece.

The report repeats the information previously supplied. Copies of the report have

been communicated to the representative employers' and workers organisations.

India.

The report repeats information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Iraq.

There have been no changes as regards the application of the Convention.

Ireland.

Workmen's Compensation (Amendment) Act, 1948, modifying the Act of 1934 (L.S. 1934, I.F.S. 1).

Workmen's Compensation (Amendment) Act, 1948 (Appointed Day) Order, 1948.

The report repeats the information previously supplied. The Order of 9 March 1949 concerning social welfare (Great Britain, reciprocal arrangements) gives effect to an agreement made between the competent Ministers of Ireland and Great Britain relating to seafarers' rights as regards workmen's compensation in the two countries. Another Order was issued on 14 April 1949 to give effect to a corresponding agreement with Northern Ireland. Copies of the report have been communicated to the representative employers' and workers' organisations.

Italy.

The report refers to information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Luxembourg.

The report refers to the information previously given and affirms that equality of treatment exists in Luxembourg.

Mexico.

The report repeats the information previously supplied.

Netherlands.

The report confirms that the legislation relating to workmen's compensation for accidents makes no distinction whatever between national and foreign workers. The latter are covered by the Netherlands' legislation respecting compulsory insurance, except in the case of workers residing abroad and working for an undertaking established abroad and carrying on activities in the Netherlands, provided that compulsory accident insurance exists in the country where the undertaking is established and if it is not applicable to workers living in the Netherlands and working in the country in question. The State Insurance Bank and the recognised industrial organisations are

authorised to commute the compensation rights accrued by insured persons who are resident for more than one year outside the Netherlands or the German and Belgian communes adjoining the Netherlands frontier. At the request of the person concerned, a commutation grant may be paid to the insured person, foreigners and their beneficiaries residing abroad. Agreements have been concluded with Belgium, Denmark, Germany, Norway, Poland and Switzerland. The report contains information regarding the authorities entrusted with the application and the supervision of accident insurance. Data are given showing the numbers, occupations and nationalities of foreign workers at present in the country. Copies of the report have been communicated to the Labour Foundation.

Norway.

The report refers to the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Pakistan.

The report repeats information previously supplied. Copies of the report have been communicated to the representative workers' organisations. There are, as yet, no representative employers' organisations, but copies of the report have been forwarded to the provincial Governments for transmission to the important chambers of commerce.

Peru.

Acts Nos. 1,378 of 20 January 1911, 2,290 of 20 October 1916, and 2,851 of 23 November 1918 (L.S. 1919, Per. 1).
Constitution of 29 March 1933.
Civil Code of 30 August 1936.

The national legislation in force since 1911 makes no distinction, with regard to workmen's compensation for accidents, based on the nationality or place of residence of workers and their beneficiaries. No agreement has been concluded on this subject. The application of this legislation is ensured by the General Directorate of Labour (Department of Employment Risks). The number of foreign workers is 19,491. Copies of the report have been communicated to the representative employers' and workers' organisations.

Poland.

As regards accident insurance the report states that foreign nationals enjoy the same treatment as that accorded to citizens. When an insured person or his beneficiaries, whether citizens or foreigners, reside abroad, benefits are paid without any distinction whatever. Bilateral agreements concluded with Czechoslovakia and France, and in force since 1 October 1948 and 1 March 1949

respectively, regulate the question of workmen's compensation for the nationals of the countries concerned, on the basis of the provisions of the Convention. The report refers to the information submitted on Convention No. 17, in particular, as regards the authorities entrusted with the application of the national legislation. A copy of the report has been communicated to the Central Committee of Polish Trade Unions.

Portugal.

The report refers to the information previously supplied and includes a table showing, by nationality, that 1,692 foreigners were authorised to work during the period under review. Copies of the report have been communicated to the representative employers' and workers' organisations.

Sweden.

The report repeats the information previously supplied and adds that foreign workers who meet with industrial accidents enjoy the same compensation rights as Swedish workers, on condition that they reside in Sweden. In case of residence abroad, the insurance institution may pay them compensation in the form of a lump sum equivalent to part of the value of their pension. If the accident results in the death of a foreign worker residing abroad, an indemnity for funeral expenses is paid only if death occurs within three months of the accident. Foreign beneficiaries are not entitled to death benefits if they were not living in Sweden at the time of the accident. Equality of treatment was granted by the Government to the nationals of a certain number of countries on the basis of reciprocal arrangements as regards workmen's compensation. Copies of the report have been communicated to the representative employers' and workers' organisations.

Switzerland.

The report repeats the information previously supplied and adds that, during the period under review, there were 275 fatal accidents, 24 of which were to foreign workers. Copies of the report have been communicated to the representative employers' and workers' organisations.

Union of South Africa.

Workmen's Compensation Amendment Act, 1949 (No. 36) (L.S. 1949, S.A. 1), to modify the amended Act of 1941.

The report repeats the information previously supplied and adds that the Workmen's Compensation Act was amended during the period under review; the Workmen's Compensation Commissioner may, under certain conditions, decide, in the case of a beneficiary residing abroad, to commute the pension into a lump sum subject to

minimum limits prescribed by the Act. New reciprocal arrangements have been made between the Union of South Africa and Southern Rhodesia and provide that workers who are nationals of these two territories and are temporarily employed in the other territory, are subject to the workmen's compensation legislation of the territory from which they come. The report contains detailed information regarding the changes made in the legislation relating to workmen's compensation for accidents.

The number of foreign workers, other than Natives, employed in the country is not very high; statistical data are given showing the number of indigenous foreign workers employed in the country (250,492 on 31 December 1946), as well as the number of accidents, 11,052 of which resulted in temporary incapacity, 5,636 in permanent incapacity; 261 of these accidents were fatal. Copies of the report have been communicated to the representative employers' and workers' organisations.

United Kingdom.

Great Britain.

National Insurance (Industrial Injuries) (Isle of Man Reciprocal Agreement) Order, 1948.
National Insurance and Industrial Injuries (Reciprocal Agreement with Eire Mercantile Marine) Order, 1949.

Northern Ireland.

National Insurance (Industrial Injuries) (Isle of Man Reciprocal Agreement) Order (Northern Ireland), 1949.

Great Britain.

The report refers to the information previously supplied and adds that, in certain cases, the payment of benefits is suspended when the beneficiary lives abroad. During the period under review, an Order was adopted to ensure full reciprocity between the Isle of Man and Great Britain. Under another Order, mariners engaged on vessels plying between Eire and Great Britain are treated under the legislation of the country in which they reside. Further reciprocal agreements are being negotiated.

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

Northern Ireland.

An Order was adopted in 1949 to achieve full reciprocity between Northern Ireland and the Isle of Man.

Uruguay.

The report repeats the information previously supplied.

Venezuela.

The report repeats the information previously supplied.

NON-METROPOLITAIN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Belgium

Belgian Congo and Ruanda-Urundi.

Decree of 20 December 1945, respecting compensation to non-indigenous persons for injuries resulting from industrial accidents.

Decree of 1 August 1949, respecting compensation to Native workers for injuries resulting from industrial accidents and occupational diseases.

No distinction is made in the legislation between nationals and foreigners. Insurance is compulsory for all persons and compensation is related to the contributions paid. In case of non-payment of contributions, compensation is paid by a guaranteeing fund and the body responsible for the administration of this fund may take an action against the defaulting employer; neither the victim nor his survivors, whether nationals or foreigners, are prejudiced if the employer is insolvent.

Netherlands

Indonesia.

The report refers to the information supplied for the period 1947-1948.

Netherland West Indies.

The Convention is applied and no discrimination is made between foreign and national workers. Where the dependants of a foreign worker do not reside in the country, or a foreign worker leaves the country, the amounts due are paid in the form of a lump sum. No special agreements have been made with other Members of the Organisation. The administration of the insurance system is entrusted to three private insurance companies. The Department of Social and Economic Affairs supervises the application of the legislation, whether or not the undertakings are insured. In case of accident, the employer must inform the authorities within 24 hours. The legislative provisions have already been in force for 20 years and every employer and worker is acquainted with them.

Surinam.

Accident Regulation No. 145 of 1947.

The Convention is applied. The labour inspection service supervises the application of the legislation.

Portugal

See introductory note to Convention No. 1.

Angola.

Act No. 1942 of 27 July 1936, respecting the right to compensation for the consequences of industrial accidents or occupational diseases (L.S. 1936, Por. 2 A).

§ 3 of Act No. 1942 provides that an alien who meets with an industrial accident, and his heirs and representatives shall enjoy the

rights granted to Portuguese citizens even if they are resident outside Portugal, provided that the legislation of their country grants the same treatment to Portuguese workers.

In accordance with § 29 of this Act, employees who have met with industrial accidents or their survivors forfeit their right to compensation if they cease to reside in Portuguese territory. Exception, however, is made in the cases laid down in § 30, which stipulates that "if the injured person is an alien, he shall retain his right to compensation provided the legislation of his country of origin grants equality of treatment to Portuguese employees".

The following persons are liable for the compensation and other expenses arising out of industrial accidents: individuals and public and private bodies which employ labour, and contractors or sub-contractors when they give an undertaking to the owner or contractor, as the case may be, to carry out certain work and the work is not done under their actual direction.

If the accident results in the death of the injured person, compensation shall be due as follows: to the widow, if the marriage was contracted before the accident, 25 per cent. of the annual wage so long as she remains a widow; the right to compensation is forfeited if she lives in concubinage or if she leads a scandalous life. If she remarries, she shall receive a lump sum equal to three times the annual pension; to the widower, 25 per cent. of the annual wage if it is proved that he was maintained by his wife. Similar pensions under the same conditions are granted to a wife or husband who has been divorced or judicially separated from the injured person by the date of the accident, with a right to alimony. § 1 of Decree No. 2 of 25 December 1910 provides that compensation is payable to children under 16 years of age, whether legitimate, legitimated or adopted, including posthumous children, at the rate of 15 per cent. of the annual wage if there is only one child, 30 per cent. thereof if there are two children and 40 per cent. thereof if there are three or more children. In the case of orphans who have lost both parents, compensation is payable at the rate of 25 per cent. if there is one child, 40 per cent. if there are two children and 60 per cent. if there are three or more children. If there is neither a surviving child nor a surviving husband or wife, compensation is paid to the relations in the ascending line and any natural heirs under 16 years of age, provided they were maintained by the injured person; compensation is equal to 10 per cent. of the annual wage for each person, subject to a maximum limit of 40 per cent. If there are more than four such pensions, they shall be in equal shares. The percentage rate of the pension to the children of the deceased person shall be paid for each month, the rate corresponding to the number of children under 16 years of age who are still living. All these pensions are due as from the day next after the date of death.

If the accident results in incapacity for work, the injured person shall be entitled to compensation as follows: in case of permanent total incapacity, a pension equal to two thirds of his wages; in case of permanent partial incapacity, a pension equal to two thirds of the reduction in the injured person's total earning capacity; in case of temporary total incapacity, compensation equal to two thirds of the salary or wages, provided that for the first three days after the accident the compensation shall be only one third of the salary or wages; in case of temporary partial incapacity, compensation equal to two thirds of the reduction in wages while the injured person is under treatment, without confinement to a hospital, and to two thirds of the reduction in his general earning capacity if, at the end of the medical treatment, the injured person undergoes treatment for vocational rehabilitation, and for the duration of such treatment.

Compensation for temporary incapacity shall be due as from the day following the accident and pensions for permanent incapacity as from the day following that on which the injured person finishes his treatment. Compensation for workers paid by the month or by the year is calculated on the basis of $\frac{1}{30}$ or $\frac{1}{360}$ of their wages, as the case may be. The assessment of compensation is based on the injured person's wages and is always determined with regard to the working day, irrespective of the form in which payment is made. As regards the employer, wages are always fixed on the basis of the working day, irrespective of the form of payment and may not exceed the amount earned by the worker on the day of the accident; as regards the worker, the normal wages are considered as the basis if the earnings on the day of the accident are higher. The normal earnings shall be established by a considered decision of the judge; the latter shall take into account the wages normally earned during one year, in accordance with the customary practice, by a worker in the same category as the injured person.

Cape Verde.

Legislative Order No. 12 of 27 April 1927.

The provisions of the Convention are laid down in § 1 of Legislative Order No. 12 which approves the regulations concerning special industrial accident tribunals.

Macao.

All workers employed in these colonies are Chinese; no legislative measures have therefore been taken with regard to the provisions of the Convention.

Mozambique.

The subject matter of the Convention is regulated by Act No. 83 of 24 July 1913, as amended by the General Industrial Accident

Regulations (Ordinance No. 643 of 13 October 1917). These Regulations are applicable to all workers, without discrimination as to nationality, but the amounts of compensation may be increased in the case of foreigners belonging to countries whose legislation guarantees equality of treatment for Portuguese workers.

Portuguese Guinea.

Act No. 1942 of 27 July 1936, respecting the right to compensation for the consequences of industrial accidents or occupational diseases (L.S. 1936, Por. 2 A).

Ministerial Ordinance No. 10,698 of 6 July 1944, to bring into effect Legislative Decree No. 31,464 and § 1 of Legislative Decree No. 31,465 of 12 August 1941.

The nationals of all States Members of the International Labour Organisation who have ratified the Convention, and who meet with industrial accidents, are entitled to the same treatment as Portuguese nationals. This equality of treatment is ensured to foreign workers who are nationals of countries which guarantee equal rights to Portuguese workers and make no conditions as to residence (§§ 3 and 30 of Act No. 1942). In view of the fact that it has never been found necessary to apply the Act as the result of accidents occurring to foreign workers, it has not been considered necessary to take steps for the conclusion of special arrangements with other countries. As no special regulations exist on this subject, measures will be taken with a view to preparing such regulations in conformity with the legislative provisions in force. No special agreement has been concluded within the meaning of Article 2 of the Convention. The legislation in force clearly shows the intentions of the Government with regard to mutual assistance in this field, provided other countries are prepared to do as much. As special regulations will shortly be drawn up, the International Labour Office will be informed should it prove necessary to introduce any amendments in view of the special conditions prevailing in the territory.

The application of the legislation and the administrative regulations is entrusted to the judicial authorities; the methods of ensuring the supervision of this application are provided for in the above-mentioned legislative measures. No information has been supplied with regard to the organisation and functioning of inspection services, since no regulations have been issued as yet in regard to such services. The provisions of the Convention are applied in conformity with the legislation in force. As statistics were last compiled in 1940, it is not possible to supply any information concerning the approximate number of foreign workers, their nationality or occupations. No accidents have been reported with regard to foreign workers. §§ 270 and 285 of the Native Labour Code (Legislative Decree No. 16,199 of 6 December 1928) contain provisions with regard to compensation for industrial accidents. Copies of the report have not

been communicated to the representative employers' and workers' organisations, since no organisations have yet been established for Natives.

Portuguese Indies.

No legislative measures have been taken to bring into effect the provisions of the Convention.

S. Tomé and Príncipe.

Act No. 1942 of 27 July 1936, respecting the right to compensation for the consequences of industrial accidents and occupational diseases (L.S. 1936, Por. 2 A).

The legislation in force is based on Act No. 1942 and ensures compensation for industrial accidents to all workers, whether nationals or foreigners. There are no foreign workers or employees.

Timor.

Act No. 1942 of 27 July 1936, respecting the right to compensation for the consequences of industrial accidents or occupational diseases (L.S. 1936, Por. 2 A).

Native Labour Regulations (Ordinance No. 439 of 2 July 1936).

Ordinance No. 10,698 of 6 July 1948.

The legislation and administrative regulations referred to in the report on Convention No. 17 are applicable indiscriminately to nationals and foreign workers and are in conformity with the provisions of the Convention (§§ 3-30 of Act No. 1942). The legislative measures brought into force under the provisions of Ordinance No. 10,698 have not been amended. The application of the above-mentioned legislative measures and regulations is entrusted to the Government of the colony (central civil administration service) and to the ordinary tribunals in their capacity of labour tribunals. No inspection services have been organised with regard to European workers, since the amount of work performed would not justify this measure. With regard to Native workers, the Curator and his agents are responsible for inspection visits, in conformity with § 17 of the Labour Regulations. As there are no foreign workers, no decisions have been given by courts of law and the Convention is not applied in practice. There are no workers' or employers' organisations.

United Kingdom

Aden.

The report repeats the information previously supplied.

Barbados.

The Government repeats the information previously supplied. Copies of the report have been communicated to the Barbados Sugar Producers' Federation, the Shipping and Mercantile Association of Barbados and the Barbados Workers' Union.

Basutoland.

Proclamation No. 63 of 1948, to amend the Basutoland Workmen's Compensation Proclamation, No. 4 of 1948.

Bechuanaland.

The report repeats the information previously supplied.

British Guiana.

The report repeats the information previously supplied.

British Honduras.

The report repeats the information previously supplied and gives statistical information showing the number of accidents incurred in private and Government employment, the number of man-hours lost and the amounts granted in compensation during the period under review.

British Somaliland.

There are no legislative or administrative provisions ensuring the application of the Convention. Compensation for industrial accidents is payable under the Employer's Liability Ordinance, No. 7 of 1927 (Chapter 60 of the Revised Edition of the Laws, 1930). This Ordinance is of very limited scope; injuries must have been caused by negligence on the part of the employer or the person responsible for superintending workmen. Foreign nationals covered by the definition of "employee" are entitled to compensation if they have obtained the necessary permission to reside in the protectorate. There is no legislation at present in force regarding workmen's compensation for accidents and there is no form of accident insurance. No special arrangements have been made to ensure compensation for injuries where the person concerned resides outside the country.

Brunei.

Workmen's compensation legislation has been drafted which, when enacted, will ensure the application of the Convention.

Cyprus.

The report repeats the information previously supplied. Copies of the report have been communicated to the Pan-Cyprian Federation of Labour, the Cyprus Workers' Confederation, the Cyprus-Turkish Trade Unions Federation, and the Association of Cyprus Industries.

Dominica.

The report repeats the information previously supplied.

Falkland Islands.

The report repeats the information previously supplied and refers to the enactment of the Workmen's Compensation (Amendment) Ordinance, No. 13 of 1948, containing one minor amendment to existing legislation.

Fiji.

Articles 3 and 4 of the Convention do not call for any remarks. During the period under review, approximately 1,700 foreign nationals were resident in Fiji. A copy of the report has been communicated to the Labour Advisory Board.

Gambia.

The report repeats the information previously supplied.

Gibraltar.

The report repeats the information previously supplied and adds that the majority of industrial workers in Gibraltar are employed by the service departments, the Government, or the city council. All such workers irrespective of their nationality, are eligible for compensation in the event of injury due to industrial accidents.

Gilbert and Ellice Islands.

The Convention has not been applied. The enactment of a Workmen's Compensation Ordinance covering the provisions of the Convention is proposed for 1949-1950.

Gold Coast.

The report repeats the information previously supplied. Copies of the report have been communicated to the Chamber of Mines, the chambers of commerce and the Trade Union Congress.

Grenada.

The report repeats the information previously supplied.

Hong Kong.

The report repeats the information previously supplied and adds that work on the draft Workmen's Compensation Ordinance has been held up temporarily by shortage of staff.

Kenya.

The report repeats the information previously supplied and adds that the Workmen's Compensation Ordinance which was promulgated in September 1948 has not yet come into force but is expected to do so later in 1949. Copies of the report have been made available to employers' and workers organisations.

Federation of Malaya.

Ordinances and Enactments in the various States.

The payment of benefits to dependants living in one of His Majesty's Dominions, Protectorates or Mandates has not caused any difficulties and arrangements have been made for the transfer of money awarded under the law relating to workmen's compensation. Compensation to dependants living outside the Dominions is paid in a lump sum; the necessity for such a step has only arisen in the case of China. No special arrangements have been made with this country, because there are well-established channels for sending money from Malaya to China.

Equality of treatment is accorded to foreign workers and their dependants without any conditions as to residence. No special arrangements have been made under Article 2 of the Convention because compensation is paid by the employers, who are free to take out insurance to cover the payment of compensation. No modifications have been made under Article 4 of the Convention. The Commissioner for Workmen's Compensation supervises the application of the legislation; the Commissioner for Labour may act on behalf of workers and may submit their claims to the Commissioner for Workmen's Compensation. The employer must notify all accidents to the Commissioner for Workmen's Compensation who forwards the relevant information to the Department of Labour. A copy of the report has been communicated to the Federal Labour Advisory Board.

Malta.

The report repeats the information previously supplied and adds that the legislation will shortly be revised. No distinction is made between Maltese and foreigners in the application of the Ordinance and no residence conditions are laid down as regards the payment of benefits. Benefits are payable only in respect of accidents occurring in Malta and, in the case of seamen, on board a vessel licensed, registered, or stationed in Malta. Legislation providing for a State insurance scheme has been in force since 1929 and is administered by the Department of Labour. All insured persons are issued with a contribution receipt book, in which contribution stamps shared equally by employers and workers are affixed. Claims to benefit are examined by a board composed of the Director of Labour as chairman, a member of the medical profession, a jurist and two trade union representatives. Enforcement of the legislation is entrusted to inspecting labour officers, under the direct control of an official responsible for supervision. Copies of the report have been communicated to the General Workers' Union, the Chamber of Commerce, and the Federation of Malta Industries.

Mauritius.

The report repeats the information previously supplied and adds that it has not been considered necessary to communicate the report to representative employers' and workers' organisations.

Nigeria.

The report repeats the information previously supplied, and adds that the number of accidents involving Government employees during the period under review was 618.

North Borneo.

The report repeats the information previously supplied.

Northern Rhodesia.

The report repeats the information previously supplied and adds that no special agreement has been concluded under Article 2 of the Convention. The system of compensation prescribed under Article 3 has been established under the Workmen's Compensation Ordinance (Chapter 188). All workmen, whatever their origin, are insured under this Ordinance, which requires the reporting of accidents and the keeping of accident registers. Frequent inspections by officers of the Department of Labour and Mines ensure the application of the legislation.

Nyasaland.

Ordinance No. 6 of 1949, to amend the Workmen's Compensation Ordinance, No. 2 of 1944.

The report repeats the information previously supplied and adds that Ordinance No. 6 of 1949 has increased the rates of compensation, payable under the principal Ordinance in the case of permanent total incapacity, from a sum equal to 42 months' earnings with a minimum of £20 to a sum equal to 48 months' earnings, with a minimum of £40. The Ordinance requires the employer to report to the District Commissioner not only the death of an employee but also any serious injury sustained by any worker. No accidents to foreign workers have been reported.

St. Helena.

The report repeats the information previously supplied.

St. Lucia.

The report repeats the information previously supplied.

St. Vincent.

The Convention has not been applied to the territory, but there are no legislative provisions discriminating against foreign workers in respect of workmen's compensation.

Sarawak.

The report repeats the information previously supplied.

Seychelles.

A Bill covering the requirements of the Convention will be introduced during the current year 1949-1950.

Sierra Leone.

Workmen's Compensation (application to certain employments Order in Council (Public Notice No. 118 of 1940).

The report repeats the information previously supplied and adds the above Order to the list of legislation previously reported. A copy of the report has been communicated to the Sierra Leone Council of Labour.

Singapore.

Workmen's Compensation Ordinance, Chapter 70, of the Laws of the Straits Settlements.

Equality of treatment is guaranteed and, in the definition of the term "workman", no distinction is made as regards race or nationality. Detailed information is given regarding the persons covered by the legislation in force, as well as persons to whom the legislation does not apply. Any worker in receipt of benefits equal to half his wages and who leaves the country may continue to receive benefits in the country of which he becomes a resident, unless the Commissioner for Workmen's Compensation decides to grant him a lump sum. The legislation contains various provisions regarding the possibilities of arrangements with any other part of His Majesty's Dominions. Any workman who meets with an accident in Singapore has the right to claim compensation, irrespective of the place of residence of his employer. The legislation contains the provisions dealt with in Article 3 of the Convention. Certain amendments to the existing legislation are under consideration. The Commissioner for Workmen's Compensation and the Commissioner for Labour supervise the application of the legislation. Information is given regarding the functions of the Labour Department and the number of foreign workers. In future, the report will be communicated to the Labour Advisory Board.

Solomon Islands.

The report repeats the information previously supplied.

Swaziland.

The report repeats the information previously supplied.

Tanganyika.

Workmen's Compensation Ordinance No. 43 of 1948, as amended by Ordinance No. 41 of 1949.

The above-mentioned Ordinance, which was promulgated on 2 December 1948 and came into force on 1 July 1949, is applicable not only to Native workers but also to indigenous workers of all races. Prior to the enactment of this Ordinance, provision for the payment of compensation for bodily injury sustained by indigenous (African) employees was contained in §§ 29 and 30 of the Master and Native Servants' Ordinance (Chapter 51 of the Laws) which also applied to indigenous workers of other African territories. No discrimination is made in this Ordinance. The report refers to § 46 of the Ordinance in regard to the transfer of funds to beneficiaries residing in the United Kingdom or in other parts of His Majesty's Dominions.

No special arrangements have been made with other territories. The necessity for such agreements has not yet arisen and no special agreements have been concluded.

The application of Article 3 has been ensured by the enactment of the above-mentioned Ordinance.

The application of the legislation is ensured by the Labour Department, whose officers are responsible for making inspection visits. § 14 of the Ordinance obliges employers to report all accidents. Both the courts and the labour officers maintain records of all payments of compensation. No decisions were given by courts of law or other courts.

Foreign workers in the territory consist of African workers not resident in Tanganyika and workers of European or Asian origin. A certain number of African workers are employed mainly in agricultural undertakings. The European workers are generally employed in occupations of a non-manual character at a salary higher than the prescribed amount of £500 per annum for non-manual workers, and therefore, are not covered by the provisions of the Ordinance, but there are a number of Asian workers engaged in manual employment who now receive benefits under this legislation. No difficulty has been experienced in the payment of benefits in the case of foreign workers of African origin thanks to administrative action with the territory concerned. Copies of the report will be communicated to members of the Labour Board.

Trinidad and Tobago.

The report repeats the information previously supplied. Copies of the report have been communicated to the Trinidad and Tobago Trade Union Council.

Uganda.

The report repeats the information previously supplied and adds that the Ordinance of 1946 applies equally to foreign nationals and indigenous workers. Compensation for industrial accidents which occur within the boundaries of Uganda, to foreign nationals, whether temporarily or inter-

mittently employed in the territory, is governed by the above legislation. There are no special agreements with other States Members of the Organisation.

The Convention is applied by the Labour Commissioner, authorised officers and medical practitioners. The Ordinance requires notification of industrial accidents by employers, and provides for penalties for non-compliance with this regulation.

The total number of non-indigenous Africans in Uganda is approximately 391,000; of these, probably 150,000 to 200,000 are adult males of working age. Returns from the larger employers show that they employed 41,492 non-indigenous Africans in 1948 9,344 of whom were in agriculture, 17,459

in industry and 14,689 in other services. During the period under review, 48 accidents to non-indigenous Africans were reported; the final settlement of compensation payments has been reached in 10 cases.

Zanzibar.

The report repeats the information previously supplied.

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 representative employers' and workers' organisations.

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	7.11.1949
Colombia	20. 6.1933	
Cuba	6. 8.1928	5.10.1949
Estonia	23.12.1929	
Finland	26. 5.1928	20.10.1949
Ireland	15. 3.1937	17.11.1949
Luxembourg	16. 4.1928	4. 2.1950
Nicaragua	12. 4.1934	
Spain	29. 8.1932	
Sweden	5. 1.1940	15.10.1949
Uruguay	6. 6.1933	17.11.1949

Chile.

The report refers to information previously supplied and adds that very few decisions were given by courts of law and that none has been communicated to the General Labour Directorate. The labour inspectors supervise the strict application of the Convention, particularly by means of night visits to bakeries.

During the period under review, no use was made of the exceptions permitted under Article 4 of the Convention. Approximately 12,500 workers are covered by the legislation; 111 breaches of the legislation were reported in 1948. Certain employers' organisations have again stated that the strict application of the Convention gives rise to some difficulties; the question is being examined. Copies of the report have been communicated to the representative employers' and workers' organisations.

Cuba.

The report repeats the information previously supplied and adds that employers' and workers' organisations have worked together to obtain as thorough an application of the legislation as possible; this was done

by means of collective agreements containing all the clauses necessary for the purpose. The Ministry of Labour keeps the annual report at the disposal of registered employers' and workers' organisations.

Finland.

The report repeats the information previously supplied and adds that 1,617 bakeries employing 8,013 workers (5,183 of them women) were inspected in 1948 in the course of 2,350 visits, 68 of which were made at night. Ten breaches of the legislative provisions were reported, some of these being in connection with the Act relating to night work in bakeries. Copies of the report have been communicated to the representative employers' and workers' organisations.

Ireland.

Night Work (Bakeries) (Exceptional Work for Limited Periods) Regulations, 1949.

The report repeats the information previously supplied and adds that, owing to pressure of work, manufacturing processes carried on in bakeries were deemed to be exceptional work in the periods specified in the Night Work (Bakeries) (Exceptional Work for Limited Periods) Regulations, 1949. During the period under review, the enforcing authorities carried out 1,585 inspections in 718 bakeries. Six infringements were reported. Copies of the report have been communicated to representative employers' and workers' organisations.

Luxembourg.

The Convention has been strictly applied and no breaches of the relevant legislation were reported during the period under review. The labour inspectorate, together

with the occupational organisations concerned, is responsible for the application of the Convention.

Sweden.

The report repeats information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Uruguay.

Act No. 11,146 of 23 November 1948, to re-establish the prohibition of night work in bakeries.

Act No. 11,249 of 10 February 1949, concerning exceptions permitted under Act No. 11,146.

The report repeats the information previously supplied and adds that the three-year suspension of the prohibition of night

work has come to an end and prohibition has been re-established by Act No. 11,146. This Act also contains provisions respecting the supervision of hours of work and health conditions. Night work in bakeries is forbidden between the hours of 9 p.m. and 5 a.m.

The task of supervising the application of the legislation is exercised by means of (a) tables issued by the National Labour Institute and allied services, (b) a general control book, and (c) individual record books of all employees, workmen and apprentices. Approximately 10,000 workers are covered by the legislation.

NON-METROPOLITAN TERRITORIES, ETC.
(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	
Argentine Republic	14. 3.1950	
Australia	18. 4.1931	14.10.1949
Austria	29.12.1927	3.11.1949
Belgium	15. 2.1928	2.11.1949
Bulgaria	29.11.1929	
Burma ¹	14. 1.1928	5.12.1949
Colombia	20. 6.1933	
Czechoslovakia	25. 5.1928	2. 1.1950
Finland	5. 4.1929	20.10.1949
France ²	13. 1.1932	
Hungary	3. 2.1931	
India	14. 1.1928	15.12.1949
Ireland	5. 7.1930	17.11.1949
Japan	8.10.1928	
Luxembourg	16. 4.1928	4. 2.1950
Mexico	9. 3.1938	21.11.1949
Netherlands	13. 9.1927	12. 1.1950
New Zealand	29. 3.1938	28.10.1949
Nicaragua	12. 4.1934	
Pakistan ³	14. 1.1928	17.10.1949
Sweden ²	15.10.1929	15.10.1949
United Kingdom ²	16. 9.1927	
Uruguay	6. 6.1933	17.11.1949
Venezuela	20.11.1944	17. 1.1950

¹ See footnote 2 to Convention No. 1.

² Conditional ratification.

³ See footnote 3 to Convention No. 1.

Australia.

There has been no change in the position regarding the application of the Convention since the report for the previous period. Copies of the report have been communicated to the Australian Council of Employers' Associations and The Associated Chambers of Manufacturers of Australia.

Austria.

The report repeats the information previously supplied and adds that 898 passports were issued to Austrian nationals, who wished to emigrate to other countries during the period 1 October 1948-30 June 1948. Copies of the report have been communicated to the representative employers' and workers' organisations.

Belgium.

The report repeats the information previously supplied and adds that, during 1948, 172 transport vessels, mainly cargo vessels

having a limited amount of passenger accommodation, left the port of Antwerp after rigorous inspection by the emigration service. The statistics indicate that the number of emigrants during 1948 was 5,834, while for the period 1 January 1949-1 July 1949, the total number was 2,985. Copies of the report have been communicated to the representative employers' and workers' organisations.

Burma.

The report refers to the information previously supplied.

Czechoslovakia.

The report refers to the information previously supplied and adds that copies of the report will be communicated to the representative employers' and workers' organisations.

Finland.

The report refers to the information previously supplied and adds that the number of emigrants during 1948 was 1,031. The majority of these emigrants were domestic servants; 546 emigrants went to America, 167 to Sweden and 115 to Canada. Copies of the report have been communicated to the representative employers' and workers' organisations.

India.

The report repeats the information previously supplied and adds that 319 emigrant and 65,268 non-emigrant unskilled workers went to Ceylon during 1948. Copies of the report have been communicated to the representative employers' and workers' organisations.

Ireland.

The report repeats the information previously supplied and adds that the emigrant trade from Ireland is in the hands of non-Irish shipping companies. The number of emigrants during 1948 was 9,461. Copies of the report have been communicated to the representative employers' and workers' organisations.

Luxembourg.

The report repeats the information previously supplied.

Mexico.

General Population Act, gazetted on 27 December 1947.

The report repeats the information previously supplied and adds that, under § 85 of the General Population Act of 1947, the term "emigrant" has been defined as any national or foreigner leaving the country with the intention of settling abroad. No exceptions have been authorised under Articles 2 or 4 of the Convention. Copies of the report have been communicated to the representative employers' and workers' organisations.

Netherlands.

The report repeats the information previously supplied and adds that copies of the report have been communicated to the Labour Foundation.

New Zealand.

The report repeats the information previously supplied and adds that the number of permanent residents departing permanently from New Zealand in the year ended 31 March 1949, was 6,679. Copies of the report have been communicated to the representative employers' and workers' organisations.

Pakistan.

The report repeats the information supplied for the period 1947-1948 and adds that, although the Emigration Act of 1922, as amended by Act XXVII of 1927, provides

for the appointment of inspectors, no official system has been introduced for the inspection of emigrants on board ship. Copies of the report have been communicated to the representative workers' organisations. There are no representative employers' organisations, but the report has been forwarded to the provincial Governments for transmission to the more important chambers of commerce.

Uruguay.

The report repeats the information previously supplied.

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

*Belgium**Belgian Congo and Ruanda-Urundi.*

The Convention is not applied in the territory as there is no emigration by sea-going vessels.

*Netherlands**Indonesia.*

The report refers to the information supplied for the period 1947-1948.

Netherland West Indies.

The report repeats the information previously supplied.

Surinam.

The Convention is not applied. During the period under review no emigration ships left from Surinam. It has not been considered necessary, therefore, to apply the Convention.

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
Argentine Republic	14. 3. 1950	
Australia	1. 4. 1935	30. 9. 1949
Belgium	3. 10. 1927	2. 11. 1949
Bulgaria	29. 11. 1929	
Burma ¹	31. 10. 1932	15. 12. 1949
Canada	30. 6. 1938	10. 10. 1949
Chile	18. 10. 1935	7. 11. 1949
China	2. 12. 1936	
Colombia	20. 6. 1933	
Cuba	7. 7. 1928	5. 10. 1949
Estonia	10. 5. 1929	
Finland	8. 4. 1947	20. 10. 1949
France	4. 4. 1928	27. 10. 1949
Germany	20. 9. 1930	
India	31. 10. 1932	23. 11. 1949
Ireland	5. 7. 1930	17. 11. 1949
Italy	10. 10. 1929	18. 10. 1949
Luxembourg	16. 4. 1928	4. 2. 1950
Mexico	12. 5. 1934	21. 11. 1949
Netherlands	15. 12. 1937	12. 1. 1950
New Zealand	29. 3. 1938	11. 1. 1950
Nicaragua	12. 4. 1934	
Norway	29. 3. 1940	27. 10. 1949
Pakistan ²	31. 10. 1932	17. 10. 1949
Poland	8. 8. 1931	15. 11. 1949
Spain	23. 2. 1931	
United Kingdom	14. 6. 1929	3. 10. 1949
Uruguay	6. 6. 1933	17. 11. 1949
Venezuela	20. 11. 1944	17. 1. 1950
Yugoslavia	30. 9. 1929	

¹ See footnote 2 to Convention No. 1.

² See footnote 3 to Convention No. 1.

Australia.

The report repeats the information previously supplied and adds that, during the twelve months ended 30 June 1949, the number of individual seamen of all ranks and ratings was 10,094. These seamen made 32,263 engagements during the same period. Copies of the report have been communicated to the representative employers' and workers' organisations.

Belgium.

The report contains a detailed analysis of the Act of 5 June 1928. Copies of the report have been communicated to the representative employers' and workers' organisations.

Burma.

The report repeats the information previously supplied. Copies of the report have

been sent to the representative employers' and workers' organisations.

Canada.

The report repeats the information previously supplied.

Chile.

Decree No. 178 of 5 February 1949, to approve the Regulations concerning seamen's articles of agreement.

The report refers to the information previously supplied and adds that the above-mentioned legislation promulgated Regulations concerning seamen's articles of agreement for vessels of Chilean and other registry. During the period under review, there was a total of 3,917 seafarers employed and 5,557 persons covered by the legislative provisions. Copies of the report have been communicated to the representative employers' and workers' organisations.

Cuba.

The report repeats the information previously supplied. Copies of the report will be communicated to the representative employers' and workers' organisations.

Finland.

The report repeats the information previously supplied. During the period covered by the report, the number of inspection visits made in connection with the engagement and discharge of seamen was 12,381 and 14,262 respectively. There were only three breaches of the legislation. Copies of the report have been communicated to the representative employers' and workers' organisations.

France.

No amendments have been made since the previous report. Security of employment is guaranteed to 90,000 seamen, i.e., to approximately three quarters of the complements employed on board ship. Copies of the report have been communicated to the representative employers' and workers' organisations.

India.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Ireland.

The report repeats the information previously supplied and adds that 4,525 seamen signed on during the year ended 30 June 1949. Copies of the report have been communicated to the representative employers' and workers' organisation.

Italy.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Luxembourg.

The Convention calls for no practical application in the Grand Duchy.

Mexico.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Netherlands.

The report repeats the information previously supplied and adds that the maritime inspection service, under the Ministry of Transport, supervises the application of the legislation. A copy of the report has been communicated to the Labour Foundation.

New Zealand.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Norway.

The report refers to the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Pakistan.

The report repeats the information previously supplied.

Poland.

The report repeats the information previously supplied.

United Kingdom.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Uruguay.

The report repeats the information previously supplied.

Venezuela.

The report repeats the information previously supplied.

NON-METROPOLITAN TERRITORIES
(ARTICLE 35 OF THE CONSTITUTION)

*Belgium**Belgian Congo and Ruanda-Urundi.*

Act of 5 June 1928 respecting seamen's articles of agreement (L.S. 1928, Bel 5 A).

The Convention does not apply since the Belgian Congo has no seagoing fleet navigating under its own flag. The Belgian Act of 5 June 1928 applies to seamen's articles of agreement entered into by Natives of the Congo for service on board ships plying between Belgium and the colony. The Act applies the provisions of the Convention.

*Netherlands**Indonesia.*

The report refers to the information supplied for the period 1947-1948.

Netherland West Indies.

Commercial Code, §§ 490 *et seq.*

The Convention is applied in practice. The definitions in the legislation are similar to those contained in Articles 1 and 2 of the Convention. Seafarers are only engaged in the presence of an official who ensures that Article 3 of the Convention is observed. Agreements are entered into for a special period or voyage. The terms for the termination of an agreement are in harmony with the Convention. After one-and-a-half years of service, the seaman is entitled to terminate the engagement in any port. § 537 of the Commercial Code enumerates 12 reasons for which the shipowner may immediately discharge a seaman. § 538 of the Commercial Code enumerates 14 urgent reasons for which the seaman may terminate his engagement. The harbour police in the territory, and, outside the territory, the consuls, supervise the application of the legislation. All shipowners' and seamen's organisations are familiar with the legislation in force.

Surinam.

The Convention is not applied. The Surinam Shipping Company, the only one in the country, observes the requirements of the Convention as far as possible. As there are only three vessels, the enactment of special legislation seems to be inappropriate.

*United Kingdom**Aden.*

The report repeats the information previously supplied.

Barbados.

The report repeats the information previously supplied. Copies of the report have been communicated to the Barbados Sugar Producers' Federation, the Shipping and Mercantile Association of Barbados and the Barbados Workers' Union.

Basutoland.

The Convention is not applicable since the territory has no seaboard.

Bechuanaland.

The Convention is not applicable to the territory.

British Guiana.

The report repeats the information previously supplied.

British Honduras.

The report repeats the information previously supplied.

British Somaliland.

There is no legislation and no administrative regulations ensuring the application of the Convention. No ships are registered in the protectorate, and nearly all ships calling at ports in the country are registered in the United Kingdom or in Aden. The majority of shipping consists of fishing vessels and small ships engaged in coasting trade.

Brunei.

The report repeats the information previously supplied.

Cyprus.

The report repeats the information previously supplied, and adds that only one small vessel standing on the Cyprus register, exceeding 100 tons gross registered tonnage, would be affected by the introduction of legislation in respect of the Convention. Copies of the report have been communicated to the Pan-Cyprian Federation of Labour, the Cyprus Workers' Confederation, the Cyprus-Turkish Trade Unions Federation, and the Association of Cyprus Industries.

Dominica.

Chapter 143 of the L.I.R. Acts of 1927, as amended and adapted by the Adaptation of Laws Ordinance, 1939.

The legislation applies the Convention only to a limited extent, as the vessels registered in the territory are, with two exceptions, all below 100 tons gross.

Falkland Islands.

The report repeats the information previously supplied.

Fiji.

Marine Board Ordinance (Cap. 200)
Marine Board Regulations, 1949.

The minimum tonnage is fixed at 50 tons. "Vessel" means anything made or used for conveyance by water of human beings or of property. The term "seaman" is not defined in the legislation. "Master" means any person, except a pilot or a harbour master having, for the time being, the control or charge of a vessel. "Home trade vessel" is not defined, but the Marine Board Ordinance contains the following definition: "Inter-insular vessel" means any vessel engaged in trading or in passenger traffic between any two ports or places in the colony beyond the protection of reefs, not, however, including the Island of Rotuma. "Short coastal service" means service generally within the protection of islands or reefs, or as may be specifically endorsed on certificate or licence. Article 3 of the Convention is applied. The prescribed form of agreement does not permit the inclusion of the stipulation mentioned in Article 4. Article 5 is applied. Certificates of discharge are appended to the report. Article 6 is applied in so far as the following vessels are concerned: vessels employed for inter-insular service and vessels employed in short coastal service of 50 tons net registered tonnage and over. Articles 7 to 14 are applied. There are only four ships in the colony which are not employed in coastal or inter-insular trade. During the period under review, 412 seamen signed articles of agreement. The application of the legislation is entrusted to the Collectors of Customs. Owing to the small number of ships concerned, the co-operative attitude of the owners and the strength of the Fiji Seamen's Union, it has not been found necessary to extend specifically to the colony the relevant provisions of the Merchant Shipping Act, 1894. A copy of the report has been communicated to the Labour Advisory Board.

Gambia.

The report repeats the information previously supplied.

Gibraltar.

The report repeats the information previously supplied and adds that 814 seamen were signed on during the period under review; no contraventions were reported.

Gilbert and Ellice Islands.

The report repeats the information previously supplied.

Gold Coast.

The report repeats the information previously supplied. Copies of the report have been communicated to the Chamber of Mines, the chambers of commerce and the Trade Union Congress.

Grenada.

The report repeats the information previously supplied.

Hong Kong.

The report repeats the information previously supplied and adds that, during the year under review, 15,164 seamen were engaged and 14,174 discharged by the Mercantile Marine Office. About 80 per cent. of these engagements or discharges were for ships engaged in coastal trade. The number engaged or discharged before consular officers is unknown, but is unlikely to be large. Where there are no consular officers, Chinese registered ships are required to engage or discharge crews at the Mercantile Marine Office.

Kenya.

No seagoing vessels are registered in the colony.

Federation of Malaya.

Instructions for the Use of Officers in British Dominions, Colonies and Possessions, issued by the Board of Trade in 1927 under the Merchant Shipping Acts of 1894 and 1906.
Various Ordinances and Enactments in the various States.

The definitions given in the legislation of the terms "vessel", "seaman" and "master" are practically identical with those of the Convention. "Home-trade ship" means a ship plying solely upon a home-trade voyage; the legislation defined the limits of home trade.

As regards Article 3 of the Convention, the report states that somewhat different provisions are given in the legislation in respect of "home trade" and foreign-going vessels. As regards ships engaged in "home trade" and over 25 tons, an agreement in a form approved by the Governor, must specify, in particular, the nature and duration of the voyage or engagement, number and description of the crew, the time at which each seaman is to be on board or to begin work, the capacity in which he is to serve, the amount of his wages, the scale of provisions which are to be furnished and any regulations as to conduct on board (fines, lawful punishment for misconduct, etc.).

The legislation contains a certain amount of detailed information, in particular, covering the duration of the agreement. As regards foreign-going vessels, the agreement must be signed in the presence of the port officer who ensures that it is read over and explained to each seaman. The agreement

contains detailed provisions, must be in a form approved by the Governor-in-Council and contain such stipulations as he prescribes.

Article 4 of the Convention is applied by the legislation, which stipulates that agreements must be signed in the presence of a port officer.

Articles 5, 6, 8, 10 and 14 are also applied. Under Article 7 of the Convention, the report states that the Board of Trade has issued a form which is headed "Agreement and List of the Crew". Article 9 is not applicable because agreements for an indefinite period are not allowed under the legislation.

Under Article 10, the report states that the termination of an agreement by mutual consent must take place in the presence of a port officer.

No special provisions have been made in the legislation as regards Articles 11 and 12 of the Convention; the conditions of these Articles are included in agreements. There is no provision in the legislation corresponding to Article 13. A copy of the report has been communicated to the Federal Labour Advisory Board.

Malta.

United Kingdom Merchant Shipping Act, 1894-1948. Part II.

The provisions of this Act are applicable locally, except in the case of ships of war, Government vessels, vessels engaged in coastal trade, pleasure yachts and fishing vessels, but masters of all foreign-going ships are required to enter into agreements with the crew, irrespective of the tonnage of their vessels. Home-trade vessels do not exist in Malta. All ships trading with nearby ports are considered as foreign-going. The supervision and enforcement of the legislation and administrative regulations are entrusted to the Customs and Port Department, and control is exercised by the Shipping Master of the Department of Customs and Ports. Copies of the report have been communicated to the General Workers' Union, the Chamber of Commerce and the Federation of Malta Industries.

Mauritius.

No legislation has been enacted to give effect to the Convention. In practice, the articles signed follow the provisions of the English agreement as closely as possible, except as regards those relating to wage rates and victualling scales.

Nigeria.

The report repeats the information previously supplied.

North Borneo.

The report repeats the information previously supplied and adds that, in September

1949, there were 12 ships, all under 100 tons net register, on the colony's register of shipping.

Northern Rhodesia.

The Convention is not applicable as Northern Rhodesia has no sea coast.

Nyasaland.

The Convention is not applicable since Nyasaland has no sea coast.

St. Helena.

The report repeats the information previously supplied.

St. Lucia.

The report repeats the information previously supplied.

St. Vincent.

The report repeats the information previously supplied.

Sarawak.

The report repeats the information previously supplied.

Seychelles.

A Bill covering the requirements of the Convention will be introduced during the current year 1949-1950.

Sierra Leone.

The report repeats the information previously supplied. A copy of the report has been communicated to the Sierra Leone Council of Labour.

Singapore.

Merchant Shipping Ordinance, Chapter 150 Board of Trade Instructions.

Ships of less than 25 tons which are exclusively employed in trading within prescribed limits, are not covered by the relevant legislation. The definitions given in Article 2 of the Convention are similar to those in the legislation which fixes the geographical limits required in Article 2 (d). Crews or single seamen are engaged before a port officer who ascertains that each seaman understands the agreement before he signs it. A special form for agreements has been issued by the United Kingdom Ministry of Transport. Article 4 is applied under § 41 (i) and 42 (i) of the Merchant Shipping Ordinance. § 57 of this Ordinance stipulates that a certificate shall be given to a seaman in case of discharge. § 42 (2), 43 and 44 cover the provisions of Article 6 of the Convention. Some of these provisions form part of the standard form of agreement prescribed by the Government. The legislation does not provide for any specific

annual leave, but some shipping companies grant annual leave to their employees. The legislation does not provide for agreements for an indefinite period. Agreements signed for the crew always contain a list of the crew. Article 8 is applied under § 48 (1) of the Ordinance. The termination of an agreement by mutual consent is possible. In case of shipwreck, the seaman is entitled to receive wages in respect of each day on which he is unemployed during a period not exceeding two months. The legislation does not lay down the circumstances in which either master or seaman may immediately terminate the engagement. However, such conditions are included in the agreements signed in the presence of the port officer. The courts may rescind an agreement. § 63 of the Ministry of Transport Instructions reproduces the provisions of Article 13 of the Convention. §§ 56, 57 and 58 of the Merchant Shipping Ordinance stipulate that the seaman shall be discharged in the presence of the port officer and that he shall receive from the master a certificate of his discharge and a "report of character". The master attendant (port officer) is responsible for enforcing the legislation. In future, the report will be communicated to the Labour Advisory Board.

Solomon Islands.

The report repeats the information previously supplied.

Swaziland.

The Convention is not applicable since the territory has no seaboard.

Tanganyika.

§ 102 of the Shipping Ordinance, No. 28 of 1937, provides that "no seaman being a Native of the territory shall be shipped to do duty on board any foreign-going ship, whether British or foreign, without the previous approval of the Provincial Commissioner of the province in which the port at which he is engaged is situated". § 105 also provides for a repatriation agreement in respect of such seamen at the expense of the owner of the ship.

Trinidad and Tobago.

The report repeats the information previously supplied.

Uganda.

The report confirms the information previously supplied.

Zanzibar.

There is 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 Conven-

tion. The Convention is not applicable to any other forms of shipping registered in Zanzibar. In any event, the provisions of the Merchant Shipping Act, 1925, are applied to all seamen signing on for employment in ships calling at the territory.

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 representative employers' and workers' organisations.

23. Convention concerning the repatriation of seamen

This Convention came into force on 16 April 1928

Countries	Date of registration of ratification	Reports received
Argentine Republic	14. 3.1950	
Belgium	3.10.1927	2.11.1949
Bulgaria	29.11.1929	
China	2.12.1936	
Colombia	20. 6.1933	
Cuba	7. 7.1928	5.10.1949
Estonia	9. 7.1928	
France	4. 3.1929	27.10.1949
Germany	14. 3.1930	
Ireland	5. 7.1930	17.11.1949
Italy	10.10.1929	18.10.1949
Luxembourg	16. 4.1928	4. 2.1950
Mexico	12. 5.1934	21.11.1949
Netherlands	5. 5.1948	12. 1.1950
Nicaragua	12. 4.1934	
Poland	8. 8.1931	15.11.1949
Spain	23. 2.1931	
Uruguay	6. 6.1933	17.11.1949
Yugoslavia	30. 9.1929	

Belgium.

The report contains a detailed analysis of the Act of 5 June 1928 and states that the provisions of this Act are in conformity with, or more favourable than, those of the Convention. During the period under review 78 seamen were repatriated. Copies of the report have been communicated to the representative employers' and workers' organisations.

Cuba.

The report repeats the information previously supplied. The report contains copies of the returns from the various harbour masters, showing that there were no cases of repatriation during the year under review. Copies of the report will be communicated to the representative employers' and workers' organisations.

France.

No amendments to the legislation have been made since the previous report. It has been impossible to establish the number of seamen repatriated for a number of different reasons. Copies of the report have been communicated to the representative employers' and workers' organisations.

Ireland.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Italy.

The report analyses Act No. 427 of 14 January 1929 and Decree No. 327 of 30 March 1942, approving the Shipping Code. Copies of the report have been communicated to the representative employers' and workers' organisations.

Luxembourg.

The Convention calls for no practical application in the Grand Duchy.

Mexico.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Netherlands.

The report repeats the information previously supplied. A copy of the report has been communicated to the Labour Foundation.

Poland.

The report repeats the information previously supplied.

Uruguay.

The report repeats the information previously supplied.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Belgium

Belgian Congo and Ruanda-Urundi.

Act of 5 June 1928 respecting seamen's articles of agreement (L.S. 1928, Bel. 5 A).

The Convention does not apply since the Belgian Congo has no seagoing fleet navigating under its own flag. The Belgian Act of 5 June 1928 applies to seamen's articles of agreement entered into by Natives of the Congo for service on board ships plying between Belgium and the colony. The Act applies the provisions of the Convention.

Netherlands

Indonesia.

The report refers to the information supplied for the period 1947-1948.

Netherland West Indies.

Commercial Code, §§ 554 *et seq.*

The Convention is applied. No geographical limits are laid down in the legislation. A foreign seaman is entitled to repatriation or to transfer to the port of engagement. The harbour police and the consuls supervise the application of the legislation. All ship-owners' and seamen's organisations are familiar with the legislation.

Surinam.

The report repeats the information previously supplied.

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	3. 11. 1949
Bulgaria	1. 11. 1930	
Chile	8. 10. 1931	23. 11. 1949
Colombia	20. 6. 1933	
Czechoslovakia	17. 1. 1929	2. 1. 1950
France	17. 5. 1948	27. 10. 1949
Germany	23. 1. 1928	
Hungary	19. 4. 1928	
Latvia	29. 11. 1929	
Lithuania	19. 6. 1931	
Luxembourg	16. 4. 1928	4. 2. 1950
Nicaragua	12. 4. 1934	
Peru	8. 11. 1945	31. 1. 1950
Poland	29. 9. 1948	15. 11. 1949
Rumania	28. 6. 1929	
Spain	29. 9. 1932	
United Kingdom	20. 2. 1931	3. 10. 1949
Uruguay	6. 6. 1933	17. 11. 1949
Yugoslavia	30. 9. 1929	

Austria.

Federal Act of 8 July 1948, to determine the rights, as regards social insurance, of persons entering public employment or ceasing to hold public employment.

Federal Act of 15 October 1948, to amend the provisions of social insurance law and to provide for the payment of cost-of-food allowances (L.S. 1948, Aus. 1 C), as amended by the Federal Act of 19 May 1949 (L.S. 1949, Aus. 2 D).

Federal Act of 30 March 1949, concerning the practising of medicine and the representation of the medical profession.

Federal Act of 19 May 1949 (L.S. 1949, Aus. 2 B) to amend the Federal Act of 12 June 1947 (L.S. 1947, Aus. 5 A), to make provision for the transition to the new Austrian social insurance law (3rd Act amending the social insurance transition law).

The report repeats the information previously supplied and adds, with regard to the scope of sickness insurance, that civil servants and assimilated persons are covered by a special sickness insurance scheme; doctors are also covered. Information is also given regarding the method used for calculating sickness benefits during the period under review. The report contains statistical data concerning the average number of compulsorily insured persons (1,425,000 in 1948), cash benefits (214.3 million schillings), benefits in kind (298.2 million schillings) and the distribution of insurance. Copies of the report have been communicated

to the representative employers' and workers' organisations.

Chile.

The report refers to the information previously supplied. In reply to the observations made by the Conference Committee in 1949 with regard to amendments necessary to bring the legislation into harmony with the provisions of the Convention, the report adds that a plan for the revision of the legislation has been submitted to the National Congress and that the Government will do its utmost to obtain the necessary amendments.

Statistical data are given showing the number of persons covered by insurance (992,000 in 1947, including 372,000 agricultural wage earners) the total amount and distribution of cash benefits (139,230,902.08 pesos) and benefits in kind (523,082,693.07 pesos), as well as the amount and distribution of insurance resources including, in particular, contributions by employers, insured persons and the State. Copies of the report have been communicated to the representative employers' and workers' organisations.

Czechoslovakia.

Act No. 99 of 15 April 1948, respecting national insurance (L.S. 1948, Cz. 1).

Sickness insurance is compulsory for all workers employed under a contract of service in private or public law or under a contract as apprentice, improver or probationer. No qualifying period is required. The right to benefit begins as from the first day on which the injured person ceases to be entitled to wages but not later than the 43rd day of incapacity for work. Sickness benefits are paid during the whole period of incapacity, up to a maximum period of 365 days. The rate of daily benefits varies between 15 and 159 crowns. During the first 42 days of sickness, benefits are payable provided the insured person is not entitled to his wages; he forfeits his right to benefits if he contravenes the provisions made for the supervision of sick persons or the orders of the medical practitioner. In such a case, the members of the insured person's family

receive at least one half of the benefits. The right to compensation is also forfeited if the insured person himself causes his own incapacity for work by taking part in a brawl or as the direct result of drunkenness. In this case the dependants may, however, be granted assistance at the rate of one half of the sickness benefit. The insured person and his dependants are entitled to medical attention, medicines, the necessary treatment and therapeutic and orthopaedic aids for as long as the sickness continues and for one year after the end of insurance. During the whole period of incapacity for work or vocational rehabilitation, medical assistance is ensured for all members of the family who are dependent on the insured person. The term "members of family" is interpreted very widely.

The sickness insurance scheme is administered by the Central National Insurance Institution, under the supervision of the Minister of Labour and Social Welfare who may consult the Ministers of Finance and Health. In Slovakia, supervision is ensured by the Office of the Slovak Commissioner for Labour and Social Welfare. The Act respecting national insurance is based on the principle that employers should pay the whole of the insurance contributions; however, workers are provisionally responsible for half these expenses. In the case of officials, the State pays three fifths of the expenses and the official two fifths.

Insured persons may appeal against any decision of the insurance authorities in regard to compulsory contributions. Appeals are brought before the judicial tribunal who are assisted by assessors chosen from amongst the insured persons.

The report includes statistical information concerning the number of insured persons: 1,665,672 men and 815,566 women in June 1949, not including 345,000 public employees; in Slovakia, the number of insured persons is 743,578. The report also contains information concerning the total amount of benefits in cash and in kind and the resources of the insurance scheme and their distribution. Copies of the report have been communicated to the Central Council of Trade Unions and to the Federation of Czechoslovak Employers' Organisations.

France.

Ordinance of 4 October 1945, respecting the organisation of social security (L.S. 1945, Fr. 14).

Ordinance of 19 October 1945, respecting the social insurance system applicable to insured persons engaged in occupations other than agriculture (L.S. 1945, Fr. 1 G).

Decree of 29 December 1945, to issue public administrative regulations in pursuance of the Ordinance of 19 October 1945 (L.S. 1945, Fr. 1 (I)).

Decree of 8 June 1946, to issue public administrative regulations in pursuance of the Ordinance of 4 October 1945 respecting the organisation of social security.

Act of 24 October 1946, to reorganise the legal departments for social security and mutual benefit societies for agriculture.

Decree of 31 December 1946, to issue public administrative regulations under the above-named Act.

Act No. 48-1307 of 23 August 1948, to adapt social security legislation to the circumstances of the staff of public departments.

The first report supplied by the Government states that, since 1 January 1947, all wage-earning employees and persons placed on the same footing are covered by social security legislation, whatever their age, the amount and nature of their remuneration and the form, nature and period of validity of their contract.

France no longer makes use of the exceptions authorised by the Convention. The members of the employer's family are subject to insurance if they are remunerated. Moreover, the legislation provides for systems which may include partial affiliation to the general system for officials and employees of the State, services, offices, public authorities, public departmental and communal undertakings which are not of an industrial or commercial nature, persons engaged in mining or assimilated undertakings, the French National Railway Company, minor local railways and tramways, undertakings holding concessions for the supply of gas and electricity, chambers of commerce, independent port authorities, the general water supply service, the Bank of France, the Bank of Algeria and solicitors' clerks. These officials and employees are subject to special laws, regulations and rules which protect them in case of sickness. Seamen are covered by a special scheme.

Cash benefits under sickness insurance, strictly speaking, are payable as from the fourth day of incapacity for work and for a maximum period of six months. In order to be able to draw benefits, the insured person must have been employed in wage-earning or assimilated employment for at least 60 hours in the course of the three months preceding the first medical diagnosis of the sickness, or must have been involuntarily unemployed during this period. Benefits are equal to half the basic daily wage and may not exceed a certain figure; they are higher, however, where the insured person has at least three dependent children. These benefits may be withheld from an insured person who has met with an industrial accident and in respect of which he is drawing daily benefit or a pension due under the laws respecting industrial accidents. Cash benefits are not paid in cases where the sickness does not necessitate an interruption of work. In case of hospitalisation at the expense of the fund, the daily benefit is only paid in whole when the insured person has two or more dependent children.

The right to daily benefits under sickness insurance may be withdrawn in cases where the insured person had not informed the fund, within two days, of the first medical diagnosis of the sickness. In this case, the withdrawal of benefits may be extended to the period during which failure to report has rendered supervision impossible. Where the insured person refuses to submit to supervision by the insurance fund, the payment of benefits in kind and in cash is suspended for the period during which supervision was

rendered impossible. Benefits may be withheld by way of penalty in case of voluntary breaches of the regulations or of the medical practitioner's orders. Benefits for long illnesses may likewise be suspended, reduced or withdrawn in cases where the insured person had failed to comply with his obligations. Cash benefits are not payable in cases where the sickness, injuries or infirmities are the result of the insured person's wilful negligence.

Benefits in kind under sickness insurance, strictly speaking, are payable as from the first medical diagnosis of the sickness and for a maximum period of six months. These benefits include the cost of general medical treatment (medical consultations, surgical operations, special treatment, auxiliary medical treatment and dental treatment), hospitalisation and pharmaceutical requisites (medicaments, appliances, laboratory analyses, etc.). The share to be borne by the insured person as regards sickness insurance is fixed at 20 per cent., but this sum may be reduced or cancelled in case of serious surgical operations. The rules for the cancellation of benefits in kind are the same as those applying to cash benefits.

Benefits in kind under sickness insurance, strictly speaking, are payable in case of sickness of the insured person or a member of his family. The following shall be deemed to be members of the family: (1) the husband or wife of the insured person, except where he or she is compulsorily registered with the Craft Register or the Commercial Register, is engaged in a liberal profession or is covered by a special scheme; (2) children under 16 years of age who are not employed persons and are dependent on the insured person or his wife (or her husband), as well as children under 17 years of age who are placed in apprenticeship and children under 20 years of age who are continuing their studies or who are permanently unable to perform work for remuneration; (3) relatives in the ascending, descending or collateral line who live in the household of the insured person and are exclusively engaged in household work and the bringing up of not less than two children under 14 years of age who are dependent on the insured person.

The members of the family of an insured person are also entitled to insurance against long illnesses, but only in respect of the repayment of the expenses for the treatment, exclusive of the monthly allowances.

The social security funds are responsible, in the first place, for the administration of all risks covered by social security legislation; the primary funds with district competence, the regional funds and a national social security fund are responsible for compensation on the national level. The primary social security fund is administered by a governing body comprised of representatives elected by the workers (three fourths) and representatives elected by the employers (one fourth). The governing body also includes one or two representatives of the staff of

the fund, two medical practitioners, two persons known for their work in connection with social insurance and industrial accidents, and one person nominated by the Departmental Federation of Family Associations. The supervision of the funds, in the first place, is the responsibility of the Minister of Labour and Social Security and the administrative services of the Ministry, and the services of the finance administration.

The total expenses of benefits, including administrative expenses, are borne by insured persons and employers. No financial contribution is made by the State. The insured person's contribution covers all the risks administered by social security and represents a percentage of his wages (6 per cent.). The employer's contribution is equal to 10 per cent. of the amount of wages. Primary funds, which administer in particular the risk of sickness, receive 38.5 per cent. of contributions. The contribution for insured persons over 65 years of age is fixed at 2 per cent. of wages.

The Convention in no way prejudices the obligations under the Convention concerning the employment of women before and after childbirth.

French legislation does not recognise the insured person's right of appeal in case of a dispute regarding the right to sickness insurance benefits.

The report contains statistical data showing that the number of compulsorily insured persons amounts to 11,900,000; of this number, 8,300,000 are insured under the general insurance scheme against all risks and 2,400,000 under the general scheme for certain risks, including sickness. Figures are also given relating to insured persons in receipt of benefits under special schemes and to 1,200,000 insured agricultural workers. It can be estimated that approximately 23,000,000 persons are entitled to social insurance benefits in the category of the 11,900,000 insured persons referred to above. The total amount paid in sickness insurance cash benefits during the period under review was 16,606 million francs. There are no separate resources for the administration of a specific risk, as contributions are not distributed according to the risks covered but according to the bodies responsible for administration. During the period 1 October 1948-30 June 1949, the fund's contributions amounted to 152,772 million francs, 58,171 million francs of which were for workers and 94,601 million francs for employers. Copies of the report have been communicated to the representative employers' and workers' organisations.

Luxembourg.

The report refers to the information previously supplied. Bills have been submitted to the legislature providing for the extension of compulsory sickness insurance to public employees, all employees in

private undertakings and employers in handicraft and commercial undertakings.

Peru.

Acts of 12 August 1936 and 23 February 1937. Supreme Decrees of 18 February 1941, 28 October 1942, 25 August 1943, and 18 January 1945.

Legislative Decrees of 19 November and 3 December 1948, 1 January and 1 April 1949. Supreme Decrees of 21 February, 28 March and 21 April 1949.

All workers, employees, apprentices and homeworkers employed in industrial or commercial undertakings are subject to compulsory sickness insurance. Insurance is optional for domestic servants. The following persons are not covered by compulsory insurance: casual workers employed for less than 90 days in the year, members of the employer's family who live with him and are employed by him and receive no payments in cash, beneficiaries of old-age or invalidity pensions, and workers affiliated to an approved fund which was in existence before the establishment of social security and which grants benefits which are at least equivalent. On the other hand, compulsory insurance covers, amongst others, unpaid apprentices, workers who are paid in kind, homeworkers, all workers between 14 and 60 years of age and the crews of merchant vessels. Contributions are only paid in respect of that part of the wage which does not exceed 57.70 soles per week for workers and 3,000 soles for employees. This figure is also considered as the maximum wage for the calculation of benefits. Compensation is paid during 26 weeks and may be extended to 52 weeks. The amount of compensation in cash is equal to 50 per cent. of the wages during the first four weeks and to 40 per cent. of the wages after this period. In case of hospitalisation, benefits in cash are reduced by one half. In certain conditions and within certain limits, the insured person is entitled to the repayment of expenses for medical visits, hospitalisation and surgical treatment. The qualifying condition is that four contributions shall have been paid during the 120 days preceding the date on which the right to benefits begins. Benefits are paid from the third day after the declaration of incapacity. If the insured person is an employee, the qualifying period is represented by at least four monthly contributions. The payment of compensation is withdrawn when the insured person receives an old-age or invalidity pension, when incapacity is due to an industrial accident or an occupational disease, and for as long as he receives his wages or neglects to follow medical advice. The insured person is entitled to medical care and the supply of medicaments during the period for which benefits in cash are paid, unless he neglects to follow medical advice. Medical aid may be extended to the wife and children under 14 years of age by means of an additional contribution. The admini-

nistration of the National Social Security Fund responsible for the insurance of workers is autonomous and is entrusted to a managing board comprising representatives of the Government, workers and employers. The administration of the fund is subject to financial supervision. The organisation of social security for employees is entrusted to a committee which includes representatives of the Government, employers and workers. The State, employers and workers contribute to the social security of workers (which covers the risk of sickness) in the following proportions: 1 per cent., 3.5 per cent. and 1.5 per cent. of the worker's wage.

The report includes information concerning maternity benefits. The right to appeal is recognised in case of dispute. Disputes may be brought before the administration and appeal may then be made to the managing board. The general directorate of the National Social Security Fund is responsible for the settlement of any disputes which are brought before the governing board. Courts of law do not intervene.

Poland.

Act of 28 March 1933, respecting social insurance (L.S. 1933, Pol. 5), as amended by the Legislative Decree of 24 October 1934 (L.S. 1934, Pol. 4) the Acts of 11 January, 9 April and 23 April 1928, 28 July 1939, the Legislative Decrees of 7 September and 23 October 1944, 29 September 1945, 8 January 1946 (L.S. 1946, Pol. 2), 13 December 1946, 28 October 1947 (L.S. 1947, Pol. 4), and the Act of 1 March 1949 (L.S. 1949, Pol. 1).

Various Orders of the Minister of Labour and Social Welfare dated 1933-1949, respecting the application of the Social Insurance Act to persons employed in maritime navigation (L.S. 1933, Pol. 7) and in agriculture and the control of social insurance funds and the procedure to be followed by arbitration committees.

Sickness and maternity insurance in Poland is general and compulsory for all wage-earning employees including students, apprentices, probationers, voluntary workers, members of the employer's family and his relatives (with the exception of the husband or wife) and homeworkers. The following are not covered by compulsory insurance: Polish citizens working abroad in Polish diplomatic or consular services, foreigners employed by foreign diplomatic or consular services, persons on active military service, members of the clergy, domestic servants who are not employed for more than two weeks by the same employer, persons whose remunerated work is not their main source of subsistence, artisans, descendants, brothers, sisters and ascendants of the employer if they are living in his household, members of the employer's family who are not working under a contract of employment, students or former students of technical or academic schools who are exclusively engaged in vocational training. The Minister of Labour and Social Welfare may exclude from

compulsory insurance special categories of workers provided they have the right and the option to benefit from other payments granted under conditions at least as favourable as those provided under the general insurance legislation. This was the case for workers employed in the Polish State Railways; municipal workers in Warsaw and Lublin and employees of the Postal Savings Bank are also affiliated to special schemes.

In case of incapacity for work as the result of sickness, insured persons receive an allowance for each day that they are reported as incapacitated for work and, generally, for a maximum period of 26 weeks. The allowance is paid as from the first day of incapacity where incapacity for work lasts for at least three days. The right to benefits is acquired after the expiry of four weeks in insurance. At the same time, in the case of persons who have been insured for at least 26 weeks in the course of the last 12 months, the right to benefit begins from the day on which insurance is operative. The qualifying period is not required in the case of an industrial accident, a serious illness or a serious infectious disease. Benefit is paid at the rate of 70 per cent. of the average weekly earnings during the 13 weeks preceding the sickness and covers supplementary allowances for dependent children. Workers hospitalised at the expense of the insurance scheme do not receive a sickness allowance unless they have a dependent family, in which case they receive an allowance equal to 50 per cent. of the basic wage, with supplements for every child. Hospitalised workers who are not entitled to an allowance receive a hospital allowance equal to one fifth of the sickness allowance. Allowances may be continued after the period of 26 weeks in cases where the medical treatment shows that capacity for work will be recovered. In case of childbirth, when the insured woman's incapacity for work lasts for more than 12 weeks, she is entitled to sickness benefits in addition to maternity allowances. State officials, apprentices, probationers and members of the employer's family are not entitled to sickness or maternity allowances.

Claims for benefits must be submitted within six months. The insured person may be refused benefits in cash and in kind if he has been sentenced to imprisonment and until the expiry of the sentence. Allowances in cash may be refused to insured persons who have intentionally caused their illness or who have voluntarily taken part in riots or acts of violence. Sickness benefits may also be refused entirely or in part when the insured person has not complied with an order to undergo hospital treatment. Insured persons are entitled to free medical assistance as from the first day of insurance and for an indefinite period. This assistance includes medical care, medicaments, therapeutic treatment, and orthopaedic appliances.

The members of the insured person's

family benefit from free medical assistance and a milk allowance.

Sickness insurance is administered by autonomous social insurance institutions, under the administrative and financial supervision of the Minister of Labour and Social Welfare. Representatives of insured persons and employers are represented on the different bodies of these institutions in the proportion of two to one.

Insurance is financed by contributions from employers. Insured persons do not contribute to the resources of insurance nor is there any provision for the financial contribution of the public authorities.

The insured person has the right of appeal both as regards compulsory insurance and as regards benefits. The employer has the right of appeal with regard to compulsory insurance. On 30 June 1949, 4,034,000 persons were subject to sickness insurance; this figure includes 346,400 agricultural workers. The receipts and expenses under sickness insurance are included in the general social insurance moneys. During the first six months of 1949, expenditure in sickness benefits amounted to 16,168 million zlotys, 3,675 million of which were for cash benefits and 12,493 million for benefits in kind. A copy of the report has been communicated to the Central Council of Polish Trade Unions.

United Kingdom.

Various Orders and Regulations issued in 1948 and 1949, respecting national insurance, the national health service and industrial injuries.

The report refers to the information supplied for the period 1947-1948 and adds that new Regulations were issued in 1948 and 1949 relating to a reciprocal agreement with Ireland, overlapping benefits, general dental services (National Health Service) and members of the Forces. Copies of the report have been communicated to the representative employers' and workers' organisations.

Uruguay.

The report repeats the information previously supplied.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

United Kingdom

Aden.

The report repeats the information previously supplied.

Barbados.

Because of the high level of unemployment and underemployment and the present stage of social and economic development of the territory, the institution of a compulsory

sickness insurance system would be impracticable at the present time on financial grounds.

Basutoland.

The report repeats the information previously supplied.

Bechuanaland.

There is no system of sickness insurance applicable to workers.

British Guiana.

The report repeats the information previously supplied.

British Honduras.

The report repeats the information previously supplied.

British Somaliland.

There are no legislative or administrative regulations ensuring the application of the Convention. The Government is at present the only large-scale employer of labour. The majority of the population are nomads and so far the need has not arisen for any form of national health insurance. All Natives are given free medical and surgical treatment in Government hospitals.

Brunei.

The report repeats the information previously given.

Cyprus.

The report repeats the information previously supplied. There were 2,725 contributors under the Government social insurance scheme, and 5,250 dependants were also covered. A number of voluntary schemes are also in operation, but the number of workers covered is not available. Copies of the report have been communicated to the Pan-Cyprian Federation of Labour, the Cyprus Workers' Confederation, the Cyprus-Turkish Trade Unions Federation, and the Association of Cyprus Industries.

Dominica.

The report repeats the information previously supplied.

Falkland Islands.

The report repeats the information previously supplied.

Fiji.

The Convention has not yet been applied for reasons given in the previous report. Most of the large employers grant a limited amount of sick leave with pay to their regular employees. There has been no change

in the situation. A copy of the report has been communicated to the Labour Advisory Board.

Gambia.

The report repeats the information previously supplied.

Gibraltar.

The report repeats the information previously supplied.

Gilbert and Ellice Islands.

The report repeats the information previously supplied.

Gold Coast.

The report repeats the information previously supplied.

Grenada.

The report repeats the information previously supplied.

Hong Kong.

The report repeats the information previously supplied.

Kenya.

The report repeats the information previously supplied. Copies have been made available to the representative employers' and workers' organisations.

Federation of Malaya.

The report repeats the information previously supplied and adds that free medical treatment is available to all who apply for it. Free hospital treatment is provided in Government hospitals to all those who are unable to pay for it. Moreover, the cost of maintaining a hospital bed is greater than the amount charged to the patient.

Malta.

The Convention has not been applied in Malta. The Government has taken preliminary action to introduce a system of compulsory sickness insurance. Copies of the report have been communicated to the General Workers' Union, the Chamber of Commerce and the Federation of Malta Industries.

Mauritius.

The report repeats the information previously supplied and adds that public hospitals and dispensaries are free. It is also usual for employers to continue to pay the wages of permanent employees who are absent on account of sickness. The period of payment is limited to 30 days in the case of the

main industry of the country (sugar production). Agricultural workers hired on a day-to-day basis (forming the bulk of employed persons) usually have other resources, such as a cow or a plot of land.

Nigeria.

The report repeats the information previously supplied.

North Borneo.

The report repeats the information previously supplied and adds that only about 10 per cent. of a total estimated population of 335,000 is engaged in wage-earning employment.

Northern Rhodesia.

The report repeats the information previously supplied.

Nyasaland.

The Convention cannot be applied in the present stage of the development of the protectorate. The measures of social security envisaged by the Convention would be beyond the financial resources of the protectorate.

St. Helena.

Friendly Societies Ordinance, No. 1 of 1939.

No local legislation applying the Convention has been introduced, but the relevant United Kingdom legislation could be applied if necessary. The majority of the adult population are members of friendly societies which provide sick benefits and are regulated by statute. Very low rates are charged for medical treatment and hospitalisation. The Government, which is the largest employer of labour, pays wages in case of illness; provision exists for the remission of all medical fees and hospital charges in the case of poverty.

St. Lucia.

The report repeats the information previously supplied.

St. Vincent.

The report repeats the information previously supplied.

Sarawak.

The report repeats the information previously supplied.

Seychelles.

The implementation of the legislation has been hampered by the lack of a qualified labour officer; the possibility of obtaining a qualified officer from Mauritius is under consideration.

Sierra Leone.

The report repeats the information previously supplied. Copies of the report have been communicated to the Council of Labour.

Singapore.

There is no system of compulsory sickness insurance. In 1948, a survey covering about half the skilled and unskilled industrial workers showed that 66.95 per cent. of the labourers receive free medical attendance from the employer, 66.69 per cent. receive hospital treatment, and 56.56 per cent. receive pay in case of illness. Free medical and hospital treatment is given by the Government to all persons unable to pay for it. Two employers have their own sickness insurance schemes. Assistance is given by the Social Welfare Department to persons suffering from tuberculosis. A committee has been set up to investigate the possibilities of schemes for social security.

Solomon Islands.

The report repeats the information previously supplied.

Swaziland.

There are no legislative or administrative regulations on this subject.

Tanganyika.

The report repeats the information previously supplied and adds that the Government, the East Africa High Commission Services and the Overseas Food Corporation, who are the largest individual employers of labour, all give generous conditions of service and provide for payment of wages during sickness. Civil servants (a term which includes certain categories of manual workers) on the permanent establishment are entitled, according to their grade, to benefits for periods ranging from 24 to 90 days on full pay, with a subsequent corresponding period on half pay in each period of 12 months. Very similar conditions are given by the Overseas Food Corporation. Other large employers have less generous terms. § 9 of the Workmen's Compensation Ordinance No. 43 of 1948 requires employers to pay compensation in the case of temporary incapacity resulting from injuries received in the course of employment.

The territory is some 360,000 square miles in extent, with a total population of little more than seven million people and inadequate means of communications. It is not considered at present that there are any districts which do not come within the scope of Article 10.

Government hospitals and Native administration dispensaries have been established throughout the territory; free medical attention can be obtained in such places by Africans and at a low cost by members of

other races. The Master and Native Servants (Medical Care) Regulations, No. 153 of 1947, obliges employers to provide free medical care for their African employees. If such employees are admitted as in-patients to Government institutions, the employer pays the hospital maintenance fees for the first 14 days; on the expiry of this period, treatment is provided free by the Government. Copies of the report will be communicated to members of the Labour Board.

Trinidad and Tobago.

The report repeats the information previously supplied and adds that the report of a committee appointed by the Government to examine the practicability of successfully establishing a contributory health insurance scheme is now receiving consideration by the Government.

Uganda.

The report repeats the information previously supplied.

Zanzibar.

There is no legislation applying the Convention, but free medical care and hospital treatment is provided by the Government, the chief employer of labour, in needy cases and also by some private employers. Moreover, the Labour Decree of 1946 imposes on employers the obligation to provide medical treatment in certain circumstances.

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 representative employers' and workers' organisations.

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	3. 11. 1949
Bulgaria	1. 11. 1930	
Chile	8. 10. 1931	23. 11. 1949
Colombia	20. 6. 1933	
Czechoslovakia	17. 1. 1929	2. 1. 1950
Germany	23. 1. 1928	
Luxembourg	16. 4. 1928	4. 2. 1950
Nicaragua	12. 4. 1934	
Poland	29. 9. 1948	15. 11. 1949
Spain	29. 9. 1932	
United Kingdom	20. 2. 1931	3. 10. 1949
Uruguay	6. 6. 1933	17. 11. 1949

Austria.

For legislation, see under Convention No. 24.

The report refers to the information previously supplied and to this year's report on Convention No. 24. Statistical data is given regarding the number of agricultural workers subject to insurance (253,000 in 1948), cash benefits (15.7 million schillings), benefits in kind (27 million schillings) and the distribution of the moneys of insurance schemes. Copies of the report have been communicated to the representative employers' and workers' organisations.

Chile.

The report repeats the information given for Convention No. 24. Copies of the report have been communicated to the representative employers' and workers' organisations.

Czechoslovakia.

Act No. 99 of 15 April 1948 respecting national insurance (L.S. 1948, Cz. 1).

The report refers to the information supplied in regard to Convention No. 24; the above Act also applies 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 refers to the information previously supplied and adds that the provisions of the national legislation are more favourable than those of the Convention.

Poland.

Order of the Minister of Labour and Social Welfare of 27 November 1946, to prescribe the conditions and dates upon which sickness insurance shall be extended to cover agricultural workers and the duties of local authorities in respect of the administration of the said insurance (L.S. 1946, Pol. 5).
See also under Convention No. 24.

Sickness and maternity insurance for agricultural workers in Poland is general and compulsory for all wage earners. The report contains information respecting the categories of workers considered as agricultural workers. The following persons are not subject to compulsory insurance: (a) persons employed as casual workers, whose employment is essentially of a transient nature, provided their employment with one and the same employer does not continue without interruption for more than 25 conse-

cutive days ; and (b) the parents, parents-in-law, sons-in-law and daughters-in-law of the employer if they live in his household. Agricultural workers whose employment is of a casual character and continues without interruption for more than 25 days with the same employer, are only entitled to sickness benefits in cash on the expiry of four weeks of uninterrupted employment. However, casual agricultural workers employed for less than 25 days without interruption with the same employer are entitled to sickness allowances in the event of industrial accident or occupational disease. Agricultural workers whose employment is of a casual character and who have worked for more than 25 days without interruption with the same employer are entitled to medical assistance. However, in case of industrial accidents or occupational diseases, casual employees are entitled to medical assistance regardless of the duration of their employment.

See under Convention No. 24 for information regarding the other provisions of the Convention.

United Kingdom.

See under Convention No. 24.

Uruguay.

The report repeats the information previously supplied.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

United Kingdom

Aden.

The report repeats the information previously supplied.

Barbados.

Because of the high level of unemployment and underemployment and the present stage of social and economic development of the territory, the institution of a compulsory sickness insurance system would be impracticable on financial grounds.

Basutoland.

The report repeats the information previously supplied.

Bechuanaland.

There is no system of sickness insurance applicable to workers.

British Guiana.

The report repeats the information previously supplied.

British Honduras.

The report repeats the information previously supplied.

British Somaliland.

There are no legislative or administrative regulations ensuring the application of the Convention. The majority of the population are nomads and there are practically no agricultural workers. There has, therefore, been no occasion for any form of sickness insurance. All Natives are given free medical and surgical treatment at Government hospitals.

Brunei.

The report repeats the information previously supplied.

Cyprus.

The report repeats the information previously supplied. Copies of the report have been communicated to the Pan-Cyprian Federation of Labour, the Cyprus Workers' Confederation, the Cyprus-Turkish Trade Unions Federation, and the Association of Cyprus Industries.

Dominica.

The report repeats the information previously supplied.

Falkland Islands.

The report repeats the information previously supplied.

Fiji.

The Convention has not yet been applied for reasons given in the previous report. There has been no change in the situation. A copy of the report has been communicated to the Labour Advisory Board.

Gambia.

The report repeats the information previously supplied.

Gibraltar.

The report repeats the information previously supplied.

Gilbert and Ellice Islands.

The report repeats the information previously supplied.

Gold Coast.

The report repeats the information previously supplied.

Grenada.

The report repeats the information previously supplied.

Kenya.

The Convention is not regarded as applicable to Kenya for the reasons given under Convention No. 24. Exemption from application is claimed under Article 35 of the Constitution.

Federation of Malaya.

The report repeats the information previously supplied and adds that free medical treatment is available to all who apply for it; free hospital treatment is provided in Government hospitals to all those who are unable to pay for it. In addition, the Commissioner for Labour has the power, under the Labour Codes of the various States, to order owners of estates to provide free hospital and medical treatment for their workers, including dependants. In this way, agricultural workers on estates are, in fact, in a more favourable position than other workers.

Malta.

The Convention has not been applied. The Government has taken preliminary action to introduce a system of compulsory sickness insurance. Copies of the report have been communicated to the General Workers' Union, the Chamber of Commerce and the Federation of Malta Industries.

North Borneo.

See under Convention No. 24.

Northern Rhodesia.

The report repeats the information previously supplied.

Mauritius.

The report repeats the information previously supplied, and adds that public hospitals and dispensaries are free. It is also usual for employers to continue to pay the wages of permanent employees who are absent on account of sickness. The period of payment is limited to 30 days in the case of the main industry of the country (sugar production). Agricultural workers hired on a day-to-day basis (forming the bulk of employed persons) usually have other resources, such as a cow or a plot of land.

Nigeria.

The report repeats the information previously supplied.

Nyasaland.

The Convention cannot be applied in the present stage of the development of the protectorate. However, under § 28 (c) of the Native Labour Ordinance, 1944, the employer is required to provide his employee with the appropriate medicines, if procurable, and also with medical attendance during illness.

St. Helena.

Friendly Societies Ordinance, No. 1 of 1939.

No local legislation applying the Convention has been introduced, but the relevant United Kingdom legislation could be applied if necessary. The majority of the adult population are members of friendly societies which provide sick benefits and are regulated by statute. Very low rates are charged for medical treatment and hospitalisation. The Government, which is the largest employer of labour, pays wages during sickness; provision exists for the payment of all medical fees and hospital expenses, in the case of poverty.

St. Lucia.

The report repeats the information previously supplied.

St. Vincent.

The report repeats the information previously supplied.

Sarawak.

The report repeats the information previously supplied.

Seychelles.

The implementation of the legislation has been hampered by the lack of a qualified labour officer; the possibility of obtaining a qualified officer from Mauritius is under consideration.

Sierra Leone.

The report repeats the information previously supplied. Copies of the report have been communicated to the Council of Labour.

Singapore.

Labour Ordinance, Chapter 69.

There is no system of compulsory sickness insurance. Owners of estates are obliged to provide their workers with house accommodation, a supply of water, hospital accommodation, medical attendance and treatment and a sufficient supply of medicines. Hospital treatment is given free of charge for 30 days. If treatment is required beyond 30 days, expenses may be recovered at a rate prescribed by the Colonial Secretary.

"Estate" is defined as any agricultural land exceeding 25 acres in extent upon which agricultural operations of any kind are carried on or upon which the produce of any plants or trees is collected or traded, or any quarry, brick fields, tile works, rubber factory or oil station or other place of employment on which 25 or more labourers are employed. There are only a few estates in Singapore. A female labourer is entitled to abstain from work during one month before and one month after confinement;

during this period she is entitled to receive from the employer a maternity allowance consisting of two sixths of the total wages earned by her during the preceding six months. The number of agricultural workers on Singapore Island is about 2,500.

Solomon Islands.

The report repeats the information previously supplied.

Swaziland.

There are no legislative or administrative regulations on this subject.

Tanganyika.

The Convention has only been accepted as a means of policy and is not applicable at present for the reasons given under Convention No. 24. All districts of the territory in which workers are employed in agricultural undertakings are of the type described in Article 9 of the Convention. In these districts, the organisation of sickness insurance, in accordance with the Convention, would be impossible in the present circumstances.

Trinidad and Tobago.

The report repeats the information previously supplied and adds that the report of a committee appointed by Government to

examine the practicability of successfully establishing a contributory health insurance scheme is now receiving the consideration of Government.

Uganda.

The report repeats the information previously supplied.

Zanzibar.

There is no legislation applying the Convention. Remarks on Convention No. 24 apply also to this Convention. Owing to the seasonal or casual nature of most of the agricultural employment, it would be difficult to apply the Convention. A great part 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. Nevertheless § 29 of the Labour Decree, 1946, imposes certain obligations on employers in regard to the medical treatment of servants contracted with them. The Government also supplies free medical attention to its employees.

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 representative employers' and workers' organisations.

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
Argentine Republic	14. 3.1950	
Australia	9. 3.1931	8.10.1949
Belgium	11. 8.1937	2.11.1949
Bulgaria	4. 6.1935	
Canada	25. 4.1935	12.10.1949
Chile	31. 5.1933	7.11.1949
China	5. 5.1930	
Colombia	20. 6.1933	
Cuba	24. 2.1936	5.10.1949
France	18. 9.1930	27.10.1949
Germany	30. 5.1929	
Hungary	30. 7.1932	
Ireland	3. 6.1930	24.12.1949
Italy	9. 9.1930	18.10.1949
Mexico	12. 5.1934	21.11.1949
Netherlands	10.11.1936	12. 1.1950
New Zealand	29. 3.1938	11. 1.1950
Nicaragua	12. 4.1934	
Norway	7. 7.1933	27.10.1949
Spain	8. 4.1930	
Switzerland	7. 5.1947	14.10.1949
Union of South Africa	28.12.1932	17.10.1949
United Kingdom	14. 6.1929	19.10.1949
Uruguay	6. 6.1933	17.11.1949
Venezuela	20.11.1944	17. 1.1950

Australia.

Commonwealth.

Commonwealth Conciliation and Arbitration Act, as amended in July 1949.
Act of 1949, to repeal the Stevedoring Industry Act, 1948.

New South Wales.

Statutory Salaries Adjustment Act, 1948.

Victoria.

Public Officers' Salaries Act, 1948.

Queensland.

Industrial Conciliation and Arbitration Act, 1948.
Statutory Salaries Act, 1948.

South Australia.

Industrial Code, 1948.

Western Australia.

Industrial Arbitration Act, 1948.

The report repeats in general the information previously given and indicates certain changes in the existing legislation. The 1948 amendment of the Western Australia Industrial Arbitration Act now makes provision for a Conciliation Commissioner, with

the powers of an Industrial Board under the Act and such other powers as may be delegated to him by the Industrial Court. His decisions, however, are subject to appeal to the State Arbitration Court. The report gives details of the more recent jurisprudence. By a Decision of 6 June 1949, the High Court declared invalid the Women's Employment Act Regulations. Workers previously covered by determinations of the Women's Employment Board will now refer to other arbitral tribunals. The report calls attention on the other hand to two decisions of the Commonwealth Arbitration Court: one, taken in December 1948, rejected an application by employers in Southern and Western Australia to substitute local capital index numbers for the six capitals index numbers in the adjustment of rates pursuant to cost-of-living fluctuations. The other rejects a claim by the Australian Council of Trade Unions for an interim increase of £2 per week in the basic wage paid to both males and females. In general, the workers' organisations seek an overhaul of the principles of assessing the Commonwealth basic wage. Copies of the report have been communicated to the representative employers' and workers' organisations.

An appendix to the report relates to the organisation and functioning of the labour inspection services. Information supplementing that previously given relates to legislation in New South Wales and refers to the Commonwealth Labour Inspectorate, which is responsible for the inspection of aborigines in the Northern Territory. Details are also given regarding efforts made to provide accommodation of a certain standard for rural workers at those places of employment where, because of the nature of their calling, they are compelled to live during the term of their engagement. Information is also supplied regarding the special inspection service for the Commonwealth; this service is entrusted to Commonwealth inspectors, under the Department of the Interior, who apply the new labour legislation. Details are also given of the recruiting and training of labour inspectors, which varies from one State to another, and attempts to combine theory with practical experience. Certain administrative changes have occurred in the number and distri-

bution of Commonwealth and State inspectors. Reference is made to certain new reports on the work of the inspection service.

Belgium.

The report repeats the information previously given and adds that a worker who has not received the statutory minimum wage can claim his rights by citing his employers before the probiviral court. The statistical information available to the administrative authorities relates only to the years 1945 and 1946. From 1 October 1945 to 30 October 1946, proceedings were instituted in 50 cases, resulting in two convictions, six acquittals and seven compromise arrangements; one case was dismissed and 23 cases were filed without further action. The decision is not as yet known as regards 11 of these cases. Copies of the report have been communicated to the representative employers' and workers' organisations.

Canada.

Newfoundland.

Labour (Minimum Wage) Act, 1947.

There is an increasing degree of compliance with the provisions of the Convention. Newfoundland only entered the Confederation on 31 March 1949. Consultation with provincial Governments has continued throughout the period under review and some progress has been made.

With the adoption of the Newfoundland Labour (Minimum Wage) Act, 1947, all the provinces now have minimum wage legislation, with the exception of Prince Edward Island, an agricultural region which is the smallest province of Canada. The Premier of this province informed the Canadian Minister of Labour that, in the absence of requests for such legislation, the enactment of a law is not being considered at the present time. The report mentions new decisions taken in regard to minimum wages in Newfoundland, British Columbia, Quebec, Manitoba and Saskatchewan. The provincial minimum wage legislation, for the most part based on Acts in operation before the adoption of the Convention, differs somewhat from the latter, especially as regards the consultation of the parties concerned before the fixing of minimum wages and the representation of employers and employees on a basis of equality on the administrative board entrusted with the application of the legislation. In this connection, the Labour Minister wrote to each province pointing out the two main points of divergence between the national legislation and the Convention, and asking for further information. The report contains detailed information relating to the state of the law and practice in the various provinces as regards these two points and, in conclusion, states that Ontario is the only province in which the administrative board, whether by statutory requirement

or in practice, does not have among its members an equal number of employers' and workers' representatives. In all provinces, there is consultation with representatives of employer and employee groups before minimum wage rates are established.

Chile.

The report repeats the information previously given and adds that, in addition to special supervisory measures, 53,447 visits of inspection were carried out by the labour inspectors in 1948. The report gives the list of joint departmental commissions of employers and workers which fix minimum wages in the various industries and branches of industries. A list is also given of minimum wages fixed for various industries. On 31 December 1948, 143,228 salaried employees were covered by Act No. 7295 of 30 September 1942. In addition, 30,000 workers benefited from the minimum wage provisions of the Labour Code. Copies of the report have been communicated to the representative employers' and workers' organisations.

Cuba.

The minimum wage legislation has not been modified during the period under review. Employers and workers are represented on the wages boards and are consulted before wages are fixed. In the case of Decrees and Resolutions, both workers and employers take part in the conciliation proceedings. The Minister of Labour has not authorised any abatement in the rates of wages during the period under review. Civil sanctions and penalties are applied in case of payment of wages lower than those fixed by the legislation. Workers can claim any wages due to them by means of rapid procedures. The report contains copies of decisions given during 1948 and 1949 by the National Minimum Wages Board, as well as the text of an award made by the Government and of Decrees and Resolutions increasing wages as a consequence of labour disputes. Statistical data are appended to the report showing the number of workers covered by some of the minimum wage decisions given during the period under review. These decisions relate to a total of over 26,000 workers distributed among the various industries and branches of industry. Copies of the report have been communicated to the representative employers' and workers' organisations.

France.

The report refers to the information previously supplied. No new legislation has been adopted in the meantime. Detailed information is given as regards the prevailing regulations for the fixing of minimum wages for homeworkers, in conformity with Article 1 of the Convention. As the legislation applies to all homeworkers, it has not been necessary

to determine to what industries they belong. The fixing of minimum wages for homeworkers is the responsibility (subject to modification by the Minister of Labour) of the prefects who, after hearing the competent departmental committee, comprising employers' and workers' representatives, draw up the industrial wage rates for the corresponding trades and qualifications. Certain workers' organisations have requested that wages be fixed on a national rather than on a departmental scale, but it has not been possible to meet this request because of the variety of special conditions and the types of work in the various regions. The wage rates which have been fixed are posted up in places where the work is given out and returned, and are mentioned in the individual receipts or the work-books of homeworkers and supervised by the labour inspectorate. This supervision is, however, sometimes complicated by the reticence of the persons concerned, who fear that the information given may result in depriving them of work. Individual special agreements do not supersede public regulations, the non-observance of which may lead to civil and penal sanctions. Copies of the report have been communicated to the representative employers' and workers' organisations.

Ireland.

- Employment Regulation Order (Law Clerks), 1948.
- Employment Regulation Order (Brush and Broom Joint Labour Committee), 1949.
- Employment Regulation Order (Aerated Waters Joint Labour Committee), 1949.
- Employment Regulation Order (Handkerchief and Household Piece-Goods Joint Labour Committee), 1949.
- Employment Regulation Order (Tailoring Joint Labour Committee), 1949.
- Employment Regulation Order (Paper-Box Joint Labour Committee) (Male Workers), 1949.

The report repeats the information previously given as regards the changes brought about by the Industrial Relations Act, 1946. Appended to the report are copies of the new Orders made during the period under review and concerning the fixing of minimum wages for law clerks (the rates for certain categories of which are fixed for the first time), workers in the brush and broom industry, the aerated water industry, the manufacture of handkerchiefs and household piece-goods and the tailoring and paper-box industries. The report also contains information on the approximate number of workers in the various occupations covered by joint labour committees, the minimum weekly wage rates fixed for workers of both sexes in the various areas, and the number of hours in a normal working week in each of these occupations. The total approximate number of workers in all occupations covered by minimum wage legislation amounts to 38,550. Copies of the report have been communicated to the representative employers' and workers' organisations.

Italy.

The report repeats information previously supplied and adds that, in certain cases, collective agreements resulted in increases in the minimum wage rates. Reference is made to the cost-of-living allowance which is added to the basic wage. Statistical information cannot be supplied regarding the number of workers covered by minimum wage regulations, but it may be stated that, with very few exceptions, all workers enjoy the protection of a guaranteed minimum wage. Copies of the report have been communicated to the representative employers' and workers' organisations.

Mexico.

The report repeats the information previously supplied and adds that the participation of workers and employers in minimum wage committees and boards is superior to the system of consultation. It is not possible to give the number of workers covered by minimum wage machinery; minimum wages are compulsory for employers throughout the Republic. The fixing of minimum wages for the period 1950-1951 is in course of preparation. Copies of the report have been communicated to the Confederation of Mexican Workers and to the Confederation of Industrial Chambers of the United States of Mexico.

Netherlands.

The report repeats information previously supplied and adds that compulsory wage regulations for a given branch of industry are always published by the Conciliation Board in the Official Gazette so as to bring them to the attention of all concerned. The same applies to the provisions of collective agreements which have been declared to be binding. The terms of collective agreements are brought to the attention of the employers and workers concerned by the organisations which are parties to the agreements. Copies of the report have been communicated to the representative employers' and workers' organisations.

New Zealand.

The report repeats the information previously supplied and adds that the Minimum Wage Act covers all workers over 21 years of age, with the exception of apprentices covered by the Apprentices Act, 1948, and persons employed with a view to undergoing training instruction. When a person is unable to earn the legal minimum wage, he may be authorised to accept a lower wage. Industrial workers under 21 years of age may not receive remuneration below that fixed by the Act, i.e., £1. 2s. 6d. per week during the first six months of employment, with half-yearly increments fixed by law, until the rate of payment reaches £2.12s. 6d. per week. Shop and office workers are also covered by the Act. Similarly,

homeworkers receive remuneration which is equivalent to or higher than that payable if the work were done in a factory. The report gives statistical information relating to the past few years. In 1949, the number of workers covered by minimum wage regulations and rates was 145,033 factory workers, 61,763 workers employed in shops and 28,052 workers employed in offices, both men and women. Information is also given showing the number of men and women subject to these regulations.

As the result of visits of inspection, a total of £58,446 was paid by employers in respect of arrears of wages due by them. Copies of the report have been communicated to the representative employers' and workers' organisations.

Norway.

Holidays Act of 14 November 1947 (L.S. 1947, Nor. 1).

On 22 November 1948, the Ministry of Social Affairs authorised the Homework Council to proclaim that the Holidays Act of 14 November 1947 had replaced the Communication of the Council of 22 November 1945 concerning holiday remuneration. In accordance with this authorisation, the press announced, in December 1948, that the Holidays Act also applies to homeworkers covered by the wages regulations issued in pursuance of the Act of 15 February 1918 concerning industrial homework. Reference is made to previous reports for information relating to the other provisions of the Convention. Copies of the report have been communicated to the representative employers' and workers' organisations.

Switzerland.

Decree of the Federal Council of 17 December 1948, to declare generally binding a minimum wage agreement for basket-work goods and cane furniture, made by hand and given out as homework.

Order of 15 January 1948, to fix a minimum wage for homework in the paper-goods industry.

Decree of the Federal Council of 29 December 1948, to continue in force the Order fixing a minimum wage for homework in the paper-goods industry.

Decree of the Federal Council of 23 December 1947, to declare generally binding a minimum wage agreement for Appenzell embroideries made by hand and given out as homework.

Decree of the Federal Council of 13 December 1948, to continue in force the above-named Decree.

Decree of the Federal Council of 26 June 1945, to declare generally binding minimum wages for work on women's underwear and ready-made clothing given out as homework.

Decree of the Federal Council of 10 January 1949, to continue in force the above-named Decree.

Order of the Federal Council of 31 March 1948, to fix a minimum wage for hand knitting given out as homework.

Decree of the Federal Council of 18 March 1949, to continue in force the above-named Order.

Decree of the Federal Council of 22 March 1949, to declare generally binding a minimum wage for homework in the paper-box industry.

Decree of the Federal Council of 8 April 1949, to declare generally binding the minimum wages applicable to homeworkers for men's and boys' ready-made clothing.

The report repeats the information previously supplied and adds that, in deciding which industries or parts of industries are to be covered by minimum wage fixing machinery, the employers' and workers' organisations are consulted directly as well as indirectly through the federal committees of employers and workers. The report contains information relating to the Decrees and Orders adopted during the period under review with a view to giving compulsory effect to minimum wage agreements in certain industries, to fixing the minimum wage for certain types of homework, or to continuing in force former Orders issued in this connection. The industries or parts of industries for which minimum wage fixing machinery applies are the following: the manufacture of basket-work goods and cane furniture; the paper-goods industry; hand-made Appenzell embroideries; the manufacture of women's underwear and ready-made clothing; hand knitting; the paper-box industry; the manufacture of men's and boys' ready-made clothing. In 1948, there were in Switzerland 4,694 employers, 644 sub-contractors and 56,199 homeworkers. The available statistics do not indicate the number of workers for which minimum wages have been fixed. However, the sphere within which minimum wages can be fixed is comparatively limited. The reports from the cantons concerning the implementation of the Homework Act during 1948 and 1949 will be given in 1950. Detailed extracts are given from the cantonal reports regarding the implementation of the Federal Act of 12 December 1940 respecting homework in 1946 and 1947. Copies of the report have been communicated to the representative employers' and workers' organisations.

Union of South Africa.

The report repeats the information previously supplied and gives additional information regarding the activities of the Wage Board (Article 3, paragraph 1 of the Convention), the trades and industries in which collective agreements have been substituted for wage determinations (Article 3, paragraph 3), the trades and industries subject to industrial legislation, with an indication of the wages regulations and the number of employees and workers subject to these regulations (Article 5). Comparative tables are also given of minimum wages in force in certain industries on 30 June 1949, as well as a statistical summary of the inspection visits carried out and the infringements noted. The total number of inspections was 13,036, resulting in 974 prosecutions and 834 convictions. The arrears of wages recovered without recourse to the courts were £35,559. 17s. 10d., while the sums paid by order of the courts amounted to £9,932. 6s. 0d.

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

United Kingdom.

Great Britain.

Wages Councils Act, 1948, repealing Part I of the Road Haulage Wages Act, 1938.
Various Orders under the Wages Councils Act, 1945.

The report refers to the information previously supplied and adds that new orders were made for the constitution, in a certain number of industries and branches of industry, of 17 new wages councils, which had previously been constituted as Trade Boards. In February 1949, a central co-ordinating committee was established in relation to the Wages Council for the hairdressing and retail trades. Two commissions of enquiry were appointed to consider the establishment of wages councils for the rubber-proofed garment making industry and for the wholesale and retail bread and flour confectionery trades. The report of a similar commission of enquiry into the basket-making industry is still under consideration. In virtue of the Act of 1948, the Road Haulage Central Wages Board has been converted into a wages council to which the simpler procedure for making wages regulation proposals, contained in the Wages Councils Act of 1945, would apply. In consequence, the 11 Road Haulage Area Wages Boards have ceased to exist. The 1945 Act was also amended so as to improve the statutory machinery for regulating the minimum remuneration of workers covered by the operation of wages councils. The Act of 1948 enables the Minister, under certain conditions, to transfer workers from the jurisdiction of one wages council to that of another council. This Act also provides that the abolition of a wages council may be requested, not only by organisations of employers and workers, but also by a joint industrial council, conciliation board or other similar representative body. The minimum period of 14 days during which representations may be made following the publication of wages regulation proposals by a wages council, is now a permanent requirement in all cases. The Wages Councils Act, 1945, has also been amended in minor respects as regards commissions of enquiry and the procedure for giving notice in connection with wages regulation proposals and orders. On the other hand, the provisions of the Road Haulage Wages Act, 1948, concerning complaints to be made to the Minister in cases where remuneration is regarded as unfair, remain in force.

During the period under review, 30 new wages regulation orders were made, 20 superseding orders previously made, ten being in addition to previous orders. A new Wages Regulation (Holidays) Order was also made in the road haulage trade. Appendices to the report include a list of industries or parts of industries covering 266,427 under-

takings in which minimum wage fixing machinery is being applied, and a schedule to the Minimum Remuneration Authorisation of 30 June 1949 for the lowest grades of adult workers. The number of workers covered by the statutory wage fixing machinery (other than in agriculture) is about 3,000,000. The issue of certificates to learners, still restricted to tailoring, amounted to 245, while 103 apprentices were covered by special minimum rates. Permits of exemption were issued to 205 disabled or infirm workers, bringing the total up to 1,656 on 30 June 1949. During the period under review, there were 8,999 inspections under the Wages Councils Acts, 1945-1948 and 19,258 under the Catering Wages Act, 1943. The total arrears of wages collected amounted to £24,907. 10s. 4d. in the first case and to £79,942. 4s. 6d. in the second. There was one case of criminal prosecution, the payment of fines and arrears being ordered. Copies of the report have been communicated to the representative employers' and workers' organisations.

Northern Ireland.

During the period under review 2,169 learner certificates were issued by the wages councils, special lower rates of remuneration applying in the case of apprentices. Exemptions were authorised for four workers. Tables appended to the report indicate that, on 30 June 1949, 47,230 workers were covered by wages councils under the Wages Councils Act (Northern Ireland), 1945; 82 per cent. were female workers and employed by 2,424 employers. Another table gives the list of the first minimum time rates in operation on 30 June 1949. An examination was made of the wages of 17,295 workers, resulting in the collection of £763. 17s. 1d. in wages arrears.

Venezuela.

The report repeats the information previously supplied regarding the legislative provisions which give the federal executive authority the right to appoint minimum wage committees, as well as the authorities entrusted with the application of the legislation. No minimum wages were established during the period under review. The number of special permanent labour delegates has been reduced from 131 to 112.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Belgium

Belgian Congo and Ruanda-Urundi.

Decree of 16 March 1922, respecting contracts of employment.
Legislative Order of 17 March 1946, respecting Native occupational organisation.
Ordinance of 6 April 1946, to institute and organise regional and provincial Native labour and social progress boards (L.S. 1946, Bel. 8).

Ordinance of 1 July 1947, concerning administrative organisation.

Decree of 25 June 1949, respecting contracts of employment.

The provisions of the Decree of 25 June 1949 (§ 14 (3)) stipulate that the employer must pay his workers at a rate at least equal to three quarters of the minimum remuneration granted to persons employed full-time by the Government. If wages are not paid at the fixed minimum rate, action may be taken to revoke the contract. The Decree of 16 March 1922 concerning contracts of employment (§ 13, last paragraph), provides that Governors of provinces may establish a minimum wage rate in districts determined by them.

Notwithstanding any provisions to the contrary, the contract is annulled automatically in cases where the wages paid by the employer are lower than this rate.

In pursuance of the above-mentioned provisions, the Governors of provinces establish wage rates periodically. These rates are established for a district, for workers of all categories or for workers in certain branches of industry. The wage rates are fixed after consultation with the regional and provincial Native labour and social progress boards. These boards are tripartite in character and include representatives of the administration, employers and workers; the latter are chosen in order to ensure an adequate representation of the workers engaged in the district covered by the board, and due account is taken, as far as possible, of the proposals made by Native works councils, by local committees of Native workers and Native trade unions. The labour and social progress boards meet every year in the case of provincial boards, and twice a year in the case of regional boards.

The legislation has not established any procedure permitting the lowering of the fixed minimum rate by means of individual or collective agreements. If wages are below the fixed minimum rate, the worker, irrespective of his right to break his contract, may obtain from his employer the arrears due to him, consisting of the difference between the wages paid and the compulsory statutory minimum wage. Labour inspection is ensured by district officials and by a special body of labour inspectors represented in each province and at the seat of the general government.

France

Overseas Departments.

Guadeloupe, Martinique, Réunion and French Guiana.

Decree No. 48.592 of 30 March 1948, to extend to the Departments of Guadeloupe, Martinique, Réunion and French Guiana the labour and manpower legislation of Metropolitan France and to consolidate this legislation.

Decree No. 48.675 of 30 March 1948, respecting the regulation of wages in the Departments of Guadeloupe, Martinique, Réunion and French Guiana.

Order of 30 March 1948, respecting the application of wage regulations in the Departments of Guadeloupe, Martinique, Réunion and French Guiana.

In accordance with the Constitution of 27 October 1946, the new enactments which have been issued since the promulgation of the Convention in France, shall apply *ipso facto* to the four new Departments, in the absence of express provision to the contrary. Moreover, the regulations concerning the fixing of wages, listed below, have been declared applicable to these Departments by Decree No. 48.675 of 30 March 1948; wages provisions covered by § 11 of the Act of 23 December 1946, concerning collective agreements and contained in the following texts: Decree of 10 November 1939, concerning the organisation of labour during the period of hostilities; Decree of 1 June 1940, concerning the system for wages; Act of 30 November 1941, concerning conditions of work and wages and Orders issued in pursuance of this Act. Decree No. 48.592 of 30 March 1948 has extended to these Departments the labour and manpower legislation of France.

As regards Article 1 of the Convention, the report states that, since 1 April 1948, the situation in the Overseas Departments is identical to that in France.

As regards Articles 2 and 3, the report adds that decisions concerning wages will be taken in the Departments in question and on a provisional basis by Prefectorial Orders approved by the Minister of Labour and Social Security. This delegation of the powers of the Minister of Labour has been considered necessary because of the distance of these Departments from the home country. The co-ordination of wage rates, by means of Prefectorial Orders has not, as yet, been realised in the four Departments. The Prefects first laid down minimum wages without assimilating them to the corresponding rates in the home country. Subsequently, it appeared essential to ensure more effective co-ordination between these Departments and the home country. Wages have been fixed, as in the case of the home country, in relation to the first zone of the Paris region. This method has been taken in two stages: (1) in the four Departments, from 1 November 1948, the abatement to which these wages may be subjected has been fixed at 30 per cent. in relation to the first zone of the Paris region; there remained, however, certain differences between this system and the system employed in France, in particular, as regards the guarantee of a minimum wage: (2) in the Departments of Guadeloupe and Martinique, as from 1 February 1949, the abatement has been fixed at 12 per cent. As from 1 February 1948, for the Caribbean area and 1 April for Guiana, wages are calculated as in France.

The application of the French wage system to the Overseas Departments does not entail the application of Orders respecting the regrouping and classification of wages in force in the home country. However, the local scale may continue to apply, wherever it is

not more favourable than the scale prevailing in France.

Netherlands

Indonesia.

The report refers to the information furnished for the period 1947-1948.

Surinam.

The Convention has not been applied and there are no legislative provisions. The fixing of minimum wages is left to consultations between workers and employers. In case of dispute, the conciliation board intervenes. The minimum wage for persons employed by the Government is two guilders a day.

Netherland West Indies.

The report repeats the information previously supplied.

United Kingdom

Aden.

Minimum Wage Order (Government Notice No. 48 of 5 April 1949).

The Government repeats the information previously supplied and adds that, in virtue of the Minimum Wage Order (Government Notice No. 48 of 5 April 1949), minimum daily and monthly rates of pay have been fixed for artisans and equivalent classes. No statistics are available showing the number of persons affected by this Order.

Barbados.

The Government repeats the information previously supplied. Copies of the report have been communicated to the Barbados Sugar Producers' Federation, the Shipping and Mercantile Association of Barbados and the Barbados Workers' Union.

Basutoland.

The report repeats the information previously supplied and adds that the Fitzgerald Salaries Commission has recently submitted its report on the salaries paid to Government servants.

Bechuanaland.

Proclamation No. 20 of 1946 authorises the High Commissioner to fix minimum wages for specific occupations or districts. No such provisions have yet been issued.

British Guiana.

The report repeats the information previously supplied.

British Honduras.

The report repeats the information previously supplied.

British Somaliland.

The provisions of the Convention have not been applied. The only legislation in force on the subject is the Minimum Wages Ordinance, No. 14 of 1938. The Governor has the power to fix minimum wages for workers in specified occupations or trades and to appoint advisory boards. Penalties are laid down for failure to pay the fixed minimum wage; no minimum wages have so far been fixed.

With regard to the application of Articles 1, 2, 3 and 5 of the Convention, the report states that there are no employers' and workers' organisations in the territory and there are no statistics of workers. The population of the protectorate consists mainly of nomads.

Brunei.

The report repeats the information previously supplied.

Cyprus.

The report repeats the information previously supplied. Copies of the report have been communicated to the Pan-Cyprian Federation of Labour, the Cyprus Workers' Confederation, the Cyprus-Turkish Trade Unions Federation, and the Association of Cyprus Industries.

Falkland Islands.

The report repeats the information previously supplied.

Fiji.

The report repeats the information previously supplied.

The Sugar Workers' Union, by negotiating with the employers, have obtained several increases in wages, and wages in the industry are now higher than the general level and higher than those likely to be secured under minimum-wage fixing machinery. The Colonial Government considers that workers are likely to achieve more by collective bargaining than by wage fixing machinery, provided they are properly organised; it is not anticipated that it will be necessary to set up wage fixing machinery unless and until the population increases to a point where underemployment enables employers to exploit the workers. A copy of the report has been communicated to the Labour Advisory Board.

Gambia.

The report repeats the information previously supplied.

Gibraltar.

The report repeats the information previously supplied and adds that 7,800 men out

of a total of 13,900 industrially employed are covered by the minimum wage rates in force.

Gilbert and Ellice Islands.

The report repeats the information previously supplied.

Gold Coast.

The report repeats the information previously supplied. Copies of the report have been communicated to the Chamber of Mines, the chambers of commerce and the Trade Union Congress.

Grenada.

The report repeats the information previously supplied.

Hong Kong.

The report repeats the information previously supplied and adds the following details. While the present wages position has been generally satisfactory, it may be necessary to set up a trade board to deal with wages in the weaving industry, of which women form the major part of the labour force. Female workers in this industry now consider that their standard of living, which has greatly improved, must be maintained; efforts by manufacturers to reduce wages so as to meet Japanese competition have met with sharp resistance. With increasing competition, some employers have abrogated the old standards and are paying wages which are considered to be too low. Efforts to persuade manufacturers to conclude new agreements have so far proved unavailing. If no voluntary agreement can be reached, it may be necessary to set up a trade board to deal with wages.

Kenya.

The report repeats the information previously supplied. Copies have been made available to the representative employers' and workers' organisations.

Federation of Malaya.

Children and Young Persons Ordinance No. 33 of 1947.

Labour Codes and Enactments in the various States.

The sections of the Labour Codes in the States are all identical and provide that the Indian Immigration Committee has the power to fix standard rates of wages for Indian labourers employed on various types of work and in certain areas. Since 1945, these powers have not been used, because they apply to one race of worker only and also because the emigration of Indian labourers from India to Malaya was stopped by the Government of India in 1938. The report repeats the information previously supplied as regards the application of the

various Articles of the Convention and states that the definition of the term "worker" given in the legislation makes no distinction between workers in commerce and workers in industry.

Minimum wage fixing machinery has not been established; it is not possible, therefore, to supply the information required under Article 5. Agreements on wages are reached by collective bargaining. The Department of Labour supervises the application of the legislation; a worker is able to recover any amount of wages by which he has been underpaid. A copy of the report has been communicated to the Federal Labour Advisory Board.

Malta.

The report repeats the information previously supplied. An advisory board (composed of the Director of Labour, a representative of the Chamber of Commerce, a representative of the trade unions, and two other persons nominated by the Governor), is normally consulted as to any provisions to be included in any order made by the Governor in Council under the Ordinance. No such orders have been made since 1939, owing to the fact that wages rose substantially during the war years, mainly because of a shortage of manpower; the movement in this direction has been sustained with the growth of the trade union movement. The Orders issued in 1939 cover employees in shops, hotels, places of public entertainment, clubs, factories and workshops, and land transport services; they are all out of date, and in general fix the minimum rate of pay for an adult male employee at 3s. per day, whereas the general wage level for unskilled workers in private industry is now in the region of 10s. per day. The legislation provides for a system of inspection under the supervision of the Director of Labour and for the maintenance of records by employers, with fines for contraventions. The present Ordinance does not differentiate between workers covered by effective arrangements for the regulation of wages and those who do not benefit from such arrangements. The continued application of this Ordinance has been objected to by trade unions, and it is proposed shortly to introduce in the Legislative Assembly a Bill, entitled "The Conditions of Employment (Regulation) Act", which will bring the legislation fully into harmony with the Convention. Copies of the report have been communicated to the General Workers' Union, the Chamber of Commerce and the Federation of Malta Industries.

Mauritius.

Government Notices Nos. 55 of 1943 and 230 of 1948.

The report repeats the information previously supplied, and adds that about 200 men workers in the printing trade are covered by a minimum wage order published under Government Notice No. 230

of 1948, and 531 men in the baking industry under Government Notice No. 55 of 1943. In addition to minimum wage orders, conciliation board agreements and arbitration court awards are also enforceable by law; failure to pay the prescribed minimum may entail prosecution, with fine or imprisonment. The books and premises of the larger employers are inspected about once in every three months as a routine measure, but a complaint from an individual worker would entail an immediate visit by a labour inspector. Labour inspectors are to be found in offices situated in convenient places, and their presence is advertised as well as is possible among an illiterate working population. Any worker may then make a complaint to the inspector. All complaints are duly recorded and investigated. A copy of the report has been communicated to the Printing Workers' Union.

Nigeria.

The report repeats the information previously supplied and adds that the Lagos and Colony Labour Advisory Board has so far conducted seven enquiries into trades and occupations in the area, namely, the tailoring, printing, retail, catering, docks and motor trades or occupations and domestic service. During the period under review, an enquiry was in progress in the building and civil engineering trades. In addition to provincial labour advisory boards, a Western Provinces Labour Advisory Board was set up for the timber industry. The report includes statistics for the period under review, showing the minimum wage rates in the trades and industries to which minimum wage legislation has been applied and the number of workers affected.

North Borneo.

The report repeats the information previously supplied.

Northern Rhodesia.

The report repeats the information previously supplied.

Nyasaland.

The report repeats the information previously supplied.

St. Helena.

The report repeats the information previously supplied and adds that wage adjustments have been made by agreement between the Government and employers on the one hand, and workers and employers on the other. No minimum wages have yet been fixed. In practice, the Government pays slightly higher wages than employers in commerce and industry who are encouraged to increase wages by agreement. If a worker considers that he has been unjustly treated, he may apply to the Government for arbitration.

St. Lucia.

Order No. 14 of 1947, to amend the Labour (Minimum Wage) (Agricultural Labourers) Order, No. 64 of 1946.
Labour (Minimum Wage) (Shop Assistants) Order, No. 2 of 1949.

The report repeats the information previously supplied and refers to the two Orders given above.

All matters connected with wage rates in unorganised industries are considered by the tripartite Labour Advisory Board which makes recommendations to Government. Minimum wage legislation now applies to the coaling industry, agricultural workers and shop assistants. The following tables give the rates of wages in force:

Coaling Industry.

Coaling ship by day	1d. per basket
Coaling ship by night	1¼d. " "
Coaling ship on Sundays and holidays.	1¼d. " "

Trimmers.

- 1s. 2½d. an hour by day, or proportionately for any part thereof.
1s. 6d. an hour by night or on Sundays or holidays, or proportionately for any part thereof.

Helpers.

- 7d. an hour by day, or proportionately for any part thereof.
9½d. an hour by night or on Sundays or holidays, or proportionately for any part thereof.

Builders.

- 8½d. an hour, or proportionately for any part thereof.

Agricultural Workers.

Category	Basic per day	Cost-of- living bonus per day	Total minimum per day
	s. d.	s. d.	s. d.
Able-bodied man	2 0	1 0	3 0
Able-bodied woman	1 7	8	2 3
Male juvenile of 16 years and under 18 years of age	1 4½	7½	2 0
Female juvenile of 16 years and under 18 years of age	1 1½	5½	1 7
Male juvenile of 14 years and under 16 years of age	1 0½	5½	1 6
Female juvenile of 14 years and under 16 years of age	11	4½	1 3½

Shop Assistants.

Male shop assistant, from 68s. 5d.-77s. 6d. per month.
Female shop assistant, from 57s. 0d.-63s. 10d. per month.

St. Vincent.

The report repeats the information previously supplied and adds that, during the period under review, the Department of Labour (Minimum Wage) (Shop Assistants) Order, No. 68 of 1948, was issued and laid down the following schedule of wages for shop assistants as from 1 September 1948:

- (1) In the town of Kingstown and within a radius of two miles therefrom: (a) male

shop assistants, \$20.00 per month or \$5.00 per week ; (b) female shop assistants, \$16.00 per month or \$4.00 per week.

(2) In all other areas : (a) male shop assistants, \$18.00 per month or \$4.50 per week ; (b) female shop assistants, \$14.00 per month or \$3.50 per week.

Sarawak.

The report repeats the information previously supplied.

Seychelles.

The implementation of the legislation has been hampered by the lack of a qualified labour officer ; the possibility of obtaining a qualified officer from Mauritius is under consideration. A wages committee is at present sitting, and its terms of reference include the review of the minimum wages for agricultural labour laid down in Proclamation No. 6 of 1945.

Sierra Leone.

Government Notices Nos. 178, 227, 615 and 616 of 1948.

The report repeats the information previously supplied and draws attention to the above Notices. In addition to the machinery described in previous reports, there is a joint consultative committee fulfilling much the same role as the National Joint Advisory Council in the United Kingdom and from which advice may be sought. One decision given by a court of law established the principle that rates agreed by a joint industrial council in the territory, and published as the recognised terms and conditions of employment, were enforceable under the Wages Boards Ordinance. Government departments and the large European commercial undertakings have shown every desire to comply with the requirements of this Ordinance. On the other hand, the under-payment of wages was at first general among Asian and African employers, most of whom employ less than ten workers. The degree of non-compliance revealed by wages inspections in the first six months was 88 per cent. of employers, this figure being composed almost wholly of small employers. Copies of the report have been communicated to the Sierra Leone Council of Labour.

Singapore.

Labour Ordinance, Chapter 69.

The Convention has not been implemented. The Indian Immigration Committee is empowered to prescribe standard rates of wages for the approval of the Government. Since the liberation of the territory, no wages have been fixed. Wages are in no case "exceptionally low". The question of minimum wage fixing machinery was referred to the Labour Advisory Board which was not in favour of setting up such machinery, on the grounds that there were no sweated industries in Singapore. In

future, the report will be communicated to the Labour Advisory Board.

Solomon Islands.

The report repeats the information previously supplied.

Swaziland.

The report repeats information previously supplied.

Tanganyika.

Minimum Wage Regulations, 1949 (Government Notice No. 77 of 1949).

The report repeats the information previously supplied and adds that it has become evident that the existing Ordinance is not entirely satisfactory, since in certain respects the procedure for its application is cumbersome. Consideration is now being given to its replacement by a more modern form of legislation based on the United Kingdom Wages Council Act, 1945.

The application of paragraphs 1 and 2 of Article 1 of the Convention is ensured. Article 2 of the Convention is covered by § 3 (1) of the Ordinance. Specific provisions concerning consultation with employers and workers will be included in the new legislation which is in course of preparation.

Before the minimum wages can be prescribed for any occupation, undertaking or area, the advice of a wages board, composed of independent members and representatives of employers and workers in equal numbers, must be sought. In practice, no such wages boards have yet been established, although full investigations have been made into wage levels in certain industries. No use has been made of the exception provided for in paragraph 3 of Article 3. No minimum rates have been prescribed by wage fixing machinery (a minimum rate of $\frac{1}{60}$ shilling per day has been laid down by administrative instruction for unskilled Government employees in the towns of Dar-es-Salaam and Tanga). Under Regulation No. 5 of the Minimum Wage Regulations, 1949 (Government Notice No. 77 of 1949), employers are required to exhibit notices informing employees of any orders issued under § 3 of the Ordinance which are applicable to them.

When the need arises, the appointment of labour officers and the administration of the Ordinance would be entrusted to the Labour Commissioner. The Labour Department has an adequate staff to ensure compliance with the provisions of the Convention.

However, one of the chief difficulties in the way of full implementation of the Convention is that, although it is possible to find competent representatives of workers for appointment on wage boards, the development of representative workers' organisations is still very slow and trade unionism is still

in its infancy in the territory. No methods have yet been devised, therefore, for consultation with such representative bodies. Copies of the report will be communicated to members of the Labour Board.

Trinidad and Tobago.

Wages Councils Ordinance, No. 20 of 1949.

The report repeats the information previously supplied and refers to the enactment of the above legislation. The Ordinance has, in fact, superseded the Labour (Minimum Wage) Ordinance, Chapter 22, No. 3, the repeal of which is under consideration. The new legislation empowers the Governor in Council to set up a wages council to cover a given group of workers when he is satisfied that no adequate machinery exists for the effective regulation of the remuneration of such workers, or that the existing machinery is likely to cease to exist or to be adequate for that purpose and that, having regard to the remuneration prevalent among such workers, it is expedient to establish such a council. For the purpose of assisting him in taking a decision on the establishment of a wages council, he may seek the recommendations of a commission of enquiry as provided for in the Ordinance. A wages council comprises not more than three independent persons (one of whom shall be chairman) and equal numbers of representatives of employers and workers in the industry, occupation, establishment or part thereof covered by the operations of the wages council. Before appointing representatives of employers and workers, the Governor is required to consult their appropriate organisations. A commission of enquiry is to consist of persons chosen and appointed by the Governor, of whom at least three are to be independent persons, and at least two employers' representatives and two workers' representatives. Wages councils are empowered to submit to the Governor wages regulation proposals for (a) fixing the remuneration to be paid either generally or for any particular work by the employers to all or any of the workers in relation to whom the council operates, and (b) requiring all or any such workers to be allowed holidays by their employers.

Unless he desires to refer the proposals back to the wages councils concerned, the Governor must give effect to these proposals through a Wages Regulation Order. Detailed provisions cover the field of reference of commissions of enquiry, the principles on which proposals regarding holidays with pay are to be based, the publication of proposed Wages Regulation Orders before their submission to the Governor and methods for enforcing Wages Regulation Orders. When the Wages Councils Ordinance is applied, supervision will be carried out by a wages inspectorate under the control of the Labour Department. A copy

of the report has been communicated to the Trinidad and Tobago Trade Union Council.

Uganda.

Legal Notice No. 15 of 1947, as amended by Legal Notice No. 158-48 of 23 August 1948.

Central and provincial advisory boards have been established to advise on wage rates for Government unestablished or unskilled employees. Employers and employees were represented on each board.

Zanzibar.

The report repeats the information previously supplied and adds that minimum wages have been fixed for produce packing and bagging (Government Notice No. 122 of 1948), dairy employees (Government Notice No. 74 of 1949), and carters (Government Notice No. 80 of 1949).

The following methods were adopted to consult workers and employers. Minimum wage orders were made by the Government after considering the report of the special advisory committees which it had set up for each occupation, comprising representatives of employers and workers, under the chairmanship of an independent person. These orders set out the minimum rates of wages fixed in respect of the trades or occupations to which they refer. The methods of application of this machinery were ensured by publication in the Official Gazette, by announcement in the daily vernacular news broadcasts and by promulgation through the staff of the district administration. The terms affecting packers, baggers and carters were explained at general meetings to these workers. All the workers concerned are adult males. Packers and baggers number about 200, carters about 800 and dairy employees under 100. The minimum wage rates for the first two categories have been rigidly observed, but compliance has been less satisfactory in the case of dairies. The introduction of the new legislation now contemplated will strengthen the hands of inspectors and labour officers in enforcing the application of this legislation. It is the duty of administrative officers, whether European or non-European, to endeavour to ensure that the minimum rates are known by the persons to whom they apply. However, in the absence of the necessary provision in the legislation, it is not possible for inspectors to enquire into wage payments and the initiative must come from the 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 representative employers' and workers' organisations.

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
Argentine Republic	14. 3.1950	
Australia	9. 3.1931	5. 8.1949
Austria	16. 8.1935	3.11.1949
Belgium	6. 6.1934	2.11.1949
Bulgaria	4. 6.1935	
Burma ¹	7. 9.1931	21. 1.1950
Canada	30. 6.1938	10.10.1949
Chile	31. 5.1933	7.11.1949
China	24. 6.1931	
Czechoslovakia	26. 3.1934	2. 1.1950
Denmark ²	18. 1.1933	
Estonia	18. 1.1932	
Finland	8. 8.1932	20.10.1949
France	29. 7.1935	27.10.1949
Germany	5. 7.1933	
Greece	30. 5.1936	14.12.1949
Hungary	6.12.1937	
India	7. 9.1931	30.11.1949
Ireland	5. 7.1930	24.12.1949
Italy	18. 7.1933	18.10.1949
Japan	16. 3.1931	
Lithuania	28. 9.1934	
Luxembourg	1. 4.1931	4. 2.1950
Mexico	12. 5.1934	21.11.1949
Netherlands	4. 1.1933	12. 1.1950
Nicaragua	12. 4.1934	
Norway	1. 7.1932	27.10.1949
Pakistan ³	7. 9.1931	17.10.1949
Poland	18. 6.1932	15.11.1949
Portugal	1. 3.1932	10.11.1949
Rumania	7.12.1932	
Spain	29. 8.1932	
Sweden	11. 4.1932	15.10.1949
Switzerland	8.11.1934	14.10.1949
Union of South Africa ²	21. 2.1933	
Uruguay	6. 6.1933	17.11.1949
Venezuela	17.12.1932	17. 1.1950
Yugoslavia	22. 4.1933	

¹ See footnote 2 to Convention No. 1.

² Conditional ratification.

³ See footnote 3 to Convention No. 1.

Australia.

Statutory Rules, 1948, No. 132, amending, *inter alia*, Regulation 51 of the Navigation (Loading and Unloading) Regulations made under the Navigation Act, 1912-1942.

The report repeats the information previously supplied and adds that the amendment of Regulation No. 51 of the Navigation (Loading and Unloading) Regulations removed the limitation restricting application to cases where the loading or unloading was by means of cargo gear belonging to the ship. No contraventions of the Regula-

tion were reported. Copies of the report have been communicated to the representative employers' and workers' organisations.

Austria.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Belgium.

The report repeats the information previously supplied and adds that one employers' organisation called the attention of the technical inspection service to the difficulty of marking the weight on such goods as rails, small beams, iron in bales or in coils, etc. During the repeated handling of packages, all trace of the marking on these goods often disappears. Copies of the report have been communicated to the representative employers' and workers' organisations.

Burma.

The weight of packages or objects shipped on Burmese vessels is not indicated but is shown in the ship's papers. In the case of large consignments of heavy packages of about the same weight and size, 10 per cent. are weighed and the aggregate weight is taken; in other cases, the weight is accepted as that given by the consignor in the invoice. Light cargo is invariably weighed or its standard weight is known. There exist as yet no stipulations requiring the sender of heavy packages to show their weight.

Canada.

The report repeats the information previously supplied. No contraventions were reported.

Chile.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Czechoslovakia.

Reference is made to previous reports. Copies of the report have been communicated to the representative employers' and workers' organisations.

Finland.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

France.

The report repeats the information previously supplied and adds that an enquiry was made in July 1949 among the various inspection services responsible for supervising the application of the Convention. This enquiry showed that the marking of packages was carried out correctly and in practically all cases. The only exceptions discovered related to colonial timber which cannot be weighed at the port of embarkation. However, each log is numbered and its cubic content given at the point of departure; it is easy, therefore, to calculate its weight at the time of unloading. The logs are then correctly weighed on a special weighing machine; the weight is cut into one of the cross-sections so that the exact weight is known when the logs are loaded on to trucks. In the case of cast-iron tubes and of bundles of iron weighing more than 1,000 kg., it is difficult to mark the weight on the pieces themselves, but the unit weight or the weight by category is mentioned in the way-bills and bills of lading.

It has also been found difficult to mark furniture-packing cases plainly and durably. It might be possible to provide on the packing case a space painted in black on which the weight could be indicated in chalk in figures at least ten centimetres high. On the other hand, the above-mentioned enquiry showed that there were no accidents due to the absence of marking on packages transported by vessels, except in one case, where a yacht weighing over three tons had not been marked. Copies of the report have been communicated to the representative employers' and workers' organisations.

Greece.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

India.

The report repeats the information previously supplied and adds that the Government has at present under consideration the question of enacting central legislation for enforcing the provisions of the Convention in all the provinces and States. During the period under review, a certain number of heavy packages were landed at the port of

Calcutta without stencilled weights. The port authorities called the attention of the steamer agents to this matter. Copies of the report have been communicated to the representative employers' and workers' organisations.

Ireland.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Italy.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Luxembourg

The report refers to the information previously supplied.

Mexico.

The report repeats the information previously supplied and emphasises, in particular, that the Convention is also applied to vessels engaged in home trade. Copies of the report have been communicated to the representative employers' and workers' organisations.

Netherlands.

The report repeats the information previously supplied and refers to the results of inspection visits in connection with heavy packages. During the year 1948, 2,331 heavy packages were inspected, 445 of which came from countries which had ratified the Convention. It was found that 1,053 of these packages did not bear any indication as to their weight (including 240 from countries which are parties to the Convention). The infringements in question were mainly in connection with consignments of tree trunks. Whenever the infringements were brought to the notice of the sender, an assurance was given that omissions of this nature would not occur in future. Copies of the report have been communicated to the representative employers' and workers' organisations.

Norway.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Pakistan.

By-laws framed by Trustees of the Port of Karachi.

Jetty Schedule, No. 31 of the Central Rules and Schedule for the Working of Railway Jetties at Chittagong.

Karachi and Chittagong are at present the only ports in Pakistan. The administration

of the relevant regulations is entrusted to the Trustees of the Port of Karachi and the Chairman of Commissioners for the Port of Chittagong. The enforcement and supervision of the application of the regulations is carried out with the help of jetty inspectors. No cases of contraventions were reported.

Copies of the report have been communicated to the representative organisations of workers. 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 most important chambers of commerce.

Poland.

The report repeats the information previously supplied.

Portugal.

The report repeats the information previously supplied and adds that one infringement of the Convention was brought before the courts by the customs authorities and a fine imposed. Copies of the report have been communicated to the representative employers' and workers' organisations.

Sweden.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Switzerland.

The report repeats the information previously supplied. No breaches of the relevant legislation were reported. Copies of the report have been communicated to the representative employers' and workers' organisations.

Uruguay.

The report repeats the information previously supplied.

Venezuela.

The report repeats the information previously supplied and adds that the number of special permanent labour commissioners was reduced from 131 to 112 during the period under review.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Australia

Nauru, Norfolk Island, Papua-New Guinea.

The report repeats the information previously supplied and adds that supervision of the application of the Convention is now entrusted to the Department of Customs and Marine.

Belgium

Belgian Congo and Ruanda-Urundi.

There is no legislation on this subject but the questions covered by the Convention are being studied.

Netherlands

Indonesia.

The report refers to the information supplied for the period 1947-1948.

Netherland West Indies.

The report repeats the information previously supplied.

Surinam.

Safety Ordinance No. 142 of 1947.

The Convention is applied ; the safety inspection service is responsible for supervising the application of the legislation.

Portugal

See introductory note to Convention No.1.

Angola.

No legislative measures and no regulations have been issued with regard to the provisions of the Convention.

Cape Verde.

Ordinance No. 2559 of 20 February 1943 contains regulations concerning the weight of goods and other packages in relation to the price of transport in inter-island traffic, but makes no provision for the marking of weights on packages. § 13 (2) of Ordinance No. 541 (preliminary instructions regarding customs duties) provides that goods consigned in free transit must be accompanied by a declaration indicating their weight.

Macao.

In view of the special circumstances in which vessels call at the colony, no legislative measures have been taken concerning the provisions of the Convention ; the enforcement of such measures would give rise to major difficulties.

Mozambique.

The provisions of the Convention are covered by Decrees Nos. 1611 of 11 December 1931 and 21,024 of 24 March 1932 which have not been extended to the colony.

Portuguese Guinea.

The Convention has not been made applicable and no measures have been taken in respect of its provisions. There are no industries capable of producing objects to be transported by vessels in the form of

packages weighing one metric ton or more. There would therefore be no advantage in applying the Convention.

Portuguese Indies.

No legislative measures have been taken with regard to the Convention.

S. Tomé and Príncipe.

No regulations have been issued with regard to the Convention. Consignors may mark the weight on packages weighing one metric ton or more for export by a vessel, although this is not compulsory. According to the information received in this respect, packages weighing one metric ton or more are rarely handled.

Timor.

The services concerned are not aware of any legislative measures applying the Convention, but they cannot definitely state that no such regulations ever existed, as all records were lost during the occupation by Japanese troops in the recent war. As a rule, the gross and net weight of all packages is marked on the outside, without any indication whether this is the exact or approximate weight. Application is generally entrusted to the customs services who may carry out supervision when the export formalities are completed. The provisions of the Convention are not applied in practice, since packages consigned are seldom of any considerable weight. There are no representative employers' or workers' organisations.

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	19.10.1949
Luxembourg	1. 4.1931	4. 2.1950
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.

Ireland.

The report refers to the information previously supplied and adds, in particular, that the ratification of the Protection Against Accidents (Dockers) (Revised) Convention,

1932 (No. 32) presents certain difficulties in view of the provisions of Articles 9, paragraphs 1 and 2, and 18 of the Convention. The possibility of adapting the system in operation to the requirements of the former Article is, however, still being explored.

Luxembourg.

The Convention cannot be applied in practice in the Grand Duchy.

**NON-METROPOLITAN TERRITORIES
(ARTICLE 35 OF THE CONSTITUTION)**

Does not apply to the reporting countries.

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
Argentine Republic	14. 3.1950	
Australia	2. 1.1932	
Belgium	20. 1.1944	2.11.1949
Bulgaria	22. 9.1932	
Ceylon	5. 4.1950	
Chile	31. 5.1933	7.11.1949
Denmark	11. 2.1932	4.10.1949
Finland	13. 1.1936	20.10.1949
France	24. 6.1937	27.10.1949
Ireland	2. 3.1931	17.11.1949
Italy	18. 6.1934	18.10.1949
Japan	21.11.1932	
Liberia	1. 5.1931	
Mexico	12. 5.1934	21.11.1949
Netherlands	31. 3.1933	12. 1.1950
New Zealand	29. 3.1938	26. 1.1950
Nicaragua	12. 4.1934	
Norway	1. 7.1932	27.10.1949
Spain	29. 8.1932	
Sweden	22.12.1931	15.10.1949
Switzerland	23. 5.1940	14.10.1949
United Kingdom	3. 6.1931	19.10.1949
Venezuela	20.11.1944	17. 1.1950
Yugoslavia	4. 3.1933	
* * *	* * *	
Anglo-Egyptian Sudan (Voluntary)		5. 9.1949

Chile.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Denmark.

The report repeats the information previously supplied.

Finland.

The report repeats the information previously supplied.

Ireland.

The report repeats the information previously supplied.

Italy.

The report repeats the information previously supplied and adds that the problem of forced labour does not arise. The relevant Italian legislative provisions are strictly

applied and are even more severe than those of the Convention. The exceptions allowed under Article 2, paragraph 2, of the Convention are in full harmony with the principles embodied in Italian legislation.

Mexico.

§ 4 of the Constitution guarantees the right of each citizen to engage in any occupation which is agreeable to him, provided this is permitted by law. § 5 of the Constitution stipulates that no person shall be compelled to render personal services without due reward and without his full consent; the State does not permit the performance of any contract, covenant or agreement which involves the curtailment, loss or irrevocable sacrifice of human liberty. No agreement by which any person temporarily or permanently renounces the right to engage in any occupation which is agreeable to him is valid.

With regard to Article 2 of the Convention, the report states that the concept of forced labour in the spirit and the letter of Mexican legislation corresponds to that defined in paragraph 1 of this Article. The exceptions to the definition of forced labour which are recognised by Mexican legislation only cover the following cases: forced labour imposed as a penalty by the judicial authority in accordance with the methods laid down in the legislation; work required in virtue of laws respecting military service; obligations resulting from an appointment as member of a jury; responsibilities arising out of direct or indirect popular elections and electoral functions.

With regard to Article 3 of the Convention, the report points out that it is not necessary to establish a distinction between the authorities in question, since Mexico has no non-metropolitan territories.

The liberty to work ensured for all citizens excludes recourse to forced labour and, in exceptional cases where forced labour is authorised under the Constitution, a safeguard concerning the period of such work is included in clauses I (a) and II (a) of § 123 of the Constitution. Since forced labour does not exist, it is not necessary to provide for a special inspection service. The detection of a single case of forced labour would give

rise to legal proceedings and would come under § 365 of the Penal Code. Copies of the report have been communicated to the representative employers' and workers' organisations.

Norway.

The legislation contains no provisions in contradiction with the principles of the Convention. Copies of the report have been communicated to the representative employers' and workers' organisations.

Sweden.

The State does not possess any territory where the provisions of the Convention could be applied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Switzerland.

The report repeats the information given in 1942 and, in reply to the observation made in 1949, adds the following particulars :

There are no federal or cantonal provisions, even as regards taxation, which provide for or authorise the forced or compulsory labour prohibited by the Convention. Recourse to such methods would be punishable by the sanctions contained in §§ 181, 182 and 312 of the Swiss Penal Code.

The report gives the following detailed information, under each clause of Article 2(2), as regards the obligations which correspond to the various categories of work authorised by the Convention.

Clause (a) : military service obligations are provided for and defined in the Federal Act of 12 April 1907 respecting the military organisation of the country, and relate exclusively to service of a strictly military character.

Clause (b) : citizens who have satisfied certain conditions and have been duly elected may be called upon to assume public duties (e.g., municipal councillor, mayor, judge, jurymen, etc.); persons responsible for such duties may ask for their release upon the expiry of a given period and are entitled to remuneration. Citizens must also agree to render certain public services of variable duration (trustee, guardian, officials of polling stations at elections, etc.). The organisation of these services, which give the right to the payment of indemnities or fees, is governed by legislation or regulations.

Clause (c) : service may be exacted from the following persons as a consequence of a penal conviction: persons sentenced to solitary confinement or internment, or persons who are sent to an educational or labour institution (these measures may also be taken in virtue of an administrative decision as a temporary educational measure).

Clause (d) : Swiss communes, public companies or associations enjoy a large measure of autonomy, which varies from one canton to another. Only a small minority of the

communes bourgeoises which represent only a very small percentage of all the communes, still make use of certain duties, which generally consist of one or two days' work to be supplied annually by citizens domiciled in the commune and who are employed, for example, on such tasks as rock removal, clearing away undergrowth, etc., from the cantonal pasture land. These duties, which are often accompanied by popular festivities, are only of local and historic importance.

As regards communal regulations and cantonal legislation, it should be noted that the regulations must be approved by the cantonal Governments and that, on the other hand, each canton is bound to submit its Constitution to the Federal Chambers for approval, since the Constitution is guaranteed by the Confederation. The application of the Convention is thus strictly ensured by law as well as in fact.

Under Article 20, the report states that Swiss legislation does not contain any provisions regarding collective punishment, either penal or administrative. Copies of the report have been communicated to the representative employers' and workers' organisations.

United Kingdom.

No form of forced or compulsory labour exists in the metropolitan territory.

Venezuela.

The report repeats the information previously supplied and adds that the freedom to work is guaranteed in Venezuela in virtue of paragraph 8 of § 32 of the Constitution.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Australia

Nauru.

The report confirms the information previously given and adds the following details :

Article 2 : no measures have been taken to establish and enforce a distinction between the forms of compulsory service which are excepted from the definition of the term "forced or compulsory labour" and the other forms of compulsory labour; in fact, forced or compulsory labour of any kind is not permitted.

Article 24 : in view of the absence of forced or compulsory labour, arrangements for inspection or for regulations have not appeared necessary.

Norfolk Island.

The report refers to the information previously supplied.

New Guinea.

The report refers to the information previously supplied and gives, *inter alia*, the following details:

Article 1: as regards the obligations concerning compulsory cultivation, the report states that, at the present stage of development of the Native inhabitants in the territory, it is not considered advisable to rescind the regulations authorising this precautionary measure against a deficiency of food supplies.

Article 2: no measures have been taken to establish and enforce a distinction between the forms of compulsory service which are excepted from the definition given in the term "forced or compulsory labour" and other forms of compulsory service.

Article 3: the competent authority is the Administrator of the Territory of Papua—New Guinea.

Article 19: the Native may dispose of the product of his cultivation as he desires; he has the full rights of ownership, and no other guarantees are provided or required. During the period under review, no compulsory cultivation was requested of the population.

Article 24: compulsory cultivation is the only form of forced labour permitted in New Guinea and is strictly controlled by the District Officer. The regulation permitting compulsory cultivation is rarely enforced and, where it is resorted to, its provisions are fully explained beforehand by District Officers to the people concerned.

Article 25: any attempt to exact forced or compulsory labour is punishable under the provisions of the Criminal Code. No legal proceedings have been instituted, as the illegal exaction of forced labour has not occurred.

Papua.

The report contains the following new information:

Article 1: recourse to compulsory labour is authorised only for the purposes indicated under Articles 18 and 19 of the Convention.

Article 2: no measures have been taken to establish and enforce a distinction between the forms of compulsory service which are excepted from the definition of the term "forced or compulsory labour" and other forms of compulsory service.

Article 3: the competent authority is the Administrator of the Territory of Papua—New Guinea.

Article 18: until the abolition of forced or compulsory labour for the transport of Administration officials, this form of labour is being discarded progressively as other transport facilities become available.

Article 19: during the period under review, it was thought necessary for the benefit of the indigenous inhabitants to have limited recourse to compulsory labour for the cultivation of essential food trees. In each instance, the provisions of Article 19 were fully observed. The number of days'

work entailed in carrying out the compulsory cultivation cannot be stated.

Article 25: any attempt to exact forced or compulsory labour is punishable under the provisions of the Criminal Code. No legal proceedings have been instituted, as the illegal exaction of forced labour has not occurred.

In reply to a question raised last year by the Committee of Experts in connection with the Native Plantations Ordinance, 1925-1934, the report states that this Ordinance was introduced in Papua for two reasons, namely, to assist the Natives of the territory to develop their own land for their own benefit, and to encourage them to exploit their resources in their own interests. The income from the very few plantations established under the Ordinance was entirely devoted to the interests of the people themselves, and no part of it was paid into general revenue. The work involved on the plantations did not lay too heavy a burden upon the population, nor did it entail the removal of workers from their place of habitual residence. The exigencies of religion, social life and Native agriculture were all taken into account and the work was directed accordingly. The labour was not exacted as a tax and the establishment of a plantation was a voluntary alternative to the payment of a tax. Tax monies were devoted to Native welfare and the plantations were an alternative method of self-help by which Native standards could be improved. While the Native Plantations Ordinance appears to be opposed to the text of the Convention, the type of labour involved has been progressively abolished in accordance with the terms of the Convention. The plantations formerly worked under the Ordinance are now either operated entirely by the Native people, who receive all the profits, as in the case of the plantations at Misima, or are run under the supervision of an officer of the Department of Agriculture, Stock and Fisheries, as, for example, at the coffee project at Sangara. With the introduction of producers' co-operatives, the Native people are developing projects on their own initiative under the guidance of the Administration. Thus, the purposes of the Native Plantations Ordinance are being achieved in another way and the type of labour which conflicts with the terms of the Convention is disappearing, rendering the Ordinance largely redundant.

Belgium

Order of 9 February 1891, respecting assistance in the event of a public calamity, as amended on 15 April 1942.

Decree of 17 July 1914, respecting Native taxation, as amended on 9 June and 26 December 1917, 16 July 1918, 22 June 1936, 26 September 1945 and 19 May 1948.

Decree of 10 May 1919, as amended on 20 February 1941 and 20 March 1945.

Decree of 5 December 1933, respecting Native districts, as amended on 20 January 1939, 2 August 1940, 17 April 1942, 13 October 1944, 20 July 1945 and 29 October 1947.

Order of 22 September 1935, respecting imprisonment for debt, as amended on 13 July 1948.
Legislative Order of 11 June 1940, respecting civil requisitions, as amended on 15 May and 7 November 1942.

Legislative Decree of 20 May 1943, to organise the system of requisitions, as amended on 6 July 1944.

Legislative Decree of 20 May 1943, to approve the international labour Convention on forced or compulsory labour (L.S. 1943, Bel. 2).

The report contains the following information regarding the application of the various Articles of the Convention.

Article 1 : forced or compulsory labour is prohibited on behalf of individuals or companies. The forms of forced labour which are authorised are specified in the Legislative Decree of 20 May 1943, to approve the Convention.

Article 2 : the legislative provisions establish the line of division between the forms of compulsory service which are exempted from the definition given for the terms "forced or compulsory labour" and other forms of compulsory service.

The exaction of services for work of a military character is limited by guarantees which prevent the use of such services for any but military purposes. The quota for the armed forces is fixed each year by a Decree (§ 4 of the Decree of 10 May 1919). Requisitions in the event of war or internal difficulties which threaten the public order or security must be preceded by a Mobilisation Order by the Governor General (Legislative Decree of 20 May 1943, § 1). Civil requisitions which may be ordered in certain cases by the armed forces and for a limited period may only relate to guides, porters or paddlers (Legislative Order of 11 June 1940, § 1).

A Mobilisation Order (Legislative Decree of 20 May 1943) is required for work exacted in cases of emergency ; there are adequate safeguards to ensure that work so exacted shall cease as soon as the circumstances which endanger the population or its normal living conditions no longer exist. In the event of a public calamity, special measures are taken as regards assistance ; such measures are determined by the Order of the Governor General of 9 February 1891.

The Decree of 5 December 1933 specifies work which may be exacted from Native districts.

During the past few years no use has been made of the right of civil requisition provided for in the Legislative Order of 11 June 1940.

Article 4 : when the Convention was ratified by Belgium, no forced or compulsory labour existed for the benefit of private individuals, companies or associations.

Article 6 : officials are prohibited from exercising individual or collective constraint for work on behalf of private individuals, companies or associations. They may do so only when the demographic situation of a district does not require the transfer of the population to places outside the district; such transfers are not encouraged.

Article 7 : personal services enjoyed by chiefs are fixed by custom ; payment is made in kind. The entire community is responsible for these services which may not be exacted for more than seven days a year.

Article 9 : requisitioning implies that the work in question is in the direct interest of the community and is of imminent necessity. The Legislative Order of 20 May 1943 presupposes exceptionally serious conditions in this connection. The Decree of 5 December 1933 (§ 47) limits the period for which services may be furnished for work exacted from Native districts on behalf of the locality.

Article 10 : labour is never exacted as a tax and may only be required for services in the public interest exacted from the customary districts.

Labour is not exacted with the object of liquidating a sentence of imprisonment for unpaid taxes, but persons imprisoned for debts of this kind are obliged to perform certain services, such as portage, for the exclusive requirements of the Administration (Ordinance of 22 September 1935, § 5). It should be noted that the Native tax is not very high (4.41 per cent. of the total receipts, according to the 1949 estimates). In 1946, out of a total of 2,751,000 taxpayers there were only 9,907 cases in which labour was exacted as a consequence of imprisonment for debt ; in 1947, there were 5,956 such cases, out of a total number of 2,769,000 taxpayers. The final figures for 1948 have not yet been estimated, but it is already apparent that they will be lower than those for 1947. A term of imprisonment for debt may not exceed 45 days ; persons convicted are provided with board and lodging. The tenor of the provisions regulating work in the public interest (Decree of 5 December 1933) is in conformity with the provisions laid down in paragraph 2 (a), (b), (c), (d) and (e) of this Article.

Article 14 : in the event of requisitioning, the persons concerned are always accorded benefits equivalent to the value of the services rendered. This question is of no interest, as no measures regarding requisitioning have been taken for several years. Provisions relating to the payment of wages are laid down in §§ 9 and 11 of the Legislative Order of 11 June 1940.

Articles 11, 16 and 17 of the Convention are inapplicable in the Belgian Congo.

Article 18 : the obligation to provide portage and paddler services is limited to certain specific cases (Order of 11 June 1940). Such services have been reduced by a considerable extent as the result of the development of the road network ; no recourse is had to measures of requisitioning.

Article 19 : this Article is applied with the modifications contained in the Legislative Order of 20 May 1943 to approve the Convention. Considerable use has been made of recourse to compulsory cultivation as a method of instruction ; this obligation

is within the scope of work which may be exacted from Native districts, including compulsory cultivation, no person being obliged to work for more than 60 days. The sale of the produce accruing from compulsory cultivation shall be effected without any restrictions and to the exclusive profit of the persons producing it. (Decree of 5 September 1933, § 45).

Article 23 : specific regulations have been issued regarding the use of forced or compulsory labour and are contained in the following legislation : Legislative Decree of 20 May 1943, respecting requisitions in time of war or internal difficulties threatening the public order and safety ; Decree of 5 December 1933, respecting work which may be exacted from Native districts ; and Legislative Order of 11 June 1940 respecting civil requisitions. The administrative authority responsible for requisitions controls the application of the above-named legislative provisions.

Article 24 : compliance with the obligations laid down in this Article is supervised mainly by the district service. The regulations are brought to the notice of the persons concerned by the district service, Native chiefs, and the Councils of Notables. In point of fact, this relates only to the application of the Decree of 5 December 1933.

Article 25 : according to the reports from the provinces for 1948, sentences for failure to carry out compulsory work and instructive cultivation have in no case exceeded 5 per cent. of the total number of convictions against Natives by district or police tribunals or by Native tribunals (which, moreover, are seldom competent), whether as regards sentences or fines in lieu of sentences. 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.

France

Cameroons.

Act of 11 April 1946, to suppress forced labour in the overseas territories (L.S. 1946, Fr. 4 A), promulgated in the Cameroons on 26 April 1946.

Article 1 : under the Act of 1946, forced or compulsory labour is absolutely forbidden in the Cameroons.

Article 2 : two of the exceptions mentioned in this Article are utilised in the Cameroons : (a) under the Decree of 4 May 1946, the High Commissioner has special powers and, in case of public emergency, for example, may authorise the temporary and limited recruiting of labour, provided that he reports this fact to the Minister of Overseas France and only in cases where a sufficient number of voluntary workers could not be hired ; (b) communal services in villages are permitted, with the approval of the persons concerned, whenever called

for in order to protect the health of the community. However, no use has ever been made of the right to recruit, mentioned under (a) above.

Articles 4 and 6 : until the promulgation of the Act of 11 April 1946, the administrative authorities intervened in certain cases with a view to facilitating the recruiting of workers for private undertakings. This type of intervention has now disappeared completely.

Article 5 : no concession has ever been granted involving any direct or indirect form of compulsory labour.

Article 7 : in no case may chiefs have recourse to compulsory labour. Personal services may only be afforded with the consent of the parties concerned.

Article 9 : recourse to the exceptional services mentioned above in connection with the application of Article 2 is limited more strictly than under that Article, and is furthermore supervised by the Minister of Overseas France.

Article 10 : the tax is payable in cash and the taxpayers may not offer labour in lieu thereof.

Article 15 : the regulations as regards workmen's compensation for accidents, at present in force, apply to all workers without distinction.

The application of Articles 23 and 25 is covered by penalties, as the Act of 11 April 1946 establishes full legal protection.

Article 24 : the text of the Act of 1946 has been widely publicised. Its strict application is a matter of public order, and falls, in particular, within the duties of the labour inspection service.

Articles 11, 12, 13, 14, 16, 17, 18, 19, 20 and 21 do not apply.

No decisions were given by courts of law under the Act of 11 April 1946, the application of which has not raised any difficulties. Copies of the report have been communicated to the representative employers' and workers' organisations in France and in the territory.

French Equatorial Africa.

Decree of 4 May 1922, concerning the labour system in French Equatorial Africa (L.S. 1922, Fr. 2).

General Order of 28 May 1946, promulgating in French Equatorial Africa the Act of 11 April 1946 to suppress forced labour in the overseas territories (L.S. 1946, Fr. 4 A).

The application of the principle laid down in Article 1 of the Convention was made effective in French Equatorial Africa by the promulgation of the Act of 11 April 1946 which prohibits absolutely any recourse to forced or compulsory labour in any form whatever. The transitional measures mentioned in paragraph 3 of Article 1 have not been taken.

Article 2 : during the period under review, no form of compulsory service or labour to which the citizens of the metropolitan territory are not subjected was imposed on the inhabitants of French

Equatorial Africa. As forced or compulsory labour in all its forms is explicitly prohibited, it is not necessary to draw a line of division between forms of compulsory service not covered by the general definition of forced labour and other forms of such service.

Article 4 : no measures have been taken in this field, as, in principle, labour was completely free at the time of promulgation of the Act of 11 April 1946.

Article 5 : no exceptions have been admitted to the principle of the strict prohibition of forced or compulsory labour. There was thus no need to rescind any concessions.

Article 6 : there have been no cases in which officials of the Administration have placed constraint of any nature whatever upon workers with a view to inducing them to work for private individuals, companies or associations.

Article 7 : no regulations have been drawn up to specify the nature and amount of personal services which legally recognised chiefs who are inadequately remunerated may exact on a customary basis. In fact, since the application of the Act of 11 April 1946, customary services of this nature are no longer rendered.

Article 9 : the competent authorities were not called upon to institute safeguarding clauses, since no recourse was had to forced or compulsory labour in any form.

Article 10 : no forced or compulsory labour was exacted under any pretext whatever by chiefs who exercise administrative functions. No case of physical constraint was reported, as taxpayers no longer have the option of paying their taxes in kind.

Article 11 : no proportion has been fixed with a view to the eventual conscription of forced or compulsory labour.

Article 19 : no recourse was had to forced or compulsory labour for cultivation.

Article 20 : no provisions of existing legislation permit of collective punishment applicable to an entire community for crimes committed by any of its members.

Articles 3, 8, 12, 13, 14, 15, 16, 17, 18 and 21 do not call for any remarks.

Article 23 : since the Act of 11 April 1946 contains none of the exceptions mentioned in Article 9 of the Convention, it has not been necessary to issue complete regulations governing the use of forced or compulsory labour.

Article 24 : see under Article 23.

Article 25 : no infringements were reported. The Decree of 4 May 1922 respecting the labour system in French Equatorial Africa remains valid, in particular, as regards punishment for infringements of the principle of the freedom of labour enunciated in § 1 of this Decree.

No decisions were given by courts of law or other courts and no observations were received from any employers' or workers' organisation concerned.

The Convention is strictly applied in accordance with the terms of the Act of 11 April 1946, the provisions of which are

more restrictive than those of the Convention, since they do not authorise any exceptions. The publicity given to this Act has in fact penetrated all Native circles, where it is well known that any recourse to forced or compulsory labour is strictly prohibited in any form whatever.

Copies of the report have been communicated to the representative employers' and workers' organisations in France and in French Equatorial Africa.

Appended to the report is a note which gives a comprehensive view of the question of forced labour in French Equatorial Africa. This note states, in particular, that the principle of freedom of labour was laid down in French Equatorial Africa by the Decree of 4 May 1922, § 1 of which stipulates that "labour is free throughout the territory of French Equatorial Africa. Natives may take employment according to their preference".

In practice, there were several derogations from this principle, in particular, during the period 1940-1944 because of the exigencies of the economic strategy of the Allied Powers. However, during this period, all the necessary measures were taken to provide all the guarantees essential for the recruitment of workers, in particular as regards hygiene and wages. This was the purpose of the Decree of 29 July 1942 to amend the labour and manpower system in French Equatorial Africa (Administrative Order of 22 October 1942). The above-mentioned text also contained provisions under which the maximum amount of manpower to be employed in each agricultural or industrial undertaking was fixed by the chiefs of the territory according to an established plan for the utilisation of manpower, drawn up each year by the local labour and manpower office of each territory.

Notwithstanding these provisions, every worker retained the right to offer himself freely and individually for employment, except in cases where a contract was to apply outside his subdivision of origin, when a permit was required for change of domicile.

French Establishments in India.

Act of 11 April 1946, to suppress forced labour in the overseas territories (L.S. 1946, Fr. 4 A), promulgated by the Local Order of 2 July 1946.

The Act of 11 April 1946, which completely suppressed forced or compulsory labour in the French Overseas territories, repealed all previous decrees and regulations concerning the requisitioning of labour in any form. Thus, the Decree of 21 August 1930, concerning public compulsory labour in the colonies, was automatically repealed. As the former legislation concerning forced labour had not been applied in the territory for many years, neither the ratification of the Convention nor the Act of 11 April 1946 have had any juridical consequences. In view of the complete suppression of forced labour, there

has been no need for the special application of the Convention.

No recourse to forced or compulsory labour of any kind is authorised, and the transitional period ended with the promulgation of the Act of 11 April 1946, which came into force on 2 July 1946. At the time when the Convention was ratified and the Act of 11 April 1946 was brought into force, no forced labour had existed for many years. No concession which involves the imposition of forced labour has been granted to any private individuals, companies or associations. No collective or individual constraint, with a view to exacting work from the population for the benefit of individuals, has been exercised by officials of the Administration. The Act of 11 April 1946 provides for corrective sanctions in the case of all methods or procedures of direct or indirect constraint effected with a view to employing or keeping an unwilling person in employment. No difficulties have been encountered in connection with the application of the provisions respecting the suppression of forced or compulsory labour.

French Settlements in Oceania.

There has never been any system of forced or compulsory labour in the territory. With the exception of work exacted from persons convicted by a court of law, the types of compulsory service enumerated in paragraph 2 of Article 2 of the Convention are not employed in practice. In view of the small number of the military forces, there is no likelihood of their being employed in major work of a non-military character. Minor communal services are unusual and, where they take place are freely carried out by the citizens of the districts whose interests are represented by an elected council and president. There was no forced or compulsory labour at the time of the ratification of the Convention. No concession granted to private individuals involves the exaction of forced or compulsory labour.

Public employees do not place any collective or individual constraint upon the population with a view to making them work for private individuals, companies or associations. The French Settlements in Oceania are a small territory and, if any official were to exercise such constraint, he would immediately be denounced by the elected representatives of the population. Moreover, he would not succeed in such an action, since the populations are aware of their rights and liberties. Duly recognised chiefs do not enjoy personal services and no authority has the right to impose forced or compulsory labour, with the possible exception of district chiefs who may have recourse to the help of the populations in cases of shipwreck or of calamity. Forced or compulsory labour is exacted neither as a tax nor for the execution of works of general interest. Articles 11 to 24 of the Convention do not apply, as there is no kind of forced labour. No cases of forced labour have been

detected since the ratification of the Convention.

French West Africa.

Decree of 12 August 1937, to apply the provisions of Convention No. 29 to the overseas territories, promulgated in French West Africa by Order No. 2895 A. P. of 15 October 1937.

Order of 28 September 1938, to regulate the transport of administrative staff and stores by means of the requisitioning of labour.

Act of 11 April 1946, to suppress forced labour in the overseas territories (L.S. 1946, Fr. 4 A), promulgated in French West Africa by the Order of 28 April 1946.

Articles 1 and 2 : the Act of 11 April 1946 formally prohibits forced or compulsory labour. No recourse was had to forced or compulsory labour from July 1948 to 30 June 1949.

In view of the reservation made by France at the time of ratifying the 1930 Convention, the definition of forced or compulsory labour does not cover labour or services exacted in virtue of compulsory military service laws. The utilisation of certain troops of the second quota of the military call-up for work of general interest necessary for the development of the territory constituted a method of rendering military service. However, the utilisation of these troops could be considered as approximating constraint upon labour; the progressive abolition of this form of work was continued during the period 1948-1949.

This measure was based on the texts concerning military recruiting and was made possible by the Decree of 31 October 1926 for work strictly in the general interest. The work related to a small number of men in the second call-up who were fit for active military service and were left in their homes, while remaining at the disposal of the military authorities. The men in question were drafted for the duration of the statutory period of military service under the same conditions as men called to serve in the army, and received identical allowances, (food, lodging, clothing, tobacco, etc.), as well as a daily work-premium paid monthly. The men who were called up were covered by provisions similar to those applying to military personnel as regards discharge, pension rights (invalidity pensions, survivors' pensions in case of death), etc.

On 1 July 1948, the number drafted from the second quota of the military call-up amounted to 643 workers — 531 in Senegal and 112 in Mauritania. On 30 June 1949, after men had been discharged according to plan, this number had been reduced to 111 workers engaged in road work in the territory of Mauritania, their territory of origin.

The full and final suppression of the use of the second quota of the call-up will become effective on 31 August 1949, as a result of the release of the remaining workers.

The Act of 11 April 1946 prohibits forced or compulsory labour without stating the nature of the services which could still be

required from members of communities, where these services are not in the nature of compulsory labour. The Convention is strictly applied as regards all the provisions ratified by France; no requisitioning of civilian labour has taken place through the application of the text of the Convention relating to normal civic obligations; penal labour is of an exclusively administrative character; no work has been exacted for cases of emergency or for communal services. In case of calamity, the customary feeling of solidarity suffices to secure from the community the free and spontaneous collaboration of the populations concerned or whose immediate interest is at stake.

Articles 3 and 4: no form of compulsory service exists in French West Africa for the benefit of private individuals, companies or associations.

Article 6: no direct or indirect constraint upon labour for the profit of private individuals is permitted in the case of administrative officials or of any other person; breaches of this provision are liable to serious disciplinary sanctions and to legal proceedings. Administrative officials proceed by giving advice in the clear interest of the community whenever they are called upon to encourage the populations under their charge to perform any kind of labour.

Article 7: no service may be exacted by any person. Chiefs may not exact any personal service. However, in certain regions, custom allows certain collective types of labour, particularly of an agricultural character, from which recognised chiefs profit as much as the other members of a community. No obligation may be imposed or tolerated, but any individual who avoids his customary obligations may not subsequently claim any profit therefrom. In view of their character, these collective services cannot be regulated, since this would impair the principle of freely exercised solidarity upon which the exaction and performance of such services is based.

Article 8: the Act of 11 April 1946 prohibits any recourse whatever to any form of compulsory labour. The acceptance of any work offered by the Administration can only be based on free will; this is the case when it is a question of facilitating the movement of officials, and the transport of stores in regions where mechanical means of transport or beasts of burden cannot be employed. There can be no question therefore of delegating any power to exact forced or compulsory labour.

Article 9: because of the formal prohibition laid down in the Act of 11 April 1946, the question of the conditions under which recourse may be had to forced or compulsory labour is irrelevant.

Article 10: no labour of any kind has been exacted in lieu of a tax, and no recourse has been had to any work of public interest by chiefs exercising administrative functions.

Article 11: no category of persons may be subjected to forced or compulsory labour.

Article 18: a General Order, No. 3,201 A.P. of 28 September 1938, issued regulations regarding the possibility of requisitioning by the Administration, in cases where voluntary labour is not available, for the movement of officials of the Administration and the transport of Government stores. This Order was repealed by the Act of 11 April 1946, which abolished all previous regulations on the requisitioning of labour for any purpose whatever. Porterage and canoe services on any but a voluntary basis have thus been effectively abolished in French West Africa.

Article 19: no compulsory cultivation exists in French West Africa. When, in certain cases, cultivation appears to be necessary in the interests of individuals or of the community, the persons concerned are advised to undertake it; at the same time, they are recommended to make use of the experience which has been acquired by some of them or by experimental stations. If they wish to undertake the cultivations which have been recommended, they are able to obtain easily the necessary seeds and plants. During the period under review, no use was made of the right to have recourse to compulsory cultivation.

Article 20 does not apply, since punishment for crime in French West Africa is on an exclusively individual basis.

Article 23: the Act of 11 April 1946 is precise and complete. No complaints have been made in any field whatever as regards the application of the provisions relating to forced labour.

Article 24: the labour inspection services, and the Administrators of the territorial districts who assist the labour inspectors, are responsible for the supervision of the application of the provisions of the Decree of 12 August 1937 and of the Act of 11 April 1946.

Article 25: no case of infringement of the provisions of the Convention or of the Act of 11 April 1946 was reported during the period under review. It should be noted that the Act of 11 April 1946 provides measures regarding penalties for offences. Up to the present, no use has had to be made of this provision.

Articles 5, 12, 13, 14, 15, 16, 17 and 21 do not apply.

No decisions by courts of law or other courts were reported and no observations were made by the employers' or workers' organisations concerned. No infringements of the legal provisions were reported by the labour inspection services. Copies of the report have been communicated to the representative employers' and workers' organisations in France and in French West Africa.

Madagascar.

Order of 22 October 1937, promulgating the Decree of 12 August 1937 for the ratification of the Convention.

Decree of 7 April 1938, respecting the regulation of Native labour (L.S. 1938, Fr. 2).

Act of 11 April 1946, to suppress forced labour in the overseas territories (L.S. 1946, Fr. 4A).
 Act of 7 May 1946, to grant French citizenship to the nationals of overseas territories, promulgated on 18 May 1946.

Article 1 : with the promulgation of the Act of 1946 abolishing forced labour, any recourse to forced or compulsory labour ceased completely. The military authorities stationed in the regions where the rebellion occurred have no difficulty in finding all the voluntary workers they need, and they employ them under the supervision and in accordance with the special instructions of the civilian authorities who closely follow the labour regulations in force, particularly as regards hours of work, health, hygiene, food, housing, wages, compensation for accidents, etc.

Article 2 : § 2 of the Decree of 7 April 1938, regulating Native labour in the territory, specifies that general regulations are laid down only for "free" labour. No compulsory labour may be exacted, except under the conditions provided for in the Decree of 12 August 1937, promulgating the Convention on forced or compulsory labour adopted by the International Labour Conference in 1930. In practice, since the entry into force of the Act of 11 April 1946, no use has been made of forced or compulsory labour under any circumstances.

Article 4 : no form of forced or compulsory labour exists for the benefit of private individuals, companies or associations.

Article 7 : there are no cases in which chiefs of all ranks may exact personal services from unwilling individuals.

Articles 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 do not apply to Madagascar, where forced or compulsory labour may not be used in any form or be exacted in lieu of taxes or for work of public interest.

Article 18 : recourse to forced or compulsory labour for the transport of persons or goods, for example, for portage or transport by canoe, was completely abolished by enforcement of the Act of 11 April 1946. Moreover, the wages offered to workers employed for transport are sufficiently attractive to secure a constant surplus of voluntary manpower. Thus, § 5 of the Order of 2 March 1949, readjusting minimum wage rates for workers in the various districts of Madagascar, favours this category of manpower in that it stipulates that the "minimum wage of *bourjanes* employed for the transport of administrative staff and stores shall be equal to the minimum wage category of 'men without rice', fixed for towns or for the district where they reside, plus a daily allowance of five francs".

Article 19 : there are no enactments which allow any recourse to compulsory cultivation. The competent authorities may recommend the use of a form of verbal pressure on producers in order to prevent famine or a deficiency of food supplies ; in any case, this advice, however insistent, does not imply any obligation likely to warrant a sanction. Whatever happens,

the food or produce obtained will remain the property of the individuals or the community producing them.

Articles 20 and 21 do not apply in Madagascar.

Article 23 : the texts relating specifically to this question are the Decree of 12 August 1937, applying to Madagascar the international Convention as ratified by France, and the Act of April 1946. The latter, which absolutely prohibits forced or compulsory labour in the overseas territories, abolishes any reservations to this prohibition permitted until then by any Decree or internal regulations on the requisitioning of labour. On the local level, the Decree of 7 August 1938, which takes into account the Decree of 12 August 1937, only lays down general regulations for so-called free labour. It establishes the right to accept employment freely. Thus, § 31 of this Decree provides : "Before endorsing the contract or work book, the chairman of the local labour office shall read or have the contract read to the parties, in French and in Malagasy, and obtain the free consent of the hired person".

Article 24 : the Act of 11 April 1946 was brought to the knowledge of the whole population of the territory by means of notices posted up in conspicuous places in all localities. The Decree of 7 April 1938, printed and distributed in the form of a pamphlet, is at the disposal of all those who wish to consult it in all the administrative districts. Furthermore, copies have been deposited with all the representative workers' and employers' organisations.

Article 25 : as regards the punishment of penal offences against the application of the Act of 11 April 1946, chiefs of territories, District Administrators and labour inspectors have received full oral instructions to institute any necessary prosecutions.

No observations have been made by the employers' or workers' organisations concerned. The disturbances in the labour market which occurred when the Act of 1946 was promulgated did not last long and were not followed by any unfortunate consequences. After the inevitable first psychological shock, the wage earners normally resumed their former occupations. The balance between supply and demand for labour has been re-established and has not always been favourable to the employer. As the demand for unskilled labour clearly exceeds the supply, workers dominate the employment market. Copies of the report have been communicated to the representative employers' and workers' organisations in France and in the territory.

New Caledonia and Dependencies.

Decree of 12 August 1937, to apply the Convention promulgated on 22 November 1937.

Order No. 196 of 15 February 1941, respecting compulsory labour in time of war, repealed by Order No. 541 of 3 May 1946.

Act of 11 April 1946, to suppress forced labour in the overseas territories (promulgated on 23 August 1946) (L.S. 1946, Fr. 4 A).

Orders Nos. 1195 of 18 November 1941 and 444 of 26 March 1948, respecting convict labour.

Compulsory labour carried out during the period of hostilities was the labour defined by the Order No. 196 of 15 February 1941; hours of work were nine per working day. Wages, which were paid out in the presence of a representative of the Administration (the Trustee of Native Affairs), were fixed at the customary rates for free labour. There is no documentation establishing the sickness and death rates of these workers. In 1945, the services exacted related to 2,973 persons who performed 37,110 days of work. During the first four months of 1946, the total labour force was made up of 3,730 workers who completed 48,595 days of work.

The report gives the following detailed information :

Article 1 : the obligation laid down in paragraph 1 is completely fulfilled. During the transitional period, the labour exacted was that mentioned in paragraph 2 (d) of Article 2 of the Convention.

Article 2 : the only work which is exacted under this Article is that defined in paragraph 2 (c) regarding persons convicted under common law. No use has ever been made of the exception provided for in the first paragraph of § 49 of Local Order No. 1195 of 18 November 1941, which envisaged the placing of penal labour at the disposal of private employers.

The minor communal services mentioned in paragraph 2 (e) of the Convention are performed only by Natives living together in tribes. This labour is prescribed by tribal chiefs with the advice of the Council of Elders. The work is done voluntarily by the persons concerned, with the approval of the population. There are no regulations which permit the imposition of any administrative or penal sanctions on persons who refuse to collaborate in this work.

Article 4 : the exigencies of the war economy of the territory made it necessary to render compulsory certain types of labour enumerated in Order No. 196 of 15 February 1941. This obligation was abolished at the end of the period of hostilities by Order No. 543 of 3 May 1946.

Article 5 : the working conditions laid down when mining concessions are granted, as well as the conditions of cultivation required for land concessions, are not designed to impose forced or compulsory labour.

Article 6 : during its visits to the tribes, the Native Affairs Service advises the Natives to carry out work which is likely to contribute to the development and wealth of the territory. No constraint is placed upon such labour ; the recruitment carried out by employers among the tribes is always through the medium, or in the presence, of a representative of the Native Affairs Service, so that even in this particular case the labour market remains completely free.

Article 7 : tribal chiefs receive sufficient

remuneration and do not enjoy any personal services rendered by the people of the tribe where, moreover, the buildings, plantations and fields belong to the community and are worked collectively.

Article 9 : since all compulsory labour is strictly forbidden, there is no need to prescribe the safeguarding measures provided for in this Article.

Article 10 : since 3 May 1946, no labour has been imposed by any authority whatever for work of public interest or any other work.

Article 11 : no proportion of the population may be reserved for compulsory labour.

Articles 12, 13, 14, 15, 16, 17 and 18 : no compulsory labour may be carried out.

Article 18 : for a number of years, all work in connection with the transport of persons or goods has been carried out by means of mechanical or animal transport.

Article 19 : no restrictions have ever been imposed on the freedom of sale of the produce of Native communities.

Article 20 : no compulsory labour may be exacted, even collectively.

Article 21 : Native labour has never been utilised for underground work in mines.

Article 23 : no complaints have ever been received regarding the application of the Convention.

Article 24 : when visiting undertakings or tribes, the labour inspection service, police officers and representatives of the Native Affairs Service receive all complaints or statements submitted by the persons concerned. The wide and immediate publicity given to the Act of 11 April 1946 has brought it to the knowledge of practically the whole population.

Article 25 : there has never been any occasion to impose the measures for penalties provided for in the Act of 11 April 1946, since no infringement has been reported to the competent services.

No decisions were given by courts of law and no observations received from the employers' or workers' organisations concerned. Copies of the report have been communicated to the representative employers' and workers' organisations in France and in the territory.

St. Pierre and Miquelon Islands.

The Convention is not applicable to the territory, forced labour never having been practised there in any form. Copies of the report have been communicated to the representative organisations in France.

Togoland.

Act of 17 June 1937, to ratify the Convention, promulgated in Togoland by Decree of 12 August 1937.

Act of 11 April 1946, to suppress forced labour in the overseas territories (L.S. 1946, Fr. 4 A).

The special status of Togoland (Trust Territory) does not permit military recruitment by the authorities or the maintenance

of actual armed forces in the territory. The only possible cases of the requisitioning of persons are those provided for in § 475, paragraph 12, of the Penal Code. However, custom permits indigenous chiefs to call upon the village populations for communal services which are for the benefit of the community (cleaning, digging of ditches, etc.). Because of the complete abolition of forced labour, the application of the various Articles of the Convention is irrelevant in Togoland. Copies of the report have been communicated to the representative employers' and workers' organisations in France and in the territory.

Netherlands

Netherland West Indies.

Special legislation has not been enacted, as there is no forced or compulsory labour. During the last war, recourse was had to compulsory labour for undertakings which were of vital interest to the country. This was an emergency measure which was repealed in 1946. As there is no forced or compulsory labour, it was not considered necessary to acquaint employers' or workers' organisations with the provisions of the Convention.

New Zealand

The report repeats the information previously supplied and adds that no recourse to forced labour has been had in the territories administered by New Zealand. Copies of the report have been communicated to the representative employers' and workers' organisations.

United Kingdom

Aden.

The report repeats the information previously supplied.

Barbados.

The report repeats the information previously supplied. Copies of the report have been communicated to the Barbados Sugar Producers' Federation, the Shipping and Mercantile Association of Barbados and the Barbados Workers' Union.

Basutoland.

There is no legislation in force specifically providing penalties for the illegal exaction of forced or compulsory labour. However, there are provisions in the Roman-Dutch law under which such conduct would be criminally punishable; forced labour may be attacked on the following counts: deprivation of liberty (punishable as man stealing); physical assault; threats and false pretences as to the possession of authority.

The report states that Conventions are not ratified by individual colonies and the information required under Part II of the

report form cannot, therefore, be supplied by the territory.

The following information is supplied as regards the various Articles of the Convention. Forced labour may be exacted from persons convicted by courts of law; this type of labour is carried out under the control of the public authority, in conformity with paragraph 2 (c) of Article 2. Anti-erosion works are carried out in the first instance by paid labour; the maintenance of such works falls on the local community. The individual is responsible for the repair of anti-erosion works on his own land and the community for repair work on communal land. Major repairs are carried out by paid labour; this work is a minor communal service performed by members of the community in the direct interest of the community and is therefore excluded from the definition of forced labour under paragraph 2 (c) of Article 2 of the Convention. Tree planting throughout the territory has been undertaken at various times by means of forced labour. This form of labour falls within the provisions of Article 19 as being a protection against famine or a deficiency of food supplies. However, this method of tree planting is being reviewed and will probably be discontinued.

It has been the custom for many years for chiefs to call on their subjects to plough, hoe and reap certain lands, to construct court buildings, to collect firewood and to build the first house for a chief's son; the custom of *matsema* has been investigated and recently abolished.

No special measures are taken to establish and enforce a distinction between the forms of compulsory service which are excepted from the definition given to the term "forced or compulsory labour" and other forms of compulsory service. No services are exacted for military purposes. Work in the case of emergency has not arisen and no special measures have been taken in this respect. Articles 4, 5 and 6 of the Convention are applied. As regards Articles 7, 8, 9 and 10 of the Convention, the report refers to the information submitted under Article 1. No forced or compulsory labour has been exacted as a tax. Women have at times been called upon for *matsema* labour, but this custom has now been abolished. The maximum period of work imposed under Article 12 has not been exceeded.

Articles 13 to 23 are applied. There are no mines in Basutoland. Administrative, judicial and police officers are responsible for ensuring that the regulations governing the employment of forced or compulsory labour are strictly applied. The illegal exaction of forced or compulsory labour is punishable. There are no representative employers' or workers' organisations.

Bechuanaland.

It has not been considered necessary to enact any legislation or administrative in-

structions in application of the Convention. Neither the central Government nor the Native authorities may exact forced or compulsory labour. However, the Native authorities may employ compulsory labour for soil erosion works (under § 24 of the Native Administration Proclamation, No. 32 of 1943) and for the works mentioned in paragraph 2 (*d*) and (*e*) of Article 2 of the Convention. Minor communal services may be required, provided that the *Kgotla* shall have the right to be consulted in regard to the need of such services. Personal services to a chief or sub-chief recognised by Native law and custom may be required. This applies, in particular, to the cultivation of tribal lands undertaken in order to permit the chiefs to discharge their duties. Moreover, the Native authorities may issue orders requiring any able-bodied male who is otherwise unable to provide food for himself or his dependants to work on any public works, relief works or any such employment and for such period as may be approved by the Resident Commissioner. They may also require any Native who refuses to avail himself of the facilities to obtain food, provided by the Native authority, and who is otherwise unable to provide food for himself or his dependants, to move to such place within the area as the Native authority may direct, in order that they may be more conveniently fed or to such other place outside the area as the Resident Commissioner may approve.

The Native authorities may also require any Native or group of Natives to cultivate land within the local limits of the territory and to such extent as they may direct. The central Government has no powers for the exaction of compulsory labour.

It is the duty of the District Commissioner of each district to ensure that compulsory labour is utilised only for the above-mentioned works and that such employment ceases as soon as the need for it has passed.

There is no compulsory military service in the territory and no compulsory labour other than that mentioned has in fact been employed. Compulsory labour may not be exacted for private persons, companies, etc. Persons sentenced to imprisonment with hard labour are employed on public works. Officers of the Government may not place constraint upon persons to work for private persons.

The principal personal services rendered to chiefs are for the cultivation and harvesting of his lands and the provision of firewood. It is not possible to indicate the percentage of the local population employed on these services, but the figure is negligible.

District Commissioners who are entrusted with supervision are at all times in close contact with the chiefs and ensure that safeguards are applied. During the period under review, no recourse was had to compulsory labour for public works or as a tax.

No age limits are fixed nor are medical examinations made, but the general tribal organisations ensure that the aged, very

young and the unfit are not forced to work, and that persons employed on regular and necessary work, such as teachers and employees of the Native administration may not be called upon to perform compulsory labour. The small amount of compulsory labour which is allowed by law is a tribal custom of long standing and is so designed as to cause no dislocation of tribal or domestic life.

Tribal labour is not paid in cash, but food is usually provided. Persons are not moved from their own district for the purpose of compulsory employment. No persons were employed on compulsory labour at any great distance from their homes. Compulsory labour is not used for the transport of persons or goods and there has been no recourse to compulsory cultivation.

No special measures have been taken with regard to Article 24, and any suspicion of forced labour other than that referred to in Article 1 would be quickly brought to the notice of the Government by the persons concerned. No legal proceedings have been instituted. The powers given to Native authorities under the enactments specified above are exercised very sparingly and their use tends to decrease.

British Guiana.

The report repeats the information previously supplied.

British Somaliland.

Proclamation of 28 April 1932, bringing the Convention of 3 June 1932 into force.

No legislation or administrative regulations other than the Proclamation are in force. No recourse has been had to forced or compulsory labour in the protectorate. No exceptions are made. Forced or compulsory labour has not existed since the Convention came into force. No concessions have been made of the type dealt with in Article 5. No constraint is put upon members of the population by Government officials. The Government is the only large-scale employer of labour. Whether the chiefs are paid or unpaid, they are not entitled to any personal services. No delegation of power has been exercised and no exaction of forced or compulsory labour has occurred. The conditions dealt with in Articles 10 to 19 of the Convention do not arise in the territory. The Collective Punishments Ordinance makes no provision for the use of forced labour. The case dealt with under Article 21 does not arise in the territory. No regulations have been issued with regard to Article 23. No arrangements have been made for an inspection service and no legal proceedings have been instituted.

Cyprus.

Village Roads (Repeal) Law, No. 14 of 1934.
Forest Law, No. 5 of 1939.
Cyprus Criminal Code, 1928, § 244.

Law No. 14 of 1934 repealed the Village Roads Law, 1900-1933, which contained provisions empowering the village authorities to requisition labour for the construction of village roads and for certain other minor public works. This measure has ensured full compliance with the Convention. No attempt has since been made by any public body, individual company or association, to have recourse to compulsory labour; it has not, therefore, been considered necessary to introduce legislative measures abolishing or regularising the use of forced labour. As regards the exceptions mentioned in Article 2 of the Convention, the report states that work or service exacted from persons convicted by courts of law is in full conformity with the conditions stipulated in paragraph 2 (c) of Article 2; recourse is also had to compulsory labour in the event of fires in State forests (§ 17 of Law No. 5 of 1939). With reference to Article 25 of the Convention, the report states that § 244 of the Cyprus Criminal Code provides that "any person who unlawfully compels another person to labour against the will of that person is guilty of a misdemeanour, and is liable to imprisonment for one year". Copies of the report have been communicated to the Pan-Cyprian Labour Federation, the Cyprus Workers' Confederation, the Cyprus-Turkish Trade Unions Federation, and the Association of Cyprus Industries.

Dominica.

The report repeats the information previously supplied.

Fiji.

Labour Ordinance, No. 23 of 1947 (Part VII).

The report states that Articles 5, 23 and 24 of the Convention are not applicable and gives detailed information regarding Articles 1 to 4, 6, 7 and 25. In virtue of §§ 56 and 57 of the above-mentioned Ordinance, forced or compulsory labour within the definition of the Convention is prohibited in all its forms. The communal services which are regulated by the Fijian Affairs Board cannot be confused with public works, which are normally the responsibility of the Government of the colony. These services include, in particular, the making and maintenance of unproclaimed roads, the building and repairing of houses, the planting and upkeep of food crops, the supplying of indigenous visitors with food, the transport of officials on official travel, assistance in surveying the boundaries of Native land, the conveying of sick persons and the carrying of official mail. Articles 4, 6 and 7 are applied, and only certain high chiefs and heads of provinces may demand personal services for house building, the planting of food crops, supplying visitors with food and the making of mats and canoes, in certain cases, subject to the authorisation of the Provincial Council. These services are very rarely requested.

The competent authority under Article 3

is the Governor of Fiji, through the medium of the Secretary for Fijian Affairs and the Commissioner of Labour. There were no decisions by courts of law; the Convention is fully applied. Copies of the report have been communicated to the Labour Advisory Board.

Gambia.

Forced Labour Ordinance, 1934 (Chapter 46, Gambia Laws).

The Convention has been applied without modification. Forced labour of all kinds is deemed unlawful, except where the exaction of labour for local minor communal services has been authorised by a chief or Native council. This applies to labour for the maintenance of Native buildings used for communal services, including markets and courthouses; sanitary measures; the maintenance, improvement or cleaning of local roads and paths; repair of village fences; the digging and construction of wells; and the clearing and damming of creeks. Other communal services of direct interest to the community are as follows: building fire traces, erecting temporary stores, digging cattle wells, and clearing traces and making causeways to open up fresh land for agricultural purposes. The exaction of these communal services is subject to the following conditions: the inhabitants of the village or their direct representatives must previously be consulted by a Native authority in regard to the need for such services; compulsory labour may not be exacted by a Native authority without the approval of the Governor.

Articles 4 to 6 of the Convention are applied. No concessions have been granted. All chiefs exercise administrative functions and receive adequate stipends. The only services of a personal nature which they receive are regarded as being of a courteous nature rather than as compulsory services. Such cases are infrequent and the proportion of the local population employed is negligible. With regard to Article 9 of the Convention, the report states that the powers invested in the Commissioners are considered as a sufficient safeguard. The Commissioners have the power to revoke any order issued by a Native authority for the exaction of forced labour. No forced or compulsory labour is exacted as a tax. No proportion of the population has been fixed under Article 11. Communal services are undertaken by arrangement with the heads of each *Kaffo* (age society group). The application of Article 14 presents certain difficulties; a conference of Commissioners was convened and decided that, wherever possible, wages should be paid directly to the workman. Where this is not possible, payment must be made directly to the *Kaffo*, under the supervision of the Commissioner. In this way, payments through the chief would be eliminated.

No transfer of labour has taken place under Article 16. With regard to Article 17, the report states that there are no long

periods when labour is required, even for services that are exempted from the Convention. There are no forms of labour such as those provided for in Article 18. An order was issued by the Native authority to compel able-bodied farmers to spend 12 days' employment on subsistence food crops before planting the cash crop (groundnuts). The number of days is varied to meet local circumstances. The advisability of preserving Native customs renders it desirable to retain the foregoing measures. The legislation in regard to forced labour is strictly applied and the persons affected are fully aware of its terms. Any illegal exaction of forced labour is punishable by fine or imprisonment.

Gibraltar.

Defence Force Ordinance, No. 24 of 1943.
Defence Force Amendment Ordinance, No. 6 of 1947.
Prison Ordinance, No. 3 of 1949.

No legislation has been enacted concerning forced or compulsory labour, as there is no record since the Convention was ratified of any recourse having been had to the use of such labour within the meaning of the Convention. There are no laws or regulations in Gibraltar authorising recourse to forced or compulsory labour within the meaning of Article 2 (1). Under the Defence Force Ordinance, No. 24 of 1943, as amended by Defence Force Amendment Ordinance, No. 6 of 1947 and regulations made thereunder, able-bodied men over 18 years of age may be called up for military service within the colony for an initial training period of six months, followed by subsequent annual training for periods not exceeding two weeks. Under the Prison Ordinance, No. 3 of 1949, male prisoners over 18 and under 60 years of age, certified by the Medical Officer to be fit, may be compelled to work inside or outside the prison on such work as may be prescribed by order of the Superintendent and approved by the Governor. Such work may include the necessary services of the prison or the superintendent's quarters, but shall not include any personal service for prison officers. Prisoners are not permitted to be hired to, or placed at the disposal of, private individuals, companies or associations. No permission for the imposition of forced or compulsory labour for the benefit of private individuals, companies or associations has been granted by the competent authority, and no such permission existed at the date of ratification of the Convention.

Gilbert and Ellice Islands.

Ordinance No. 1 of 1933.
Island Regulations for the Gilbert Islands, 1939, and Island Regulations for the Ellice Islands, 1947, made under § 15 (1) of Part I of the Schedule to the Native Laws Ordinance, 1917.

As regards Articles 1 and 2 of the Convention, the report states that the provisions

under which contraventions of the prohibition of forced labour are penalised are provided for in § 4 of Ordinance No. 1 of 1933.

Article 3 : the competent authority is the High Commissioner for the Western Pacific.

Article 4 : no use is made of forced or compulsory labour for the benefit of private individuals, companies or associations.

Article 5 : no concessions are granted in the territories.

Article 6 : Native workers are all landowners and do not depend on industrial employment for their living ; there is therefore no unemployment. The Administration places no constraint upon Natives to work for private individuals, companies or associations. Employment and recruitment for all purposes is subject to contract by licence by the Resident Commissioner, who exercises control over all these operations. Recruitment is voluntary and regulated under Ordinance No. 1 of 1933, which prohibits all works or services exacted from any person under the menace of penalty and for which the said person has not offered himself voluntarily.

Article 7 : no services are rendered under this Article.

Article 8 : the only forced labour in the colony is communal work, which does not involve the removal of workers from their habitual place of residence. There is no delegation of powers to exact other forms of forced or compulsory labour and there is no transport work of the type indicated by this Article.

Article 9 is not applicable.

Article 10 : paragraph 1 of this Article is inapplicable. As regards paragraph 2, the report states that forced labour which consists solely of communal work is only performed subject to the approval of the administrative officer. The services rendered are all of direct interest to the community and are defined in Island Regulation No. 10 respecting communal work as follows : " the only proper objects of communal work are island hospitals, Native Government stations, official residences of the village *Kaubure* (local Native Government representatives), village *maneaba* (meeting house), village latrines and cemeteries ". This regulation further states that " communal work shall be performed by all able-bodied Natives between the ages of 16 and 50 years who have not been specially exempted from such work. No Native shall be required to perform communal work for more than 52 days in any one period of 12 months. The manner of performing communal work in any village shall be decided by a majority vote of the people in that village. If the villagers elect to do time work, then each man shall be given his separate share of work and shall work for two days each week until he has finished his share of work or until he has completed 52 days of work. If piece-work is preferred, then the villagers may decide by majority vote how many days each week they will work and organise themselves

into one or more gangs, who together shall perform the work in hand."

Article 11: Island Regulation No. 10 states that the following Natives of working age shall be exempt from the performance of communal works: "Government officials and their wives; high chiefs, their wives and children; missionaries and schoolteachers and their wives; two domestic helpers for each European member of a mission; one domestic helper for each Native Magistrate, Chief of *Kaubure*, Chief of Police and Scribe, and for each mission teacher in charge of any village school containing not more than 50 scholars, and *pro rata* for village schools containing more than that number; Natives who have retired after 20 years' service with the Government or as pastors or teachers; scholars and their wives resident in central boarding schools specified in writing by the Government; Natives employed under contracts of employment for periods exceeding one month; women during the three months preceding and the 15 months following childbirth; parents with four or more children under the age of 16 years living with them; Natives in possession of a medical certificate issued by a European Government Medical Officer".

No Native shall be called upon to work for more than two days in any one week outside his village, except when the workers of his village elect by a majority vote to work for a longer period in order to expedite the completion of their tasks.

Article 12: § 6 of Regulation No. 10 states that no Native shall be required to perform communal work for more than 52 days in any one period of 12 months.

Article 13: this question is regulated by the application of § 9 of Regulation No. 10, as stated under Article 10.

Article 14 is not applicable.

Article 15: a Workers' Compensation Ordinance will shortly be enacted. Every Native worker is entitled to free medical attention by the Government. The local authority ensures that provision is made for the maintenance of his dependants.

Article 16 is not applicable as no worker is required to leave the island upon which he is resident; communal work is performed by him only on that island. § 1 of Regulation No. 10 states that "communal works are works which it is a Native's duty to perform every year for the health, comfort and direct benefit of himself and the Native community of any island on which he may be resident during the season of communal work".

Articles 17 and 18 are not applicable.

Article 19: compulsory cultivation has never been resorted to in the colony.

Article 20: there are no collective punishment laws in the colony.

Article 21: compulsory labour is used only for communal work. There are no underground mines in the area, the only mining being open work for which labour is voluntarily recruited.

Article 23: as the only compulsory labour is that of communal work and the manner

of performing such work is decided upon by a majority vote of the people concerned, complaints are non-existent.

Article 24 is applied by § 8 of Island Regulation No. 10, which states that "during March in each year the Native Government shall give the people a list of communal works to be completed in the next season of work and acquaint them with the fee for exemption from communal work, fixed by the administrative officer in virtue of § 5 of this Regulation".

Article 25: § 4 (1) of Ordinance No. 1 of 1933 states that "any person who commits or incites, aids or abets another person to commit any act in contravention of this Ordinance shall, on summary conviction thereof, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding £50, or to both such imprisonment and fine". No contraventions were reported.

The district administration is responsible for the application of this Ordinance. District officers perform the necessary duties connected with inspection.

Although a Trade Union and Trades Dispute Ordinance was enacted in 1946, no trade unions have been formed and there have been no disputes. The population has shown no desire to form trade unions.

Gold Coast.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Grenada.

The report repeats the information previously supplied.

Kenya.

Compulsory Labour (Regulation) Ordinance of 1932.

Forced or compulsory labour is still authorised in Kenya under the provisions of this Ordinance, which are in conformity with the provisions of the Convention. During the period under review, the exaction of compulsory labour was restricted to the use of porters in one district. Under Government Notice No. 756 of 17 November 1933 and, in the terms of Article 18, the number of men ordered out to perform compulsory labour was 136, affecting 566 man-days of labour. This labour was confined exclusively to the carrying of loads for administrative officers on tour and was never exacted for more than four hours a day. All these workers were paid daily wages varying from 40 to 70 cents per day and were normally paid as soon as they reached their destination. No cases of sickness or death were reported. Measures to ensure the effective application of paragraph 1 of Article 1 are constantly under review.

Article 2: as regards the distinction between the forms of compulsory service which

are excepted from the definition of forced or compulsory labour, the position is as follows: there is at present no law in force providing for compulsory military service in Kenya. Paragraph 2 (b) of this Article does not apply in Kenya. The legislation respecting imprisonment or conviction governs the questions dealt with in paragraph 2 (c). No regulations have been issued with regard to paragraph 2 (d), although they may be made under an Ordinance of 1948. Minor communal services are provided for by § 14 of Native Authority Ordinance No. 2 of 1947, under which by-laws are passed by the local African authorities themselves, with the approval of the Governor in Council. None of the forms of compulsory labour or service mentioned in this Article has been exacted during the period under review.

Article 4: recourse to forced or compulsory labour for the benefit of private individuals is prohibited under § 3 (1) of the Ordinance.

Article 5: no concessions have been granted to private individuals, companies or associations containing provisions involving forced or compulsory labour.

Article 6: the application of this Article is ensured by the provisions of § 3 (3) of the Ordinance, which is rigorously enforced.

Article 7: chiefs who do not exercise administrative functions may not have recourse to forced labour. Chiefs exercising administrative functions can be authorised to call out forced labour, subject to the conditions set out in Article 10. In recent years, however, no use has been made of this method of calling out compulsory labour. Chiefs may not use compulsory labour for personal services.

Article 8: the responsibility of all decisions concerning recourse to forced or compulsory labour rests with the Governor who is authorised to delegate powers to impose compulsory labour to any provincial commissioner, district officer or headman, subject, however, to the restrictions provided for in paragraph 2 of Article 8, to the provisions of Article 9 read in conjunction with Article 10 of the Convention, and to the provisions of Article 23 of the Convention.

Article 9: the Governor's assent is necessary for the imposition of compulsory labour. The safeguards mentioned in paragraphs (a) and (d) of Article 9 are included in the Ordinance. Enforcement of these safeguards is in the hands of the officers of the provincial Administration.

Article 10: forced or compulsory labour is not exacted as a tax. The effective application of the provisions contained in clauses (a) to (e) of paragraph 2 is ensured by § 5 of the Ordinance.

Article 11: the effective application of this Article is ensured by the Ordinance. No fixed proportion has been established for the adult able-bodied male population which may be taken at one time for forced or compulsory labour. However, the Ordinance provides that, in any regulations made to this end, the proportion shall in no case exceed 25 per cent.

Article 18: the provisions of the Convention are reproduced in § 13 of the Ordinance. The use of forced or compulsory labour for the transport of persons or goods is exceedingly limited. Paid compulsory labour is now employed in one of the two administrative districts where previously recourse had been had to compulsory labour for portage. Consideration is being given to the possibility of engaging paid compulsory labour in the other administrative district concerned.

Article 19: there has been no recourse to compulsory cultivation.

The report repeats the information previously supplied with regard to the application of Articles 12 to 17 and 20 to 25 of the Convention.

In reply to the observations made last year by the Committee of Experts, the Government points out that no use has been made of compulsory labour for the benefit of chiefs. With regard to the imposition of compulsory labour at Maqueni in 1947, the Government states that the estimated population surplus to the carrying capacity of the occupied areas in the Machakos Native land unit was 41,000 families. The provision of relief areas was of pressing and urgent necessity at the time of the imposition of compulsory labour. The scheme was designed to accommodate some 2,300 families on land at that time denied to the Wakamba because of the presence of tsetse fly and lack of water. Compulsory labour was in force from 26 August 1947 to 13 April 1948, by which time sufficient voluntary labour was becoming available. The Government considers that this communal service came within the scope of the exceptions to Article 2 read in conjunction with Article 19 of the Convention.

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

Malta.

The Convention does not apply in Malta, where forced or compulsory labour does not exist. Copies of the report have been communicated to the General Workers' Union, the Chamber of Commerce, and the Federation of Malta Industries.

Mauritius.

The report repeats the information previously supplied.

Nigeria.

The report repeats the information previously supplied.

§ 113 of the Ordinance of 1945 provides that the Governor may authorise the exacting of forced labour in order to provide bearers for purposes of transport, to the extent permitted by any regulations made under § 11 of the Ordinance. Such regulations form the first Schedule of the Ordinance and prescribe the conditions under which such

bearers shall be employed. The length of the normal daily journeys, the distance from their homes to which bearers may be taken, the weight of loads to be carried and the maximum period for which any person may be taken for bearer work in any one year are also prescribed. These powers, however, were not used during the period under review.

No reports or statistics relating to the application of the Convention are available. No difficulties have been encountered in the application of the Convention.

North Borneo.

The Prohibition of Forced Labour Ordinance of 1933 provides penalties for the exaction of forced or compulsory labour except in the cases provided for and admitted under the Native Administration Ordinance, 1937.

The Ordinance prescribes, in particular, that every Native authority, chief or local authority shall, on the order of a Resident or District Officer, furnish transport for the purpose of facilitating the movement of Government stores or, in cases of very urgent necessity, the transport of persons other than Government officers. Moreover, it is the duty of every Native, when required by the competent Native authority, to assist in carrying out the duties imposed upon such an authority by any law or Native custom for the time being in force. Any Native who ordinarily resides within the area may be called upon; such work is remunerated. Moreover, § 374 of the Indian Penal Code provides that any compulsory labour must be lawful. This compulsory service may only be exacted where specific legal authority exists.

The possibility of amending the Native Administration Ordinance, 1937, in order to remove references to the compulsion of labour for portage purposes has been examined. However, there is no question of compulsion, strictly speaking, since it is a time-honoured custom for Natives in the village to give their services when required, and for this they are given adequate remuneration. The mountainous, jungle-covered territory of the colony, the lack of roads and mechanical transport existing in the coastal areas and the necessity for administrative officers to travel long distances on foot, make it necessary in the public interest for the Government to be able to call upon the villagers to assist in portage work; the work of providing transport is not regarded as oppressive.

The definition of forced or compulsory labour set out in Article 2 of the Convention is reproduced in the Prohibition of Forced Labour Ordinance, 1933. However, paragraph 2 (b) of this Article is omitted as not being applicable to a territory which is not fully self-governing.

The distinction between types of compulsory service is therefore clear. No service is exacted for military purposes. Com-

pulsory labour may not extend beyond the duration of the circumstances requiring it.

The only compulsory service permitted for work such as that described in paragraph 2 (e) of Article 2 is that permitted by the Land Ordinance, 1930, for "works of common benefit". Such works may be authorised by Native chiefs in the limited geographical areas of their jurisdiction and are for the common benefit of those holding Native land by customary tenure. There is thus no possibility of works of this nature being confused with public works of more general benefit, which are the responsibility of the Government.

During the period under review, there were four instances when works of common benefit were undertaken. Under the authority of the Native Rice Cultivation Ordinance, 100 people were engaged on three occasions for three hours on each occasion in order to save paddy fields from destruction. Under the same authority, six persons worked six hours each in another district for the same purpose. The authority of the Land Rules, 1930, was invoked twice when 200 persons worked from four to six hours a day for three days on the clearing of burial grounds and when 50 people worked for the same period and the same hours on the upkeep of mosques.

The competent authority is the Governor. There is no forced labour whatever for the benefit of private individuals, companies or associations. No concession involving forced or compulsory labour has been, or will be, granted to any private individual, company or association. An official of the Administration putting constraint upon persons to work for private individuals, companies or associations would be liable to the penalty prescribed by the Prohibition of Forced Labour Ordinance, 1933, as well as to severe disciplinary measures. Only chiefs in whom administrative functions are vested may have recourse to compulsory service and the compulsory services which they may exact do not constitute forced or compulsory labour. No personal services are enjoyed by Native chiefs or village headmen.

It is not the Government's policy to allow forced or compulsory labour. However, if such labour were sanctioned under the Native Administration Ordinance, 1937, authorisation would be required from a Resident District Officer, Assistant to Resident, Cadet attached to a Residency, Deputy Assistant District Officer, or responsible officers on the administrative establishment. The safeguards mentioned in paragraphs (a) and (d) of Article 9 are reproduced in the Prohibition of Forced Labour Ordinance, 1933, laying down the conditions which must exist before forced or compulsory labour may be exacted; any official who exacts such labour must satisfy himself that the required conditions have been fulfilled.

No forced or compulsory labour may be exacted as a tax.

The exaction of forced or compulsory labour is subject to the following limitations: only adult able-bodied males who are of an apparent age between 18 and 45 years may be called up as workers; public servants, school-teachers and scholars may not be called up; the proportion of the resident adult able-bodied males who may be taken from any village at any one time for forced or compulsory labour may in no case exceed 25 per cent.; finally, due consideration must be given to conjugal and family ties.

Article 12 is applied by the Ordinance of 1933. The normal working hours of persons called up for forced or compulsory labour are fixed in this Ordinance. The normal daily journey may not, as a rule, exceed a distance corresponding to an average working day of eight hours. During the period under review, hours of work for voluntary labour were limited to nine a day. This provision has since been modified by § 104 of the Labour Ordinance, 1949, which prescribes a working day of eight hours. Overtime at the rate of eight cents an hour is required by § 10 (*h*) of the Ordinance of 1933 when the daily journey exceeds a distance corresponding to an average working day of eight hours. During the period under review, overtime for voluntary labour was fixed at a rate not less than one ninth of the ordinary daily wage for each half-hour of overtime worked. This rate has since been altered by the Labour Ordinance of 1949, which prescribes a rate $1\frac{1}{2}$ times the ordinary rate of pay for overtime in excess of eight hours per day. The rate of eight cents an hour does not correspond (taking into account post-war wage scales) to the minimum overtime rate for voluntary labour. An amendment to this provision will therefore be considered in due course. A weekly day of rest must be granted when the period of continuous work exceeds six days.

Article 14 is applied. Wages are paid to workers individually and may not be paid in kind. No deductions are made from wages.

There is as yet no workmen's compensation legislation. A Bill is under consideration and the necessity for the application of Article 15 will not be overlooked; paragraph 2 of this Article is applied.

Forced or compulsory labour may not be exacted in the circumstances contemplated under Articles 16 and 17 of the Convention. The regulations required by Article 18 are included in the Ordinance of 1933. The maximum load may not exceed 40 katis (one kati = $1\frac{1}{3}$ pounds). The maximum distance from their homes to which workers may be taken may not exceed 100 miles. The maximum number of days a month for which workers can be requisitioned may not exceed 14, including days spent on the return journey. No recourse has been had to compulsory cultivation during the period under review. Forced or compulsory labour may not be exacted as a method of collective punishment.

There are no mines of any sort operating in the colony. Should any be operated, the legislation would not permit the use of forced or compulsory labour.

The Ordinance of 1933 provides that any complaint relative to the conditions of labour must be forwarded at once to the Chief Secretary, through the Resident. No complaints were made during the period under review.

It is the duty of senior administrative officers to ensure compliance with the legal requirements relating to forced or compulsory labour. The application of Article 24 is adequately effected. The illegal exaction of forced or compulsory labour is punishable as a penal offence under § 374 of the Indian Penal Code and under the Ordinance of 1933. The latter prescribes imprisonment for a term which may not exceed one year or a fine, or both such imprisonment and fine.

In no instance has it been necessary to have recourse to the sanctions provided for in the Native Administration Ordinance. Portage in the remote parts of the territory is traditional, since the villagers in these areas realise the administrative and health benefits which are the outcome of the visits of administrative officers to and through their areas. The villagers regard portage as a form of communal service; a request for assistance will invariably produce porters for the necessary journey. Particular care is taken to ensure that the wages paid (ranging between 60 cents and \$1.40 a day for loaded journeys) are not less than the rates paid by any local merchants and traders who employ workers on portage work. Payment was made in cash in all cases and the workers were paid for any time taken up in going to a district office to collect payments.

Northern Rhodesia.

No legislation has been enacted on this subject; there is no forced labour in Northern Rhodesia.

The forms of compulsory service which are excepted from the definition "forced or compulsory labour" (Article 2 of the Convention) are defined in §§ 8 and 9 of the Native Authority Ordinance (Chapter 157 of the Laws of Northern Rhodesia). The duties of the military forces are defined in § 4 (2) of the Northern Rhodesia Regiment Ordinance (Chapter 48). Duties other than the defence of the territory and maintenance of order may, from time to time, be defined by the Governor. The provisions of Articles 3 to 24 are not applicable since there is no forced labour. § 234 of the Penal Code (Chapter 6) provides that "any person who unlawfully compels any person to labour against the will of that person is guilty of misdemeanour".

Nyasaland.

Compulsory labour is prohibited in Nyasaland, except under §§ 4 and 5 of the Forced Labour Ordinance of 1933 and, for work

performed in case of emergency, under § 7 of this Ordinance.

Native authorities, chiefs or village headmen are authorised to order able-bodied males over the apparent age of 18 years and under the apparent age of 45 years to perform labour in the execution of public works, subject to certain provisos. District Commissioners are authorised to order able-bodied males to labour for payment in specified works, including transport of Government officers and their baggage when travelling on duty, the transport of urgent Government stores and work of a public nature. No recourse has been had to this type of labour for at least six years.

Article 2 of the Convention is applied without modification. There is no compulsory military service in Nyasaland. With regard to civic obligations, the Native authorities have power, in virtue of the Native Authorities Ordinance of 1933, to issue orders to be obeyed by Natives within the area, subject to the general or special directions of the Governor. Such orders may "require to be done any matter or thing which the Native authority, by virtue of any Native law or custom for the time being in force and not repugnant to morality or justice, has power to regulate or require to be done". Thus, the annual clearing of hoed paths around villages is a minor communal service performed by the villagers. Public roads, however, are gazetted as such and are the responsibility of the Public Works Department or, in some cases, the District Commissioner. In case of emergency, where the existence or wellbeing of the whole or any part of the population is endangered, an administration officer or an officer of the police may call upon every able-bodied male to perform such labour for payment as such officer shall direct. This officer is responsible for ensuring that work so exacted ceases as soon as the circumstances that endangered the population or its normal living conditions cease.

Articles 3, 4 and 6 are applied without modification. Forced labour may only be exacted with the authority of the Governor.

Article 5 is not applicable, since no concessions are granted.

Native authorities, chiefs and village headmen may only have recourse to forced labour for the execution of public works and not for the enjoyment of personal services. The written authorisation of the Governor to the District Commissioner is necessary in all such cases.

Article 8 is applied without modification and the responsibility rests with the Governor.

Before having recourse to forced labour, the Native authority, chief or village headman must satisfy himself that the necessary safeguards have been observed and the sanction of the District Commissioner obtained. The latter in turn must obtain the written authority of the Governor. In all cases where forced labour is to be used on work of a public nature provided for out of public funds, the prior sanction of the Secretary of State is required.

Forced or compulsory labour is not exacted as a tax and no recourse to forced or compulsory labour has been had for the execution of public works by chiefs.

Article 11 of the Convention is applied without modification and all exceptions are covered by the Ordinance. The Ordinance fixes at 25 per cent. the proportion of able-bodied males of the community who may be taken for employment.

Articles 12, 13 and 14 are applied without modification. Chiefs may not have recourse to forced labour in the exercise of their administrative functions. A fixed daily rate based on, and not less than, the local prevailing rates is payable to all labourers employed by the Governor. This provision applies not only to forced labour but also to compulsory casual labour; the payment of wages to individuals is governed by the normal accounting regulations and procedure.

The Workmen's Compensation Ordinance of 1944 does not specifically refer to forced labour, but applies to any worker who is compelled to carry out the tasks specified in Government Notice No. 41 of 1946. In case of industrial accidents, compensation is paid from the revenue of the Protectorate.

Article 16 is applied without modification. The Governor in Council is empowered to make rules covering the requirements of this Article, but no rules have yet been made owing to the fact that recourse has not been had to forced labour.

Recourse to forced labour may be had for the transport of Government officers and their baggage when travelling on duty, as well as for the transport of urgent Government stores.

Compulsory cultivation has not been imposed under the Forced Labour Ordinance. The Collective Punishment Ordinance only empowers the Governor to impose fines.

Article 21 is applied without modification. The provisions of paragraph 1 of Article 23 are applied. The Governor in Council may make rules describing the manner of investigating complaints from Natives compelled to labour. However, since no forced labour has been exacted, such rules have not been made.

As recourse has not yet been had to forced labour, no arrangements have been made for inspection. The illegal exaction of compulsory labour is punishable by a fine not exceeding £5 or by imprisonment with or without hard labour for a period of 6 months, or by both such fine and imprisonment. Any person who unlawfully compels any other person to labour against his will is guilty of a misdemeanour in virtue of § 254 of the Penal Code. This offence is punishable by imprisonment of a term not exceeding two years or by a fine, or by both such imprisonment and fine.

St. Helena.

The Convention is totally applied. There is no recourse whatever to forced or compulsory labour as defined by the Convention;

there is no law under which such labour could be exacted. None of the services excluded from the definition of "forced labour" can be exacted in the colony, with the exception, however, of imprisonment with labour after conviction for a criminal offence for which labour is specified in the criminal law.

St. Lucia.

The report repeats the information previously supplied.

St. Vincent.

Order-in-Council of the United Kingdom of 12 May 1931.

The report repeats the information previously supplied, and adds that a supply of voluntary labour adequate to meet the demands of the community has been readily available at all times, by the offer of rates of wages and conditions of employment which compared favourably with those prevailing in other industrial concerns for the performance of similar work or rendering of service. Consequently there has been no necessity for recourse to forced or compulsory labour.

Seychelles.

There is no legislation specifically forbidding forced labour, but such labour is not practised.

The only legislation permitting any form of compulsory labour is contained in Ordinance No. 18 of 1945 providing for the compulsory cultivation of food crops. This Ordinance was brought in as an emergency measure resulting from the effects of the war and its repeal is now under consideration. No decisions were given by courts of law. No representative organisations of employers and workers exist.

Sierra Leone.

Public Health (Protectorate) Ordinance (Chapter 191).

Compulsory Service Ordinance (Chapter 41).

The forms of forced labour still permitted in Sierra Leone apart from the exemptions referred to in Article 2 of the Convention are the traditional duties performed by the inhabitants of the protectorate for the Paramount Chiefs, *i.e.*, maintaining a farm, building and repairing a house, transport of the chief and his stores (in many areas, the duty to maintain a farm has been commuted to a cash payment from which the chief's salary is paid), the construction and repairing of public highways, Government rest houses in Native villages, buildings on Government stations and portage. These powers are seldom used and apply only, so far as buildings are concerned, to buildings of Native construction.

The chief is entitled to call for labour from Native males between 18 and 45 years of age for public health purposes. Article 2 is applied. The legislation covers the exceptions contained in paragraph 2. The

competent authority for the authorisation of forced labour is the Government. Articles 4 and 6 are applied. The question dealt with in Article 5 does not arise. No chief who does not exercise Native functions is recognised. The personal services enjoyed by Paramount Chiefs are described above; accurate figures about these services are not available, but it is estimated that the figure does not exceed five per cent. of the adult male population of any area for one week a year.

The Governor in Council is responsible for the exaction of forced labour. Powers have been delegated to Provincial Commissioners to have recourse to forced labour for work on public highways and for Government rest houses in Native towns and villages, provided that the workers are not removed from their place of habitual residence. Similar powers have been given in regard to compulsory labour for the transport of Government officers and their stores or, in case of very urgent necessity, for the transport of private individuals. There has been no exaction of forced labour for private individuals for emergencies in recent years.

Articles 9 and 10 are applied. The use by recognised chiefs of forced labour exacted as a tax has been virtually abolished by administrative action. The central Government is taking over responsibility for chieftain roads and all buildings in Government reservations; the improvement in local Government revenues has permitted the construction of permanent buildings by contractors. Article 11 is applied. The proportion of the resident adult able-bodied male population which may be taken at any one time has been fixed at 25 per cent. A limit of 30 days in a 12 months' period is imposed in the case of personal services for chiefs and other work. Certificates are issued to workers on request. Work on public highways and Government rest houses is limited to eight hours a day. The working week is fixed at six days. The working day is not limited in the case of other services; the normal working hours in the territory are observed. No provision has been made for overtime except in the case of carrier transport required in emergency for a maximum extension of five miles in excess of the maximum of 20 miles; in such a case, an additional one third of a day's wage is paid. Payment of wages for compulsory labour is treated in the same way as payment of wages for free labour. All forced labour is described as being casual labour and does not come within the scope of the Workmen's Compensation Ordinance. Article 16 is not applied; no transfers have taken place. The circumstances provided for in Article 17 do not arise in the territory.

Compulsory labour for the transport of Government officials only is occasionally required where free labour is not available; the conditions of work and pay for such labour are the same as those applying to free labour. The legislation provides for safeguards for the physical fitness of the workers. Medical examination is rarely pos-

sible and the official requiring the transport is responsible. The weight of the load is limited to 65 lb. and the maximum distance is 20 miles. In cases of emergency, this distance may be increased by a further five miles, provided that the worker is not required to travel more than 15 miles on the following day. The legislation limits the number of days to 15 and provides that a worker is not to be required to travel more than five normal days' march from his home. Days reasonably spent in travelling to and from work are counted as working days. Special remuneration has to be paid in hilly areas.

Compulsory cultivation does not exist save as a personal service to recognised chiefs.

As regards Article 20, the report states that there are no collective punishment laws in the territory. The use of forced or compulsory labour for underground work in mines is not authorised.

During the period under review, there has been no change in the legislation concerning the employment of compulsory labour. During the same period, 605 man-days were worked by 406 men on portage, representing an average of 1.49 man-days. There was no work on maintenance and repairs to buildings.

The labour was employed on portage in two districts only, in connection with tax collection and for an average of from three to five hours per day. During the year under review, there were no prosecutions and no cases of death, sickness or accident. No special instructions governing the use of forced or compulsory labour have been issued, as the terms of the legislation are regarded as sufficiently explicit. Provision is also made for the hearing of complaints from workers; it has not been found necessary to make any rules in this connection.

Responsibility for the enforcement of the terms of the legislation relating to forced labour rests with the provincial administration. This authority is aware of the necessity for a strict application of the regulations in force; no special measures are provided for inspection other than general supervision by the district commissioners. A large proportion of the workers in the protectorate is illiterate; the regulations on forced labour are brought to the notice of the people orally during the course of visits to villages, etc. Article 25 is applied. Copies of the report have been communicated to the Sierra Leone Council of Labour.

Swaziland.

No legislation or administrative regulations apply the provisions of the Convention. Common law, in so far as it relates to the crime of extortion, is sufficient to suppress any acts in contravention of the provisions of the Convention but, in practice, such contraventions are extremely rare.

Recourse to forced or compulsory labour is not authorised in any form. There are no compulsory military service laws. Native

Administration Proclamation No. 44 of 1944 provides for the issue of orders by the Resident Commissioner, who is the administrative head of the territory, and by the Native chief for the territory, that is, the Paramount Chief of Swaziland acting in conjunction with his Council according to Swazi Native law and custom, and the subordinate Native authorities when duly constituted under the terms of the Proclamation.

The work and services which may be required under the above-mentioned orders are of a kind permitted by the Convention. Some orders come within the scope of "minor communal services", such as the finding and tending of stray stock, the securing of proper housing and sanitation, and the prohibition, restriction or regulation of the burning of grass or bush. The members of the community or their direct representatives have the right to be consulted in regard to the need for such services and this consultation takes place at the Swazi National Council and in the local chiefs' councils. Other orders relate to measures to deal with emergencies, and exceptional circumstances such as a famine and invasion by locusts and other pests.

§ 16 (4) of the Proclamation provides that orders issued by a subordinate Native authority should forthwith be reported to the Native authority and to the administrative officer in charge of the local district; orders given by the Native authority should be reported to the Resident Commissioner.

Safeguards against the abuse and misuse of the power to issue orders are also contained in § 14 of the Proclamation and in the common law relating to the crime of extortion.

During the period under review, no forms of compulsory work or service of the type mentioned in Article 2 of the Convention have, in fact, been exacted from the inhabitants of Swaziland.

No forced or compulsory labour for the benefit of private individuals, companies or associations existed at the date of ratification of the Convention. No concessions containing provisions that involve forced or compulsory labour have been granted in Swaziland to private individuals, companies or associations. Officers of the Administration do not put constraint upon the population or upon individuals to work for private individuals, companies or associations.

Any services still performed by the Natives for their chiefs, (*e.g.*, a day's help with the cultivation of crops), have lost their old feudal character and are performed more as a neighbourly act than as a duty; a *quid pro quo* is usually provided in the form of food and entertainment.

No forced or compulsory labour is exacted as a tax or for the execution of public works by chiefs who exercise administrative functions. At present only the Native authority is charged with administrative functions.

Articles 11, 14, 16, 17 and 19 are not applicable in Swaziland since no forced or

compulsory labour is authorised. No orders have yet been issued under the Native Administration Proclamation.

No regulations have been issued governing the use of forced or compulsory labour, since such labour as defined in Article 2 is not permitted in the territory.

Articles 24 and 25 are not applicable in Swaziland.

Tanganyika.

The report repeats the information previously supplied and adds that the following forms of forced or compulsory labour are still authorised in the territory : services for which orders have been issued by competent Native authorities in conformity with § 8 of the Native Authority Ordinance (Chapter 47 of the Laws) ; portage (Article 18 of the Convention) and minor essential public works (Article 10 of the Convention) which are permissible under the Ordinance ; and labour in default of payment of taxes which is permissible under the Native Tax Ordinance, No. 20 of 1934.

The question of the complete suppression of forced or compulsory labour is kept constantly under review and steady progress is being achieved in this direction. However, in the present stage of development of the territory, it is not possible to state when measures ensuring the effective application of the first paragraph of Article 1 will come into force.

Precise and detailed directions have been issued to all administrative officers to distinguish between the exceptions permitted by Article 2 and other forms of compulsory service. There is no compulsory military service in the territory. As a general rule, persons required to perform compulsory labour are ordered to do so for a definite and very limited period of days. Any attempt by any authority to continue to exact compulsory labour when the circumstances endangering the population or its normal living conditions no longer exist, would constitute a serious breach of discipline, or possibly an offence against § 256 of the Penal Code, and would be dealt with as such. As regards the definition of " minor communal services ", the criterion laid down is whether or not the workers can return to their homes at night. Statistical information regarding the exaction of compulsory labour for the services mentioned in Article 2 will be submitted at a later date when details have been received from out-stations.

In cases where resort to the use of forced or compulsory labour is permitted under the provisions of the law and of the Convention, the prior sanction of the Chief Secretary is required. In case of emergency, the Provincial Commissioners or District Commissioners, as the case may be, are authorised to sanction the undertaking of such work. In such an emergency, the action taken must be reported immediately. The exceptions dealt with in Articles 4 and 5 are not authorised. Native authorities are prohibited from

exercising pressure on the population ; the practices referred to Article 7 do not exist in the territory. The responsibility for recourse to forced or compulsory labour rests with the Chief Secretary. Power is delegated to the Provincial Commissioners and district officers, as the case may be, to authorise the employment of compulsory labour in the following cases : portage of public stores or stores of Government employees ; emergency works, such as paving or repair of bridges, railway embankments, etc. ; emergency repairs to telegraph lines ; forest fires or other grave emergencies. The principles of Article 10 of the Convention are accepted.

Recourse has been had to forced or compulsory labour exacted as a tax and to forced or compulsory labour exacted for the execution of public works by chiefs who exercise administrative functions. Forced or compulsory labour exacted as a tax, which is sanctioned by § 11 of the Native Tax Ordinance No. 20 of 1934 in cases where a person is unable to discharge his tax obligations in cash, has been progressively reduced, and a further reduction is expected to continue as opportunities for earning by gainful employment or by peasant production increase.

Articles 11, 12, 13, 14, 15 (workers employed on compulsory or forced labour are entitled to the benefits prescribed in the Workmen's Compensation Ordinance No. 43 of 1948), 16 (no persons have been transferred in the circumstances dealt with in paragraph 1 of this Article), 17 (compulsory labour has not been kept at workplaces for considerable periods) and 18 of the Convention are also applied. With regard to Article 18, the report points out that single loads may not exceed 50 lb. in weight ; the maximum distance laid down is 30 miles. No individual may be conscripted as a porter for more than 30 days in any one year, and the average day's march must not exceed eight hours, or a distance of about 16 miles over normal going. Only officers of the Provincial Administration are entitled to conscript workers, either on their own behalf or on that of Government employees or in case of urgency.

Not more than 25 per cent. of adult males may be conscripted with a view to forced or compulsory labour.

The use of forced or compulsory labour for the transport of goods and persons is being progressively and gradually reduced. However, the use of this form of labour will be required for some years to come until an adequate all-weather system of communications serving all parts of the territory has been provided. If portage were abolished, it would react to the detriment of the indigenous inhabitants themselves by impeding regular visits by administrative and departmental officers to outlying parts of the districts.

A Native authority is empowered in times of food shortage to require any of his subjects to cultivate land (Article 19). There are no statistics available to indicate the number of

days of work performed in respect of compulsory cultivation. In all cases where such work has been ordered, it was for the express purpose of avoiding famine, to which the territory is at present particularly susceptible. The Collective Punishment Ordinance (Chapter 22 of the Laws) contains no provision for the imposition of compulsory or forced labour as one of the methods of punishment. The mines in the territory are all privately owned undertakings, where the employment of forced or compulsory labour is prohibited under Article 4.

Complete and precise directions were issued by the Government in the Memorandum published in 1933. No provisions for the forwarding of complaints are considered to be necessary in this connection, since any complaints are examined in accordance with normal administrative practice by the officers of the Provincial Administration. The administration of the Convention is effected by the Provincial Administration and Labour Department, whose officers carry out regular inspection visits to places of employment. Prior consultation with the Native authorities concerned is required before compulsory labour can be exacted, and the requirements of the Convention are brought to the notice of the persons affected, by the ordinary administrative practice of *Barazas* (meetings of the people with Native authorities and their elders). The penalty for the illegal exaction of forced or compulsory labour under § 256 of the Penal Code is imprisonment for a term not exceeding two years or a fine, or both such imprisonment and fine. No legal proceedings of this nature were instituted during the period under review.

The amount of forced or compulsory labour exacted in Tanganyika is not considered to be excessive in view of the size of the territory and the diversity of conditions to be found. The Government has undertaken progressively to reduce the amount of forced labour used on the works permitted by the Convention, and real progress towards this end is being made. However, the rate at which this reduction can proceed is entirely dependent upon local conditions, which the Government keeps under close observation.

In reply to the observation made by the Committee of Experts in 1949, the report states that any compulsory labour exacted for public works is only used on local works of direct importance to the community concerned. It is believed that the Committee of Experts may have based its observations upon the first two sentences of paragraph 22 of the Memorandum, which might be capable of misinterpretation if taken out of their context. Some alteration in the wording of this paragraph will be made in the revised issue of the Memorandum. The two sentences in question were not intended to constitute an exception to the other paragraphs of the Memorandum governing the use of forced or compulsory labour. Indeed, it is confirmed that no exception would be permitted by the Government.

The "capital works" referred to were intended to mean "works or services of direct benefit to their people" and the "annual budget" means not the territorial budget, but the local Native administration's budget for the expenditure of its own locally raised revenue in the form of Native treasury funds. The "construction of a road" was perhaps an unfortunate choice of example, since it was intended to apply not to the main highway of territorial benefit and merely passing through the local Native authority's area of jurisdiction, but rather to minor roads built for the express benefit of the people living in the parts into which they run. It would, for example, apply to a new road of access into a stretch of country cleared of tsetse-infested bush in the resettlement of population which it had become necessary to move from the eroded lands. In this connection, it is of interest to note that a request for the conscription of labour for railway construction based on the criterion laid down in paragraphs (a) to (d) of Article 9 was refused, since it was held by the legal advisers that such action would be *ultra vires* to the Convention. A similar decision was given in respect of labour which it was desired to conscript for employment in another district in connection with the annual anti-locust campaign.

Copies of the report will be communicated to members of the Labour Board.

Trinidad and Tobago.

The report repeats the information previously supplied and adds, under Article 2, paragraph 2 (a), (b), (c), (d) and (e) of the Convention, that work may only be exacted from persons convicted in a court of law: such work is carried out under Government supervision and control.

Uganda.

The report repeats the information previously supplied and adds the following:

No measures have been taken to establish and enforce a distinction between the forms of compulsory service which are excepted from the definition given to the term "forced or compulsory labour" and other forms of compulsory service (Article 2 of the Convention).

There is no compulsory military service in the territory and no demands have been made on individuals under paragraph 2 (b) of Article 2 of the Convention.

Prison labour is clearly recognisable as such; it is not the practice in Uganda to hire out prisoners or place them at the disposal of private individuals, companies or associations.

Demands on individuals under paragraph 2 (d) have not arisen during the period under review. The nature of this type of service, as well as of that mentioned under paragraph 2 (e) is widely known among all sections of the community. Individuals are well aware of the different nature of the

responsibilities which may be placed on them for reasons given in this paragraph of the text of the Convention and can distinguish between these obligations and any call on labour for transport, in conformity with the provisions of Article 18. In these circumstances, no further action is thought necessary and the Administration can rely on being notified without delay of any abuse that occurs, either by reason of work exacted in emergency and continued after the end of the emergency or of any demand for labour in connection with public works under the guise that it was for discharge of the obligation for minor communal services.

Long-established custom in certain areas of the protectorate has required the contribution of male adults, by means of labour, towards the maintenance of certain services for the benefit of the community as a whole. The following examples are given of work of this nature which may be performed by hired labour if the individual agrees: the maintenance of short stretches of subsidiary village tracks; the cleaning of rural wells; the building of small medical aid posts; the communal hunting of vermin, such as wild pig; and the transport of the sick to hospital. The value of this work is widely recognised by the people and does not involve an average of more than a few hours' work a month. Comparatively little compulsion is required and the necessity of the work may be discussed in local councils at which male adults have a right to speak.

With regard to the application of Article 18, it should be noted that the only recourse to compulsion of labour in the protectorate has been under this Article. In this connection, details are given in a schedule appended to the report. Consequent upon the gradual and constant extension of the road system and the resulting increased use of mechanical transport, a decreasing use of head portage is an inevitable trend. This labour is called out solely for the touring of remote areas by administrative and technical staff of the Government. Tours of this nature have an immediate and direct beneficial effect on the general welfare of the community in these areas. Moreover, the system of portage is normally confined to the carrying of a small number of loads (the baggage of touring officials) only so far as an individual porter is concerned from one locality to the next, *i.e.*, a maximum of 15 miles. The conditions of such portage are strictly controlled.

Zanzibar.

The report repeats the information previously supplied and adds that a definition of forced or compulsory labour is contained in § 2 of Chapter 131 of the Revised Laws. The Defence (Land Requisition and Personal Service) Regulations (Government Notice No. 201 of 1943) provide for a line of division between all forms of compulsory service exempted from the definition in the Convention and other forms of compulsory service.

No services are exacted for military purposes. The guarantees to ensure that work exacted in case of emergency shall cease as soon as the circumstances which endanger the population or its normal living conditions no longer exist are laid down in § 3 of the Emergency Powers Decree No. 18 of 1948. No form of compulsory labour was exacted during the period under review. Forced or compulsory labour has not been employed for the benefit of private individuals, companies or associations.

No concessions of the type provided for in Article 5 have been granted in the territory. Article 6 is applied. There are no special provisions in respect of chiefs. The cases envisaged in Articles 8 to 18 of the Convention do not arise.

The Defence Regulations are still in force and provide for the 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 food shortages in both islands, due to the failure of the islanders to cultivate sufficient food crops or the failure of seasonal rains, illustrate the necessity of retaining the powers contained in these Regulations as a precaution against a deficiency of food supplies while world economic conditions remain unsettled. This necessity is enhanced by the very variable nature of the protectorate's staple revenue-earning crop, *i.e.*, cloves. Orders issued during the past year are contained in Government Notices Nos. 133 and 140 of 1948 and Nos. 88 and 91 of 1949. These Orders impose an obligation to place under cultivation areas of no more than one quarter, one half or a whole acre, of rice or cassava, as the case may be, within a specified time limit. An acre of cassava can be cultivated in about one month's full-time work, and an acre of land prepared for rice in about half this time. No provisions have been made in regard to the exaction of forced labour as a collective punishment; no recourse has been had to forced labour in the territory. The cases envisaged in Articles 21, 23 and 24 of the Convention do not arise.

The illegal exaction of forced or compulsory labour is punishable by imprisonment up to two years and by a fine (§ 3 (1) of Chapter 131). No instances of forced labour have come to the notice of Government officers.

The task exacted in regard to land cultivation is considered to be the minimum necessary for ensuring the subsistence of persons with no other reliable means of livelihood and, in these circumstances, may justly be regarded as forming part of their normal civic obligations. If such cultivations were not exacted, all forms of larceny would be far more general than they are, since existing cash crops and industries cannot be relied upon consistently to provide a living.

As the Committee of Experts has pointed out, it is an anachronism to exact (under the

Defence Regulations, more than three years after the end of hostilities) cultivation, which essential though it is for the wellbeing and good order of the protectorate, can no longer claim to derive its necessity directly from the emergency of war. Means will be sought to authorise such orders under more appropriate legislation.

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 representative employers' and workers' organisations.

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Voluntary Report

A voluntary report on the application of the Convention has been received from the *Anglo-Egyptian Sudan*. A summary of this report will be found below.

Anglo-Egyptian Sudan.

The report repeats the information previously supplied and adds the following details :

Articles 7 to 12 : forced labour for communal services may only be exacted by administrators and chiefs who exercise administrative functions. The work is done by able-bodied males and for limited periods not exceeding ten days every 12 months.

Article 13 : the working hours of persons taken for forced labour are regulated by the Employers and Employed Persons Ordinance, 1948, which came into force on 12 February 1949.

Article 14 : forced labour exacted administratively on provincial roads is remunerated at the current rates and by individual payment.

Article 15 : persons from whom forced labour is exacted are covered by the Workmen's Compensation Order, 1948, which comes into force on 1 September 1949.

Articles 16 to 24 : no compulsory transfer of labour has occurred.

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
Argentine Republic	14. 3. 1950	
Austria ¹	16. 2. 1933	
Bulgaria	22. 6. 1932	
Chile	28. 10. 1935	7. 11. 1949
Cuba	24. 2. 1936	5. 10. 1949
Finland	13. 1. 1936	20. 10. 1949
Mexico	12. 5. 1934	21. 11. 1949
New Zealand	29. 3. 1938	28. 10. 1949
Nicaragua	12. 4. 1934	
Spain	29. 8. 1932	
Uruguay	6. 6. 1933	17. 11. 1949

¹ Conditional ratification.

Chile.

The report refers to the information previously supplied and adds that, under § 102 of the Labour Code, the mayors generally fix hours of work in commercial undertakings after consultation with the employers, employees, workers and labour inspectors. Many decisions concerning the application of the Convention were given by the courts, but none of these were communicated to the General Labour Directorate. Copies of the report have been communicated to the representative employers' and workers' organisations.

Cuba.

Resolution No. 1521 of 26 November 1948, to authorise the hours of business for commercial undertakings, in conformity with § 66 of the Constitution.

Decree No. 1696 of 31 May 1949, to amend Decree No. 1679 of 9 June 1947 and Resolutions Nos. 1184 of July 1947 and 1414 of July 1948, to fix a continuous working day from 8.30 a.m. to 1 p.m. on Tuesdays and Thursdays in commercial undertakings during the summer months.

The report repeats the information previously supplied and adds that Resolution No. 1521 authorises the business hours of commercial establishments in conformity with § 66 of the Constitution which ensures the application of the Convention. The extension of these hours is subject to the engagement of additional staff, since work outside the statutory hours of work is forbidden under Decree No. 2513 of 1933. Decree No. 1696, which applies both to commercial undertakings in general and to public services, establishes the summer timetable for employees and reduces the maximum hours of work. The national labour inspection service has reported that, as the result of the above-mentioned provisions of Decree No. 2513, there were few breaches of the legislation. Copies of the report have been communicated to the representative employers' and workers' organisations.

Finland.

The report repeats the information previously furnished. The inspection reports for 1948 showed that 21,395 workplaces were covered by the Act respecting commercial establishments and offices ; the total number of persons employed in these under-

takings was 72,255. The labour inspectors reported eight breaches of the legislation to the Attorney-General for the necessary action. Copies of the report have been communicated to the representative employers' and workers' organisations.

Mexico.

Decree of 17 June 1949, to amend the Presidential Decree of 16 May 1944, fixing the hours of business in commercial establishments in the Federal District.

The report repeats the information previously furnished and adds that no statistical data are available. Copies of the report have been communicated to the representative employers' and workers' organisations.

New Zealand.

The report repeats the information previously supplied and adds the following data taken from the annual report of the Department of Labour and Employment for 1949. According to an estimate of 31 March 1949, there were 15,502 shops employing 31,244 male assistants and 30,519 female assistants; in addition, there were 11,609 shops which did not employ assistants. There were 8,062 offices employing 13,581 male office assistants and 14,471 female office assistants.

The number of hours of overtime worked in shops in 1948-1949 and shown on permits issued under the relevant legislation was 53,766.

During the year ended 31 March 1949, 15,160 inspections of shops and 1,627 inspections of offices were made, disclosing 901 breaches. In addition, 302 complaints were investigated, 47 of which were without foundation. Warnings were issued in 923 cases and eight prosecutions were instituted, with a total of £12 imposed in fines. Requisitions were served on 299 occupiers of shops to comply with various requirements of the legislation. Copies of the report have been communicated to representative employers' and workers' organisations.

Uruguay.

The report repeats the information previously supplied and adds that, during the period under review, the inspection service made 54,000 visits; 168 breaches were reported and the total amount imposed in fines was 2,390 pesos.

NON-METROPOLITAN TERRITORIES
(ARTICLE 35 OF THE CONSTITUTION)

No information.

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
Argentine Republic	14. 3. 1950	
Bulgaria	29. 12. 1949	
Canada	6. 4. 1946	10. 10. 1949
Chile	18. 10. 1935	7. 11. 1949
China	30. 11. 1935	
Finland	23. 8. 1949	
India	10. 2. 1947	15. 12. 1949
Italy	30. 10. 1933	18. 10. 1949
Mexico	12. 5. 1934	21. 11. 1949
New Zealand	29. 3. 1938	26. 1. 1950
Pakistan ¹	10. 2. 1947	17. 10. 1949
Spain	28. 7. 1934	
Sweden	3. 8. 1938	15. 10. 1949
United Kingdom	10. 1. 1935	3. 10. 1949
Uruguay	6. 6. 1933	17. 11. 1949

¹ See footnote 3 to Convention No. 1.

Canada.

Regulations of 8 July 1948 for the protection against accident of workers employed in loading or unloading ships (P.C. 3014), revoking the Regulations of 14 December 1938 (P.C. 3120).

The Regulations of 8 July 1948 were made under the authority of § 467 of the Canada Shipping Act, 1934. These Regulations are identical to those of 14 December 1938 which they supersede.

The report repeats the information previously given and adds that, during the period under review, the number of contraventions of the Regulations was small and usually applied to defects which were quickly rectified. Very few accidents have been attributed to failure of gear. During the period under review, 1,600 inspections on ships were reported and 390 requests were made by inspectors for repairs, replacements or examination of gear. Twenty-four serious accidents to workers were reported, of which three were fatal, but few were due to infringements of the Regulations. Copies of the report have been communicated to the representative employers' and workers' organisations.

Chile.

The report repeats the information previously supplied and indicates that, accord-

ing to the findings of the inspection services, the legislation and regulations applying the Convention are not always fully observed. During the period under review, 18,197 workers were protected by the relevant legislation; 2,896 accidents occurred, 30 of which were serious and six fatal.

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

India.

The report repeats the information previously supplied and states, in reply to the observations made by the Committee of Experts last year, that steps are being taken to amend the Indian Dock Labourers' Regulations with a view to covering Article 5, paragraph 5, Article 6, paragraph 2, and Article 14 of the Convention.

Under Article 15, the report states that instead of granting special exceptions in respect of docks, wharves, quays or similar places at which the processes in question are occasionally carried on or at which traffic is small or confined to small ships, the above Regulations have been made applicable only to the five major ports of India. They have also been made inapplicable to country crafts, barges or lighters as "ships below a certain small tonnage".

As the Regulations were newly introduced, the inspecting staff has had to lay down with the port authorities the methods of keeping registers, detailed procedure for the examination and testing of gear, investigation into accidents, etc. Copies of the report have been communicated to the representative employers' and workers' organisations.

Italy.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Mexico.

The report reiterates the statement made last year to the effect that the Secretariat of Labour is anxious to incorporate the provi-

sions of the Convention in the Industrial Accident Prevention Regulations. The Secretariat of Labour has also made representations to the Secretariat of Communications and emphasised to the latter that the Convention be incorporated in the Act on General Means of Communication. Copies of the report have been communicated to the representative employers' and workers' organisations.

New Zealand.

The report repeats the information previously supplied and adds that, on 31 December 1948, 7,034 persons were members of industrial unions embracing waterside employees, stevedores and time-keepers. Copies of the report have been communicated to the representative employers' and workers' organisations.

Pakistan.

Dock Labourers Act, 1934 (L.S. 1934, Ind. 1).
Pakistan Dock Labourers Regulations, 1948.

The first report from the Government contains detailed information on the legislation applying the Convention in Karachi and Chittagong, which are the only ports in Pakistan. The enforcement of the legislation has been entrusted to inspectors appointed under § 3 of the Dock Labourers Act; penalties are provided for breaches of the Act and of the Regulations. Copies of the report have been communicated to the representative organisations of workers. 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.

Sweden.

The report repeats the information previously supplied and gives statistics showing that, during 1947, 2,227 accidents occurred in connection with the loading and unloading of ships; the accident rate in relation to the number of man-hours worked was therefore higher than in 1946. Detailed information is given as regards the causes of the five fatal accidents which occurred in 1947. Copies of the report have been communicated to the representative employers' and workers' organisations.

United Kingdom.

The report repeats the information previously supplied. Statistics are given relating to dock accidents in Great Britain from 1 October 1948 to 30 June 1949, and to accidents at docks, wharves and quays in Northern Ireland in the course of 1948. Legal proceedings for breaches of the Dock Regulations were instituted in Great Britain against employers in seven cases, in five of which convictions were secured. No breaches were prosecuted in Northern Ireland. Copies of

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

Uruguay.

The report repeats the information previously supplied.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

United Kingdom

Aden.

The report repeats the information previously supplied.

Barbados.

No legislation exists to apply the Convention, some of the provisions of which are far-reaching and apply more appropriately to large ports.

Basutoland.

The report repeats the information previously supplied.

Bechuanaland.

The Convention is not applicable to the territory.

British Honduras.

The report repeats the information previously supplied.

British Somaliland.

No legislation or administrative regulations ensure the application of the Convention. With the exception of small Native vessels, practically all shipping calling at ports in the protectorate is registered either in the United Kingdom or in Aden.

Steam and motor vessels embark and disembark passengers, and ship and discharge cargo at their anchorages. These activities are regulated by the Ports Ordinance (Chapter 51 of the Revised Edition of the Laws, 1930). With regard to Articles 1 to 18 of the Convention, the report states that the only legislation which deals with the subject matter of these Articles is § 32 of the Ports Ordinance. Under this section, the Governor may make regulations for the protection and safety of persons employed in ports. As the amount of shipping calling at ports in the protectorate is very small, it has not been considered necessary to make any regulations on this subject.

Brunei.

The report repeats the information previously supplied.

Cyprus.

The report repeats the information previously supplied. Copies of the report have been communicated to the Pan-Cyprian Federation of Labour, the Cyprus Workers' Confederation, the Cyprus-Turkish Trade Unions Federation, and the Association of Cyprus Industries.

Dominica.

The report repeats the information previously supplied.

Falkland Islands.

The report repeats the information previously supplied.

Fiji.

The report repeats the information previously supplied.

Gambia.

The report repeats the information previously supplied.

Gibraltar.

The report repeats the information previously supplied and adds that, during the period under review, 15 accidents involving absence from work for more than three days were reported; none of these was fatal.

Gilbert and Ellice Islands.

The report repeats the information previously supplied.

Gold Coast.

The report repeats the information previously supplied.

Grenada.

The report repeats the information previously supplied.

Hong Kong.

The report repeats the information previously supplied and adds the following details. There are no statistics regarding the number of crews employed on loading and unloading vessels; however, the number is large, as in 1948 the monthly average of vessels over 60 tons entering and leaving the port was 535.5 and 534.1 respectively. During the period under review 39 accidents were reported, five of which were fatal. In no case was the accident due to faulty machinery.

Kenya.

The report repeats the information previously supplied and adds that, during the period under review, 128 more or less

serious accidents were reported. Eight of these proved fatal; seven of them were harbour fatalities (drowning, etc.).

Copies of the report have been made available to the employers' and workers' organisations.

Federation of Malaya.

Ordinances and Enactments in the States of Johore, Kedah, Kelantan, Malacca, Negri Sembilan, Pahang, Penang, Perak and Selangor.

Under the legislation now in force in the different States, provision is made for the making of rules which would implement most of the Articles of the Convention. So far, such rules have not been made.

Malta.

The report repeats the information previously supplied, and adds that the regulations in force define clearly the persons responsible for ensuring compliance with each regulation. Inspection is shared by officers of the Department of Customs and Ports and of the Department of Labour. No provision for the display of the regulations is made therein, and no action has so far been taken to display them. The provisions of the regulations were not strictly enforced during the late war, and only recently has action been taken to apply them in full. Copies of the report have been communicated to the General Workers' Union, the Chamber of Commerce and the Federation of Malta Industries.

Mauritius.

The report repeats the information previously supplied.

Nigeria.

The report repeats the information previously supplied and adds that paragraphs 1 and 2 (1) of Article 2 of the Convention are applied by Regulation No. 3 of the Docks (Safety of Labourers) Regulations, No. 35 of 1940, as amended by the Docks (Safety of Labourers Amendment) Regulations, No. 18 of 1941 and Regulation No. 4 of the Docks (Safety of Labourers) Regulations, No. 35 of 1940. Article 7 is applied by Regulation No. 3 of the Docks (Safety of Labourers) Regulations, No. 35 of 1940, as amended by the Docks (Safety of Labourers Amendment) Regulations, No. 18 of 1941.

North Borneo.

The report repeats the information previously supplied.

Northern Rhodesia.

The Convention is not applicable as Northern Rhodesia has no sea coast.

Nyasaland.

The Convention is not applicable in Nyasaland since there are no docks in the protectorate.

St. Helena.

The report repeats the information previously supplied.

St. Lucia.

The report repeats the information previously supplied and adds that no accidents or dangerous occurrences have been reported for a considerable time.

St. Vincent.

The report repeats the information previously supplied.

Sarawak.

The report repeats the information previously supplied.

Seychelles.

The report repeats the information previously supplied and adds that no legislation exists covering the requirements of the Convention. Consideration is being given to the possible introduction of regulations to be made under the Harbour Regulations Ordinance of 1932.

Sierra Leone.

The report repeats the information previously supplied. Copies of the report have been communicated to the Council of Labour.

Singapore.

Protection of Workers Ordinance, 1939.

The Governor in Council is empowered to make rules to cover all the points referred

to in the Convention. Before the war, a committee had been formed to prepare such rules, but the war prevented the completion of this task. Much of the work of loading and unloading by ships is carried out at wharves controlled by the Singapore Harbour Board which does, in fact, apply many of the provisions of the Convention.

Solomon Islands.

The report repeats the information previously supplied.

Swaziland.

The Convention is not applicable since the territory has no seaboard.

Tanganyika.

The Convention has not yet been applied to the territory, but it is proposed to incorporate its provisions in a draft Factory Bill which is in course of preparation, and certain clauses of which specifically provide for the safety of dock workers.

Trinidad and Tobago.

The report repeats the information previously supplied.

Uganda.

The report repeats the information previously supplied.

Zanzibar.

The report repeats information previously supplied.

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 representative employers' and workers' organisations.

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
Argentine Republic	14. 3.1950	
Austria	26. 2.1936	3.11.1949
Belgium	6. 6.1934	2.11.1949
Cuba	24. 2.1936	5.10.1949
France	29. 4.1939	27.10.1949
Netherlands	12. 7.1935	12. 1.1950
Spain	22. 7.1934	
Uruguay	6. 6.1933	17.11.1949

Austria.

The report repeats the information previously supplied. With regard to Article 1, paragraph 2 (b) of the Convention, the report states that § 4, paragraph 2, of the Act of 1 July 1948 (which provides that the employment of children exclusively for the purpose of instruction or training shall not be considered as child labour) does not apply to work done in technical and pro-

fessional schools to which, according to the provisions regarding school attendance, children are not admitted, but only to the employment of children in connection with other instruction (*e.g.*, music or language lessons, sports, etc.). The exemption of domestic service from the scope of the Act will be eliminated by the amending legislation mentioned under Convention No. 5.

During 1948, the labour inspection services reported six breaches of the legislation, two of which related to commercial undertakings and four to undertakings for education, arts and entertainment. Copies of the report have been communicated to the representative employers' and workers' organisations.

Belgium.

Royal Order of 25 October 1921, to consolidate the basic Acts relating to primary education (§ 11).

Act of 28 May 1888, respecting the employment of children in itinerant occupations.

The report repeats the information previously supplied and adds that, during the period under review, 84 temporary permits authorising the employment of 1,140 children under 16 years of age were granted to theatre undertakings. Under Article 6 of the Convention, the report refers to §§ 1 and 2 of the Act of 28 May 1888, respecting the protection of children employed in itinerant occupations. In virtue of the provisions of this Act, it is forbidden to employ children under 18 years of age in such occupations as that of acrobats, etc., and also in exercises which are dangerous or likely to impair their health. Officials appointed by the Government supervise the application of the legislation without prejudice to the duties of the police officers of the courts. The social inspection service and the engineers attached to the General Mines Administration ensure supervision in the undertakings for which they are responsible.

Apart from the books prescribed in § 16 of the Act respecting the employment of women and children for persons under 16 years of age and for young girls and women under 21 years of age, heads of undertakings are obliged to keep a register giving, for the young persons in question, the same details as those contained in their work books (name, surname, date and place of birth, domicile, name and surname of their father, mother or guardian). Sanctions are provided for in the consolidated text of the Act relating to the employment of women and children and in the Act of 28 May 1888 referred to above.

Three decisions were given by the courts regarding the application of the Convention; these decisions have merely confirmed the application of the provisions of the national legislation. The texts of these decisions are not available to the Administration. During the period under review, the inspection service visited 28,682 undertakings employing a total of 315,300 persons; four infringements were reported. Copies of the report have

been communicated to the representative employers' and workers' organisations.

France.

The report repeats the information previously supplied and, under Article 4 of the Convention, gives the text of a circular sent on 3 January 1949 by the Minister of Labour and Social Security to the departmental directors of labour and manpower regarding exceptions to the prohibition of the employment of children in theatres, authorised in virtue of § 59 of Book II of the Labour Code. This circular refers to circulars sent out on this subject on 16 March 1933 and 3 February 1948 by the Minister of Education to prefects requesting them to exercise the greatest discretion in granting such exceptions. According to these circulars, the exceptions in question may only be granted subject to certain conditions: for example, the child must have reached the age of nine years and must produce a certificate to the effect that he attends school regularly. Apart from plays in the classical repertory, permits may only be granted for the period 1 October to 1 July for evening performances on Wednesdays and Saturdays and for afternoon performances on Thursdays and Sundays. The manuscript or analysis of the play, as well as a detailed list showing the parts to be played by the children, must be forwarded with requests for permits. Children must be accompanied by their mother or father or a person responsible for them to their parents; separate dressing rooms are provided for them to which the theatre staff, with the exception of dressers, are not admitted.

Under Article 7 (*b*) of the Convention, the report states that § 1 (*a*) of Book II of the Labour Code lays down that every employer must render a statement of his staff, showing, in particular, workers under 18 years of age. This provision makes it easier to detect the illegal employment of children.

Penalties applicable for breaches of the law as to the employment of women and children include not only ordinary sanctions but also, in certain cases, the posting up of the sentence or its publication in one or several papers of the department in question. The report adds that this latter method is bound to be very effective in view of the fact that the public is unanimous in approving the legal provisions. The reports prepared by the labour inspection service show that, on the whole, the provisions of the Convention are correctly applied. It has not appeared necessary to communicate the report to employers' and workers' organisations as there are, in practice, no obstacles to the application of the Convention and no difficulties have been encountered in this connection.

Netherlands.

Act of 14 June 1930, to amend the Labour Act of 1919 (L.S. 1930, Neth. 2), as amended by the Act of 9 May 1935 (L.S. 1935, Neth. 5).

The report repeats the information previously supplied and adds that, as the national legislation does not give rise to any difficulty regarding the scope of paragraph 1 of Article 1 of the Convention, it has not been necessary to define the line of division referred to in this paragraph.

As regards paragraph 2 (b) of this Article, the report states that the prohibition of the employment of children does not apply to work performed by pupils attending schools of arts and crafts and vocational schools or that performed by the boarders or inmates of educational establishments, reformatory schools, etc. (§ 88, paragraph 1, of the Labour Act).

The provisions of Article 4 cannot be applied in the Netherlands under the existing legislative provisions; the question of the extent to which the legislation may be adapted to this Article of the Convention is under consideration.

Article 7 (b) is applied by § 67 of the Labour Act, which lays down that employers must ensure that no night work is performed in their undertakings by young persons under 18 years of age unless such young persons are in possession of a work card, giving their name and date of birth. The age of workers must also be noted in the register provided for in § 68, paragraph 1 (b) and § 71 of the Labour Act.

For information relating to reported breaches of the legislation, see under Convention No. 5. Copies of the report have been communicated to the Labour Foundation.

Uruguay.

The report repeats the information previously supplied and states that the Bill to amend §§ 223-252 of the Children's Code, which was submitted by the National Institute of Labour in 1937, will ensure complete harmony between the legislation and the Convention.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Belgium

Belgian Congo and Ruanda-Urundi.

Decree of 16 March 1922, respecting contracts of employment (§ 2).

Ordinance of 8 December 1940, respecting the hygiene and safety of workers (§§ 6, 7 and 8).

Decree of 25 June 1949, respecting contracts of employment (§ 9).

No line of division as regard contracts of employment has been drawn between the industries covered by this Convention and those covered by the Conventions concerning industrial and other employment. The Decree concerning contracts of employment applies particularly to contracts concluded between a Native worker and a non-Native or Native employer, provided the latter is subject to a personal tax other than the Native tax. The absence of regulations and the practical difficulties of fixing the apparent age makes the full application of the Convention impossible. The Decree of 1922 concerning contracts of employment and the Ordinance of 1940 applying this Decree prohibit the employment of non-adult persons who do not possess a medical certificate attesting their physical fitness for the work in which they are to be employed. The certificate must state that the worker is fit for employment on light work. The principles of the Convention are observed. With regard to the legislation on contracts of employment, the report states that the Decree of 25 June 1949 (§ 9) specifically lays down that persons under 16 years of age may not be employed in any kind of work.

Netherlands

Indonesia.

The report refers to the information furnished for the period 1947-1948.

Netherland West Indies.

The report repeats the information previously supplied and adds that draft legislation fixing the minimum age at 14 years is being prepared. The Registration of Workers Ordinance enables supervision to be made by the labour inspection service; non-registered workers are excluded from the labour market. All employers' and workers' organisations should be familiar with existing legislation.

Surinam.

The Convention has not been applied. Draft legislation covering the requirements of the Convention is in preparation. Attendance at school is compulsory up to the age of 12 years.

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
Argentine Republic	14. 3.1950	
Bulgaria	29.12.1949	
Chile	18.10.1935	7.11.1949
Finland	13. 1.1936	20.10.1949
Mexico	21. 2.1938	21.11.1949
Norway	4. 7.1949	
Spain	27. 4.1935	
Sweden	1. 1.1936	15.10.1949
Turkey	27.12.1946	19.10.1949

Chile.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Finland.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and worker' organisations.

Mexico.

The report repeats the information given for the period 1947-1948. Copies of the report have been communicated to the representative employer's and workers' organisations.

Turkey.

Act No. 3008 of 8 June 1936, respecting labour (L.S. 1936, Tur. 2).

Act No. 4886 of 11 February 1946, to ratify the Convention.

The existing legislation applies to employment agencies conducted with a view to profit; it does not apply to the placing of seamen, air navigation staff and agricultural workers.

§ 65 (B) of the Act of 1936 stipulates that, in principle, the opening of employment agencies conducted with a view to profit shall be prohibited on the expiry of a period of three years from the coming into operation of the Act (*i.e.*, from 8 June 1937). However, this principle shall be brought into operation by Decrees of the Council of Ministers, either partially, for specified

periods and only in certain zones or for certain occupations or in general and in full, taking requirements and circumstances into account. In addition, any fee-charging employment agencies conducted with a view to profit which are carried on in a manner which is not advantageous to the interests of labour may be closed immediately by an administrative decision before the expiry of the above-mentioned period.

The Government has already started to abolish some private fee-charging employment agencies conducted with a view to profit since the coming into force of the above-mentioned Act. Before the expiry of the period allowed by the Convention (three years from the coming into force of the Convention), the Government will take a decision as regards the exceptions which it considers advisable and will then proceed to abolish other agencies.

The existing legislation prohibits the opening of any new fee-charging employment agencies conducted with a view to profit; no licences have been granted in this connection. Agencies still in existence are subject to Government supervision.

§ 68 of the Act stipulates that fee-charging employment agencies are required to submit to the competent authority, within three months of the coming into force of the Act, a statement containing the necessary particulars of the nature and methods of their operations and may not continue these operations unless they have obtained a provisional licence. On the basis of the foregoing, persons who are instrumental in placing agricultural workers in employment have been authorised to continue their fee-charging activities in view of the mobility of agricultural labour during certain seasons of the year. However, this situation will not be remedied until the public employment institution is in a position to increase its staff and deal efficiently with the placing of agricultural workers.

No agreement has been made between fee-charging employment agencies conducted with a view to profit in Turkey and similar agencies in other countries in order to arrange for the exchange of workers.

Penalties are prescribed for breaches of the legislation, including, *inter alia*, those relating to the closing of agencies.

The application of the above-mentioned legislation is entrusted to the Ministry of Labour, through the medium of 20 regional sections and the labour inspectors attached to the Ministry. The labour inspectors and their assistants are responsible for the application of the legislation, in accordance with the rules laid down by the regional sections. No breaches of the legislation have been reported by the labour inspectors. No decisions were given by courts of law. The Government does not consider it necessary to supplement the Act of 8 June 1936 by any special legislative measures to implement

the provisions of the Convention. No observations were received from the representative employers' and workers' organisations. Copies of the report have been communicated to the workers' trade unions and, in the absence of representative employers' organisations, to chambers of commerce and industry, as well as to the two largest State undertakings.

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
Bulgaria	29.12.1949	
Chile	18.10.1935	23.11.1949
Czechoslovakia	1. 7.1949	
France	23. 8.1939	27.10.1949
Italy	22.10.1947	18.10.1949
Peru	8.11.1945	31. 1.1950
Poland	29. 9.1948	
United Kingdom	18. 7.1936	3.10.1949

Chile.

The report refers to the information previously supplied and adds that, in 1947, the number of wage-earning insured persons was 992,000, including 372,000 agricultural wage earners. Two pensions were granted in 1948. On 31 December 1948, payments were being made in respect of 129 pensions. In 1948, 6,807 old-age pensions were commuted. The total amounts paid out were as follows: old-age benefits, 13,895.56 pesos; commuted pensions, 12,972,973.74 pesos; refund of expenses because of death, 5,144,822.64 pesos; funeral expenses in cash, 2,906,277.39 pesos. Information is also given on the total cost for the administration of the insurance scheme and on its financial position. Copies of the report have been communicated to the representative employers' and workers' organisations.

France.

Act of 31 December 1948, to continue the temporary old-age allowance in respect of the fourth quarter of 1948, to increase the rate of this allowance and to amend the Act of 17 January 1948 establishing an old-age allowance for persons who are not employed persons.

Act of 24 February 1949, to increase the rates of the old-age allowance for employees, old-age and invalidity pensions under the social

security scheme, as well as the maximum contributions for social insurance, family allowances and industrial accidents.

Act of 12 March 1949, to continue the temporary old-age allowance for the first quarter of 1949 and to amend the Act of 14 July 1905 respecting compulsory assistance for aged, infirm and needy persons suffering from incurable diseases.

Act of 13 July 1949, to continue the temporary old-age allowance for the second and third quarters of 1949, to substitute, for the payment due on 1 January 1959 in respect of the temporary allowance, the payment of the old-age allowance established under the Act of 17 January 1948, and to increase the rate of the old-age allowance for employees.

Decree of 24 November 1948, to amend the Decree of 29 December 1945 (L.S. 1945, Fr. 1 I) to issue public administrative regulations for the application of the Ordinance of 19 October 1945 respecting the social insurance system applicable to insured persons engaged in occupations other than agriculture (L.S. 1945, Fr. 1 G).

Decree of 7 March 1949, to amend the Decree of 29 December 1945 to issue public administrative regulations for the application of the Ordinance of 19 December 1945 respecting the social insurance system applicable to insured persons engaged in occupations other than agriculture (L.S. 1945, Fr. 1 I), as amended by the Act of 23 August 1948.

Decree of 7 March 1949, to issue public administrative regulations for the application of § 127 bis of the Ordinance of 19 October 1945, as amended, in particular, by the Act of 23 August 1948.

Persons who have been affiliated to compulsory insurance for at least six months and who cease to satisfy the requirements for compulsory insurance are entitled to insure themselves voluntarily within a time-limit of six months, instead of two months, according to the date on which they ceased to satisfy the requirements for compulsory insurance. Voluntarily insured persons may only become affiliated for certain risks, in particular, for the risk of old age. Persons who are in receipt of or likely to be in receipt of an annuity or a pension as the result of

individual payments to a social security system are not entitled to insure themselves voluntarily against the risk of old age. An insured person who no longer satisfies the requirements for compulsory insurance under the general system because he transfers his domicile to a place outside the territory of the home country is entitled to become affiliated, in so far as this applies to him, for the risk of old age.

The Act of 24 February 1949 provided for the exceptional application, during 1949, of coefficients of revaluation applicable to pensions or annuities which have already been settled and the beneficiaries of which are over 65 years of age, or 60 years if they are unfit for work. An Order of 23 June 1949 fixed the coefficients of increases to be applied in establishing the wage used as a basis for the calculation of pensions. The application of these coefficients may not result in increasing a retirement pension or an old-age annuity to an amount exceeding 40 per cent. of the maximum limit laid down for establishing maximum contributions. An Order of 16 August 1949 provided for a new revaluation of pensions.

The maximum amount of remuneration used as a basis for the calculation of contributions is henceforth 264,000 francs instead of 228,000 francs. The financial resources of the insurance scheme are constituted, in the majority of cases, by contributions from insured persons and employers.

The right to the temporary old-age allowance, which was limited to French citizens resident in France, has been extended on a reciprocal basis to aged persons of Belgian nationality who satisfy the same requirements as French aged persons and can prove that they have resided continuously for at least 15 years in France. New agreements concerning reciprocity of treatment as regards social security were concluded between France and Czechoslovakia on 12 October 1948 and between France and the Saar on 25 February 1949. The Franco-Polish agreements came into force on 1 March 1949. An agreement concerning the social security system applicable to frontier workers was signed with the French Zone of Occupation in Germany on 26 March 1949.

The rate of the temporary allowance has been increased to 1,600 francs a month as from 1 October 1949. The temporary old-age allowance is payable to persons who are not employed persons and is outside the scope of the Convention.

The maximum income, including the allowance, which the person concerned may possess in order to be entitled to the temporary old-age allowance for employees was increased to 100,000 francs by the Act of 13 July 1949. In the case of a married couple, the maximum is increased to 130,000 francs. The rates of the old-age allowance for employees have been increased to 34,000 or 31,000 francs, and to 39,000 or 36,000 francs, according to whether the worker is resident in a town with more or less than 5,000 inhabitants. The rates of increments for a

dependent wife or husband have also been increased.

The report contains statistical data showing the total number of persons covered by social insurance (estimated at 8,300,000 on 31 December 1948) and the number of beneficiaries (approximately 1,900,000). The total expenditure was estimated at 50,559 million francs for old-age pensions and old-age allowances for employees, 408 million francs for other cash benefits, 565 million francs for benefits in kind and 2,233 million francs in respect of administrative expenses during the 1948 period. The amount collected in social insurance contributions for all risks was 145,719 million francs; the portion of this sum allocated to old-age insurance was, as a rule, 9 per cent. Copies of the report have been communicated to the representative employers' and workers' organisations.

Italy.

Decree No. 603 of 21 April 1919, respecting invalidity and old-age insurance (L.S. 1919, It. 2).

Legislative Decree No. 1,364 of 4 October 1935, to amend and consolidate the laws relating to social insurance (L.S. 1935, It. 5), as subsequently amended and converted into Act No. 1,155 of 6 April 1936.

Legislative Decree No. 636 of 14 April 1939, as subsequently amended and converted into Act No. 1,272 of 6 July 1939 to amend the provisions respecting compulsory insurance against invalidity and old age, tuberculosis and involuntary unemployment, and to substitute a compulsory marriage and birth insurance system for the maternity insurance system (L.S. 1939, It. 2).

Legislative Decree No. 126 of 18 March 1943, to increase pensions and contributions under the invalidity and old-age insurance system (L.S. 1943, It. 2).

Decree of the Lieutenant-General of the Realm, No. 39 of 18 January 1945, to issue regulations for the system of reversionary pensions.

Legislative Decree of the Lieutenant-General of the Realm, No. 162 of 2 April 1946, to issue temporary regulations regarding the responsibility of contributions for various forms of welfare and social assistance.

Various Legislative Decrees, and Decrees dating from 1945 to 1949, respecting the payment of supplementary allowances and bonuses to pensions.

In its first report, the Government states that compulsory old-age insurance covers all wage-earning and salaried employees, (workers and employees), with the following exceptions: (a) salaried employees whose monthly average earnings exceed 1,500 lire; (b) employees of the State departments, provinces, communes, public welfare institutions and public corporations in general, provided that these employees are guaranteed a pension or other benefits from a welfare fund; (c) the members of the families of *métayers* and other share tenants. Persons who were formerly insured under the compulsory scheme are entitled to continue the voluntary payment of compulsory contributions until the date on which they are entitled to a pension. Pensions are payable at the age of 60 years for men and 55 years for women. The right to a pension is subject

to the two following conditions: (a) more than 15 years must have elapsed since the payment of the first contribution; and (b) a certain number of contributions must have been paid. This number varies according to the insured person's group. An insured person who is no longer subject to compulsory insurance, and is not entitled to benefits corresponding to the contributions paid in his name, retains the right to benefit from the validity of these contributions if they have been duly paid. The amount of the pension comprises a basic amount related to the number of contributions paid, a supplementary amount proportionate to the basic amount and an increase for each dependent child. The payment of a pension may be suspended in case of fraud or where the pension has been granted in error.

As from the month of April 1948, contributions are borne entirely by the employers; all State contributions have been suppressed. The insurance scheme is administered by the National Social Provident Institution. The Minister of Labour and Social Welfare is empowered to issue administrative regulations. In case of a dispute arising out of the application of standards for old-age insurance, the person concerned may appeal, in the first instance, to the Executive Committee of the National Social Provident Institution and subsequently to the judicial authority of the ordinary courts. In this case, the judge is assisted by one or several technical advisers. No distinction is made between Italian and foreign workers.

With regard to the legislation applicable to insurance, the report states that agreements were concluded in 1948 between Italy and other countries, in particular, France and Belgium. The problem of frontier workers was dealt with in a Franco-Italian agreement. The Minister of Labour and Social Welfare is responsible for the application of legislative enactments relating to old-age insurance, through the medium of the labour inspection services attached to the Ministry. Appended to the report is a document containing information showing the method for calculating old-age pensions and invalidity insurance. Copies of the report have been communicated to the representative employers' and workers' organisations.

Peru.

For legislation, see under Convention No. 24.

All workers between 14 and 60 years of age are subject to compulsory insurance, including apprentices even if they are not remunerated, and home workers employed by industrial and commercial undertakings. Workers are only insured for that portion of their wages which does not exceed 57.70 soles a week. Compulsory insurance covers workers who receive remuneration in kind, as well as the crews of merchant vessels. Insurance is voluntary for domestic workers and does not cover employ  es, persons engaged in the liberal professions, members of the

employer's family, workers employed for less than 90 days a year, persons in receipt of invalidity pensions or compensation for industrial accidents or occupational diseases, or workers affiliated to a recognised fund which existed before the institution of social security and which grants benefits at least equivalent to those granted under compulsory insurance.

An insured person retains the right to insurance, either automatically during a period equal to one third of the contribution period or by continuing to pay contributions. Pensions are payable from the age of 60 years. The right to a full pension is conditional upon the payment of 1,040 weekly contributions. If the number of contributions paid varies between 240 and 1,040, the amount of the pension is proportionate to this number. If at least 240 contributions have been paid, the insured person is entitled to the repayment of his contributions, plus 5 per cent. annual interest.

An insured person who ceases to be subject to compulsory insurance and is not entitled to a pension retains the right to benefit from the validity of contributions during a period of time equal to one third of the contribution period.

The amount of the pension varies according to the duration and amount of contributions: 40 per cent. of the average wages for the last five years, plus an increase of 2 per cent. for every one hundred additional contributions over 1,040, up to a maximum of 60 per cent. of the wages. An increase of 1 per cent. is provided for an insured person who is disabled or under 60 years of age and for each child under 14 years of age; this increase may not exceed 10 per cent. of the basic wage or annuity.

The right to a pension is forfeited in case of fraud or false statements and is suspended where the insured person is in receipt of benefits for an industrial accident or an occupational disease.

Insured persons, employers and the State contribute to the financing of old-age insurance. Apprentices and workers earning less than one sole a day are exempted from the obligation to pay contributions.

The National Social Security Fund, an autonomous body, is administered by a managing board, comprising three representatives of the public authorities, two employers' representatives, two representatives of insured persons, one delegate from the Faculty of Medicine and the director-general. The representatives of the public authorities on the managing board and two persons entrusted with the examination of the accounts are responsible for supervision. The director-general deals with disputes. Appeals are brought before the managing board.

Foreign wage-earning employees have the same obligations and the same rights as nationals while they are resident in the national territory, but they are not entitled to that part of the pension which corresponds to the State contribution.

Insurance is governed by Peruvian law. No agreement has been signed in this connection. There are no special provisions for frontier workers. The right to a pension is not subject to any condition as regards residence or means. Claims as regards the granting and amount of a pension are brought before the director-general and then before the managing board.

On 1 January 1948, the number of pensioners was 85. In 1948, the number of expired pensions was four and the number of payments made to persons who had reached the age limit was 576. The amount granted in pensions was 61,156.26 soles and that granted in payments to persons who had reached the limit was 48,974.44 soles.

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

United Kingdom

Various Orders and Regulations, issued during 1948 and 1949, concerning national insurance in Great Britain and Northern Ireland.

Great Britain.

The report repeats the detailed information previously supplied in regard to the compulsory old-age insurance scheme, which applies to the whole of the population since 5 July 1948. The report contains a list of the various regulations adopted during the period under review, in particular, with regard to claims and payments, the classification of insured persons, contributions, overlapping benefits and the payment of pensions to hospital in-patients. The report indicates the portions of Exchequer supplements related, in particular, to retirement pensions. Detailed statistics are being prepared, but it is estimated that about 4,120,000 persons were in receipt of retirement pensions or contributory old-age pensions on 30 June 1949. The total contribution income for the first year of the scheme was about £380 million from insured persons and employers and about £90 million in respect of Exchequer supplements. Moreover 443,800 non-contributory old-age pensions were in payment at 30 June 1949; the expenditure for the year ended 31 March 1949, excluding administrative costs, amounted to £27,148,000. Copies of the report have been communicated to the representative employers' and workers' organisations.

Northern Ireland.

The report supplies a list of the various regulations adopted during the period under review and applying, in particular, to assessment, claims and payments, general benefit, general transitional measures, married women, new entrants, existing beneficiaries, Great Britain and Isle of Man reciprocal arrangements, widows' benefits and retirement pensions. On 30 June 1949, the estimated number of persons insured under the Act amounted to 665,000. During the year ended 30 June 1949, 11,286 new pensions were

awarded and 8,484 pensions ceased to be paid. There were at this date 10,501 widows' and orphans' pensions. During the year ended 30 June 1949, 1,784 new widows' and orphans' pensions were awarded and 1,986 pensions ceased to be paid. In the course of this period, the total estimated expenditure amounted to £5,060,000 in respect of benefits to be paid, and to £83,600 in respect of administrative expenses.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

United Kingdom

Aden.

The report repeats the information previously supplied.

Barbados.

The present stage of social and economic development of the territory does not permit the institution of a general system of old-age insurance. Nevertheless, some of the larger industrial and commercial undertakings have their own system of contributory old-age insurance.

Bechuanaland.

There is no legislation and there are no administrative regulations.

Basutoland.

The report repeats the information previously supplied.

British Guiana.

The report repeats the information previously supplied.

British Honduras.

The report repeats the information previously supplied.

British Somaliland.

There is no legislation and there are no administrative provisions to ensure the application of the Convention. The majority of the population are nomads, and the Government is practically the only large-scale employer of labour. Government servants in pensionable posts are granted a pension provided their salary has reached a prescribed minimum at the time they retire. A gratuity may be paid to certain other Government employees who are not entitled to a pension.

Brunei.

The report repeats the information previously supplied.

Cyprus.

The report repeats the information previously supplied. Copies of the report have

been communicated to the Pan-Cyprian Federation of Labour, the Cyprus Workers' Confederation, the Cyprus-Turkish Trade Unions Federation, and the Association of Cyprus Industries.

Dominica.

The report repeats the information previously supplied.

Falkland Islands.

The report repeats the information previously supplied.

Fiji.

The report repeats the information previously supplied.

Gambia.

The report repeats the information previously supplied.

Gibraltar.

The *ad hoc* system of financial assistance to persons who would otherwise be eligible for old-age pensions (which was brought into operation pending the introduction of legislation) has been developed and extended. It now applies in addition to certain dependants of unemployed males and females aged 65 years or over who were eligible for assistance. The total number of persons receiving assistance at the end of the last annual report period was 314.

Gilbert and Ellice Islands.

The report repeats the information previously supplied.

Gold Coast.

The report repeats the information previously supplied.

Grenada.

The report repeats the information previously supplied.

Hong Kong.

The report repeats the information previously supplied.

Kenya.

The Convention is not applicable to Kenya for the reasons given with regard to Convention No. 24. It would therefore appear that the territory is exempted from application in virtue of Article 35 of the Constitution.

Federation of Malaya.

The report repeats the information previously supplied.

Malta.

Old-Age Pensions Act, No. XXV of 1948.

The Government states that it is not its intention at present to set up a scheme of compulsory old-age insurance as the needs of old persons are met by the Old-Age Pensions Act of 1948, which introduced non-contributory old-age pensions issuable after a means test. Copies of the report have been communicated to the General Workers' Union, the Chamber of Commerce and the Federation of Malta Industries.

Mauritius.

The report repeats the information previously supplied, and adds that a social security plan is under consideration. At present, reliance is placed on family solidarity. Owing to the limited resources of the island and the increasing population, the financial foundations of any general insurance scheme are bound to be insecure.

Nigeria.

The report repeats the information previously supplied.

North Borneo.

The report repeats the information previously supplied.

Northern Rhodesia.

The Convention cannot be applied in the present state of development of the territory.

Nyasaland.

The application of the Convention is not practicable in the present stage of development of the protectorate.

St. Helena.

The report repeats the information previously supplied and adds that the total number of pensioners under the non-contributory pensions scheme for Government employees at the end of 1948 was 23; the expenditure during the same period was £1,047 from public funds.

St. Lucia.

The report repeats the information previously supplied and adds that more urgent local problems have necessitated delay in examining the question of instituting old-age pensions, for which a committee was appointed in 1947.

St. Vincent.

The report repeats the information previously supplied.

Sarawak.

The report repeats the information previously supplied.

Seychelles.

The report repeats the information previously supplied.

Sierra Leone.

The report repeats the information previously supplied. A copy of the report has been communicated to the Council of Labour.

Singapore.

The Convention has not been applied. A committee has been set up to investigate the possibilities of schemes for social security. The Social Welfare Department makes cash payments to the aged who are in need of relief.

Solomon Islands.

The report repeats the information previously supplied.

Swaziland.

No legislative measures have been taken. Old-age insurance for persons employed in industrial or commercial undertakings in the liberal professions and for outworkers and domestic servants presupposes a system of economy in which at least a considerable, if not a major, portion of the population is regularly employed. In Swaziland this is not the case. Out of the total population of approximately 180,000 Natives and approximately 3,000 Europeans, only a very small percentage are regularly employed as wage earners. Of the rest, those who work for wages do so sporadically, particularly those who make up the migratory labour force of the South African gold mines, since these labourers usually work for one year and "rest" or work on their own land for a year or more. In short, the internal economy of Swaziland has not reached the stage where any form of social security in the

modern sense can be contemplated as a practical proposition. The support of the aged is still a matter for the family and tribal groups.

Tanganyika.

The Convention has only been accepted as an aim of policy and is not applicable at present for the reasons given in the report on Convention No. 24. The territory is not in a sufficiently advanced state of development for this form of insurance to be practicable at present.

Trinidad and Tobago.

The report repeats the information previously supplied and adds that, under the Old-Age Pensions Ordinance, pensions are paid from public funds to the aged. The conditions for the receipt of a pension require the applicant to have attained the age of 65 years; to be a British subject and to have been ordinarily resident in the territory for a period of 20 years immediately preceding the claim; to have been engaged in earning his livelihood in the territory for a substantial portion of the said 20 years; and to satisfy a means test.

Uganda.

The report repeats the information previously supplied.

Zanzibar.

The report repeats the information previously supplied.

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 representative employers' and workers' organisations.

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
Bulgaria	29. 12. 1949	
Chile	18. 10. 1935	23. 11. 1949
Czechoslovakia	1. 7. 1949	
France	23. 8. 1939	27. 10. 1949
Italy	22. 10. 1947	18. 10. 1949
Poland	29. 9. 1948	
United Kingdom	18. 7. 1936	3. 10. 1949

Chile.

The report refers to the information previously supplied and adds that, in 1947,

the number of persons employed in agriculture was 372,000. See also under Convention No. 35 for statistical data. Copies of the report have been communicated to the representative employers' and workers' organisations.

France.

Decree No. 48-1791 of 24 November 1946, respecting the financial resources of social insurance for agriculture.

Act No. 49-244 of 24 February 1949, to amend, in particular, the rate of the old-age allowance for employees.

Act No. 49-752 of 8 June 1949, respecting the re-establishment and organisation of elections for the governing bodies of agricultural mutual benefit societies.

Since 1 December 1948 all persons employed in agricultural occupations are subject to social insurance, whatever the amount of their remuneration.

Contributions, which are henceforth based on their real wages and no longer on a flat rate, cover all risks (including old age) and are calculated at 10 per cent. of the real wages (5 per cent. being borne by the employer and 5 per cent. by the wage earner) for all risks. No contribution is collected on the fraction of wages in excess of 22,000 francs per month (264,000 francs per year). The contribution is reduced to 2 per cent. when the insured person has reached the age of 65 years.

The representatives of insured persons and employers participate in the administration of the organisations entrusted with the administration of risks. The governing bodies entrusted, at the departmental level, with the administration of risks, comprise 16 members, eight of whom are representatives of heads of agricultural undertakings which do not employ labour, four representatives of agricultural wage-earning employees and four representatives of heads of agricultural undertakings employing labour. On the national level, the governing body of the only organisation which administers risks comprises 16 members in the ratio indicated above.

On reaching 65 years of age, persons who retire under social insurance for agriculture, may claim the benefit of the old-age allowance for employees if their retirement pension is less than the minimum provided for aged workers not covered by social insurance. The pension allocated has been increased to 34,000 francs. Since 1 July 1948, the cost is borne by the autonomous central fund of mutual agricultural retirement societies.

The report gives statistical data relating to the period 1948 and covering the number of insured persons having paid contributions (1,325,000), the number of pensioners on 1 January 1948 (126,481), the number of pensions settled (27,227), the number of expired pensions (14,944), the number of pensions in course of payment on 31 December 1948 (138,764), the total expenditure (2,530 million francs) and the total receipts (2,497 million francs).

As regards non-contributory pensions, the report states that the old-age allowance for wage-earning agricultural workers not covered by social insurance is paid by the old-age funds of the general social insurance scheme. Copies of the report have been communicated to the representative employers' and workers' organisations.

Italy.

See under Convention No. 35.

United Kingdom.

Various Orders and Regulations adopted for Great Britain and Northern Ireland in 1948 and 1949 concerning national insurance.

The report repeats, as regards Great Britain and Northern Ireland, the detailed information supplied for 1947-1948, as well as that supplied on Convention No. 35. Copies of the report have been communicated to the representative employers' and workers' organisations.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

United Kingdom

Aden.

The report repeats the information previously supplied.

Barbados.

The present stage of social and economic development of the territory does not permit the institution of a general system of old-age insurance. Nevertheless, some of the larger industrial and commercial undertakings have their own system of contributory old-age insurance.

Basutoland.

The report repeats the information previously supplied.

Bechuanaland.

There are no legislative or administrative regulations.

British Guiana.

The report repeats the information previously supplied.

British Honduras.

The report repeats the information previously supplied.

British Somaliland.

There is no legislation and there are no administrative regulations to ensure the application of the Convention. The majority of the population are nomads and agriculture only exists on a very limited scale.

Brunei.

The report repeats the information previously supplied.

Cyprus.

The report repeats the information previously supplied. Copies of the report have been communicated to the Pan-Cyprian Federation of Labour, the Cyprus Workers'

Confederation, the Cyprus-Turkish Trade Unions Federation, and the Association of Cyprus Industries.

Dominica.

The report repeats the information previously supplied.

Falkland Islands.

The report repeats the information previously supplied.

Fiji.

The report repeats the information previously supplied.

Gambia.

The report repeats the information previously supplied.

Gibraltar.

The *ad hoc* system of financial assistance to persons who would otherwise be eligible for old-age pensions, which was brought into operation pending the introduction of legislation, has been developed and extended. It now applies, in addition, to certain dependants of the unemployed males and females aged 65 years or over who were eligible for assistance. The total number of persons receiving assistance at the end of the last annual report period was 314.

Gilbert and Ellice Islands.

The report repeats the information previously supplied.

Gold Coast.

The report repeats the information previously supplied.

Grenada.

The report repeats the information previously supplied.

Hong Kong.

The report repeats the information previously supplied.

Kenya.

The Convention is not applicable to Kenya for the reasons given with regard to Convention No. 24. It would therefore appear that the territory is exempted from application in virtue of Article 35 of the Constitution.

Federation of Malaya.

The report repeats the information previously supplied.

Malta.

Old-Age Pensions Act No. XXV of 1948.

The Government states that it is not its intention at present to set up a scheme of compulsory old-age insurance, as the needs of old persons are met by the Old-Age Pensions Act of 1948, which introduced non-contributory old-age pensions issuable after a means test. Copies of the report have been communicated to the General Workers' Union, the Chamber of Commerce and the Federation of Malta Industries.

Mauritius.

The report repeats the information previously supplied and adds that a social security plan is under consideration. At present, reliance is placed on family solidarity. Owing to the limited resources of the island and the increasing population, the financial foundations of any general insurance scheme are bound to be insecure.

Nigeria.

The report repeats the information previously supplied.

North Borneo.

The report repeats the information previously supplied.

Northern Rhodesia.

The Convention cannot be applied in the present state of development of the territory.

Nyasaland.

The application of the Convention is not practicable in the present stage of development of the protectorate.

St. Helena.

The report repeats the information previously supplied.

St. Lucia.

The report repeats the information previously supplied and adds that more urgent local problems have necessitated delay in examining the question of instituting old-age pensions, for which a committee was appointed in 1947.

St. Vincent.

The report repeats the information previously supplied.

Sarawak.

The report repeats the information previously supplied.

Seychelles.

The report repeats the information previously supplied.

Sierra Leone.

The report repeats the information previously supplied. A copy of the report has been communicated to the Council of Labour.

Singapore.

The Convention has not been applied. A committee has been set up to investigate the possibilities of schemes for social security.

Solomon Islands.

The report repeats the information previously supplied.

Swaziland.

There is no legislation: the Convention cannot be applied.

Tanganyika.

The Convention has only been accepted as an aim of policy and is not applicable at present for the reasons given in the report on Convention No. 24. The territory is not in a sufficiently advanced state of development for this form of insurance to be practicable at present.

Trinidad and Tobago.

The report repeats the information previously supplied, and adds that, under the Old-Age Pensions Ordinance, pensions are paid from public funds to the aged. The conditions for the receipt of a pension require the applicant to have attained the age of 65 years; to be a British subject and have been ordinarily resident in the territory for a period of 20 years immediately preceding the claim; to have been engaged in earning his livelihood in the territory for a substantial portion of the said 20 years; and to satisfy a means test.

Uganda.

The report repeats the information previously supplied.

Zanzibar.

The report repeats the information previously supplied.

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 representative employers' and workers' organisations.

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
Bulgaria	29.12.1949	
Chile	18.10.1935	23.11.1949
Czechoslovakia	1.7.1949	
France	23.8.1939	27.10.1949
Italy	22.10.1947	18.10.1949
Peru	8.11.1945	31.1.1950
Poland	29.9.1948	
United Kingdom	18.7.1936	3.10.1949

Chile.

The report refers to the information previously supplied and adds that, in 1947, the number of insured persons was 992,000 including 372,000 persons employed in agriculture. On 1 January 1948, the number of invalidity pensions in course of payment was 8,010. In 1948, 1,697 pensions were granted. On 31 December 1948, the number of invalidity pensions in course of payment was 8,267; the amount paid in invalidity pensions was 55,526,325.03 pesos. Information is also given on the total administrative expenses of the insurance scheme and on its financial position. Copies of the

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

France.

Act of 24 February 1939, to increase the rates of old-age allowances for employees, old-age and invalidity pensions under the social security scheme, as well as the maximum contributions for social insurance, family allowances and industrial accidents.

Act of 13 July 1949, to continue the temporary old-age allowance for the second and third quarters of 1949, to substitute for the payment due on 1 January 1950 in respect of the temporary allowance, the payment of the old-age allowance established under the Act of 17 January 1948, and to increase the rate of the old-age allowance for employees.

Act of 2 August 1949, to increase the benefits due in virtue of the laws respecting industrial accidents.

Decree of 24 November 1948, to amend the Decree of 29 December 1945 (L.S. 1945, Fr. 1 I) issuing public administrative regulations for the application of the Ordinance of 19 October 1945 respecting the social insurance system applicable to insured persons engaged in occupations other than agriculture (L.S. 1945, Fr. 1 G).

Decree of 7 March 1949, to amend the Decree of 29 December 1945 issuing public administrative regulations for the Ordinance of

19 October 1945 respecting the social insurance system applicable to persons engaged in occupations other than agriculture, as amended by the Act of 23 August 1948.

The Decree of 24 November 1948 entitles persons who no longer satisfy the requirements of compulsory insurance to apply for affiliation to a voluntary insurance scheme within a time limit of six months, instead of two months. Voluntarily insured persons may become affiliated for certain risks only and, in particular, for the risk of invalidity. Persons who cease to satisfy the requirements of compulsory insurance under the general scheme because they are members of a special scheme are not entitled to insure themselves voluntarily. As a transitional measure, persons satisfying the requirements for voluntary insurance have been granted an additional time limit in which to claim affiliation to this insurance.

The Act of 13 July 1949 increased the minimum amount for an invalidity pension to 39,000 francs.

The Act of 23 August 1948 laid down provisions to improve the invalidity insurance pensions scheme and stipulated that— (1) as regards disabled persons capable of engaging in an activity for remuneration, Ministerial Orders, issued after consultation with the Superior Social Security Council, shall establish, before 1 April of each year and with effect as from this date (a) the coefficients of revaluation applicable to wages used as a basis for the calculation of pensions, and (b) the coefficients of revaluation applicable to pensions already settled; (2) in the case of disabled persons who are totally incapable of engaging in any activities whatever, the pension shall be equal to 40 per cent. of the wage; (3) in the case of disabled persons who are totally incapable of engaging in activities and who, in addition, require the assistance of another person for the ordinary actions of life, the pension shall be equal to the amount provided for disabled persons in the second group, increased by 20 per cent., provided that this increase is not less than 25,000 francs.

As regards pensions settled in virtue of rights acquired prior to 1 January 1949, the Act of 24 February 1949, provided for a review as from 1 July, or as from the date on which rights were acquired if the latter is after 1 July 1948. This review is carried out in accordance with a system provided for in the legislation. The increase for the assistance of another person, granted to disabled persons in the third group has been raised to 40 per cent. of the main pension, but may not be less than 120,000 francs.

The minimum below which the invalidity pension may not be reduced in case of hospitalisation is at present 9,750 francs a quarter. The minimum applicable to the total amount of two pensions in case of the concurrent payment of a military pension or an industrial accident annuity and an invalidity pension has been raised to 39,000 francs.

The maximum amount of remuneration used as a basis for the calculation of contri-

butions has been increased to 264,000 francs. The resources of the insurance scheme are, as a rule, constituted exclusively by contributions from insured persons and employers.

Reciprocal agreements were signed with Czechoslovakia and the Saar on 12 October 1948 and 25 February 1949 respectively.

The report contains statistical data relating to the total number of insured persons (estimated at 8,300,000), the number of persons in receipt of pensions (approximately 196,000 on 31 December 1948), and the total expenditure for 1948 (estimated at 4,001 million francs for pensions and 1,916 million francs for benefits in kind). There are no separate resources for the administration of a specific risk, as contributions are not allocated according to risk, but according to the bodies responsible for administration.

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

Italy.

See under Convention No. 35.

Peru.

For legislation, see under Convention No. 24.

All workers between 14 and 60 years of age are subject to compulsory insurance, including apprentices even if they are not remunerated, and home workers employed by industrial and commercial undertakings. Workers are only insured for that part of their wage which does not exceed 57.50 soles a week. Insurance is voluntary for domestic workers and does not cover workers not remunerated in cash, employees, persons employed in the liberal professions, members of the employer's family, persons employed for less than 90 days a year, persons in receipt of pensions or compensation for an industrial accident or occupational disease, and workers affiliated to retirement and pension funds which were recognised before the institution of social security and paying contributions at least equivalent to those provided for by the Convention.

Persons who were formerly compulsorily insured and who are not in receipt of pensions retain their right to benefits, either automatically during a period equal to one third of the contribution period or by continuing to be voluntarily affiliated to the insurance scheme.

An insured person is entitled to an invalidity pension when his earning capacity is reduced by two thirds, and provided he has paid 200 contributions, 100 of which must have been paid during the last four years. If this is not the case, the pension is proportionate to the number of contributions. An insured person who ceases to be subject to compulsory insurance and is not entitled to benefits retains the right to benefit from the validity of his contributions during a period equal to one third of the time spent in insurance. The amount of the pension varies with the number and amount of contributions; when 200 contributions have

been paid, it is 40 per cent. of the average wage of the insured person during the two years preceding the state of invalidity, plus an increase of 2 per cent. for every one hundred additional contributions, up to 60 per cent. of the wage. An increase of 1 per cent. is granted if the insured person is 60 years of age or is disabled and for each child who is disabled or is under 14 years of age; this increase may not exceed 10 per cent. of the wage or the basic annuity.

Medical assistance is granted by deducting 1 per cent. from the amount of the pension. The insured person forfeits the right to a pension in case of invalidity which he has caused intentionally or if he is guilty of breaches of the regulations or fraud. The payment of the pension is suspended if the person concerned avoids medical supervision or refuses to comply with the doctor's orders and if he is in receipt of an invalidity pension for an industrial accident or occupational disease.

See under Convention No. 35 for information relating to the financing and administration of insurance, the relevant legislation, procedure for appeals and the regulations respecting foreign workers.

An invalidity pension is granted to all persons whose working capacity is reduced by at least two thirds as the result of an accident or a disease which is not the result of employment.

On 1 January 1948, the number of pensions was 1,912. During the same year, 509 pensions were granted, while the number of expired pensions was 120. The amount paid in pensions amounted to 501,674.83 soles.

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

United Kingdom.

Various Orders and Regulations, adopted for Great Britain and Northern Ireland during 1948 and 1949 concerning national insurance, the national health service and industrial injuries.

The reports for *Great Britain* and *Northern Ireland* refer to the information previously supplied and mention the Orders and Regulations adopted during the period under review and concerning, in particular, overlapping benefits, reciprocal arrangements with Ireland, members of the armed forces, claims and payments, and dental services. Statistical data are not as yet available. Copies of the report have been communicated to the representative employers' and workers' organisations.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

United Kingdom

Aden.

The report repeats the information previously supplied.

Barbados.

The present stage of social development and the high incidence of underemployment make application of the Convention impracticable at the present time.

Basutoland.

The report repeats the information previously supplied.

Bechuanaland.

No legislation and no administrative regulations exist to apply the Convention.

British Guiana.

The report repeats the information previously supplied.

British Honduras.

The report repeats the information previously supplied.

British Somaliland.

There is no legislation and there are no administrative regulations to ensure the application of the Convention. The majority of the population are nomads, and the Government is practically the only large-scale employer of labour. Natives are entitled to free medical care and surgical treatment in the Government hospitals.

Brunei.

The report repeats the information previously supplied.

Cyprus.

The report repeats the information previously supplied. Copies of the report have been communicated to the Pan-Cyprian Federation of Labour, the Cyprus Workers' Confederation, the Cyprus-Turkish Trade Unions Federation, and the Association of Cyprus Industries.

Dominica.

The report repeats the information previously supplied.

Falkland Islands.

The report repeats the information previously supplied.

Fiji.

The report repeats the information previously supplied.

Gambia.

The report repeats the information previously supplied.

Gibraltar.

The report repeats the information previously supplied, and adds that the total number of persons in receipt of assistance on account of invalidity on 30 June 1949 was 35. The total expenditure in this connection during the period under review was £710.

Gilbert and Ellice Islands.

The report repeats the information previously supplied.

Gold Coast.

The report repeats the information previously supplied.

Grenada.

The report repeats the information previously supplied.

Hong Kong.

The report repeats the information previously supplied.

Kenya.

The Convention is not applicable to Kenya for the reasons given with regard to Convention No. 24. It would therefore appear that the territory is exempted from application in virtue of Article 35 of the Constitution.

Federation of Malaya.

The report repeats the information previously supplied.

Malta.

The Convention has not been applied, and no scheme of compulsory invalidity insurance has been introduced. Persons permanently incapacitated for work are assisted by the Social Welfare Department relief scheme after a means test. Copies of the report have been communicated to the General Workers' Union, the Chamber of Commerce, and the Federation of Malta Industries.

Mauritius.

The report repeats the information previously supplied.

Nigeria.

The report repeats the information previously supplied.

North Borneo.

The report repeats the information previously supplied.

Northern Rhodesia.

The Convention cannot be applied in the present state of development of the territory.

Nyasaland.

The application of the Convention is not practicable in the present stage of development of the protectorate.

St. Helena.

The report repeats the information previously supplied and adds that, at the end of 1948, there were three pensioners under the non-contributory pension scheme for Government employees; the expenditure during the same year amounted to £51 from public funds.

St. Lucia.

The report repeats the information previously supplied.

St. Vincent.

The report repeats the information previously supplied.

Sarawak.

The report repeats the information previously supplied.

Seychelles.

The report repeats the information previously supplied.

Sierra Leone.

The report repeats the information previously supplied. Copies of the report have been communicated to the Council of Labour.

Singapore.

The Convention has not been applied. Assistance is given by the Social Welfare Department to persons suffering from tuberculosis. A committee has been set up to investigate the possibilities of social security schemes.

Swaziland.

There is no legislation and the text of the Convention cannot be applied.

Solomon Islands.

The report repeats the information previously supplied.

Tanganyika.

The Convention has only been accepted as an aim of policy and is not applicable at present for the reasons given in the report on Convention No. 24. The territory is not

in a sufficiently advanced state of development for this form of insurance to be practicable at present.

Trinidad and Tobago.

The report repeats the information previously supplied and adds that, under the Old-Age Pensions Ordinance, pensions are paid from public funds to the blind. The conditions for the receipt of a pension require the applicant (a) to have attained the age of 40 years; (b) to be a British subject and have been ordinarily resident in the territory for a period of 20 years immediately preceding the claim; and (c) to satisfy a means test. Under the Poor Relief Ordinance, assistance from public funds is granted on the basis of medical certification of disability and in cases certi-

fied as necessitous by investigating officers of the Government Social Assistance Department.

Uganda.

The report repeats the information previously supplied.

Zanzibar.

The report repeats the information previously supplied.

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 representative employers' and workers' organisations.

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
Bulgaria	29.12.1949	
Chile	18.10.1935	23.11.1949
Czechoslovakia	1. 7. 1949	
France	23. 8. 1939	27.10.1949
Italy	22.10.1947	18.10.1949
Poland	29. 9. 1948	
United Kingdom	18. 7. 1936	3.10.1949

Chile.

The report repeats the information previously supplied and adds that, in 1947, the number of persons employed in agriculture was 372,000. See under Convention No. 24 for statistical data. Copies of the report have been communicated to the representative employers' and workers' organisations.

France.

Decree No. 48-1791 of 24 November 1948, respecting the financial resources of social insurance for agriculture.

Decree No. 49-752 of 8 June 1948, respecting the re-establishment and organisation of elections for the governing bodies of mutual agricultural benefit societies.

As from 1 December 1948, all persons employed in agricultural occupations are insured, whatever the amount of their remuneration. The minimum rate of the invalidity pension has been fixed at a rate equivalent to that of the old-age allowance for employees in cities with more than 5,000 inhabitants (at present 39,000 francs a year).

See under Convention No. 36 for information relating to the administration of risks.

The number of persons under compulsory insurance who had paid contributions during 1948 was 1,325,000; the number of pensions in course of payment on 31 December 1948 was 14,669. The total expenditure during 1948 amounted to 468 million francs. There are no non-contributory pensions under invalidity insurance for agriculture. Copies of the report have been communicated to the representative employers' and workers' organisations.

Italy.

See under Convention No. 35.

United Kingdom.

Various Orders and Regulations for Great Britain and Northern Ireland, adopted during 1948 and 1949, concerning national insurance, the national health service and industrial injuries.

The report repeats the information given for Convention No. 37.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

United Kingdom

Aden.

The report repeats the information previously supplied.

Barbados.

The present stage of social development and the high incidence of underemployment make application of the Convention impracticable at the present time.

Basutoland.

The report repeats the information previously supplied.

Bechuanaland.

No legislation or administrative regulations exist to apply the Convention.

British Guiana.

The report repeats the information previously supplied.

British Honduras.

The report repeats the information previously supplied.

British Somaliland.

No legislation and no administrative regulations exist to ensure the application of the Convention. The majority of the population consists of nomads, and agriculture only exists on a very limited scale.

Brunei.

The report repeats the information previously supplied.

Cyprus.

The report repeats the information previously supplied. Copies of the report have been communicated to the Pan-Cyprian Federation of Labour, the Cyprus Workers' Confederation, the Cyprus-Turkish Trade Unions Federation, and the Association of Cyprus Industries.

Dominica.

The report repeats the information previously supplied.

Falkland Islands.

The report repeats the information previously supplied.

Fiji.

The report repeats the information previously supplied.

Gambia.

The report repeats the information previously supplied.

Gibraltar.

The report repeats the information previously supplied, and adds that the total number of persons in receipt of assistance on account of invalidity on 30 June 1949 was 35. The total expenditure in this connection during the period under review was £710.

Gilbert and Ellice Islands.

The report repeats the information previously supplied.

Gold Coast.

The report repeats the information previously supplied.

Grenada.

The report repeats the information previously supplied.

Hong Kong.

The report repeats the information previously supplied.

Kenya.

The Convention is not applicable to Kenya for the reasons given with regard to Convention No. 24. It would therefore appear that the territory is exempted from application in virtue of Article 35 of the Constitution.

Federation of Malaya.

The report repeats the information previously supplied.

Malta.

The Convention has not been applied, and no scheme of compulsory invalidity insurance has been introduced. Persons permanently incapacitated for work are assisted by the Social Welfare Department relief scheme after a means test. Copies of the report have been communicated to the General Workers' Union, the Chamber of Commerce, and the Federation of Malta Industries.

Mauritius.

The report repeats the information previously supplied.

Nigeria.

The report repeats the information previously supplied.

North Borneo.

The report repeats the information previously supplied.

Northern Rhodesia.

The Convention cannot be applied in the present state of development of the territory.

Nyasaland.

The application of the Convention is not practicable in the present stage of development of the protectorate.

St. Helena.

The report repeats the information previously supplied.

St. Lucia.

The report repeats the information previously supplied.

St. Vincent.

The report repeats the information previously supplied.

Sarawak.

The report repeats the information previously supplied.

Seychelles.

The report repeats the information previously supplied.

Sierra Leone.

The report repeats the information previously supplied. Copies of the report have been communicated to the Council of Labour.

Singapore.

The Convention has not been applied. Assistance is given by the Social Welfare Department to persons suffering from tuberculosis. A committee has been set up to investigate the possibilities of social security schemes.

Solomon Islands.

The report repeats the information previously supplied.

Swaziland.

There is no legislation and the text of the Convention cannot be applied.

Tanganyika.

The Convention has only been accepted as an aim of policy and is not applicable at present for the reasons given in the report on Convention No. 24. The territory is not in a sufficiently advanced state of development for this form of insurance to be practicable at present.

Trinidad and Tobago.

The report repeats the information previously supplied and adds that, under the Old-Age Pensions Ordinance, pensions are paid from public funds to the blind. The conditions for the receipt of a pension require the applicant (a) to have attained the age of 40 years; (b) to be a British subject and have been ordinarily resident in the territory for a period of 20 years immediately preceding the claim; and (c) to satisfy a means test. Under the Poor Relief Ordinance, assistance from public funds is granted on the basis of medical certification of disability and in cases certified as necessitous by investigating officers of the Government Social Assistance Department.

Uganda.

The report repeats the information previously supplied.

Zanzibar.

The report repeats the information previously supplied.

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 representative employers' and workers' organisations.

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 1946

Countries	Date of registration of ratification	Reports received
Bulgaria	29. 12. 1949	
Czechoslovakia	1. 7. 1949	
Peru	8. 11. 1945	31. 1. 1950
Poland	29. 9. 1948	
United Kingdom	18. 7. 1936	3. 10. 1949

Peru.

For legislation, see under Convention No. 24.

The legislation concerning social insurance for workers and employees is based on the

principles established by the Labour Conference of American States held at Santiago in 1936, and providing for the payment of a lump sum in lieu of a pension.

Survivors' insurance is compulsory for workers between 14 and 60 years of age, employees and apprentices even when they are not in receipt of remuneration. It is voluntary for domestic workers. Workers and employees are only insured in respect of that part of their salary which does not exceed 57.7 soles per week or 3,000 soles a month respectively. Insurance does not cover members of the employer's family; persons who have not been employed for

90 days in the year; workers in receipt of compensation for industrial accidents or occupational diseases or affiliated to a recognised pensions fund which existed before the institution of social security and which grants benefits at least equivalent; or employees in receipt of equivalent benefits.

The right of an insured person to benefit is retained in favour of his survivors: (a) in the case of a worker, either automatically during a period equal to one third of the contribution period or by the fact that he continues in insurance; (b) in the case of an employee, during a period equal to the contribution period for 12 months preceding death. There is no qualifying period for workers. As regards employees, this period is four months. The right to benefit from the validity of contributions is retained during a period equal to one third of the total contribution period (workers) and for a period equal to the contribution period in the preceding year (employees). The benefit is granted in equal parts to the legitimate wife and to children under 17 years of age. Where there is no such wife or children, the benefit is paid to ascendants and, where there are none, to the social security fund. The age limit for the children of workers is 17 years; there is no age limit for children of employees. Survivors receive, in addition to funeral expenses (50 to 180 soles), a lump sum in lieu of a pension and equal to 33 per cent. of the annual wage in the case of workers and to twelve times the monthly wage in the case of employees, subject to a minimum limit of 1,000 and a maximum limit of 6,000 soles. No benefits in kind are granted. In case of fraud, the right to benefits is forfeited.

For information relating to the administration and financing of the insurance scheme, the right of appeal and legislation, see under Convention No. 35.

Foreigners have the same rights and obligations as nationals, whether or not the risk occurs when they are resident in the national territory.

Under the item "Survivors' tax" the number of payments made was 448, the number of beneficiaries 1,527 and that of payments for funeral expenses 1,109. Payments under this item amounted to 273,793 soles, while 169,600 soles were paid out in funeral expenses.

United Kingdom.

Various Orders and Regulations, adopted for Great Britain and Northern Ireland during 1948 and 1949 concerning national insurance.

The report repeats the detailed information supplied for the period 1947-1948, and the information supplied as regards Convention No. 35.

Statistical data are being prepared, and it is estimated that on 30 June 1949 about 450,000 women were receiving widows' allowances, and approximately 145,000 children were receiving benefits, including 105,000 cases where the payment was an intrinsic part of a widowed mother's allowance.

There is no non-contributory pension system for widows and orphans. Copies of the report have been communicated to the representative employers' and workers' organisations.

Northern Ireland.

The report repeats the information given for Convention No. 35.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

No information.

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	13. 2.1950
Argentine Republic	14. 3.1950	
Belgium ¹	4. 8.1937	2.11.1949
Brazil ¹	8. 6.1936	10.11.1949
Burma ²	22.11.1935	5.12.1949
Egypt	11. 7.1947	17.10.1949
Estonia ¹	21.12.1935	
France ³	25. 1.1938	27.10.1949
Greece ¹	30. 5.1936	14.12.1949
Hungary ¹	18.12.1936	
India ³	22.11.1935	15.12.1949
Iraq	28. 3.1938	6. 8.1949
Ireland ¹	15. 3.1937	17.11.1949
Netherlands ¹	9.12.1935	12. 1.1950
New Zealand	29. 3.1938	11. 1.1950
Pakistan ⁴	22.11.1935	17.10.1949
Peru	8.11.1945	31. 1.1950
Switzerland ¹	4. 6.1936	14.10.1949
Union of South Africa ¹	28. 5.1935	17.10.1949
United Kingdom ⁵	25. 1.1937	
Venezuela ¹	20.11.1944	17. 1.1950

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.

Afghanistan.

See under Convention No. 4.

Belgium.

Royal Order of 26 August 1939, to authorise, in the event of the expansion or mobilisation of the Army, exceptions from the provisions of the Act of 14 June 1921, from Royal Orders issued in application of the Act of 9 July 1936 and from §§ 7 and 8 of the consolidated text of the legislation relating to the employment of women and children.

The report repeats the information previously supplied and adds that the Royal Order of 26 August 1939 authorises the Minister of Labour, in the event of the expansion or mobilisation of the Army, to allow exceptions to the prohibition of the night work of women, irrespective of age. Use was made of this authority during the last war. No exceptions were authorised under Articles 4 (b) and 6 of the Convention.

See under Convention No. 33 for information regarding supervision. There were four decisions by courts of law in connection

with the application of the Convention. These decisions merely confirmed the application of the provisions of the national legislation; the texts of the decisions are not available to the Administration. During the period under review, the inspection service visited 28,682 undertakings employing 315,300 persons; 24 infringements were noted. Copies of the report have been communicated to the representative employers' and workers' organisations.

Brazil.

Legislative Decree No. 5452 of 1 May 1943, to approve the consolidation of labour laws (L.S. 1943, Braz. 1).

§ 379 of Legislative Decree No. 5452 of 1 May 1943 prohibits the employment of women on night work; night work is deemed to mean work performed between 10 p.m. and 5 a.m. However, this prohibition does not apply to workplaces where only members of the family of the woman are employed under the direction of her husband, father, mother, guardian or son (§ 372), or to women who are not engaged in continuous work but occupy posts of management.

Burma.

The term "industrial undertakings" is understood in Burma to apply to factories. The term "women" is interpreted to cover all women employed in factories without distinction as to the nature of their duties or age. Provision is made in the Factories Act empowering the President to make rules exempting women employed in fish curing or fish canning from the night work restriction, but no rules have yet been made. No provision has yet been made to exempt women who are regarded as holding responsible positions of management and who are not ordinarily engaged in manual work.

See under Convention No. 4 for information relating to inspection. Copies of the report have been communicated to the representative employers' and workers' organisations.

Egypt.

The report repeats the information previously supplied.

France.

See under Convention No. 4.

Greece.

The report repeats the information previously supplied and adds that the inspection service ensures the application of the Convention by means of lists which must be submitted to it and which contain the names and surnames of the persons employed in undertakings, together with their wages and hours of work.

See under Convention No. 1 for information relating to the inspection service. The Government considers that the Convention is applied in a satisfactory manner. No statistics are available regarding the number of women employed; however, according to the statistics supplied by the insurance institution, the number of women employed can be estimated at between 30 and 35 per cent. of the total number of workers. Copies of the report have been communicated to the representative employers' and workers' organisations.

India.

See under Convention No. 4.

Iraq.

No change has taken place during the period under review. The national legislation is in complete harmony with the Convention.

Ireland.

The report repeats the information previously supplied and adds that the only processes for which advantage was taken of the exception provided for in Article 4 (b) of the Convention during the period under review were in connection with the killing, plucking and packing of fowl during the short period preceding Christmas, when there was an abnormal increase in work and night work was necessary to prevent certain loss of material. Permits were given to 15 undertakings mostly for a period of two weeks only and in no case for more than four weeks. One contravention was reported during the period under review. Copies of the report have been communicated to the representative employers' and workers' organisations.

Netherlands.

Act of 14 June 1930 (L.S. 1930, Neth. 2), to amend the Labour Act of 1919.

Decree of 8 September 1936, to issue public administrative regulations respecting hours of work in factories and workshops (L.S. 1936, Neth. 2).

Mines Regulations of 1939.

The report repeats the detailed information previously supplied and adds that no breaches of the legislation were reported during the period under review. Copies of the report have been communicated to the Labour Foundation.

New Zealand.

The report repeats the information previously supplied and adds that the Woollen Mills Labour Suspension Order was revoked as from 1 July 1949. No legislation exists specifically applying the provisions of the Convention to building and construction. The 1945 census figures showed 22 women engaged in this industry, nine of whom were employers; of the workers, seven were painters, three decorators, and three sign-writers. It is not considered necessary to enact special legislation to deal with these workers, most of whom, if not all, are exempted under the provisions of Article 8 and none of whom is conceivably employed during night hours.

According to the 1945 census, no women were employed in the mining industry; 38,055 women were engaged in manufacturing, including repairs, etc. In February 1949, 34,393 women were employed in factories registered under the Factories Act, 1946. According to a national employment service estimate, 43,734 women were employed in April 1949, 158 of whom were employed in mining undertakings and 587 in building and construction; in both cases, the women were employed solely in clerical or administrative capacities. Copies of the report have been communicated to the representative employers' and workers' organisations.

Pakistan.

No use is made of the exception authorised under Article 8 of the Convention. See also under Convention No. 4.

Peru.

No use has been made of the exception provided for in paragraph 3 of Article 2 of the Convention; the exception authorised under Article 8 is not provided for in the national legislation.

See also under Convention No. 4.

Switzerland.

See under Convention No. 5 for information relating to appeals in connection with the Federal Factories Act, the scope of the Act and enforcement of the legislation.

The report refers to the observations made by the Committee of Experts in 1949 regarding the exceptions authorised because of restrictions in the electricity supply, and reproduces the explanatory letter by the Government of 30 May 1949 (published in the *Provisional Record* of the 32nd Session of the Conference).

The reports of the Federal factory inspectors for 1947 and 1948 have been communicated to the Office. A summary of the reports requested from the cantons in 1949 respecting the application of the Factories Act in 1947 and 1948 will be supplied with the Government's next report. Extracts from the

reports drawn up by the cantons in 1948 regarding the application of the Act respecting the employment of young persons and women in arts and crafts in 1946 and 1947 are appended to the report.

During the period under review, the Federal authorities were notified of 11 convictions for breaches of the prohibition of the night work of women under the Factories Act. Fines were imposed in all these cases; no infringements were reported of the Act relating to the employment of women in industry. Among the convictions relating to the Factories Act, it can be assumed that there were several where the breach of the legislation was committed, not during the hours prohibited by the Convention, but in the interval between 8 p.m. (on Saturdays and the eve of public holidays, 5 p.m.) and 10 p.m. which is included in the definition of the term "night" contained in the national legislation. There were also certain convictions for non-compliance with the minimum nightly rest period as prescribed in the Convention and in the national legislation. The Convention continues to be observed in Switzerland. Copies of the report have been communicated to the representative employers' and workers' organisations.

Union of South Africa.

The report repeats the information previously supplied and adds, as regards Article 4 of the Convention, that during the period under review no exemptions were granted under § 54 (4) of the Factories, Machinery and Building Work Act. Certain wage determinations, such as those for the fish industry and the preserved food industry however, replace the provision of the Factories Act in controlling night work of women. In these industries, some seasonal exemptions were granted in connection with raw materials which are of a perishable nature. The night work was limited to the hours of 6 p.m. to 10 p.m. and the exemptions were granted for 12 months in the case of the fish industry and six months in respect of the preserved food industry. The exemption is subject to a higher rate of wages being paid after 6 p.m.

The report states that 129 inspectors are appointed to assist in the administration of the Factories, Industrial Conciliation and Wage Acts. Inspectors in mines do not in practice deal with the question of night work of women owing to the prohibition of the employment of women underground in mines. Women are not often employed at night in other industries, and inspectors, whose duties cover a wide range under the Acts referred to, deal with the matter as part of their duty of administering industrial legislation. The principle that women should not work at night is generally accepted and no difficulty is experienced in administration. Copies of the report have been communicated to the representative employers' and workers' organisations.

Venezuela.

Labour Act of 21 October 1947 (L.S. 1947, Ven. 2), to amend the Act of 16 July 1936 (L.S. 1936, Ven. 2), as amended by the Act of 4 May 1945 (L.S. 1945, Ven. 2).

The report repeats the information previously supplied and adds that, during the period under review, the number of special permanent officials appointed by labour inspectors was reduced from 131 to 112.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Belgium

Belgian Congo and Ruanda-Urundi.

Ordinance of 20 January 1948, concerning the night work of Native women.

Article 1: the legislation applies to all the establishments listed in the Convention.

Article 2: the term "night" includes the period between 7 p.m. and 6 a.m. No use has been made of the provisions of paragraphs 2 and 3 of this Article.

Article 3: the term "women" applies to all women employed in industrial establishments, with the exception of the persons dealt with in Article 8.

Article 4: the laws and regulations contain no provisions with regard to the use of the exceptions provided for under paragraphs (a) and (b).

Articles 6 and 7: no use has been made of the exceptions provided for in these Articles.

The administrative authorities and the labour inspectors ensure the application of the provisions of the Ordinance of 20 January 1948. As women are not employed at night, the Ordinance is mainly of a preventive nature.

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

France

French Cameroons.

Decree of 28 December 1937, to apply the Convention to the territory, promulgated on 4 February 1938.

Article 1: the line of division separating industry from commerce and agriculture is sufficiently covered under French law.

Articles 2 and 3: the only exception existing is that reported in regard to the application of paragraph (b) of Article 4.

Article 4 (b): an exception justified by the rapid deterioration of tobacco owing to the climate of the territory, authorises, women employed in Yaoundé by tobacco undertakings to take turns on short night shifts, followed by rest periods which fully compensate them.

Articles 6, 7 and 8: no use has been made of the exceptions provided for in these Articles.

The labour inspectorate ensures the application of the provisions of the Convention. No decisions were given by courts of law. The provisions of the Convention have confirmed a custom and their application has given rise to no difficulty. Copies of the report have been communicated to the representative employers' and workers' organisations in France and in the territory.

French Equatorial Africa.

Decree of 28 December 1937, to apply the Convention to the colonies, promulgated by the General Order of 8 February 1948.

Article 1: the line of division separating industry from commerce and agriculture has not been established.

Article 2: no use has been made of the provisions laid down in paragraphs 2 and 3.

Article 3: the term "women" is defined as all women employed in industrial undertakings without distinction as to their functions.

Article 4: the exceptions provided for have not been applied.

Article 6: no reduction has been made.

Article 7: the exception provided for in this Article of the Convention has not been applied.

Article 8: women are not employed in responsible positions.

The control of the application of the provisions of the Convention is entrusted to the labour inspectorate. No contraventions were reported by the supervisory services and no observations made by employers' or workers' organisations. Copies of the report have been communicated to the representative employers' and workers' organisations in France and in the territory.

French Establishments in India.

Decree of 6 April 1937, to issue regulations respecting the conditions of employment in the French Establishments in India (§ 20, Part V), (L.S. 1937, Fr. 8).

No woman whatever her age may be employed on any work whatsoever between 6 p.m. and 6 a.m. As this provision is in full harmony with the provisions of Article 2 of the Convention, the local administration has not considered it necessary to issue legislation or administrative regulations for the application of the Convention.

The labour regulations (Decree of 6 April 1937) only apply to industrial and commercial undertakings, as agriculture in the French Establishments in India is limited to small family concerns, and fix the term "night" as the period of 12 hours between 6 p.m. and 6 a.m. No use has been made of the provisions of Article 2, paragraph 3, according to which the term "night" may provisionally be declared by the Government to signify a period of only ten hours. The prohibition of night work laid down in the Decree of 6 April 1937 applies to all women; no distinction is made as to the nature of their duties. With regard to the exception provided for in Article 4 (a),

local Orders authorise an extension of the daily hours of work in order to compensate for hours lost, provided this compensation is made within the prescribed period. With regard to the exception provided for in Article 4 (b), no derogation is authorised by the local regulations, since the exception applies only to adult men. The laws and regulations, therefore, contain no provisions with regard to the use of this exception.

There is no seasonal industry in the territory. However, the exception authorised under Article 6 applies to urgent cases where the work must be effected immediately in order to avoid impending accidents, to organise rescue work, or to deal with accidents occurring to the material, equipment or buildings of the undertakings. In such cases, the head of the undertaking is authorised temporarily to extend the prescribed hours of work by two hours. The period during which hours of work may be extended is not limited to 60 days. The only condition required is a dated statement made by the head of the undertaking specifying the nature of and reason for the exception, the number of women workers who are to be affected by the additional hours, the hours of work and rest periods proposed, and the duration of the exceptions in terms of days and hours. There are no regulations regarding the exceptions provided for in Article 7, as the climatic conditions in the territory are not such as to make this necessary. The following definition has been adopted to apply to women considered as holding responsible posts of management and who are not generally employed in manual work: forewomen, heads of shifts and workers specially engaged in regulating machinery, and women engaged in studies and tests and the adjustment of new types of machinery.

The labour inspectorate is responsible for ensuring the enforcement of the provisions of the Decree of 6 April 1937 and of all the relevant regulations. The functions of labour inspectors are carried out by an official specially appointed for this purpose by the Commissioner of the Republic or, where necessary, the French Minister for Overseas Territories, and directly responsible to the Commissioner of the Republic. The application of the Convention entails various obligations for the employer: (a) an authorisation must be obtained from the labour inspector for the recovery of hours lost as a result of collective work stoppages; (b) notices must be posted up in workplaces regarding the working timetable; they must be dated and signed by the employer and a copy of this timetable must be sent to the labour inspector; (c) the labour inspector must be informed of any extension of the normal hours of work. A total of 2,408 women, employed in four large spinning establishments, are protected by the legislation.

The present report is the first to be drawn up with regard to the application of the Convention. It will be communicated

to the representative employers' and workers' organisations.

French Settlements in Oceania.

Decree of 28 December 1937, to extend to the Overseas Territories the above-named Convention, promulgated in the French Settlements in Oceania by Order No. 209/C of 22 February 1938.

The Convention was published in the local Official Journal of 1 March 1938. No special decisions have been taken to fix the line of division referred to in Article 1 of the Convention; the distinction may be deduced from the type of licence. Work covered by the period between 8 p.m. and 6 a.m. is considered as night work; this period has been uniformly established by the Council of Labour and Manpower. No special distinction has been made between the categories of women who may be employed. The exceptions provided for in Article 4 are not applied. There are three industrial undertakings working continuously and the night shifts do not include any women workers.

Article 8 is inapplicable in the territory.

No difficulties are encountered in applying the provisions of the Convention in the territories, as will be seen from the information given with regard to Article 4.

French West Africa.

Decree of 28 December 1937, to apply the Convention to the colonies, promulgated by Order No. 342 A.P. of 29 January 1938.

Article 1: the line of division separating industry from commerce and agriculture has not been established officially; such a division would be without practical effect because of the definition contained in the Convention with regard to the term "industrial establishment" and since no commercial or agricultural undertaking in the territory has at present any of the characteristics of the industries thus defined.

Article 2: the provisions of this Article concerning the hours during which the night work of women may be carried out, are strictly applied. No use has ever been made of the right laid down in paragraph 3 or of the possibility of substituting the period between 11 p.m. and 6 a.m. for the normal period between 10 p.m. and 5 a.m.

Article 3: the prohibition of the night work of women is strictly applied, whatever the nature of their functions.

Article 4: since no special regulations have been issued, the exceptions authorised could be applied; however, these exceptions have not been applied since very few women are employed in industry. Should the exceptional circumstances envisaged arise, male workers would be called upon.

Article 5: this does not apply.

Article 6: no use has been made of the possibility of reducing the night period to 10 hours on 60 days of the year. It has not been necessary to issue any regulations.

Article 7: the reduction of the night

period has not been applied or considered.

Article 8: since the Convention (as revised in 1934) has not been made applicable to the territory, no women, whatever their age or function, may be employed during the night in an industrial undertaking.

The application of the provisions of the Convention is entrusted to the labour inspection services, subject to the application of the general regulations concerning the health and safety of workers, issued by the General Order of 23 May 1947. No decisions were given by courts of law or other courts with regard to the application of the Convention. The labour inspection services have not reported any contraventions. The number of women employed in industrial undertakings is estimated at 350. No observations were received by the labour inspectorate from employers' or workers' organisations. Copies of the report have been communicated to the representative employers' and workers' organisations in France and in the territory.

Madagascar.

Decree of 28 December 1937, to apply the Convention to the colonies, promulgated by the Order of 4 February 1938.

Decree of 7 April 1938 to issue labour regulations in Madagascar.

§§ 9, 10 and 16 of the Decree of 7 April 1938 cover the provisions of the Convention.

Article 1: the line of division separating industrial from commercial undertakings has been established by custom.

Article 2: no use has been made of any of the exceptions provided for under this Article.

Article 3: the term "women" is very simply defined; it applies to women engaged in simple manual activities.

Article 4: paragraph (a) does not apply; the exception provided for in paragraph (b) is laid down in § 16 of the Decree of 7 April 1938, which provides that women may not be employed at night except in work connected with materials subject to rapid deterioration. Any such exception must, in each individual case, be previously submitted for decision to the labour inspector.

Article 5 does not apply.

Articles 6 and 7: the exceptions laid down in these Articles are not envisaged.

Article 8: women are not employed in any responsible positions in the territory and are only engaged for light work.

The control of the application of the Decree of 7 April 1938 is ensured by the labour inspectors who alone may authorise the night work of women. Each request made by an employer is the subject of an individual enquiry. Moreover, the inspector may visit the workplace at any hour of the night and may effect any necessary investigations. No contraventions were reported and no observations received from employers' or workers' organisations concerning the application of the Convention. Copies of the report have been communicated to the representative workers' and employers' organisations in France and in the territory.

New Caledonia and Dependencies.

Decree of 2 March 1939, to apply to New Caledonia, Book II of the Labour and Social Welfare Code promulgated on 12 April 1936.

Article 1: all the types of work defined by the Convention are included in the list contained in § 11 of the above Decree. It has not therefore been necessary to establish a line of division.

Article 2: the period of night rest includes the period between 10 p.m. and 5 a.m. No use is therefore made of the right to substitute the period between 11 p.m. and 6 a.m. No use has been made of the right to reduce the uninterrupted night period to 10 hours.

Articles 3 and 8: no discrimination is made with regard to the employment of women in the undertakings listed under § 11 of the Decree.

Article 4: the exception laid down in paragraph (a) may only be made use of after a request has been addressed to the labour inspector. This exception may only be used on 15 nights in the year without the labour inspector's authorisation. The same provisions apply in regard to the exception laid down in paragraph (b). As far as is known by the competent administrative service, no use was made of these exceptions during the period under review. The only work to which such exceptions might apply are meat and vegetable canning, but the only undertaking of this kind employs male workers exclusively.

Articles 6 and 7: the regulations in force do not authorise the use of the exceptions provided for in these Articles.

The control of the application of the Convention is entrusted, as a rule, to the labour inspectorate, although this does not affect possible supervision by officers of the judicial police and, eventually, by the medical and public health services. No decisions were given by courts of law. The labour inspection services have reported no difficulties and no contraventions. The supervision effected has not brought to light any industrial work carried out by women during the night, since such work is as a rule effected in the period between 7 a.m. and 5.30 p.m. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative employers' and workers' organisations.

Togoland.

Decree of 28 December 1938, to apply the Convention to the territory.

Togoland is an essentially agricultural territory. There are only a few small workshops and they employ male workers exclusively. The Convention does not therefore apply at the present time. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Netherlands**Indonesia.*

The report repeats the information previously supplied and adds that, during the period under review, exemptions were granted to four sugar refineries, one rubber undertaking, one textile factory, one bulb factory, one rice mill and one glass factory.

Netherland West Indies.

There are no legislative provisions. No women are employed at night in industrial undertakings.

Surinam.

The report repeats the information previously supplied.

*United Kingdom**Aden.*

The report repeats the information previously supplied.

Barbados.

The report repeats the information previously supplied. Copies of the report have been communicated to the Barbados Sugar Producers' Federation, the Shipping and Mercantile Association of Barbados and the Barbados Workers' Union.

Basutoland.

The report repeats the information previously supplied.

Bechuanaland.

The report repeats the information previously supplied.

British Guiana.

The report repeats the information previously supplied.

British Honduras.

The report repeats the information previously supplied.

British Somaliland.

Employment of Women, Young Persons and Children Ordinance, No. 6 of 1938.

This Ordinance ensures the application of Articles 1, 2, 3, 4, 6 and 8 of the Convention as they existed on 5 July 1938, when the Ordinance came into force. The term "night" signifies a period of at least 11 consecutive hours, including the interval between 10 p.m. and 5 a.m. § 4 (6) of the Ordinance prohibits the employment of women at night in any industrial undertaking, as defined in Article 1 of the Convention, except to the extent to which and the circumstances in which such employment is permitted under the Convention. § 6 (3) of

the Ordinance prescribes a fine of Rs. 300 as the penalty for a person employing women in contravention of the Ordinance. No decision has been taken in regard to the last paragraph of Article 1, and there are no administrative regulations on this subject. Only paragraph 1 of Article 2 is applied under the Ordinance. No women are employed in industrial undertakings in the protectorate. The first paragraph of Article 4 is not applied; the second paragraph of this Article is not applicable to the territory. Article 7 is not applied. No women are employed in the categories laid down under Article 8 and no definition has therefore been adopted.

The Ordinance has not been applied since no women are employed in industrial undertakings in this protectorate. The question of supervision and inspection does not therefore arise.

Brunei.

Labour Code of 1932 (§ 68).

The Convention is applied. No decisions have been taken under the last paragraph of Article 1 of the Convention. No other period has been substituted for the period provided for in paragraph 2 of Article 2. The legislation applies the provisions of Article 3 to all kinds of work other than domestic service. The legislation contains no provisions for the exemptions authorised in Articles 4, 6 and 8. The requirements of Convention No. 89 will be taken into account in the Labour Code, which is now being redrafted.

Cyprus.

The report repeats the information previously supplied. Copies of the report have been communicated to the Pan-Cyprian Federation of Labour, the Cyprus Workers' Confederation, the Cyprus-Turkish Trade Unions Federation, and the Association of Cyprus Industries.

Dominica.

The report repeats the information previously supplied.

Falkland Islands.

The report repeats the information previously supplied.

Fiji.

"Night" means the interval between 7 p.m. and 6 a.m. § 59 of the Labour Ordinance authorises night work in the following cases: (a) work in connection with raw materials or materials which, in the course of treatment, are subject to rapid deterioration; (b) an emergency which it was impossible to foresee and which is not of a recurring character; (c) women in responsible positions of management and who are not ordinarily engaged in manual work; (d)

nursing and caring for the sick or other health or welfare work.

At a pineapple cannery, women are occasionally employed at night on canning when there is a glut of fruit. During the period under review, the number of women so employed at night was about 40 over a period of between seven and ten days during the season.

A copy of the report has been communicated to the Labour Advisory Board.

Gambia.

The report repeats the information previously supplied.

Gibraltar.

The report repeats the information previously supplied.

Gold Coast.

The report repeats the information previously supplied. Copies of the report have been communicated to the Chamber of Mines, the chambers of commerce and the Trade Union Congress.

Grenada.

The report repeats the information previously supplied.

Hong Kong.

The report repeats the information previously supplied and adds the following details. During the period under review, 7,751 inspection visits were made, 338 of which were at night. There were 45 prosecutions for the illegal employment of women during the night. The maximum penalty for this offence is a fine of \$1,000.

Under Article 6 of the Convention, the report states that permission was granted to one aerated-water factory (when it was found that further water restrictions were to be imposed), one factory for the canning of fruit, vegetables and meat, and six manufacturers of textiles, rubber goods, vacuum flasks and chemicals. The average number of women employed in registered industrial undertakings was 25,837. This figure does not include a large number of women employed in small concerns employing less than 20 workers, where no power-driven machinery is used, or women working in building and construction trades.

Kenya.

The report repeats the information previously supplied. Copies of the report have been made available to the representative employers' and workers' organisations.

Federation of Malaya.

Codes and Enactments in the various States.

Article 2, paragraph 1, of the Convention is applied. No use has been made of the

exceptions authorised under paragraphs 2 and 3 of this Article. Article 3 is applied; no exception is authorised for establishments in which only members of the same family are employed. No use has been made of the exceptions provided for under Articles 4 and 6. The definition of the term "labourer" would normally exclude women holding responsible positions of management, as they are not ordinarily engaged in manual work. The Department of Labour supervises the application of the legislation. A copy of the report has been communicated to the Federal Labour Advisory Board.

Malta.

No legislation has been introduced to apply the provisions of the Convention as industrial undertakings have not so far employed women at night. The situation is being watched for any action that may become necessary. Copies of the report have been communicated to the General Workers' Union, the Chamber of Commerce, and the Federation of Malta Industries.

Mauritius.

The report repeats the information given in that for 1947-1948, and adds that the majority of women are employed in agricultural undertakings and some are employed in tobacco factories, which do not work at night. The 80 women employed in the manufacture of sacks, mentioned in the previous report, are now no longer employed at night and are under notice; they will be replaced by males who will work day and night alternate shifts.

Nigeria.

The report repeats the information previously supplied.

North Borneo.

The report repeats the information previously supplied and adds that the Convention is applied by the legislation in force. No decisions have been taken in regard to the last paragraph of Article 1 of the Convention. Paragraph 3 of Article 2 is inapplicable. The legislation contains no provisions with regard to the exceptions provided for in Articles 3, 4, 6, 7 and 8 of the Convention. It is anticipated that Convention No. 89 will be applied to the colony in due course.

Northern Rhodesia.

The report repeats the information previously supplied and adds that the legislation applies to all women without distinction, except in the case of women holding responsible positions of management who are not normally engaged in manual work. The legislation does not provide for any special conditions in virtue of Article 4 of the Convention. No exceptions have been made,

as women are not extensively employed in industry. Articles 6 and 7 do not apply. The legislation is applied by the Department of Labour and Mines.

Nyasaland.

The report repeats the information previously supplied.

St. Helena.

The report repeats the information previously supplied.

St. Lucia.

The report repeats the information previously supplied and adds that, in the very few industrial undertakings within the meaning of the Convention which exist in the territory, women are not employed.

St. Vincent.

The report repeats the information previously supplied.

Sarawak.

The report repeats the information previously supplied.

Seychelles.

The report repeats the information previously supplied.

Sierra Leone.

The report repeats the information previously supplied and adds that an adequate definition (except for quarries) of the line of division separating industry from commerce and agriculture is contained in § 2 (1) of the Employers and Employed Ordinance. A copy of the report has been communicated to the Council of Labour.

Singapore.

Labour Ordinance, Chapter 69.

The line of division which separates industry from commerce and agriculture has not yet been defined. "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 may be employed in any kind of labour other than domestic service during the night. Exceptions of the type provided for in Articles 4, 6 and 7 of the Convention are not covered by the legislation in force. The Commissioner for Labour supervises the application of the legislation. Approximately 12,000 women are employed as labourers. There were a few cases in which women were reported to have been employed during the night; no proceedings were necessary as the warnings were effective. In future, the report will be communicated to the Labour Advisory Board.

Solomon Islands.

King's Regulations No. 5 of 1947, as amended by King's Regulations No. 7 of 1948.

The definition of an industrial undertaking contained in the legislation is identical to that in the Convention. However, undertakings for the generation and distribution of gas and the purification or distribution of water and of heating are considered as industrial undertakings. The line of division referred to in Article 1 (2) has not been defined. "Night" means the interval between 7 p.m. and 6 a.m. The Resident Commissioner may suspend the prohibition of the employment of women during the night in the event of a serious emergency and such employment as is in the public interest. Paragraph 3 of Article 2 is not applicable. Women workers may not be employed at night unless the work is in connection with rapidly perishable raw materials, is due to an emergency, is of a responsible managerial nature, is related to public health and caring for the sick, is connected with theatres, hotels, clubs or restaurants, or is that of a registered pharmacist. No women are employed in any industrial undertaking. Articles 5 to 8 are not applicable.

Swaziland.

The report repeats the information previously supplied.

Tanganyika.

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

The report repeats the information previously supplied and adds that women may not be employed in industrial undertakings between the hours of 5 p.m. and 7 a.m.

The term "women" covers all women

employed in industrial undertakings without distinction as to the nature of their duties. No exception is made in the case of women employed in an undertaking in which only members of the same family are employed.

The provisions of Articles 4 and 8 of the Convention will be embodied in the new Employment Bill which is in course of preparation.

Trinidad and Tobago.

The report repeats the information previously supplied. A copy of the report has been communicated to the Trinidad and Tobago Union Council.

Uganda.

The report repeats the information previously supplied.

Zanzibar.

Decree No. 27 of 1948, to amend the Employment of Women, Children and Young Persons Decree.

The report repeats the information previously supplied and adds that the term "women" is interpreted as covering all women employed in industrial undertakings without distinction as to the nature of their duties. Article 4 is covered by § 3D (a) (i) and (ii) of Chapter 132, as amended. No conditions have been prescribed in respect of these exemptions. There are no processes to which the exception contained in paragraph (b) of Article 4 is applicable.

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 representative employers' and workers' organisations.

42. Convention concerning workmen's compensation for occupational diseases (revised 1934)

This Convention came into force on 17 June 1936

Countries	Date of registration or ratification	Reports received
Argentine Republic	14. 3. 1950	
Austria	26. 2. 1936	3. 11. 1949
Belgium	3. 8. 1949	
Brazil	8. 6. 1936	10. 11. 1949
Bulgaria	29. 12. 1949	
Cuba	22. 10. 1936	5. 10. 1949
Czechoslovakia	1. 7. 1949	
Denmark	22. 6. 1939	4. 10. 1949
Finland	20. 1. 1950	
France	17. 5. 1948	27. 10. 1949
Hungary	17. 6. 1935	
Iraq	25. 7. 1941	6. 8. 1949
Ireland	15. 3. 1937	24. 12. 1949
Japan	6. 6. 1936	
Mexico	20. 5. 1937	21. 11. 1949
Netherlands	1. 9. 1939	12. 1. 1950
New Zealand	29. 3. 1938	26. 1. 1950
Norway	21. 5. 1935	27. 10. 1949
Poland	29. 9. 1948	
Sweden	24. 2. 1937	15. 10. 1949
Turkey	27. 12. 1946	19. 10. 1949
United Kingdom	29. 4. 1936	3. 10. 1949

Austria.

Federal Act No. 223 of 15 October 1949, to amend social insurance legislation and to increase social insurance benefits, as amended by Federal Act No. 116 of 19 May 1949. Federal Acts Nos. 34/49 of 16 December 1948 and 114 of 19 May 1949, to amend the Federal Act of 12 June 1947.

The report repeats the information supplied for 1947-1948 and adds that the legislation introduced during the period under review does not affect the application of the Convention. Copies of the report have been communicated to the representative employers' and workers' organisations.

Brazil.

Legislative Decree No. 5452 of 1 May 1943 to approve the consolidation of labour laws (L.S. 1943, Braz. 1).

Legislative Decree No. 7036 of 10 November 1944 to revise the legislation relating to industrial accidents (L.S. 1944, Braz. 2).

§ 190 of the Decree of 1 May 1943 stipulates that the notification of occupational diseases contracted in the course of or as a result of employment in unhealthy processes is compulsory, and contains provisions relating to the notification of such diseases.

The Decree of 10 November 1944 (§§ 16-32) contains provisions relating to incapacity and compensation and to the discharge of liabilities arising from industrial accidents (§§ 52-54).

Cuba.

Decree No. 378 of 1949, to lay down protective measures to be employed in services for the treatment of diseases by radiology, radiotherapy and radium-therapy.

As stated in the report on Convention No. 18, compensation was claimed for two cases of unspecified occupational diseases. Copies of the report will be communicated to the Cuban Confederation of Workers and to the employers' organisations registered at the Ministry of Labour.

Denmark.

The report refers to the information previously supplied.

France.

Decree of 9 February 1949, to supplement the lists of occupational diseases contained in the Decree of 31 December 1946 by the inclusion of ankylostomiasis and bone lesions caused by compressed air.

Decree of 11 June 1949, to modify and supplement the Decree of 31 December 1946 (L.S. 1946, Fr. 12) in pursuance of the Act of 30 October 1946.

Act No. 49-1111 of 2 August 1949, to increase the benefits granted in virtue of the legislation concerning industrial accidents.

The report refers to the information previously supplied, and confirms the statement made by the delegate of France during the last session of the Conference to the effect that the discrepancy in respect of the payment of compensation and benefit for temporary incapacity caused by occupational silicosis will soon be eliminated by means of a Decree.

During 1948, 7,116 cases of occupational diseases were reported, 6,782 of which received compensation. It is not possible to indicate the total amount paid in compensation, as the statistical data makes no distinction between industrial accidents and occupational diseases.

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

Iraq.

The report states that national legislation is in complete harmony with the Convention and that no change has taken place since the last report.

Ireland.

Workmen's Compensation (Amendment) Act, 1948.

Workmen's Compensation (Amendment) Act, 1948 (Appointed Day) Order, 1948, to fix for 1 January 1949 the coming into operation of the above-named Act.

The report repeats the information previously supplied and adds that the Workmen's Compensation (Amendment) Act of 1948 does not introduce any differentiation in payments on the basis of whether disability or death arise from industrial accidents or occupational diseases. The Emergency Powers Orders, to which reference was made in the report for 1946-1947, were revoked by the Act of 1948.

Statistical information regarding cases of occupational disease for the period under review are not yet available but will be forwarded at the earliest possible moment. Copies of the report have been communicated to the representative employers' and workers' organisations.

Mexico.

The Government repeats the information previously supplied. The texts of four decisions by courts of law are appended to the report. Statistics are attached relating to the years 1942-1948. Copies of the report have been communicated to the representative employers' and workers' organisations.

Netherlands.

Act of 25 February 1949, to amend the Acts of 28 June 1921 (L.S. 1921, Neth. 1) and 20 May 1922 respecting insurance against the pecuniary consequences of industrial accidents.

The Act of 25 February 1949 adds to the lists of occupational diseases contained in the Acts of 28 June 1921 and 20 May 1922 a number of diseases which are not enumerated in the Convention.

Statistical data are appended to the report, supplied by the State Insurance Bank for 1947, and showing that a total of 2,735,590 guilders were paid in compensation in respect of 646 cases of occupational diseases. A copy of the report has been communicated to the Labour Foundation.

New Zealand.

The report refers to the information previously supplied and gives detailed information regarding the payment of compensation for occupational diseases (including miners' phthisis (pneumoconiosis) or heart disease contracted by persons while engaged as miners.

See under Convention No. 17 for information relating to the employments to which the Workers' Compensation Act, as amended in 1947, applies and the rates of compensation.

Under § 42 of the Act, as amended, if any worker contracts any disease in respect of which he would be entitled to a miner's

benefit under the Social Security Act, 1938, he shall not be entitled to receive any compensation under the Workers' Compensation Act, 1922, in respect of that disease for any period for which he receives the miner's benefit, or to receive the miner's benefit for any period for which he receives compensation under the Workers' Compensation Act, 1922.

No accurate statistics are available to show the number of persons employed in the trades, industries or processes concerned, but figures are given (taken from the 1945 census and a Preliminary Paper for the year ended 31 December 1948) which give some indication of the position in this respect. Copies of the report have been communicated to the representative employers' and workers' organisations.

Norway.

The report refers to the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Sweden.

Act No. 187 of 6 May 1949, to amend the Act of 14 June 1929 respecting insurance for certain occupational diseases.

Royal Ordinance No. 188 of 6 May 1949, to amend the Royal Decree of 24 November 1944 containing special provisions with regard to the application of the Act of 14 June 1929.

Under the provisions of the Act and Royal Ordinance of 6 May 1949, Weil's Disease is included among the infectious diseases to be treated as occupational diseases. During the year 1946 (the last year for which statistics are available), 4,225 cases of occupational diseases were reported, 3,463 of which gave the right to compensation. During the period under review, 2,654 cases were reported.

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

Turkey.

Ministerial Decree No. 3/7,900 of 24 July 1948, to issue regulations regarding the reduction of the degree of earning capacity caused by industrial accidents or occupational diseases. Ministerial Order No. 3/4,431 of 18 November 1948, to establish the rate of premiums.

The list of diseases considered as occupational diseases is appended to the report; this list contains all the diseases enumerated in the Convention, as well as several others.

During the first six months of 1949, 162 cases of occupational diseases were reported to the insurance institutions. The amount paid in compensation was 2,351 Turkish pounds; a sum of 846 pounds was expended in medical treatment. Information is given regarding employments which give rise to occupational diseases.

Copies of the report have been communicated to workers' organisations and, as there are no representative employers' organisations, to chambers of commerce.

United Kingdom.

Great Britain.

National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations, 1948.

National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations, 1949.

Northern Ireland.

National Insurance (Industrial Injuries) (Amendment) Act (Northern Ireland), 1948, to amend § 14 of the Act of 1946.

Great Britain.

The report repeats the information previously supplied and adds the following. The Prescribed Diseases Amendment Regulations, 1948, make minor provisions in respect of the special hardship allowance and extend the right to benefit in respect of byssinosis to cases where the disease causes loss of faculty which is likely to be permanent and is such that the resulting disablement is assessed at not less than 50 per cent. Under the 1949 Regulations, poisoning by beryllium is added to the list of diseases covered by the principal regulations. The above-mentioned Regulations were made after consultation with the Industrial Injuries Advisory Council, which includes representatives of employers and workers.

Statistics relating to the application of the Industrial Injuries Act are not yet available. Copies of the report have been communicated to the representative employers' and workers' organisations.

Northern Ireland.

One case of lead poisoning occurred; injury benefit was paid during the period of incapacity for work and a claim to disablement benefit is under consideration. Two cases occurred in which persons claimed to be incapacitated by silicosis, but up to 30 June 1949 no decisions had been taken as regards these claims.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Netherlands

Indonesia.

The report refers to the information furnished for the period 1947-1948.

Netherland West Indies.

The report repeats the information previously supplied and adds that the Department of Social and Economic Affairs supervises the application of the legislation. In the petroleum industry, special safety measures were taken to protect young workers. There are no representative employers' or workers' organisations.

Surinam.

Accident Regulation No. 145 of 1947.

The Convention is applied; the labour inspection service supervises the application of legislation.

*United Kingdom**Aden.*

The report repeats the information previously supplied.

Barbados.

No legislation exists applying the Convention. No reports have been received indicating that any of the occupational diseases scheduled in the Convention have affected workers.

Basutoland.

Workmen's Compensation Proclamation, No. 4 of 1948, as amended by Proclamation No. 63 of 1948.

The general principles of the legislation in force relating to compensation for industrial accidents are as follows. If any workman engaged in any employment to which the Proclamation is applied suffers personal injury by accident arising out of and in the course of employment, his employer is liable to pay compensation. Where death results from the injury, the amount of compensation payable is a sum equal to 40 months' wages or £800, whichever is the less; this sum is apportioned 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 48 months' wages or £1,000, whichever is the less. Compensation for lesser injuries is payable according to detailed regulations laid down in Proclamation No. 4 of 1948 and in the second schedule to this Proclamation. The application of the Proclamation to various categories of employment is under consideration. There are no representative organisations of employers and workers.

Bechuanaland.

The report repeats the information previously supplied.

British Guiana.

The Convention is not at present applicable to the territory. Provision is made under the Factories Ordinance for notification and investigation of industrial diseases, and consideration of the extension of the workmen's compensation laws to cover occupational diseases is to be deferred until the incidence of diseases is known through returns made under the Ordinance.

British Honduras.

The report repeats the information previously supplied.

British Somaliland.

There is no legislation and there are no administrative regulations to ensure the application of the Convention. There is no legislation at present in force dealing with compensation payable to workmen suffering from occupational diseases. The Government is practically the only large-scale employer of labour, and there are very few industrial undertakings.

Brunei.

Workmen's compensation legislation covering the requirements of the Convention has been drafted.

Cyprus.

The report repeats the information previously supplied. Copies of the report have been communicated to the Pan-Cyprian Federation of Labour, the Cyprus Workers' Confederation, the Cyprus-Turkish Trade Unions Federation, and the Association of Cyprus Industries.

Dominica.

The report repeats the information previously supplied.

Falkland Islands.

The report repeats the information previously supplied and refers to the enactment of the Workmen's Compensation (Amendment) Ordinance, No. 13 of 1948, containing one minor amendment to existing legislation.

Fiji.

Workmen's Compensation (Amendment) Ordinance, No. 8 of 1948.

At present, occupational diseases, for the purposes of the Ordinance, are anthrax, lead poisoning, mercury poisoning, phosphorus poisoning, arsenic poisoning and silicosis; other diseases may be added. No cases of disablement from the contraction of occupational diseases occurred during the period under review. The following persons are excluded from the right to compensation: non-manual labourers whose earnings exceed £360 a year, casual labourers, out-workers, tributers, members of the employer's family and other classes who may be exempted by the legislation. Compensation is payable for personal injury by accident arising out of and in the course of the employment and incapacitating the workman for at least four days from earning full wages. The workman loses his right to compensation if the injury is attributable to his serious and wilful misconduct, unless the injury results in death or serious and permanent disablement.

In case of death, the dependants are granted a sum equal to 30 months' earnings or £600, whichever is less (minimum £100). If there are no dependants, only burial and medical expenses not exceeding £15 may be claimed. In case of permanent total incapacity, compensation is equal to 36 months' earnings or £750, whichever is the less (minimum £170). This minimum was increased from £125 by Ordinance No. 8 of 1948. In case of permanent partial incapacity, compensation varies from 100 per cent. (loss of two limbs, etc.) down to two per cent. (loss of one phalange of a finger or toe). Two surveys made at the goldfields during the last ten years have failed to reveal any trace of silicosis.

A copy of the report has been communicated to the Labour Advisory Board.

Gambia.

The report repeats the information previously supplied.

Gibraltar.

The report repeats the information previously supplied, and adds the following additional information. Pending the completion of the draft Workmen's Compensation Ordinance and the draft Notification of Accidents and Occupational Diseases Ordinance, employers have been requested to report, on a voluntary basis, any accidents or cases of occupational diseases which would otherwise be notifiable. During the previous annual report period, several suspected cases of lead poisoning were referred to the medical authorities, but were not confirmed as such. However, special attention has since been paid to the provision of adequate washing facilities in industrial undertakings involving painters using leaded paints. The provisions of the United Kingdom Lead Paint Regulations, 1927, have been brought to the notice of employers where this has been necessary. There are no processes carried on in Gibraltar involving the handling of mercury, and there is no handling of unskinned animal carcasses, so that the likelihood of anthrax infection is small. During the period 1947-1948, the Transport and General Workers' Union submitted suggestions for the inclusion in the Schedule to the draft Notification of Accidents and Occupational Diseases Ordinance of certain additional occupational diseases which have been deemed to be compensable under the United Kingdom legislation. The proposed additions were included in the Schedule and the Union was informed that this had been done.

Gilbert and Ellice Islands.

The Convention has not been applied. The enactment of a Workmen's Compensation Ordinance covering the provisions of the Convention is proposed for 1949-1950.

Gold Coast.

The report repeats the information previously supplied and adds that it is proposed to appoint an industrial medical officer when conditions permit.

Grenada.

The report repeats the information previously supplied.

Hong Kong.

The Convention has not been applied, but legislation on workmen's compensation is in course of preparation. This draft legislation makes no distinction between disablement arising from industrial accidents and disablement arising from the contraction of occupational diseases. A worker who has been in the continuous service of his employer for not less than six months would be entitled to compensation if the injury arose out of and in the course of the employment.

An extensive list of occupational diseases is under consideration. Although the above-mentioned legislation has not been enacted, the aim of policy of the Labour Department is to secure the voluntary payment of compensation. During the period under review, many cases were handled, and, in most instances where the employers were able to pay the sums in question, they were informed of the amount which would be payable were the legislation enforced. In almost all cases where the employers were in a position to pay such compensation, they did so with little question. Only in the case of small concerns which might be rendered bankrupt by the payment of large sums has an agreement been reached on reduced amounts. As far as is known, occupational diseases are uncommon in Hong Kong.

Kenya.

The legislation making provision for workmen's compensation for occupational diseases is contained in Ordinance No. 72 of 1948. It is anticipated that this Ordinance will be brought into force later this year.

Federation of Malaya.

Codes and Enactments of the various States.

The report repeats the information previously supplied and adds that, in the case of temporary disablement, total or partial, an insured adult workman receives approximately half-pay up to a maximum of \$60 per month during the period of disablement or during a period of five years, whichever is shorter; an insured minor receives one third of his monthly wages up to a maximum of \$40 per month.

The schedule of occupational diseases given in the legislation follows closely that provided for in the Convention. Many of the processes mentioned in the Convention are not found in the Federation. The

Commissioner for Workmen's Compensation, who is assisted by the Department of Labour, is responsible for the application of the legislation, and forwards to the Department of Labour all reports submitted to him on industrial accidents and occupational diseases. The Department of Labour can present a formal claim for workmen's compensation. Statistics are not available with regard to the number of workers employed in the trades, industries or processes mentioned in the Convention. See under Convention No. 12 for information regarding the cases handled by the Department of Labour in 1948. A copy of the report has been communicated to the Federal Labour Advisory Board.

Malta.

Workmen's Compensation Ordinance, No. XXVIII of 1934 (Chapter 128).

Compensation for industrial accidents is payable under a system of insurance, comprising a workmen's compensation fund financed by equal contributions from employers and employees. The rates of compensation are as follows : in case of death, a pension of 10 shillings per week for the widow and 1 shilling per week for each child up to the age of 16 years, or 10 shillings per week for an orphan, plus 1 shilling per week for each orphan up to the age of 16 years ; a gratuity of 13 shillings per week for a period not exceeding 18 months for dependants ; in case of permanent total incapacity, the insured person receives a pension of 12 shillings per week for life, and each child 1 shilling per week up to the age of 16 years ; in case of temporary total incapacity, an allowance is made to the worker for a maximum period of 12 months, at a rate not exceeding 3 shillings per day, and depending on the amount of wages ; for temporary partial incapacity, the worker receives an allowance for a maximum period of 12 months at a rate not exceeding 3 shillings per day and depending on the amount of wages lost as the result of the incapacity ; for permanent partial incapacity, a gratuity is payable not exceeding an amount assessed at the appropriate rate for temporary total incapacity for two years and depending on the degree of disability.

§ 4 of the Ordinance applies the scheme to occupational diseases, and specifies the diseases in respect of which compensation may be payable. Up to the present, this list was considered to be sufficient for the state of industrialisation of Malta, but it will be revised shortly in connection with the revision of the Ordinance.

The Ordinance is administered by the Department of Labour. All insured persons are issued with a contribution receipt book on which contribution stamps shared equally by employers and workers are fixed. Claims to benefit are considered by a board composed of the Director of Labour as Chairman,

a medical member, a legal member, and two members representing trade unions. Enforcement is entrusted to inspecting labour officers who work under the immediate control of the enforcement officer ; offenders are liable to court fines. No separate statistics have been maintained for industrial disease claims, but the number has been negligible. Copies of the report have been communicated to the General Workers' Union, the Chamber of Commerce, and the Federation of Malta Industries.

Mauritius.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Nigeria.

A clause to empower the Governor in Council to make orders to extend the provisions of the Workmen's Compensation Ordinance to incapacity or death, certified as caused by any of the diseases specified in such orders, is at present under consideration by the Government for inclusion in this Ordinance.

North Borneo.

The report repeats the information previously supplied.

Northern Rhodesia.

The report repeats the information previously supplied and adds that the rates of compensation are limited by the definition of earnings, which imposes a maximum figure of £40 a month in the case of Europeans and 100 shillings a month in the case of Africans. For 100 per cent. disability, a European receives half pay or £20 a month, whichever is the less, plus an allowance based on the size of his family. An African receives 42 months' earnings in a lump sum, with a minimum of £75.

Nyasaland.

The report repeats the information previously supplied.

St. Helena.

The report repeats the information previously supplied.

St. Lucia.

The report repeats the information previously supplied.

St. Vincent.

The report repeats the information previously supplied.

Sarawak.

Workmen's Compensation Ordinance, No. 4 of 1949.

The requirements of the Convention are covered by the Ordinance which is not yet in force. The Protector of Labour administers application of the legislation.

Seychelles.

A Bill covering the requirements of the Convention will be introduced during the current year. At present, there are no trades or industries which come within the scope of Article 2 of the Convention.

Sierra Leone.

The report repeats the information previously supplied and adds that, while there is no provision for inspection under existing legislation, employers have to render returns of accidents. A copy of the report has been communicated to the Council of Labour.

Singapore.

Workmen's Compensation Ordinance (Chapter 70, Laws of the Straits Settlements).

In the case of occupational disease, a workman who has been in the continuous service of the same 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 to pay 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, however, should such an injury result in death.

The report contains information regarding the application of Article 2 of the Convention and states, in particular, that workmen 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.

Compensation is payable to or for the benefit of the workman, or when death results from the injury, to or for the benefit of his dependants. "Dependant" means: a wife, husband, parent, grandparent, minor son, unmarried daughter, married daughter who is minor, widowed daughter, minor brother, unmarried sister, widowed sister and the legal children of a deceased son of the workman who was dependent upon the earning of the workman. "Children" include also illegitimate children of the work-

man, but not his adopted children. "Workman" means any person who is employed for wages at a rate not exceeding \$400 per month and who is not a casual labourer or Government employee. An extensive list is given of the classes of workmen who are covered by the legislation.

The rates of compensation are as follows: when 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; when 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, whichever is the less. The legislation contains various provisions relating to compensation payable where permanent partial disablement results from the injury; a table contained in the schedule to the legislation shows that compensation is fixed at a percentage of the compensation which would have been payable according to the percentage of loss of earning capacity caused by the injury. When 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 half of his monthly wages, but not exceeding \$20 in any case. The report gives the definitions of wages, partial disablement and total disablement specified in the legislation.

The list of occupational diseases provided for in the legislation is not identical with that contained in Article 2 of the Convention. The Singapore Ordinance includes in its list carbon monoxide and carbon-dioxide gas which are not covered by Article 2; on the other hand, Article 2 includes the following diseases which are not mentioned in the Singapore Ordinance: poisoning by mercury, silicosis, phosphorus poisoning, poisoning by halogen derivatives, pathological manifestations due to radium and X-rays and primary epitheliomatous cancer of the skin. As the health authorities have not been notified of any disease of the types mentioned in the Convention and not included in the legislation, there is no evidence to indicate the necessity of inserting these types of diseases in the national legislation. No cases of industrial disease were reported during the period under review. The Commissioner for Workmen's Compensation and the Commissioner for Labour supervise the application of the legislation. In future, the report will be communicated to the Labour Advisory Board.

Solomon Islands.

The report repeats the information previously supplied.

Swaziland.

Proclamation No. 64 of 1948, to amend Workmen's Compensation Proclamation, No. 25 of 1939.

The report repeats the information previously supplied and adds that new rates of compensation, established by the Proclamation of 1948, are as follows: a sum equal to 40 months' wages or £800, whichever is the less, in case of death; a sum equal to 48 months' wages or £1,000, whichever is the less, in case of permanent total incapacity; in case of permanent partial incapacity, a proportion of the amount which would have been payable for permanent total incapacity; the proportion is calculated in accordance with § 7 of the Proclamation.

Tanganyika.

Workmen's Compensation Ordinance, No. 43 of 1948, as amended by Ordinance No. 41 of 1949.

The principal Ordinance was enacted on 2 December 1948 and was brought into operation on 1 July 1949.

The general principles upon which the legislation relating to compensation for industrial accidents has been based are the following:

The Ordinance follows the principle contained in the Model Workmen's Compensation (East and West Africa) Bill, in that the obligation is placed upon the employer to pay compensation to his employees if they are injured during the course of their employment. Compensation payable for total incapacity must be raised to an amount equivalent to 48 months' earnings. In order to benefit the lower-salaried workers, the Ordinance has increased the assessment of compensation or lump-sum payments to the equivalent of longer periods of wage earning employment.

The Ordinance includes a provision for medical aid, as well as provisions concerning occupational diseases. Compulsory insurance is provided in respect of certain occupations, provided that the companies quote reasonable rates (§ 26). The Ordinance applies to all persons defined as workmen, irrespective of race or nationality. It gives discretion to the local authorities to determine the manner of payment of compensation in respect of workers whose earnings are below a certain salary level, fixed at 200 shillings.

The rates of compensation for injury resulting from industrial accidents are as follows: for death: a sum equal to 36 months' earnings or 14,000 shillings, whichever is the less; for permanent total incapacity: a sum equal to 48 months' earnings or 20,000 shillings, whichever is the less, subject to a minimum payment of 1,500 shillings (additional compensation amounting to one quarter of the amount must be paid if the injured worker requires the constant help of another person); for permanent partial incapacity: a percentage of the amount payable in respect of permanent total inca-

capacity, according to the percentage scale of disability for injuries given in the schedule attached to the Ordinance; for temporary incapacity: half the difference between the worker's monthly earnings at the time of the accident and his monthly earnings after the accident, payable at monthly intervals, subject to a maximum payment of 320 shillings a month for a total period not exceeding 96 months. Lump-sum payments payable in respect of permanent total or partial incapacity may not be distributed if permanent incapacity follows temporary incapacity.

Compensation is payable in respect of a worker who is certified as having died as a result of or as suffering from a scheduled disease which was due to his employment and was contracted during the previous 24 months. The employer who last employed the worker is liable for the payment of this compensation, but he can join other employers by whom the worker was employed during the period as parties to any compensation proceedings which may be instituted. The rates of compensation are similar to those paid in respect of industrial accidents and the monthly earnings of the worker are computed at the monthly rate at which the worker was remunerated during the last 12 months of his employment with his employer or for the actual period of his employment. Compensation assessed for industrial diseases also includes medical aid.

The diseases listed in the schedule attached to the Ordinance are those that may arise within the territory as a result of employment in the trades operated. Additions or deletions may be made to the list of diseases should the need arise.

The administration of the Ordinance is entrusted to the labour commissioner and the officers of the Labour Department, who ensure the application of the Ordinance by regular and frequent inspections. The chief disease reported is anthrax occurring to workers employed in the hides and skins trade.

Copies of the report will be communicated to the members of the Labour Board.

Trinidad and Tobago.

The Convention has not yet been applied. During the period under review, a committee was appointed by the Government to consider the revision of existing legislation governing workmen's compensation in the light of present-day conditions, due regard being paid to any principles and provisions contained in current international labour Conventions and Recommendations dealing with this subject.

Uganda.

No legislation to give effect to the Convention was in force during the period under review. The Workmen's Compensation Ordinance of 1949 provides for compensation in respect of certain scheduled occupational

diseases, but only came into force on 1 November 1949.

Zanzibar.

There is no legislation applying the Convention.

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 representative employers' and workers' organisations.

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	2. 11. 1949
Bulgaria	29. 12. 1949	
Czechoslovakia	19. 9. 1938	2. 1. 1950
France	5. 2. 1938	27. 10. 1949
Ireland	15. 5. 1939	17. 11. 1949
Mexico	9. 3. 1938	21. 11. 1949
Norway	21. 5. 1935	27. 10. 1949
United Kingdom	13. 1. 1937	3. 10. 1949

Belgium.

The report repeats the information previously supplied and adds that no breaches of the legislation have been reported. Copies of the report have been communicated to the representative employers' and workers' organisations.

Czechoslovakia.

The report refers to the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

France.

The report repeats the information previously supplied and refers for further information to the report on Convention No. 49.

Ireland.

The report repeats the information previously supplied and adds that there have been no breaches of the legislation. Copies of the report have been communicated to the representative employers' and workers' organisations.

Mexico.

The report repeats the information given for 1947-1948. Copies of the report have

been communicated to the representative employers' and workers' organisations.

Norway.

The report refers to the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

United Kingdom.

The report repeats the information previously supplied for *Great Britain*. Copies of the report have been communicated to the representative employers' and workers' organisations.

There are no automatic sheet-glass works in *Northern Ireland*.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Belgium

Belgian Congo and Ruanda-Urundi.

The Convention is not applicable as there are no automatic sheet-glass works.

United Kingdom

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 the application of this Convention in the non-metropolitan territories have been communicated to the representative employers' and workers' organisations.

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
Bulgaria	29. 12. 1949	
France	21. 2. 1949	
Ireland	10. 6. 1937	17. 11. 1949
New Zealand	29. 3. 1938	11. 1. 1950
Switzerland	14. 6. 1939	14. 10. 1949
United Kingdom	29. 4. 1936	3. 10. 1949

Ireland.

Orders made under the Social Welfare (Reciprocal Arrangements) Act, 1948.
 Social Welfare (Great Britain Reciprocal Arrangements) Order, 1949.
 Social Welfare (Great Britain Reciprocal Arrangements) (No. 2) Order, 1949.
 Social Welfare (Northern Ireland Reciprocal Arrangements) Order, 1949.

The Social Welfare (Great Britain Reciprocal Arrangements) Order of 1949 brought into operation an agreement with the British Minister of National Insurance which adjusted, as from 5 July 1948, the position of masters and members of crews of ships and vessels for the purpose of unemployment insurance. Under the Order No. 2 of 1949, certain contributions may be transferred from one country to another, thus making the unemployment benefit available in either country in respect of contributions paid in the other country. Similar arrangements have been made with the Northern Ireland Minister of Labour and National Insurance.

The total insured population at the beginning of October 1948 was 476,539. The total amount paid in benefit during the year 1947-1948 was approximately £951,200; the State contribution to the unemployment fund for the same period amounted to £589,450. The approximate number of persons covered by certificates of exception issued in accordance with paragraph 2 (*d*) of Article 2 of the Convention is 12,300; and approximately 530 certificates were granted.

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

New Zealand.

The Government repeats the information previously supplied and adds that, during the year ended 31 March 1949, there were 752 applications for unemployment benefit, which was granted in 344 cases, the total payments amounting to £8,948.

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

Switzerland.

Federal Order of 12 February 1949, to lay down regulations regarding compensation to unemployed persons during periods of restrictions in the use of electricity.

Ordinance of 22 February 1949, in pursuance of the Federal Order of 12 February 1949.

Order of the Federal Council of 13 November 1948, respecting the abolition of allowances to unemployed persons in distress and to make provisions to cover the expenses in this connection in 1948.

The report repeats the information previously supplied and adds that a supplementary unemployment insurance allowance was introduced to assist unemployed persons in distress; during 1948, five cantons granted allowances to unemployed persons. In view of the economic situation, the number of persons in receipt of assistance has decreased to such an extent that, by Order of 30 November 1948, the Federal Council decided temporarily to suppress the payment of allowances. Apart from Swiss citizens, benefits were paid only to nationals of States with which Switzerland has concluded an agreement, *i.e.*, Belgium, France, Germany and the Netherlands. The canton of Fribourg has adopted the system of compulsory insurance.

In order to protect the water supply system, the Federal authorities were obliged to introduce restrictions regarding the consumption of electricity; this resulted in a considerable reduction in hours of work and an important cut in workers' wages made up, in part, by allowances. By Order of 12 February 1949, the Federal Assembly therefore decided to place partially unemployed workers on the same footing as totally unemployed workers; this measure will cease to be in force when the measures restricting the use of electricity are repealed. At the end of July 1949, 562,169 persons were insured against unemployment.

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

United Kingdom.

Various Agreements, Orders and Regulations adopted in Great Britain and Northern Ireland, 1948-1949, to amend the law governing unemployment benefits.

The report refers to the detailed information supplied for the period 1947-1948 and adds the following. The new unemployment benefit provisions have been found to operate smoothly without the need for any improved amendments. The fact that conditions have continued to approximate "full employment" has helped to ensure a good start on the unemployment benefit side.

New regulations were issued in 1948-1949 dealing with reciprocal arrangements with Ireland and the Isle of Man, overlapping benefits, the eligibility of share fishermen for unemployment benefit subject to certain conditions, new entrants and members of the armed forces. There is full reciprocity respecting contributions and unemployment benefit between Great Britain and Northern Ireland and the Isle of Man. An agreement also exists between Great Britain and the Irish Republic, whereby in certain circumstances contributions paid in one country are transferred to the insured person's credit in the other country, so that unemployment benefit may be paid on the basis of transferred contributions. Moreover, if a person resident in Northern Ireland is employed in the Irish Republic, his insurance for unemployment benefit is deemed to be under the Northern Ireland scheme if he so elects; the same is true for residents in the Irish Republic employed in Northern Ireland.

Under the National Insurance (Overlapping Benefits) Regulations, 1948, the full rate of unemployment benefit cannot be paid at the same time as any other national insurance benefit or pension, except maternity grant and death grant, or at the same time as injury benefit (not disablement pension) under the industrial injuries scheme. Unemployment benefit cannot be paid to anyone who is receiving a Government training allowance or an unemployability supplement to any disablement pension.

The new national assistance scheme has taken the place not only of the earlier unemployment assistance scheme but also of the arrangements for the relief of distress formerly entrusted to the local authorities. In general, all persons in need of assistance, whether or not they are in the employment field, are now dealt with on the same basis.

Statistical data are supplied for *Great Britain* showing the estimated working population at mid-1948 (22,300,000), the estimated totals of insured persons at mid-1948 (20,500,000) and the number of persons registered as unemployed on 15 November 1948 (327,943) and 9 May 1949 (304,165). Figures are also given showing the amounts paid in unemployment benefit for the period 1 October 1948 to 30 June 1949 (£14,534,000), as well as the number of persons in receipt of assistance who were required to register at the employment exchange on 28 June 1949 (31,224). Assistance was given to supplement unemployment benefit in 21,993 cases.

Figures are given for *Northern Ireland*, showing the estimated totals of persons insured under the National Insurance Act (Northern Ireland) at mid-1948 (665,000), the approximate amounts paid in respect of unemployment benefits and assistance (£1,817,382), as well as the number of applicants registered for unemployment benefit on 30 June 1949 (27,503) and the number of vacancies notified (30,152) and filled (25,985) during the period 1 October 1948-30 June 1949. On 30 June 1949, there were 28 local

offices, 42 paying offices and one local agency.

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

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

United Kingdom

Aden.

The report repeats the information previously supplied.

Barbados.

The stage of social development of the territory does not permit the introduction of a general scheme of contributory unemployment insurance.

Basutoland.

The report repeats the information previously supplied.

Bechuanaland.

The report refers to Convention No. 2.

British Guiana.

The report repeats the information previously supplied.

British Honduras.

The report repeats the information previously supplied.

British Somaliland.

No legislation and no administrative regulations exist to ensure the application of the Convention. The vast majority of the population consists of nomads, and the Government is the only large-scale employer of labour. It has not been found practicable to maintain any statistical information concerning unemployment, and there are no public employment agencies.

Brunei.

The report repeats the information previously supplied.

Cyprus.

The Convention has not been applied in Cyprus as, in the present state of development, conditions are such that the introduction of these measures would encounter great difficulties. The body of permanent industrial wage earners is comparatively small and a substantial proportion of them take up alternative employment on the land during slack periods. The administration of a scheme of unemployment insurance would also require the establishment of an

adequate number of employment exchanges with a considerably enhanced staff. At present, there are only three exchanges in the island, although the establishment of additional exchanges is contemplated. Copies of the report have been communicated to the Pan-Cyprian Federation of Labour, the Cyprus Workers' Confederation, the Cyprus-Turkish Trade Unions Federation, and the Association of Cyprus Industries.

Dominica.

The report repeats the information previously supplied.

Falkland Islands.

The report repeats the information previously supplied.

Fiji.

The report repeats the information previously supplied.

Gambia.

The report repeats the information previously supplied.

Gibraltar.

The Government repeats the information given in the previous report, and adds that during the period under review £720 was disbursed in benefits. Two local trade unions have passed resolutions requesting the introduction of social security and have been informed that this has been accepted as an aim of policy.

Gilbert and Ellice Islands.

The report repeats the information previously supplied.

Gold Coast.

The Government repeats the information given in previous reports and adds that steady progress is being made with labour registration. A Central Registration Bureau with a field staff was set up a year ago.

Grenada.

The report repeats the information previously supplied.

Hong Kong.

The report repeats the information previously supplied.

Kenya.

The Convention lays down measures of social security for which the colony is not yet ready. It would therefore appear that Kenya is exempted from application under the terms of Article 35 of the Constitution.

Federation of Malaya.

The report repeats the information previously supplied.

Malta.

The Convention has not so far been applied to Malta, where no scheme of benefit or allowance exists for the unemployed. An insurance scheme has in the past been considered to be too expensive to operate. The matter of relief works has not yet received consideration. Copies of the report have been communicated to the General Workers' Union, the Chamber of Commerce, and the Federation of Malta Industries.

Mauritius.

The Government repeats the information given in the previous report. Poor-law relief is not as a rule given to able-bodied males. It is only when the number of unemployed becomes large that relief works are started. Lack of employment is more serious for the town-dweller than for the country-dweller, but both prefer to look on themselves as contractors hired to perform a piece of work and not as simple wage earners. The growth in population and the small size of Mauritius are likely to bring about a crisis of unemployment, and though unemployment relief is being considered with other social security schemes, the nature of the crisis is likely to exhaust the obtainable funds before the problem is solved.

Nigeria.

The Government repeats the information given in previous reports and adds that only a very small percentage of the population subsists substantially by way of wage earning.

North Borneo.

The report repeats the information previously supplied.

Northern Rhodesia.

The Convention cannot be applied in the present state of development of the territory.

Nyasaland.

The report repeats the information previously supplied.

St. Helena.

The Government repeats the information given in the previous report. During the year an average of 121 men were employed on relief works. The estimated cost of relief for 1948 amounts to £5,080 out of a total budget of £106,073. One hundred St. Helenian agricultural workers arrived in the United Kingdom to begin work in August 1949.

St. Lucia.

The Government repeats the information given in previous reports and adds that, in an agricultural community such as St. Lucia, where employment is seasonal, the provision of unemployment benefit would be beyond the resources of the territory.

St. Vincent.

The report repeats the information previously supplied.

Sarawak.

The report repeats the information previously supplied.

Seychelles.

The report confirms the information previously given.

Sierra Leone.

The Government repeats the information given in previous reports and adds that most wage earners are peasant farmers periodically seeking employment in the towns. While the adoption of a comprehensive scheme of unemployment insurance might not be practicable at present nor a matter of urgency, the necessity for applying schemes for the repatriation and resettlement of displaced persons from the rural areas, and for the immediate relief of vagrants or others with no means of subsistence, is constantly borne in mind. The Welfare Department deals with acute cases of destitution and the Labour Department has funds for the repatriation of unemployed workers from the rural areas. In the short-term, development projects will absorb surplus labour and the employment exchanges can give priority to persons habitually dependent on wage earnings. Copies

of the report have been communicated to the Sierra Leone Council of Labour.

Singapore.

The Convention has not been applied. A committee has been set up to investigate the possibilities of schemes for social security. The Social Welfare Department makes cash payments to unemployed persons in need of assistance.

Solomon Islands.

The report repeats the information previously supplied.

Swaziland.

The report repeats the information previously supplied.

Tanganyika.

The report repeats the information previously supplied.

Trinidad and Tobago.

The report repeats the information previously supplied.

Uganda.

The report repeats the information previously supplied.

Zanzibar.

The report repeats the information previously supplied.

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 representative employers' and workers' organisations.

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	13. 2.1950
Argentine Republic	14. 3.1950	
Austria	3. 7.1935	3.11.1949
Belgium	4. 8.1937	2.11.1949
Brazil	22. 9.1938	10.11.1949
Bulgaria	29.12.1949	
Chile	16. 3.1946	7.11.1949
China	2.12.1936	
Cuba	14. 4.1936	5.10.1949
Egypt	11. 7.1947	17.10.1949
Estonia	4. 6.1937	
Finland	3. 3.1938	20.10.1949
France	25. 1.1938	27.10.1949
Greece	30. 5.1936	14.12.1949
Hungary	19.12.1938	
India	25. 3.1938	15.12.1949
Ireland	20. 8.1936	17.11.1949
Mexico	21. 2.1938	21.11.1949
Netherlands	20. 2.1937	12. 1.1950
New Zealand	29. 3.1938	11. 1.1950
Pakistan ¹	25. 3.1938	17.10.1949
Peru	8.11.1945	31. 1.1950
Portugal	18.10.1937	10.11.1949
Sweden	11. 7.1936	15.10.1949
Switzerland	23. 5.1940	14.10.1949
Turkey	21. 4.1938	19.10.1949
Union of South Africa	25. 6.1936	10. 8.1949
United Kingdom	18. 7.1936	3.10.1949
Venezuela	20.11.1944	17. 1.1950

¹ See under Convention No. 1, footnote 3.

Afghanistan.

The employment of women is limited to household duties, teaching, handicrafts, village industries and domestic service. Traditionally, no women are employed in industrial undertakings. From the information available in the recently organised Department of Labour, the Department of Industries and the Ministry of National Economy (which, according to the existing legislation is still in charge of the enforcement of the legislation) only one wool textile factory employs women.

Austria.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Belgium.

The report repeats the information previously supplied and adds that as no breaches of the legislation were reported, it can be assumed that the Convention was applied strictly. Copies of the report have been communicated to the representative employers' and workers' organisations.

Brazil.

Legislative Decree No. 5452 of 1 May 1943, to approve the consolidation of Labour Laws (L.S. 1943, Braz. 1).

Under § 387 of Legislative Decree No. 5452 of 1 May 1943, the employment of women on underground work in mines is prohibited.

Chile.

The report repeats the information previously supplied and adds that there were no breaches of the legislative provisions which apply the Convention. Copies of the report have been communicated to the representative employers' and workers' organisations.

Cuba.

The report repeats the information previously supplied and points out that the employment of women underground is unknown in Cuba. Copies of the report have been communicated to the representative employers' and workers' organisations.

Egypt.

The report repeats the information previously supplied.

Finland.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

France.

The report repeats the information previously supplied, and adds that the data at

the disposal of the public authorities make it possible to assume that breaches of the legislation seldom occur. The Government is, therefore, of the opinion that the communication of its annual reports to the representative employers' and workers' organisations is inappropriate.

Greece.

The report repeats the information previously supplied and adds that the Convention is applied in a satisfactory manner. The prohibition of the employment of women in underground work is accepted as a general principle in Greece. Copies of the report have been communicated to the representative employers' and workers' organisations.

India.

The report repeats the information previously supplied and adds that the employment of women underground has been banned in the States which have been incorporated with the Indian Dominion Provinces. Copies of the report have been communicated to the representative employers' and workers' organisations.

Ireland.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Mexico.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Netherlands.

As the employment of women in underground work is prohibited, the Government has nothing to report. Copies of the report have been communicated to the Labour Foundation.

New Zealand.

The report repeats the information previously supplied, and adds that, in practice, no women are engaged in underground work. Copies of the report have been communicated to the representative employers' and workers' organisations.

Pakistan.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative workers' organisations. There are as yet no representative employers' organisations in Pakistan and copies of the report have been communicated to the provincial Governments for transmission to the important chambers of commerce.

Peru.

Act No. 2851 of 25 November 1918, to regulate the employment of women and children (L.S. 1919, Per. 1).

Supreme Decree of 25 June 1921, to issue regulations under the above Act.

§ 12 of the Act of 25 November 1918 and § 17 of the Decree of 25 June 1921 prohibit the employment of women in any work which, in the opinion of the Executive Authority, is dangerous to health or morals, in particular, work underground and in mines or quarries. The legislation does not provide for the exceptions referred to in Article 3 of the Convention. However, the exceptions provided for in paragraphs (c) and (d) of this Article could be authorised without being contrary to the spirit of the legislation.

See under Convention No. 4 for information relating to the authorities entrusted with the application of the Convention. During the period under review, no breaches of the legislation were reported.

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

Portugal.

The report repeats the information previously supplied and adds that, during the period under review, no breaches of the provisions of the Convention were reported. For information relating to the labour inspection service, see under Convention No. 1. Copies of the report have been communicated to the representative employers' and workers' organisations.

Sweden.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Switzerland.

Neither the reports of the Federal factory inspectors for 1947-1948 nor the cantonal reports on the application of the Act respecting the employment of young persons and women in arts and crafts in 1946 and 1947, which have been communicated to the Office, refer to underground work; in Switzerland mines, above all since the end of the war, occupy only a secondary role. Any mines which are opened are few in number and of minor importance. Consequently, the authorities have no difficulty in ensuring compliance with the Convention; no breaches of the legislation have been brought to the notice of the Government. Copies of the report have been communicated to the representative employers' and workers' organisations.

Turkey.

Decree No. 7896 of 22 July 1948, to issue regulations respecting dangerous and unhealthy work (L.S. 1948, Tur. 2).

The report repeats the information previously supplied and adds that Article 2 of the Convention is also applied under the first paragraph of the list appended to Decree No. 7896 of 22 July 1948. The labour inspection service is made up of 20 regional labour directorates which cover all departments of the country and are in charge of the labour inspectors and their assistants. Up to the present, the labour inspectors have submitted no reports showing that women are employed underground in mines.

Copies of the report have been communicated to the representative workers' organisations and, in the absence of employers' organisations to the 19 chambers of commerce and industry considered as the most representative, as well as to the *Sümerbank* and *Etibank*, which constitute the two biggest State undertakings.

United Kingdom.

The report for *Great Britain* repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

The position in *Northern Ireland* is the same as that in *Great Britain* except that supervision in *Northern Ireland* is carried out by the Ministry of Commerce instead of by the Mines Department. There has been no change in *Northern Ireland* since the last annual report.

Union of South Africa.

The legislation implementing the Convention has been extremely well observed and no cases of contravention have occurred during the 38 years in which the regulations have been in force. The report will be submitted to the representative employers' and workers' organisations.

Venezuela.

The report repeats the information previously supplied and adds that, during the period under review, the number of special permanent officials appointed by the labour inspectorate was reduced from 131 to 112.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Belgium

Belgian Congo and Ruanda-Urundi.

There are only a few mines in the territory which are operated for the extraction of underground substances; no women are employed in these mines.

Netherlands

Indonesia.

The report refers to the information furnished for the period 1947-1948.

Netherland West Indies.

The report repeats the information previously supplied.

Surinam.

The report repeats the information previously supplied.

Portugal

See introductory note to Convention No. 1.

Angola.

There is no necessity to enact any legislation on the subject as women are not employed in underground work.

Cape Verde.

No legislative measures have been taken with regard to the Convention.

Macao.

Since there is no underground work, it has not been necessary to enact any legislative measures.

Mozambique.

The employment of women for underground work is not prohibited under the mining legislation in force since the Decree of 14 December 1869. However, women have never been employed in such work. In view of the tradition which protects women against the risks of underground work, it has not been considered necessary to enact any legislative measures. Ordinance No. 5483 of 8 April 1944, contains regulations regarding Natives.

Portuguese Guinea.

There are no industries for the extraction of underground substances. The prohibitive measures laid down in the Convention are therefore not applicable.

Portuguese Indies.

No legislative measures have been taken.

S. Tomé and Príncipe.

The application of the Convention does not arise, since there is no underground work.

Timor.

There is no special legislation concerning the provisions of the Convention since there is no underground work and there are no mines. The application of the provisions of the Convention may, however, be ensured by the principles contained in the Native Labour Regulations, approved by Ordinance No. 439 of 10 July 1936 (§ 12, paragraph 2). The central office for public works and

development is, in theory, responsible for work in mines and for the supervision of such work. The work of Natives would be supervised by the Curator General and his ten agents (one in each district). The chief engineer of the public works and development services carries out inspection visits to workplaces. The Curator and his agents carry out their supervision not only at workplaces, but also when contracts of employment are being drawn up and approved. There are no representative employers' or workers' organisations.

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, British Honduras, Brunei, Dominica, Falkland Islands, Gambia, Grenada, Malta, Mauritius, North Borneo, St. Helena, St. Lucia, St. Vincent, Seychelles, Singapore, Trinidad and Tobago.*

As regards the territories in the following list, the reports confirm the information previously supplied:

Bechuanaland, British Guiana, Cyprus, Fiji, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Hong Kong, Kenya, Federation of Malaya, Nigeria, Nyasaland, Sarawak, Solomon Islands, Swaziland, Tanganyika, Uganda, Zanzibar.

The three reports summarised below contain new information.

British Somaliland.

There is no legislation and there are no administrative regulations to ensure the application of the Convention. At present,

there is no mining apart from prospecting. Women are not employed for this purpose, and there is no likelihood that they will be so employed.

Northern Rhodesia.

The report repeats the information previously supplied and adds that the term "mines" is adequately defined in the legislation. The term "women" is defined as all persons of the female sex without any distinction as to age; their employment underground is prohibited. The legislation provides for the exceptions dealt with in Article 3, but no exceptions have ever been made and no woman has ever been employed underground.

Sierra Leone.

Employers and Employed Ordinance, 1934 (Chapter 70 of the Laws of Sierra Leone, 1946 Edition).

The provisions of Articles 1 and 2 of the Convention are covered by § 38 of the Ordinance. No exemptions are provided for in the legislation of the territory. The administration of the provisions of the Ordinance is entrusted to the Labour Department, the chief inspector of mines also visits the mines regularly on official inspections. There is no underground work in mines in the territory and women are not at present employed in mines. A copy of the report has been communicated to the Council of Labour.

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 representative employers' and workers' organisations.

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	21. 11. 1949

¹ Voluntary report.

Mexico.

Collective agreement between the Sabina Coal-Mining Company, the Mexican Zinc Company and the Industrial Union of Mining, Metallurgical and Related Workers of the Mexican Republic, dated 16 April 1948.

Works Regulations of the above-mentioned companies, enacted on 14 April 1939 and amended in 1949.

The report repeats the information previously supplied and, under Article 8 of the Convention, communicates the texts of the amendments made to the above-mentioned Works Regulations in 1949. These Regulations provide that the additional hours permitted under Article 8, paragraph 4 of the Convention must be considered as overtime and remunerated at a higher rate of pay. Copies of the report have been communicated to the representative employers' and workers' organisations.

NON-METROPOLITAN TERRITORIES
(ARTICLE 35 OF THE CONSTITUTION)

Does not apply.

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	28.10.1949

¹ Voluntary report.

New Zealand.

The report repeats the information previously supplied and adds that, according to a recent estimate, the number of workers

covered by the relevant legislation is 284,602. During the year ended 31 December 1948, the number of hours for which inspectors of factories granted permission to work over-time was 688,917. Copies of the report have been communicated to the representative employers' and workers' organisations.

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	12. 1.1950
Poland	21. 3.1938	15.11.1949
Spain	8. 7.1937	
Yugoslavia	4. 1.1946	

Netherlands.

Act of 29 October 1948, to amend the Act of 5 June 1913 respecting invalidity, old-age and survivors' insurance (L.S. 1948, Neth. I).

Under the national legislation, all workers are entitled to invalidity, old-age and widows' and orphans' insurance without any conditions as to nationality, residence or establishment. In calculating the qualifying periods and the number of contributions, account is taken of all periods spent in insurance and all contributions paid in a country which has ratified the Convention. Insurance periods in respect of which no contributions have been paid are not taken into account. The recovery of rights, the right of affiliation to a voluntary insurance scheme and the right to medical treatment and attendance are not subject to a minimum period of insurance or to a minimum number of contributions; the totalisation of contribution periods is not compulsory. A worker retains all the aforementioned rights whatever his nationality.

In calculating the pension, due account is taken of the periods spent in insurance and of the full amount of contributions paid. Pensions paid to foreigners are not subject to any reductions. The only condition as regards the qualifying period is that 150

weekly contributions are required in the case of invalidity pensions and 40 weekly contributions in the case of widows' and orphans' pensions; no weekly payment is required in the case of old-age pensions. The application of the Convention has not resulted in any difference in the payment of benefits. No agreements have been signed between the Netherlands and other countries as regards methods for reckoning, commuting and settling benefits and for the conversion of currencies.

Insured persons enjoy unconditionally the right to the full payment of benefits acquired in virtue of insurance; however, subsidies granted out of public funds to supplement the contributions of foreigners affiliated to the insurance scheme after the age of 16 years are not paid when the insured persons in question live outside the Netherlands. It has not yet been possible to abolish this exception.

The commutation of pensions is only allowed in the case of widows' and orphans' pensions, provided that this is to the advantage of the beneficiaries and the pension amounts to less than 24 florins a year. Pensions are paid in Dutch or foreign currency, through a private bank in cases where the insured person lives abroad and has not appointed an assignee. The report contains detailed information concerning the insurance scheme in force in the Netherlands.

On 1 October 1948, two pensions were in course of payment to persons living in Poland; three other pensions were granted during the period under review to persons residing in Poland and in Hungary. Copies of the report have been communicated to the Labour Foundation.

Poland.

Poland has not yet concluded any agreements with States which have ratified the Convention, but agreements have been concluded with Czechoslovakia and France. The report contains a description of the invalidity, old-age and widows' and orphans' insurance schemes in force in Poland. It has not been necessary to bring Polish legislation into conformity with the provisions of the Convention, since the provisions of the legislation are in no way contrary to the latter. Moreover, as no bilateral agreements have been concluded, the Convention has not so far been applied in relations between Poland and States which have ratified the Convention.

Detailed information is given regarding the maintenance of rights under the bilateral agreements concluded with Czechoslovakia and France. Foreigners enjoy in full the right to benefits acquired under the Polish insurance scheme, irrespective of their place of residence. Pensions may be converted into lump-sum payments at the request of the beneficiaries but, in practice, the conversion of pensions is no longer effected. The report repeats the information previously supplied, in particular, as regards equality of treatment for foreigners and Polish citizens, affiliation to insurance schemes and

the granting of benefits. Statistics concerning the application of these provisions are not available as the Convention has not been applied on an international level.

Copies of the report have been communicated to the Central Committee of Polish Trade Unions.

NON-METROPOLITAN TERRITORIES
(ARTICLE 35 OF THE CONSTITUTION)

*Netherlands**Indonesia.*

The report refers to the information furnished for the period 1947-1948

Netherland West Indies.

Compensation is granted for invalidity resulting from accidents or occupational diseases. Voluntary old-age, widows' and orphans' pensions schemes have been introduced for Government employees and for employees in a few big undertakings.

Surinam.

The Convention is not applied, up to the present, the enactment of legislation has been considered unnecessary.

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
Bulgaria	29.12.1949	
Czechoslovakia	19. 9.1938	2. 1.1950
France	25. 1.1938	27.10.1949
Ireland	10. 6.1937	17.11.1949
Mexico	21. 2.1938	21.11.1949
New Zealand	29. 3.1938	11. 1.1950
Norway	21. 7.1936	27.10.1949

Czechoslovakia.

The report refers to the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

France.

The report repeats the information previously supplied and adds that, while additional hours worked in case of urgent work are paid, as a rule, at the normal rate, in practice several local and regional agreements treat hours so worked as overtime for which extra remuneration is paid in the conditions provided for in the Act of 25 December 1946 respecting remuneration for overtime. The Government points out that it might be possible to settle this point on the national level by means of a collective agreement as provided for in the Act of

25 December 1946. Copies of the report have been communicated to the representative employers' and workers' organisations.

Ireland.

The report repeats information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Mexico.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

New Zealand.

The report repeats the information previously supplied. Copies of the report have been communicated to representative employers' and workers' organisations.

Norway.

See under Convention No. 43.

NON-METROPOLITAN TERRITORIES
(ARTICLE 35 OF THE CONSTITUTION)

No information.

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
Argentine Republic	14. 3.1950	
Belgium	26. 7.1948	
Japan	8. 9.1938	
New Zealand	8. 7.1947	28.10.1949
Norway	7. 7.1937	27.10.1949
United Kingdom	22. 5.1939	22.11.1949
* * *	* * *	* * *
Southern Rhodesia	(voluntary)	7. 1.1950

New Zealand

The report repeats the information previously supplied.

Norway

The report refers to the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

United Kingdom

Aden.

The report repeats the information previously supplied.

Barbados.

The report mentions the legislation contained in the report for 1947-1948 and gives the following details regarding the application of the various Articles of the Convention:

Article 2: there are no corresponding legislative provisions.

Article 3: paragraphs (a) and (c) are applied; there are no provisions corresponding to paragraph (b). No exceptions have been authorised.

Article 4: there are no legislative provisions; no scheme of economic development involving the recruiting of labour was initiated during the period under review.

Article 5: there are no legislative provisions. Barbados is a densely populated country and the number of adult males for which a recruiting permit was granted did not seriously affect the social life of the

population. It was not found practicable or desirable to fix a maximum limit as regards the number of adult males who may be recruited.

Article 6 is applied. No advantage has been taken of the provisions of this Article.

Article 7 is applied. During the period under review, no family recruiting took place. However, in 1947 and 1948 a number of families were recruited by the Surinam Government for agricultural employment. The contracts stipulated that minor children of emigrants must be housed at the expense of the Surinam Government during the period of three years covered by the contract.

Article 8: there are no legislative provisions, but the principles of this Article have always been applied in all schemes involving the recruitment of Barbadians.

Article 9: there are no legislative provisions; there has been no direct or indirect recruiting by public officers or private undertakings.

Article 10: there are no chiefs or indigenous authorities in Barbados.

Articles 11, 12 and 13 are applied. Prior to being granted a licence, the licensee must make a declaration showing, in respect of the men, women and children he proposes to recruit: the wage rates for each category of workers; any special conditions relating to piece-work, overtime, etc.; whether free housing accommodation will be provided and whether he proposes to employ a recruiting agent, as well as the name of the agent. Licences are valid for a period of one year and can be suspended or withdrawn if the licensee is guilty of an offence under the Act or the Regulations, has not complied with the conditions laid down in the licence or is guilty of conduct which, in the opinion of the licensing officer, renders him no longer a fit or proper person to hold a licence.

Articles 14 to 24 are applied; as regards Article 17, however, the report states that the legislation is limited to the promulgation of regulations, which so far have not been issued.

The Labour Commissioner is entrusted with the administration of the Act and Regulations. On the whole, the provisions of the Convention are satisfactorily observed. In the 1948 report of the Labour Department, it was stated that, during the year, 1,134

persons were engaged for work abroad. The Department made arrangements for the employment of most of these persons. The remainder were recruited by persons licensed by the Department. The periods of the contracts varied from two months for some men who went to the United States to three years for others who went to Surinam; only those who went to Surinam were accompanied by their wives and families. Copies of the report have been communicated to the Barbados Sugar Producers' Federation, the Shipping and Mercantile Association of Barbados and the Barbados Workers' Union.

Basutoland.

Proclamation No. 5 of 1942.

The report contains details of the provisions of the above-named Proclamation which ensure the application of the various Articles of the Convention and also gives the following information:

Article 3: the number of workers has been established at 50; exemption is granted in respect of operations within the territory for the recruitment of personal and domestic servants and non-manual workers.

Article 6: a non-adult is defined as a person under the apparent age of 18 years.

Article 7: no measures have been taken to encourage workers to be accompanied by their families; the majority of recruited workers leave the territory to take up employment in the Union of South Africa in industries where no facilities are afforded for the accommodation of families.

Article 8: Basuto workers seek employment in places where other Basutos are already employed.

Article 9: there has been no intervention by public officers in order to ensure the recruitment of workers.

Article 10: officers who attest contracts are required to satisfy themselves that no pressure has been exercised upon workers.

Article 13: recruiters are required to provide a security of £100; no maximum has been fixed for their remuneration as they receive fixed salaries. Licences are valid for a maximum period of one year and can be withdrawn or suspended for failure to provide security or for misconduct.

Article 15: worker-recruiters are not allowed to recruit workers in the territory.

Article 24: no formal agreement has been concluded with the Government of the Union of South Africa, which employs the majority of workers recruited in Basutoland. However, the Governments of the two countries work in close collaboration in order to ensure the application of this Article. Moreover, Basutoland has established an agency in the Union of South Africa in order to facilitate the work of protecting the interests of Basuto workers employed there.

The application of the legislation is ensured by officers of the administration, judicial and police services. There is no special organisation for inspection.

Bechuanaland.

The decision as to whether the Convention shall be applied to the protectorate has been reserved.

British Guiana.

The report repeats the information previously supplied and adds that Article 2 (a) of the Convention is applied by § 2 (2) of Ordinance No. 9 of 1943, which makes no distinction as regards the term "worker". § 3 (a) of the Ordinance lays down that its provisions shall only be applied in cases where more than 50 persons are employed; no prescribed limited radius is fixed by the Ordinance. § 3 (b) of the Ordinance exempts the recruiting of personal or domestic servants or non-manual workers.

Article 4 is covered by § 6 of the Ordinance and by regulations issued in pursuance thereof; however no regulations have been issued. There were no cases of recruiting during the period covered by the report.

There is no provision in the Ordinance applying Article 5. Article 6 is applied by § 6 of the Ordinance, which provides that persons under 18 years of age may not be recruited; however, the Governor in Council may authorise the recruitment of persons over 14 years of age, in certain conditions and subject to the consent of their parents or guardians.

The legislation contains no provisions to apply Article 7. Under § 11 of the Ordinance, the Governor in Council has the power to promulgate regulations for the purpose of giving effect to any of the provisions of the Convention. There have been no circumstances necessitating the application of Article 8. Article 9 is not applied, but no recruiting has been effected by public officers. The Ordinance contains no provision for the application of Article 10; the licensing officer has discretionary powers. No recruiting requiring the supervisory measures envisaged in this Article has taken place.

Articles 11, 12 and 13 are applied by § 4 of the Ordinance. It has not been considered necessary to provide the guarantees laid down in Article 13; no sum has been fixed for remuneration. Licences are granted for one year and are renewable. Recruiting is very rare in the colony. Article 14 is covered by § 4 of the Ordinance. Article 15 is applied by § 2 (2) and (9) of the Ordinance. Article 16, paragraph 1, is applied. There is no provision corresponding to the second paragraph of this Article or to Article 17; § 11 (g) of the Ordinance provides for regulations regarding the issue of documents to the recruited worker by the licensee. § 6 of the Ordinance provides for the medical examination of recruited workers; § 7 stipulates that the expenses for the journey shall be borne by the recruiter.

There are no regulations applying Article 19, paragraphs 2, 3 and 4; the journey is made by means of ordinary passenger

facilities. § 7 of the Ordinance applies paragraphs 1 and 2 of Article 20. § 9 provides for the application of the Ordinance to worker-recruiters; there are no exemptions other than those which are authorised. Article 21 is applied by § 8 of the Ordinance. There is no provision applying Article 22, but regulations may be issued under § 11 of the Ordinance. Article 23 is applied by §§ 7 and 8. There is no provision for the application of Article 24 but, in practice, consideration is given to the provisions of this Article before a licence is issued for the recruiting of workers.

The application of the Ordinance and any regulations issued thereunder is entrusted to the Commissioner of Labour and the labour inspectors. Any person wishing to take out a licence must comply with the conditions laid down in the Ordinance.

British Honduras.

The report repeats the information previously supplied and adds that it is the practice for workers to offer themselves for employment at the employers' places of business; only four licences have been issued since the law was introduced in 1938.

British Somaliland.

No legislation and no administrative regulations exist to ensure the application of the Convention. The recruitment of labour in the protectorate is carried out solely through voluntary applications from workers seeking employment. The majority of the population are nomads; the Government is virtually the only large-scale employer of labour. It has not, therefore, been considered necessary to apply the Convention.

Cyprus.

Orders-in-Council of 5 April 1939 and 12 January 1943.

The above Orders-in-Council declared the Convention to be inapplicable to Cyprus. Conditions in Cyprus approximate to those obtaining in Western Europe, where no problems of the kind which the Convention is designed to remedy are known to exist. Copies of the report have been communicated to the Pan-Cyprian Labour Federation, the Cyprus Workers' Confederation, the Cyprus-Turkish Trade Unions Federation and the Association of Cyprus Industries.

Dominica.

Recruiting of Workers Ordinance, No. 3 of 1943. Orders Nos. 2 and 3 of 1944 respecting the recruiting of workers.

The report contains the following detailed information regarding the application of the various Articles of the Convention:

Article 1 is applied by § 16 of the Ordinance.

Article 2: § 2 (2) of the Ordinance defines "recruiting".

Article 3: the legislation makes no provision to give effect to this Article.

Article 4: it has not yet been necessary to adopt the measures in question, but power to issue regulations is provided for in the legislation.

Article 5 is applied by Order No. 2 of 1944; the necessity for establishing the methods indicated in this Article has not arisen.

Article 6: persons between 16 and 18 years of age are considered as non-adults.

Article 7 is covered by the legislation. Up to the present, there has been no necessity to apply the measures in question.

Article 8 is applied.

Articles 9 and 10 are not applied.

Articles 11 and 12: there are no provisions corresponding to these Articles.

Article 13 is applied, with the exception of paragraph 3.

Articles 14, 15, 16 and 17 are applied.

Article 18: paragraphs 1 and 2 are applied. No difficulty has arisen in carrying out medical examinations. There are no provisions corresponding to paragraph 3 of this Article, but power to make regulations is provided for in the legislation.

Articles 19, 20, 21 and 23 are applied.

Article 22 is not applied.

Article 24: no legislation and no regulations exist to apply this Article; however, the labour officer, acting on behalf of the competent authority, must ensure that, in the territories in which recruited workers are to be employed, they are afforded the protection laid down in the Convention.

The supervision of the application of the legislation is entrusted to the licensing officer (who is also the labour officer), the superintendent of police and any other police officer deputed by the superintendent of police in writing.

Falkland Islands.

The report repeats the information previously supplied.

Fiji.

As regards Articles 1, 2 and 3 of the Convention, the report states that the term "Native" includes every member of an aboriginal race indigenous to Fiji and every aborigine indigenous to Polynesia or Melanesia resident in the colony. Recruiting without a licence is permitted in cases where the employer does not employ more than 25 Native workers, where the workers are employed within the island of recruitment or within 25 miles of the place of recruitment, or where the Natives do casual stevedoring work.

The report gives the following details regarding the other Articles of the Convention. Recruiting is of little importance, and is prohibited in principle for Natives under 18 years of age (with the possibility of reducing this age to 15 years within the limits provided for by the Convention). Further,

employers permit families to accompany workers, but there is no necessity to encourage this practice. Articles 8 to 13 are applied. Two recruiting licences were issued during the period under review. The agents' fees may not exceed £2 for each recruited worker; a licence is valid for one year and is not transferable. There are no worker-recruiters; it has not been considered necessary to implement the legislative provisions ensuring the application of Articles 16 to 18 as the problem referred to therein does not arise. Articles 19 to 24 are applied.

The Commissioner of Labour, the District Commissioners and the District Officers are entrusted with the application of the Convention. Recruiting is practically non-existent in the colony, where workers spontaneously offer their services and do not hesitate to leave one employer for another if they are dissatisfied with the conditions of employment. There are no penal sanctions. Few employers attempt to recruit labour from a distance. Copies of the report have been communicated to the Labour Advisory Board.

Gambia.

The report repeats the information previously supplied.

Gibraltar.

When the Convention was ratified, a reservation was made to the effect that the Convention was inapplicable to Gibraltar. It has not been considered necessary to enact legislation applying the provisions of the Convention, since there has not been any record of recruiting operations in Gibraltar within the meaning of Article 2 of the Convention, with the possible exception, however, of the interpretation given to such operations under the Defence Regulations (revoked in March 1946) providing for the control of manpower. These Regulations were adopted in order to authorise the direction of labour for essential work during the war years. If conditions arose necessitating recruitment within the meaning of the Convention, the supervision of the application of the relevant measures would be administered by the Department of Labour and Welfare.

Gilbert and Ellice Islands.

Order-in-Council of 5 April 1939.

The provisions of the Convention have been incorporated in a new Labour Ordinance which will be enacted shortly. The district administration is responsible for the application of the Order-in-Council. The employment and recruitment of labour for all purposes is effected at present in accordance with King's Regulation No. 1 of 1915, and subject to a licence issued by the Resident Commissioner, who exercises control over all operations in this connection.

Gold Coast.

The report repeats the information previously supplied and adds that the Commissioner of Labour is entrusted with the application of the Convention; the police and labour department are responsible for supervision.

A number of minor cases of illegal recruiting have been brought before the courts and convictions obtained. Copies of the report have been communicated to the representative employers' and workers' organisations.

Grenada.

The report repeats the information previously supplied.

Kenya.

The report repeats the information previously supplied and adds further information contained in an extract from the Labour Department Annual Report for 1948. This report states that, by reason of the geographical distribution of the normal sources of supply of labour in Kenya and the places of employment, there is scarcely any migrant labour strictly speaking. Moreover, employers are beginning to realise that, in order to secure a contented and stable labour force, it is necessary to make provision for wives and families to accompany workers. In many cases, accommodation is being increased and improved for this purpose. In view also of the fact that most of the workers are within two days' journey or less from their homes, the majority of African workers in Kenya are engaged on the basis of monthly verbal contracts. This is another factor in reducing the period of separation and the harmful effects of the absence of the husband from his family and home.

Copies of the report are available to the representative employers' and workers' organisations.

Malta.

The report repeats the information previously supplied. Copies of the report have been communicated to the General Workers' Union, the Chamber of Commerce, and the Federation of Malta Industries.

Mauritius.

The report repeats the information previously supplied.

Nigeria.

The report repeats the information previously supplied.

North Borneo.

Labour Recruitment Rules, 1940, made under § 63 of the Labour Ordinance, 1936.
Labour (Unification and Amendment) Ordinance, 1948.

All the Articles of the Convention have been applied by the above legislation. No

exemptions have been granted under the provisions of the Ordinance which implement Article 3.

No scheme of economic development likely to involve local recruiting of labour was approved during the period under review and no measures were therefore taken under paragraphs (a), (b) and (c) of Article 4. It has not been necessary to adopt any specific measures to give effect to paragraph 1 of Article 5.

No use has been made of the exceptions authorised under Article 6. The Ordinance stipulates that persons under 16 years of age may not be recruited. However, persons who are under this age but over 14 years of age may be recruited with the consent of their parents or guardians for employment on light work in an occupation approved by the Protector as not being injurious to the moral and physical development of non-adults. In such cases, employment is subject to any conditions prescribed by the Protector. No recruiting of this nature has been undertaken.

No specific encouragement has been given by the Government for recruited workers to be accompanied by their families. However, the maximum duration of employment that may be stipulated or implied in any written contract involving a journey within the colonies of North Borneo and Sarawak and the State of Brunei, from the place of recruitment to the place of employment, shall in no case exceed 12 months if the worker is not accompanied by his family, or two years if he is accompanied by his family.

The maximum duration of employment which may be stipulated or implied in any written contract involving a journey other than that referred to above shall in no case exceed two years if the worker is not accompanied by his family. Any contract for a period exceeding six months must be in writing.

The employer may not separate any labourer in residence from his wife or dependants without their consent. Almost all married workers recruited in the colony for work in the colony are accompanied by their families; employers who recruit outside the colony find that, owing to the present scarcity of labour, it is to their advantage to encourage workers to be accompanied by their families, thereby ensuring a more settled labour force.

Whenever workers are not of the same religion, separate accommodation must be provided for the workers of each religion. Moreover, it is generally established by custom that workers are grouped racially.

The provisions of Articles 9 and 10 of the Convention are incorporated in the Ordinance; the organisation and discipline of the civil service of the colony are such that no further measures are necessary. Rule No. 6 of the Labour Recruiting Rules of 1940 enables the Protector to require security for proper conduct and the payment of wages before issuing a recruiting licence.

As regards Article 13, the report states that no instance has arisen where a licensee has been the agent of another licensee. The maximum period of validity of licences is fixed at one year.

The Protector is empowered to cancel any licence in any case where the licensee has been convicted of an offence under the provisions relating to the recruiting of labour, if he has not complied with the conditions under which it was granted or is guilty of conduct which, in the opinion of the Protector, renders him no longer a fit and proper person to hold a licence. The Protector may also suspend any licence pending a decision of the court or the opening of an enquiry. The Ordinance applies to worker-recruiters the same conditions as those relating to licensees. Worker-recruiters are only allowed to operate in prescribed areas and are not allowed to make advances of wages to recruited workers. No measures have been taken to give effect to paragraphs 3 and 4 of Article 15, since the need to take such measures has not arisen. It has not been found practicable or necessary to give effect to Article 17.

The administration of the legislation is entrusted to the Department of Immigration and Labour, which consists of a Commissioner of Immigration and Labour (a Protector of Labour), two administrative officers and subordinate staff. In addition, all District Officers have the functions of Assistant Protectors of Labour. The application of the legislation is supervised and enforced by the Department, its officers and the Assistant Protectors who have wide powers under the Labour Ordinance to enquire into labour matters and to enforce the legislation. The right of access of all workers to the officers of the Department or to any magistrate for purposes of complaint is safeguarded by law. Places and conditions of work are inspected periodically by the officers of the Department and by the Assistant Protectors.

No great difficulties are encountered in applying the Convention within the colony. Internal recruiting in the colony is almost invariably done on behalf of plantations whose conditions of work are fairly uniform and well known; the Assistant Protector supervises closely all recruiting operations. This supervision is the more effective since there are no permanent organisations devoted to recruiting.

Extra-territorial recruiting is undertaken at present only in Sarawak, the Federation of Malaya and Singapore. These territories have also implemented the Convention. This fact, the similarity of conditions and the small scale of the operations, facilitate complete compliance with the provisions of the Convention.

Northern Rhodesia.

Employment of Natives Ordinance (Chapter 171 of the Laws of Northern Rhodesia).
Regulations issued under the above Ordinance.

Article 1 of the Convention is applied by §§ 92 to 105 of Chapter 171 of the Laws. The definitions of the terms "recruited Natives" and "labour agent" are contained in § 2, Chapter 171; all Native workers are included in the definition. The policy defined in Article 3 of the Convention is applied by § 92 (3) of the Ordinance. The number of workers prescribed under paragraph (a) of Article 3 is 100. It has not been necessary to provide for any exceptions under paragraphs (b) and (c) of this Article.

No special legal provisions exist as regards Article 4, but licences for the recruiting of labour are only issued by labour agents after consultation with the administrative officers of the areas concerned and then are limited or made subject to the conditions recommended by these officers. No recruiting is permitted in areas where development schemes are being undertaken or where there is no surplus labour. "Labour agents' licences" and "runners' permits" are restricted to districts specified by §§ 96 (4) and 98 (2) of the Ordinance. Administrative officers, when consulted before the issue of a licence, or before themselves issuing a permit, take into consideration the matters dealt with under Article 5, paragraph 1 (a), (b), (c) and (d). Adequate protection is therefore ensured by administrative practice.

Every licence indicates the limited number of recruits which may be obtained in specified areas. Article 6 of the Convention is applied by § 100 (3) (b) of the Ordinance. The age limit has been fixed at the apparent age of 16 years; the law requires each person to be recruited individually. Workers recruited for agricultural work are encouraged to take their families with them; agricultural workers are recruited in areas from 200 to 600 miles from the place of ultimate employment. Recruited workers are not separated from their wives; minor children are authorised to accompany their parents. Agricultural workers are supplied with food and housing for themselves and their families. The contract is for one year, with an option of renewal. In practice, authorisation to accompany a worker is deemed to be authorisation to remain with him.

The application of Article 8 is not considered practicable or desirable. Public officers are not permitted to recruit for private undertakings; Native authorities are expressly covered by § 102 A of the Ordinance. Article 10 is applied by § 102 A. Administrative officers on tour exercise supervision.

Article 11 is applied by §§ 92 to 96 of the Ordinance. Employers and managers of undertakings employing less than 101 employees may recruit without a labour agent's licence, but permits are required for runners who are employed by the above persons to recruit for them.

Application forms for recruiting licences are not issued unless the Commissioner for Labour and Mines considers the applicant a fit and proper person. Security in the form of a deposit or bond may be required in virtue of Article 13, paragraph 1 (b). A sum

of £100 may also be required as security for wages. Conditions regarding the health and welfare of workers are considered before a licence is issued; special conditions may be inserted in the contracts. The Governor in Council has power to make rules providing for the keeping of records; in practice, copies of all contracts are retained by attesting officers. Paragraph 3 of Article 13 is applied. Licences and permits expire on 31 December following their issue. Licences are not renewable, but application may be made each year for a fresh licence and may be refused if the conduct of the recruiter has been unsatisfactory. Paragraph 6 of Article 13 is applied in virtue of § 99 of the Ordinance, which provides for the suspension and/or cancellation of licences for the following reasons: convictions under the Ordinance or Regulations; conviction and sentence of imprisonment for any crime, and misconduct.

Article 14 of the Convention is applied by § 98 (1) and (9) of the Ordinance. Worker-recruiters are not employed in the territory, nor is exemption from the obligation to hold a licence and/or runners' permits considered desirable, except in the case of farmers who may apply for permission to employ a runner. The District Commissioner may grant exemption, subject to any conditions which he considers advisable. Runners may be limited to a prescribed area; they are supervised by the District Commissioner. In practice, little use is made of this provision.

Article 16 of the Convention is applied by § 100 of the Ordinance. Article 17 is applied by § 100 (2), which requires a written contract to be attested and a copy thereof handed to the worker. The form in which contracts are to be drawn up is prescribed in paragraphs A and B of the Fourth Schedule to the Regulations. Article 18 is applied by § 103 of the Ordinance. There is no specific legal obligation to provide transport for recruited workers, but this is usually made a condition for the issue of a licence where transport is practicable. Article 20 of the Convention is applied by § 100 A; and Article 21 is applied by § 105 of the Ordinance. The granting of advances in cash or kind is not the normal practice, except in the case of the Witwatersrand Native Labour Association, where such advances are regulated in accordance with the conditions in which the licence was issued. In practice, advances take the form of clothing, blankets, etc., issued for the health and comfort of the worker; payment is effected by instalments. Article 23 of the Convention is applied by § 100 B of the Ordinance.

Recruiting by the Witwatersrand Native Labour Association for mine work in the Union of South Africa is permitted. Adequate safeguards exist to protect the welfare of the worker. An officer of the Labour Department is stationed in South Africa; he has access to the workers and may inspect their places of work. Recruiting is only undertaken by persons in possession of licences issued in Northern Rhodesia. Workers are

transported to the place of work and are repatriated to their homes on completion of their contracts of service, which are limited to a maximum duration of one and a half years.

The legislation is administered by the Labour Department and officers of the provincial administration. There is an adequate labour inspectorate. No practical difficulties have been experienced in the application of the Convention. Work is readily available, both inside and outside the territory, and workers are therefore able to select the type of work which they prefer and do not offer themselves to recruiters unless the latter are able to satisfy their requirements.

Nyasaland.

Government Notice No. 102 of 1945, respecting the fees payable by every recruiter of a Native for employment outside the Protectorate, as amended by Government Notice No. 98 of 1948.

Government Notice No. 41 of 1949, delegating to the Provincial Commissioners power to authorise persons other than District Commissioners to issue identity certificates and travelling permits.

The report repeats the information previously supplied and adds that Article 5 is applied without modification by § 41 of Ordinance No. 4 of 1944. The only persons authorised to recruit labour in Nyasaland for service outside the protectorate are the Witwatersrand Native Labour Association and the Rhodesia Native Labour Supply Commission; each of these bodies has a fixed annual quota. No person under 18 years of age may be recruited. The attesting officer must satisfy himself that the laws and regulations concerning recruiting have been observed. No person who is an agent of a recruiter may receive remuneration calculated at a rate per head of the workers recruited. The validity of recruiting permits is limited to a period prescribed by the Governor in Council and is normally one year.

A new tripartite agreement on migrant labour was concluded in 1947 between the Governments of Southern Rhodesia, Northern Rhodesia and Nyasaland. No recruiting by any person or organisation is permitted except under a valid permit issued by the Governor in Council. However, the labour commissioner may exempt worker-recruiters from the necessity of obtaining a permit.

In virtue of § 53 of Ordinance No. 4, the Governor in Council may make rules for the implementation of this Ordinance. The application of the legislation is entrusted to the officers of the provincial and district administrations, the police and the Labour Department.

St. Helena.

United Kingdom Order-in-Council of 5 April 1939.

As indicated in the above-mentioned Order-in-Council, the Convention is inapplicable to the colony.

St. Lucia.

The report mentions the legislation contained in the previous report and adds that the application of the legislation is supervised by the Labour Commissioner.

St. Vincent.

The report repeats the information previously supplied.

Seychelles.

Ordinance No. 27 of 1945 (hereinafter called the main Ordinance), as amended by Ordinance No. 15 of 1947.

Administrative measures are taken to enforce the provisions of the Convention. The above Ordinances provide for penalties for contraventions of any of their provisions.

Articles 1 and 2 of the Convention have been applied as the result of the introduction of the above Ordinances.

Article 3, paragraph (a) is applied by § 3 (a) of the main Ordinance, which stipulates that the number of workers involved may not exceed 20. Paragraph (b) of this Article is applied by § 3 (b) of the main Ordinance, which fixes a radius of 40 miles for operations undertaken in conformity with the exception provided for in this Article of the Convention. Paragraph (c) of Article 3 of the Convention is applied by § 3 (c) of the main Ordinance. § 3 (d) of the main Ordinance extends the exception to any workers recruited in the manner referred to in the Convention unless the recruiting is effected by professional recruiting agents.

Paragraph 2 (j) of § 11 of the main Ordinance provides for the application of paragraphs (b) and (c) of Article 4 of the Convention. Article 4 (a) is applied by § 8 (d) of the Ordinance.

Article 5 has not been specifically applied. Large-scale recruiting does not exist in Seychelles, because of the geographical position of the territory. In the case of recruitment for the outlying islands, the families of workers are allowed to accompany them; this is provided for under § 25 of Ordinance No. 26 of 1945 (Employment of Workers on Outlying Islands).

Article 6 of the Convention is applied by § 5 of the main Ordinance. The age limit fixed by the Ordinance is 16 years. No regulations have been issued permitting the recruitment of younger persons in special cases.

As regards Article 7 of the Convention, the report refers to the information given under Article 5. Regulations are now under active consideration regarding the journey of a worker who is accompanied by his family.

It has not been found necessary to apply Article 8 of the Convention. Almost without exception, the workers in Seychelles are of the same extraction.

No specific provision exists to cover the application of Article 9 of the Convention, but under § 11 of the main Ordinance the Governor in Council has power to issue

Regulations to cover this Article should it become necessary to do so.

Article 10 of the Convention is not applicable, since there are no indigenous authorities. Article 11 of the Convention has been applied by the main Ordinance and, in particular, by §§ 4 to 11 thereof. Article 12 of the Convention is applied by §§ 4 to 11 of the main Ordinance. There are at present no employers' organisations in Seychelles.

Article 13 is applied as follows: paragraph 1 (a), by § 4 (2) of the main Ordinance; paragraph 1 (b), by § 4 (2 (b)) and § 11 (b) of the main Ordinance. Paragraph 1 (c) is applied by § 4 (2 (b)) and § 11 (b) of the main Ordinance. Paragraph 1 (d) is applied by §§ 6, 7, 8 and 11 of the main Ordinance. Paragraphs 2 and 3 of Article 13 of the Convention are not specifically provided for but, if necessary, regulations may be issued under § 11 of the main Ordinance. The application of paragraph 4 is ensured by § 4 (4) of the main Ordinance. The application of paragraphs 5 and 6 is ensured by § 4 (5) of the main Ordinance.

Article 14, paragraph 1 is applied by § 2 (1) of the main Ordinance, which contains a definition of the term "worker-recruiter"; paragraph 2 is applied by § 9 of the main Ordinance, as well as by §§ 4 (5) and '11 (2 (f)).

As regards the application of Article 15, paragraph 1 of the Convention, see under Article 14, paragraph 1. Paragraph 2 of Article 15 is applied by § 9 of the main Ordinance and paragraph 3 of the same Article by regulations to be made under § 11 (2 (f)).

Article 16, paragraph 1, is applied by § 6 of the main Ordinance; as regards paragraph 2, it should be noted that, as the Government Offices are situated at Port Victoria, the only port in the territory, the officer in question has his office at the place of embarkation.

Article 17 of the Convention has not been applied.

Article 18, paragraph 1, is applied by § 6 (1 (b)) of the main Ordinance. The main Government hospital, where all recruits are examined, is at the place of embarkation. Paragraph 3 is not applied. The distance from Seychelles to any other administrative territory is so great that it is considered essential to examine recruits before the journey. It has not been considered necessary to make any specific provision for the re-examination of the workers on arrival at their place of employment (paragraph 4). Paragraph 5 is not specifically applied, but any regulations made under § 11 of the main Ordinance may also be applied.

Article 19 of the Convention is applied by § 7 of the main Ordinance, but some paragraphs of this Article are inapplicable to Seychelles. This is the case, in particular, as regards paragraph 3, in view of the fact that the journeys in question are not possible in the Islands.

Article 20 of the Convention is applied by § 7 of the main Ordinance. Paragraph 2 is

not specifically provided for but, under § 11 of the main Ordinance, regulations may be issued if found necessary by the administration.

Article 21 of the Convention is fully applied by § 8 of the main Ordinance. Article 22 is applied by § 11 (2 (i)). Article 23 is applied by § 7 of the main Ordinance.

Paragraphs 1, 2 and 4 of Article 24 of the Convention deal with administrative measures which will be applied if and when the occasion arises. Up to the present, the agreements referred to in this Article have not been necessary. Paragraph 3 is applied by § 4 of the main Ordinance.

As the law at present stands, the Attorney-General is responsible for the application of the legislation, but a Bill is to be introduced at the next meeting of the Legislative Council which will place responsibility for supervision on the Labour Officer. At present, this latter post is vacant, the officer appointed having been unable to take up his appointment; the possibility of obtaining a suitably qualified officer from Mauritius is at present being explored. Up to the present there has been no recruitment of workers from Seychelles, but it is possible that a limited number of specialised workers may be recruited in the near future in East Africa by the Overseas Food Corporation.

There are no representative employers' and workers' organisations.

Sierra Leone.

The report repeats the information previously supplied and adds the following details regarding the application of the Convention.

No distinction is made between indigenous and other workers. However, Part III of the Employers and Employed Ordinance only refers to Natives engaged for foreign service as labourers. "Native" means a native of West Africa who is not of European or Asian race or origin. The three exceptions enumerated in Article 3 of the Convention are included in the Ordinance of 1941 respecting the recruiting of workers. The prescribed limited number of workers under Article 3 (a) is 30. As regards Article 3 (b), the report states that the recruitment of workers within the protectorate or the colony is limited to persons who are recruited for work in the locality; the radius may not exceed one day's march.

Articles 4 and 5 are not fully applied. Recruiting licences are issued under certain conditions. In practice, the Government would bear in mind the consequences referred to in Article 5. The legislation provides for certain safeguards concerning the recruitment of indigenous labour for foreign service; the consent of the chiefs or the tribal authorities concerned must be obtained. The minimum age is fixed at 14 years. No use has been made of the provisions of Article 6. There is no legislation to give effect to Article 7. However, the expense of transporting workers' families

is borne by the recruiter or the employer.

Article 8 has not been applied as there has been no necessity to do so. There is no legislation applying Article 9. The Governor may appoint a recruiting officer to deal with recruitments for foreign service. Magistrates who attest contracts must satisfy themselves that workers have not been subjected to pressure or misrepresentation.

Articles 10 to 13 are applied. Licensed recruiters for foreign service must obtain a letter of recommendation from the Government of the country in which the labour is to be employed. The legislation provides for a deposit or bond for the payment of wages, transport, accommodation and maintenance expenses for workers who are repatriated. However, regulations have not been issued to bring into effect paragraphs 2 and 3 of Article 13. The period of validity of licences may not exceed one year; in the case of recruiting for foreign service, the period is limited to three months. Licences may be cancelled following a conviction for an offence under the legislation or for conduct considered by the licensing officer to render the holder unfit to retain the licence. In the event of a court decision, the licence may be suspended.

It has not been considered necessary to adopt legislation corresponding to the provisions of Article 14. Advantage has been taken of the exemptions authorised under Article 15; however, no regulations have been made for the supervision of worker-recruiters. Paragraph 1 of Article 16 is applied; no provision is made for paragraph 2, but embarkation is only allowed from Freetown; a special permit is required for embarkation from any other ports.

Although the legislation authorises the promulgation of regulations to give effect to Article 17, no decision has been taken in this connection. Workers who are recruited for service in an area where registration at an employment exchange is required are issued with registration certificates containing all the necessary details. Paragraph 1 of Article 18 is applied; no effect has been given to the provisions of paragraphs 2 to 5. Recruitment without medical examination is not authorised; journeys do not involve long distances or exhausting conditions. Article 19 may be applied by means of regulations, but it has not been necessary to issue any regulations. Article 20 is applied; it has not been considered necessary to issue the regulations authorised under the legislation. This applies also with regard to Article 22. Articles 21 and 23 are applied; circumstances and the amount of recruiting undertaken have not necessitated the measures required under Article 24.

The Labour Department and the Provincial Administration ensure the application of the legislation. Labour is not recruited for service outside Sierra Leone. Only a few individuals are occasionally engaged on written contracts through the employment exchange for service outside the territory.

Stevedores are engaged for coastal voyages lasting from four to 12 weeks, on written contracts drawn up by collective agreement between the employers and the workers. A copy of the report has been communicated to the Council of Labour.

Swaziland.

The application of the Convention to Swaziland has been reserved.

Tanganyika.

Master and Native Servants (Recruitment) Ordinance, No. 6 of 1946.

The provisions of this Ordinance closely follow the text of the Convention. The report gives the text of the provisions of the Ordinance which correspond to each Article of the Convention, and adds the following detailed information regarding the application of the Articles of the Convention.

The number of workers fixed in conformity with paragraph (a) of Article 3 of the Convention is ten. No radius has been laid down in the Ordinance to define recruiting operations, but operations relating to persons employed on daily rates of pay within the district of recruitment are exempted. The application of Article 4 is ensured by the Labour Commissioner who issues recruiting licences with the requisite safeguards, in close consultation with the officers of the provincial administration.

In certain areas, the percentage of adult males who may be recruited has been fixed at 10 per cent. of the tax-paying population; the maximum number of persons to be recruited is inserted in every licence. Young persons under 18 years of age may be recruited with the consent of their parents or guardians and with the approval of an administrative or labour officer, but only for employment in an occupation approved by the latter, who may also specify any conditions which are essential in order to protect the welfare of the persons concerned. Recruited workers are encouraged to take their families with them, in particular, in the case of agricultural undertakings and chiefly for the sisal industry, and also when they are to be employed in another province or in another district. It is impossible to fix any minimum distance. The minimum duration of employment is estimated at six months. Free housing and medical attention is provided by the employer, together with free rations if the wife is employed. Some employers give facilities for recruited workers to have their own gardens.

No licence may be issued to public officers to recruit on behalf of private undertakings. There have been no interventions by public officers in order to ensure recruiting for works of general interest. Supervision to ensure the application of the provisions of Article 10 is one of the normal duties of the provincial administration and the Labour Department.

No regulations have as yet been issued to apply paragraph 2 of Article 13, as the necessary requirements are incorporated in recruiting licences. Recruiting agents are required to be licensed; the issue of a licence may be made subject to the condition that the holder thereof shall not receive from the recruiter any remuneration for his services calculated at a rate per head of persons recruited; in this case, the remuneration may not exceed a specified amount for each person recruited. All applicants for licences are required to execute a bond with sureties; if necessary, an enquiry is made as to the fitness of the applicant. It has not been possible to fix the maximum amount of remuneration for persons who assist recruiters since, in practice, it would be impossible to enforce any regulations in this connection. The majority of assistant recruiters receive a fixed salary with a small *per capita* commission. A licence is normally issued for a calendar year and may be suspended or withdrawn if the licensee fails to comply with the provisions of the Ordinance.

The conditions under which worker-recruiters may operate are laid down in the regulations. Supervision is exercised by officers of the provincial administration and the Labour Department. Worker-recruiters are required to produce their permits for inspection when so requested by any administrative officer, labour officer or recognised Native authority. The permits are printed both in English and in the vernacular. The Ordinance contains no special provisions relating to paragraph 1 of Article 16 since, in practice, all recruited persons must be engaged by means of a contract of service duly attested by the competent official; an exception is made in the case of persons who are recruited for local employment and whose names are entered in lists which are sent to the District Commissioner concerned. All workers are required to undergo a medical examination before leaving the area of recruitment. The same procedure also applies in the case of workers who are recruited for employment in a territory under a different administration.

The Ordinance contains no provisions with regard to Article 17 of the Convention; a special condition is inserted in the recruiting licence providing that no worker shall receive an advance in excess of one half of a month's salary. The amount of the advance is recorded in the contract of service. Before proceeding to the place of employment, all workers must be forwarded through the labour forwarding office, in order to ensure that they benefit from the provisions of Article 20. With regard to Article 24, the report states that, up to the present, no agreements have been concluded with another territory.

The Labour Commissioner is entrusted with the administration of the Ordinance. In cases where recruitment is for employment outside the district of recruitment, licences are issued by the Labour Com-

missioner; where recruitment is for employment within the district of recruitment, licences are issued by the District Commissioner. Supervision is exercised by officers of the provincial administration and the Labour Department.

The application of the Convention has enabled the territory to exercise a stricter control over recruiting operations and to abolish or reduce certain malpractices which existed previously. The policy followed is to reduce recruitment to a minimum and progressively to abolish professional recruitment. On 30 June 1949, only two professional recruiters were operating in the territory, and during 1948 only approximately 28,000 workers were recruited; about 50 per cent. of this number were volunteers who availed themselves of the facilities provided by recruiters for assisting them to proceed to their intended place of employment. Only five per cent. of the employed persons in the territory were thus recruited in the true sense of the term. The administration has encouraged large organisations of employers, rather than individuals, to undertake recruiting operations. Proposals to form a statutory recruiting organisation known as the "Labour Supply Corporation", which had been under consideration since 1947, were eventually implemented by legislation, but the Ordinance in question has not yet come into operation.

Copies of the report will be communicated to members of the Labour Board.

Trinidad and Tobago.

The report repeats the information previously supplied and adds that there has been no recruitment during the period under review. The recruitment of persons under 18 years of age is prohibited; however, juveniles between 14 and 18 years of age may be recruited with the consent of their parents or guardians for employment on light work in the colony, provided that the conditions of employment are stated in writing and approved by the magistrate of the district in which the juvenile is recruited or to be employed. The magistrate is required to satisfy himself that the work is suitable and that the welfare of the juvenile is sufficiently safeguarded. Recruiting by public officers, though not specifically prohibited by legislation, is not permitted. Article 10 of the Convention is not applicable. The application of the legislation has been entrusted to the Labour Department. Copies of the report have been communicated to the Trinidad and Tobago Trade Union Council.

Uganda.

The report repeats the information previously supplied and adds the following details:

Article 8: under present circumstances, it has not been found practicable or desirable

to make it a condition of recruiting that recruited workers should be grouped at the place of employment under suitable ethnical conditions.

Article 17 : it has not been found practicable or necessary for the competent authority to require the issue, to each recruited worker who is not engaged at or near the place of recruiting, of any documents in writing or any advance of wages.

Zanzibar.

Labour Decree of 1946.

Labour (labour agents and private recruiters) Regulations (Government Notice No. 25 of 1949).

Article 1 of the Convention is applied by the above-mentioned legislation. The Labour Decree is applied without distinction of race to all workers as defined in § 2 of the Decree. The legislation does not provide for the exemptions dealt with in Article 3 of the Convention and contains no specific provision for the application of Article 6 of the Convention. However, the Decree of 1946 enables regulations to be made prohibiting minors from working in any specified form of employment ; persons under 14 years of age shall not be capable of entering into a contract.

The legislation does not provide that the recruiting of the head of a family involves the recruiting of any member of his family. Articles 11 and 12 of the Convention are applied. The legislation does not provide for the furnishing of the security required under paragraphs 1 (b) and (c) of Article 13 ; paragraphs 1 (a) and (d) and 2 to 6 are applied.

The issue or refusal of licences is subject to the absolute discretion of the licensing authorities and to an appeal to the British Resident. No licence may be issued unless the licensing authority has satisfied himself that the applicant is in a position to fulfil all the obligations imposed by the Decree. No maximum rate of remuneration for each person recruited has yet been fixed, since there has been no occasion to do so.

The period of validity of a licence is specified in the licence by the licensing authority in each case and may not exceed 12 months. A licence may be withdrawn if the licensee is convicted of any offence under §§ 33 to 43 of the Decree of 1946 or for breaches of any conditions of the licence ; it may also be suspended by the licensing authority pending any enquiry into the conduct of the licensee.

Articles 14 and 16 are applied. The local legislation does not provide for the exemption referred to in Article 15 of the Convention. The application of Article 17 is neither practicable nor necessary, since the territory is so small that the place of recruiting may also be regarded as the place of engagement. However, the Decree provides that copies of the contract must be distributed ; one copy must be handed to each worker or to one member of the gang.

Paragraphs 1 and 3 of Article 18 are applied. The local legislation contains no provisions for the application of paragraph 2, as the small size of the territory makes medical examination an easy matter. The Decree does not provide for the application of paragraph 4, as the journey involved is unlikely to be prejudicial to the health of the worker. Experience has not shown that the application of paragraph 5 is necessary. Paragraphs 1 and 2 of Article 19 are applied under § 41 (2) of the Decree. Paragraphs 3 and 4 of this Article are not applied, since distances within the protectorate are very small. Clove pickers travelling from Zanzibar to Pemba are accompanied by the employer or his representative. Articles 20 to 24 of the Convention are applied by the provisions of the Labour Regulations of 1949.

The amount of recruitment in the protectorate for employment elsewhere is on a very small scale and the number of workers affected is unimportant. The application of the Convention is entrusted to the labour officers, labour inspectors and administrative officers. It is the duty of the latter to supervise any recruiting operations which take place in their districts. As a rule, the only recruiting which takes place is in connection with clove pickers. The recruiting of such workers is undertaken by plantation owners or their agents at the beginning of any season in which the crop is too large to be picked by the proprietor's own family and regular employees. Contracts are seldom concluded for a period exceeding one or two months.

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 representative employers' and workers' organisations.

* * *

Southern Rhodesia

(Voluntary Report)

Native Labour Regulations Act (Chapter 86 of the Laws of the Territory).

Regulations framed under the above-named Act (Government Notice No. 150 of 1939).

Migrant Workers Act, No. 9 of 1948.

The Native Labour Regulations Act provides for no exceptions under paragraph (a) of Article 3 of the Convention. Employers are permitted to engage workers who apply to them for work on their premises or in the immediate vicinity thereof ; no licence is required in this case. Employers may also engage workers for personal or domestic service on their premises or in the immediate vicinity thereof without a licence. If the engagement takes place further afield, this exception does not apply and a licence is compulsory. There is no law in existence in the colony whereby Native labourers may be compelled to enter into a contract. The conscription of labour, introduced as a temporary emergency measure under the

Defence Regulations, has now been abolished. Any measures or inducements which are employed in order to compel a worker to enter into a contract of service are contrary to the law; workers have every facility for laying their cases before the Native commissioner or the nearest police station. In addition, there is a further safeguard: under the Labour Regulations Act, all recruited workers must be attested before an official in order to validate the contract. At the time of attestation, the responsible officer is required to ask the worker whether or not he entered into the contract voluntarily. In this connection, reference may also be made to §§ 21 and 22 of the Native Labour Regulations. § 21 provides that no person may obtain or attempt to obtain from any Native authority any concession, contract or promise with regard to the supply of Native workers within or outside the colony. § 22 lays down that no chief or headman may act in the capacity of a recruiting agent or exercise pressure upon possible recruits, receive any remuneration, or offer any other special inducement or assistance in recruiting. Under the Native Pass Laws, it is unlawful for any person to deprive a Native of his registration certificate in an endeavour to obtain labour.

All persons licensed under the regulations are authorised by the licensing officer to operate in one district only. Should the holder of a license wish to operate in any other district in the colony, he must first obtain the consent of the official in charge of the district in question. Consent would be withheld if the recruiting were to have the effect contemplated in Article 4 (*b*).

All the matters laid down in paragraph 1 of Article 5 are taken into consideration before a licence is granted for recruiting in any particular district or before a licence is extended to any other district. Only 50 per cent. of the adult men of the able-bodied population are engaged in a wage-earning capacity; this proportion generally applies to all districts of the colony. The question raised in paragraph 2 of this Article has not, therefore, arisen up to the present. In regard to Article 6, the report points out that the regulations prohibit the recruiting of a non-adult without the consent of his parents or guardian. Similar safeguards are laid down under the Native Juveniles Employment Act.

The type of recruiting referred to in paragraph 1 of Article 7 is prohibited. § 19 of the Labour Regulations provides ample protection and encouragement for workers to be accompanied by their families. Under the terms of the tripartite migrant labour agreement concluded between the central African territories, provision is made for the free transport of the families of migrant workers to and from the territory; the agreement also provides for free housing and medical attention. Mining and agriculture have been found suitable for family recruiting. As the Government supplies free transport services, it has not been found

necessary to fix a minimum distance (from the home of the worker) for which workers must be accompanied by their families; on the other hand, the minimum duration of employment in the case of workers accompanied by their families has been fixed at two years. The separation of workers from their families in the circumstances described under paragraphs 3 and 4 of Article 7 is prohibited.

The segregation of African workers by tribes at the place of employment is not only inadvisable but, in urban areas, quite impracticable. Tribal distinction at places of employment is rapidly dying out.

Under the Public Services Act, public officers are forbidden to engage in commercial undertakings. Public officers may recruit labour for work (such as soil conservation works, water supplies and undertakings of a similar nature) which is required for the benefit of the inhabitants of the territory. In such cases, the recruited workers enjoy current rates of pay and conditions of service.

The types of work mentioned in paragraphs (*a*) to (*c*) of Article 10 are prohibited; the law in this respect is enforced by Native Department officers and by the police. Articles 11 and 12 are applied by the corresponding provisions of the local legislation. Adequate safeguards for the payment of wages are provided for under the Labour Regulations and the regulations framed under the Mines and Minerals Act (Chapter 10). Licences are valid for one calendar year, and are subject to renewal; they may be suspended or cancelled for misconduct or any contravention of the regulations. The Native Labour Regulations contain provisions corresponding to paragraphs 2, 3, 4, 5 and 6 of Article 13. Article 14 is applied.

There is no exception under the Labour Regulations for the categories mentioned in paragraphs 1 (*a*) to (*c*) of Article 15. All worker-recruiters must be licensed. It follows that advances made to workers can only be effected in accordance with the terms of these Regulations. Worker-recruiters receive a licence for a prescribed area and therefore become subject to the provisions of the Native Labour Regulations.

Article 16 is applied. The Native Pass Laws and the Native Labour Regulations Act ensure the application of Article 17. The Regulations concerning Native labour contain a provision corresponding to paragraphs 1 to 4 of Article 18. The application of paragraph 5 is at present under consideration, and new legislation is being drafted in this connection.

The Native Labour Regulations contain provisions corresponding to paragraphs 1 and 2 of Article 19. The ample internal transport services available in Southern Rhodesia obviate any necessity for a journey of more than one day on foot. Finally, the Native Labour Regulations provide for conductors. Articles 20 to 23 of the Convention are applied.

At present, no Natives are recruited in

Southern Rhodesia for employment outside the territory ; it does not appear likely that this type of recruiting will take place. However, the necessary supervision contemplated in Article 24 will be included in the terms of workers' contracts. No provision exists in the legislation in regard to paragraph 2 of this Article, but the necessary measures in this connection have been taken in the existing tripartite agreement concluded between the central African territories. A licence is necessary in the circumstances laid down in paragraph 3 of this Article. Finally, the measure provided for in paragraph 4 may be taken in virtue of the discretionary powers of the licensing officer.

The application of the legislation and the administrative regulations is entrusted to

the Division of Native Affairs. Supervision is effected by officers of the Native Affairs Department, labour officers and the police. The inspection of Native labour is carried out periodically by labour officers attached to the Department of Native Affairs, as well as by members of the police force. No practical difficulties have been encountered in the application of the Convention.

Native interests in all labour matters are safeguarded by the Department of Native Affairs, the Department of Native Labour and the National Native Labour Board.

Copies of the report have not been communicated to representative employers' and workers' organisations as there are no representative organisations.

52. Convention concerning annual holidays with pay

This Convention came into force on 22 September 1939

Countries	Date of registration of ratification	Reports received
Argentine Republic	14. 3.1950	
Brazil	22. 9.1938	10.11.1949
Bulgaria	29.12.1949	
Denmark	22. 6.1939	4.10.1949
Finland	23. 8.1949	
France	23. 8.1939	27.10.1949
Mexico	9. 3.1938	21.11.1949

Brazil.

Legislative Decree No. 481 of 8 June 1938.
Decree No. 3232 of 3 November 1938.
Legislative Decree No. 5452 of 1 May 1943, to approve the consolidation of labour laws (L.S. 1943, Braz. 1).

Every employee is entitled to an annual holiday with pay in respect of every period of 12 months during which the contract of employment has been in operation. The duration of the annual holiday is 15 working days after 12 months in the service of the employer, 11 working days for more than 200 days' service and seven working days for periods of service between 150 and 200 days. Days of absence from work may not be deducted from the holiday period.

The holiday is granted in a single period but, in exceptional cases, may be granted in two instalments, one of which may not be less than seven days; this exception may not be applied to persons under 18 or over 50 years of age.

The accumulation of holidays is not permitted, but the Minister of Labour, Industry and Commerce may authorise the accumulation of three holiday periods if requested to do so by the representative workers' organisation and provided consideration is given to local or occupational conditions.

The following periods may not be deducted

from the period of acquisition of the right to an annual holiday : absence from work for reasons deemed to be sufficient, on account of an industrial accident, on account of sickness or on account of a work stoppage of less than 30 days for reasons attributable to the employer.

An employee is not entitled to holidays if, during the period of acquisition of the right to a holiday, he leaves his employment and is not readmitted within 60 days, remains on leave with pay for more than 30 days, ceases to perform his work without loss of pay for more than 30 days owing to a stoppage of work in the undertaking, or has been in receipt of sickness benefit for more than six months in all, whether continuously or not.

During his annual holiday, the employee receives his usual remuneration, which is payable not later than the day before that on which his holiday is to begin. If wages are paid by the day or hour, at a task rate or in the form of a commission, percentage or bonus, the average amount received for a period equivalent to the holiday to which the employee is entitled is taken as the basis for the calculation of the remuneration payable ; if remuneration is paid in the form of a share in profits, this part is paid according to the entry in the work-book.

If an employer refuses to grant the holiday which is legally due to an employee, he is bound to pay a sum equal to twice the wages for the holiday. In the event of bankruptcy or of a legal agreement with creditors, the annual holiday to which the employee is entitled shall constitute a privileged claim. In the event of the cancellation or termination of the contract of employment, the employee is paid a sum equal to the remuneration due for the holiday period ; however, if the employee has failed to give due notice

to terminate the contract of employment, the employer is entitled to withhold payment of remuneration up to the amount corresponding to the period of notice.

The granting of the annual holiday must be entered in the employee's work-book and in the register of employees of the establishment. The employee must be given notice in writing not less than eight days in advance of the granting of the annual holiday and must give a receipt for the said notice. The employee must sign in discharge for the employer a receipt for the amount received for the holiday period, stating the date on which the holiday begins and ends.

Any person guilty of a contravention of the provisions concerning annual holidays is liable to fines varying between 100 and 5,000 cruzeiros. The National Labour Department in the Federal district, and the regional labour offices in the States are responsible for supervising the observance of the legislative provisions; the inspectors of the social welfare institutions are likewise responsible for supervision.

Denmark.

Regulation of 14 January 1949, concerning the calculation of holiday allowances, etc., for hotel and restaurant staff who receive remuneration in the form of tips.

Regulation of 25 March 1949, concerning the issue of new holiday stamps and the exchange of those hitherto used.

The report repeats the information previously supplied.

France.

The report repeats the information previously supplied and adds that, as a rule, the Convention is satisfactorily applied. Holidays due to workers are very rarely refused by the employer. On the other hand, there are frequent cases in which the workers give up their annual holidays and work during this period in order to increase their earnings. Such cases are invariably reported by the labour inspectors when they come to their notice.

Mexico.

The report repeats the information previously supplied and adds that particular attention has been given to the elimination of the divergencies existing between the national legislation and the provisions of the Convention. However, it was noted in the course of the 1949 Congress on Labour Law that the time had not yet come for a revision of the national legislation.

Copies of the report have been communicated to the 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	2.11.1949
Brazil	12.10.1938	10.11.1949
Bulgaria	29.12.1949	
Denmark	13. 7.1938	4.10.1949
Egypt	20. 5.1939	17.10.1949
Estonia	20. 6.1938	
Finland	8. 4.1947	20.10.1949
France	19. 6.1947	27.10.1949
Mexico	1. 9.1939	21.11.1949
New Zealand	29. 3.1938	11. 1.1950
Norway	7. 7.1937	27.10.1949
United States	29.10.1938	7. 1.1950

Belgium.

The Act of 25 August 1920 applies to all vessels of more than 25 gross registered tons normally engaged in, or intended for, the transport by sea of passengers or goods, towing, or other commercial operation at sea. The Belgian certificates cover the following: captain and mate in distant foreign-going trade, captain and master in coasting trade, first officer in coasting trade, first and second engineers, engine mechanics and motor mechanics. The legislation specifies the duties to be carried out by the holders of the various certificates. Certificates and diplomas issued abroad are not recognised in Belgium. However, in certain cases and for limited periods, the Minister may authorise an exception allowing the employment on board ship, as deck officers or engineer officers, of seafarers who hold diplomas or certificates issued abroad and which the naval authorities consider to be equivalent to Belgian certificates.

Cases of *force majeure* are not defined by the legislation, which simply provides that, in specific cases and with the previous authorisation of the Minister, the head of the local marine inspection service may grant total or partial exemption from a given requirement, provided that the safety of the ship, crew and passengers is ensured. The minimum age required for the granting of a certificate to a mate in distant trade and to a first officer in coasting trade is fixed at 20 years. Although the legislation does not stipulate the minimum age of holders of the other certificates, the latter

are granted, in practice, only after a certain age limit.

The inspection service carries out permanent supervision and ensures that vessels carry a crew which complies with the requirements as regards number, capacity, etc. The inspection service may detain any vessel in respect of which these conditions have not been fulfilled. In addition, the inspection service verifies the diplomas and certificates which the captain and members of the crew are required to hold. The Act concerning safety at sea prescribes various penalties for breaches of the regulations. The maritime commissioner, at the time of the enrolment of a ship's officers and crew, and the maritime inspector, when examining a ship before it sails, ascertain that the officers in charge of a watch hold the certificates required under the Act and its regulations. This double supervision makes any contravention impossible. Copies of the report have been communicated to the representative employers' and workers' organisations.

Brazil.

The report enumerates the various grades which seafarers may hold, as well as the requirements with regard to apprenticeship, age, etc., necessary for each grade. All seafarers must hold a certificate issued by the harbourmasters after an examination in theory, since practical experience alone is not regarded as sufficient. Equivalent certificates are only authorised in cases of *force majeure* and for a strictly limited period. The harbourmasters, the Shipping Administration and the Ministry of Shipping are responsible for supervising the application of the regulations.

Denmark.

The report repeats the information previously supplied.

Egypt.

The report repeats the information supplied for 1947-1948 and adds that, owing to the shortage of qualified officers and engineers, the engagement of uncertificated persons who have sufficient experience is

still authorised for junior positions. In reply to a question raised by the Committee of Experts, the Government states that the percentage of unqualified officers engaged in these conditions amounts to 2 per cent. and that of engineers to 4 per cent. of the total number.

Finland.

Decree of 25 February 1949, concerning officers of the Merchant Navy (came into force on 1 July 1949 for deck officers and on 1 January 1950 for engineer officers).

Decision of 30 June 1949 of the Ministry of Commerce and Industry, respecting the application of the above-mentioned Decree.

The Decree of 25 February 1949 applies to all merchant shipping, with the exception of (a) sailing ships, with or without an auxiliary engine, of not more than 50 tons gross registered tonnage; (b) mechanically propelled vessels, of not more than 30 tons gross registered tonnage, engaged in coasting trade; and (c) ferries and barges. The definitions contained in the Seafarers' Act are in conformity with those of the Convention.

With regard to Article 3, the report states that only persons holding the necessary certificates may be entrusted with the functions of captain, deck officer or engineer officer on board ship. Exceptions are only authorised in special cases (*force majeure*, etc.).

As regards Article 4 of the Convention, the report states that the Decree of 28 May 1943 concerning nautical schools contains detailed provisions regarding examinations. The minimum age required for a first officer is 19 years and for a captain 21 years. Moreover, the Decree of 15 June 1928 concerning officers' competency certificates contains provisions respecting the examinations and professional experience required from candidates and the conditions under which the certificates are granted by the Central Navigation Directorate.

As regards Article 5, the report states that the application of the provisions concerning officers is supervised by various authorities. Ships are periodically inspected with regard to their seaworthiness and a simultaneous check is made with regard to the competence of the navigating officers. In addition, merchant vessels are constantly under the supervision of navigation inspectors, harbourmasters and other official authorities from the point of view of the age, number and competence of their officers. Failure to comply with the requirements in this respect may lead to the detention of the ship by the customs, harbour or police authorities.

The report also contains information supplied under Article 6 concerning the penalties prescribed in cases of breaches of the regulations.

The Central Directorate of Shipping has no information regarding either inspection service reports or breaches reported during the period 1947-1948. In 1948, the authorities granted 144 deck-officer certificates

(captains, masters, first officers, pilots, etc.) and 369 engineer-officer certificates. Moreover, 518 certificates were granted authorising the bearer to carry out the duties of master on certain small vessels engaged in coastal trade.

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

France.

No amendments have been made to the legislation since the previous report. During 1948, certificates were issued in respect of 50 captains in distant trade, 85 mates in distant trade, 57 captains in the mercantile marine and 323 engineer officers (1st, 2nd and 3rd classes). Copies of the report have been communicated to the representative employers' and workers' organisations.

Mexico.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

New Zealand.

The report repeats the information previously supplied and adds that the number of candidates for examinations held for masters, mates and engineers was 507 in 1948 and 621 in 1949. Copies of the report have been communicated to the representative employers' and workers' organisations.

Norway.

During the period 1 October 1948 to 30 June 1949, 833 engineer officers' competency certificates were issued, as well as 558 masters' competency certificates of various classes. Copies of the report have been communicated to the representative employers' and workers' organisations.

United States.

The report repeats the information previously supplied and adds that, during the period under review, the Coast Guard Service issued 7,376 licences for ocean and coastwise service. Copies of the report have been communicated to the representative employers' and workers' organisations.

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

Belgium

Belgian Congo and Ruanda-Urundi.

As the Belgian Congo has no seagoing fleet flying its own flag, the question of the application of the Convention does not arise.

United States

Territories and Possessions.

The report repeats the information previously supplied.

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	2.11.1949
Bulgaria	29.12.1949	
France	19. 6.1947	21.11.1949
Mexico ¹	12. 6.1942	
United States	29.10.1938	

¹ Voluntary report.*Belgium.*

The Convention is applied through collective agreements concluded between shipowners and seafarers. The last agreement of this type came into force on 1 April 1948 and is still being applied. Senior certificated officers are entitled to 18 days' holiday in the year, while junior officers not holding a certificate and subordinate seafarers are entitled to 15 days a year. In addition,

compensatory leave is granted for Sundays spent at sea. Officers sailing on board tankers receive additional holidays. Any difficulties which arise are settled by the seamen's probiviral court. Copies of the report have been communicated to the representative employers' and workers' organisations.

Mexico.

The report repeats the information previously supplied and adds that copies of the report have been sent to the representative employers' and workers' organisations.

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 29 October 1939

Countries	Date of registration of ratification	Reports received
Belgium	11. 4.1938	2.11.1949
Bulgaria	29.12.1949	
France	19. 6.1947	27.10.1949
Mexico	15. 9.1939	21.11.1949
United States	29.10.1938	7. 1.1950

Belgium.

The number of seafarers to whom the Convention applies is estimated at approximately 5,000.

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

France.

Article 8 of the Convention is applied in virtue of legislative texts which have been in existence for a considerable number of years. The master of a vessel is responsible for safeguarding property left on board as the result of the death of a passenger or member of the crew. The administration of the mercantile registration office of the return port is responsible for tracing depen-

dants. The Seamen's Fund is responsible for storing the property in question. Copies of the report have been communicated to the representative employers' and workers' organisations.

Mexico.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

United States.

The report repeats the information previously supplied and refers to a decision given by the Supreme Court which ruled that "the duty of the ship to maintain and care for the seaman after the end of the voyage only until he was so far cured as possible seems to have been the doctrine of the American Admiralty Courts prior to the adoption of the Convention by Congress.... It has been the rule of Admiralty Courts since (the adoption of) the Convention". Copies of the report have been communicated to the representative employers' and workers' organisations.

NON-METROPOLITAN TERRITORIES
(ARTICLE 35 OF THE CONSTITUTION)

Belgium

Belgian Congo and Ruanda-Urundi.

Act of 5 June 1928, to issue regulations for seamen's articles of agreement (L.S. 1928, Bel. 5 A).

Act of 30 December 1929, respecting compensation for industrial accidents sustained by seamen (L.S. 1929, Bel. 10).

The Belgian Congo has no seagoing fleet navigating under its own flag. However,

the Belgian legislation applies to seamen's articles of agreement entered into by Natives of the Belgian Congo for service on board ships plying between Belgium and the colony. Industrial accidents are compensated according to the provisions of Belgian legislation.

United States

Territories and Possessions.

The report repeats the information previously supplied.

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	2.11.1949
Belgium ¹	11. 4.1938	
Bulgaria	29.12.1949	
Sweden ²	6. 1.1939	
United States	29.10.1938	

¹ Voluntary report.
² Conditional ratification.

Belgium.

The provisions of the Convention are covered by the collective agreement of 1 April 1948. Copies of the report have been communicated to the representative employers' and workers' organisations.

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	2. 11. 1949
Brazil	12. 10. 1938	10. 11. 1949
Bulgaria	29. 12. 1949	
France	9. 12. 1948	
Iraq	30. 12. 1939	6. 8. 1949
Netherlands	8. 7. 1947	12. 1. 1950
New Zealand	7. 6. 1946	11. 1. 1950
Norway	7. 7. 1937	27. 10. 1949
Sweden	6. 1. 1939	15. 10. 1949
United States	29. 10. 1938	7. 1. 1950

Belgium.

The Act of 5 July 1928 (§ 19) fixes the minimum age for maritime employment at 14 years, whereas the Convention lays down a minimum age of 15 years. The above-mentioned Act will be modified at the first favourable opportunity. In the meantime, the maritime authorities have received instructions not to permit the engagement of children under 15 years of age on board vessels. In point of fact, maritime training and enrolment for maritime employment are regulated in such a way that young persons are not signed on until they reach the age of 16 years. Maritime instruction is general, and is ensured and supervised by the State. The requirement to keep a register of all young persons under 16 years of age employed on board is covered by § 13 of the above-mentioned Act, which is wider in scope than the provisions of Article 4 of the Convention.

The Convention is applied very strictly; the authorities have detected no attempts to contravene the regulations. Copies of the report have been communicated to the representative employers' and workers' organisations.

Brazil.

Decree No. 5798 of 11 June 1940, to approve and apply the new regulations for harbour authorities.

Legislative Decree No. 5452 of 1 May 1943, to approve the consolidation of labour laws (Chapter IV) (L.S. 1943, Braz. 1).

The Legislative Decree of 11 June 1940 (§ 324) lays down that only persons over

16 years of age may register for employment. § 325 of this Decree stipulates that a list must be kept containing references to the seaman's identity book and to his age.

The Legislative Decree of 1 May 1943 (§ 403) lays down that the employment of young persons under 14 years of age is prohibited. Other sections of this Decree contain provisions relating to the prohibition of the employment of young persons under 18 years of age in workplaces which are dangerous or unhealthy or prejudice their physical development or morals.

Iraq.

The national legislation is in complete harmony with the Convention, and no change has taken place since the last report.

Netherlands.

The report repeats the information supplied for the preceding period and adds that, in every seagoing vessel in which one or more young persons are employed, an employment register must be kept and the full name and age of such person or persons entered therein. The application of the legislation is entrusted to the labour inspectors and to the national and communal police officials, as well as to the persons referred to in § 141 of the Code of Criminal Instruction. The latter are also competent to investigate breaches of the provisions of the Labour Act. The above-mentioned officials have free access to all workplaces and, at their request, the register may be transmitted to the competent officials. Copies of the report have been communicated to the Labour Foundation.

New Zealand.

The report repeats the information previously supplied. Copies have been communicated to the representative employers' and workers' organisations.

Norway.

The report refers to the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Sweden.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

United States.

The report repeats the information previously supplied. Copies of the report are being communicated to the representative employers' and workers' organisations.

NON-METROPOLITAN TERRITORIES
(ARTICLE 35 OF THE CONSTITUTION)

*Belgium**Belgian Congo and Ruanda-Urundi.*

See under Convention No. 7.

*Netherlands**Indonesia.*

The report refers to the information supplied for the period 1947 to 1948.

Netherland West Indies.

Commercial Code, §§ 558 *et seq.*

As the official who supervises the engagement of seamen does not admit persons under 16 years of age to employment, it is unnecessary to enact legislation. The official mentioned above ensures the supervision of the application of the legislation. It has not been considered necessary to communicate the report to employers' and workers' organisations.

Surinam.

The Convention is not applied. The enactment of legislation has been considered unnecessary.

*United States**Territories and Possessions.*

All the measures applying to the continental United States, with the exception of the statutes of the States of the United States, relate no less to *Alaska, Hawaii, Puerto Rico, Virgin Islands, Guam* and *Samoa*.

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	11. 1. 1950
Norway	26. 8. 1938	27. 10. 1949

New Zealand.

The report repeats the information previously supplied and adds that, for the year ended 31 March 1949, 38 authorisations (19 for boys, 19 for girls) were issued in virtue of § 37 of the Factories Act (which allows the employment of young persons over 14 years of age provided they are exempted from the obligation to be enrolled as pupils at any school). The issue of certificates has been further restricted as a matter of administration and those issued were mostly to juveniles who were almost 15 years of age. The principal measure to implement the Convention fully has not yet been introduced. Copies of the report have been communicated to the representative employers' and workers' organisations.

Norway.

Regulations of 25 January 1949, respecting the keeping of registers of young persons under 18 years of age employed in industry, handicrafts, transport, etc., issued by the Ministry of Municipal Affairs and Labour in pursuance of the Workers' Protection Act of 19 June 1936 (L.S. 1936, Nor. 1).

Owing to the prevailing shortage of adult labour, there has been a tendency towards

contraventions of the prohibition of the employment of children under 15 years of age in industry. The labour inspectors have been instructed to enforce the provisions of the legislation and to eliminate any illegal employment.

The labour inspection directorate has issued instructions to the effect that the registers of young persons prescribed under the Act of 26 January 1949 must contain the following information: (a) the name, date of birth and domicile of the young worker; (b) the date on which the employment commences and, where necessary, the date on which it comes to an end; (c) the duration of the daily working period and the hours in which it is effected; (d) information as to whether the worker attends school and, if so, his hours of attendance (Act of 1 March 1942, § 30, paragraph 2, and Workers' Protection Act, § 30, paragraph 2); and (e) the name, occupation, and domicile of parents or persons having the responsibility of parents. These registers must be kept constantly up to date and must be produced at the request of the labour inspection service. An employer or his substitute who fails to keep a register is liable to punishment under the Workers' Protection Act (§§ 51 (3) and 52).

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

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	Reports received
Bulgaria	29.12.1949	
New Zealand ¹	8. 7.1947	11. 1.1950

¹ Voluntary report.

New Zealand.

The report repeats the information previously supplied. With regard to the observations made by the Committee on the Application of Conventions, the Government

refers to its report on Convention No. 59 and adds that it is contemplated that the proposed Bill mentioned in this report should apply to non-industrial as well as to industrial employment and that the protective provisions of the Convention will be fully met. Copies of the report have been communicated to the representative employers' and workers' organisations.

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	28.10.1949

¹ Voluntary report.

New Zealand.

Statutes Amendment Act, 1948; § 16.

Two Awards relating to different industrial districts and branches of the textile industry, dated 24 June and 21 July 1949.

The report repeats the information previously supplied, and adds that, during the year ended 31 March 1947, the number of hours of overtime worked was 384,721.

§ 16 of the Statutes Amendment Act, 1948, amends § 20 (2 (c)) of the Factories Act, 1946, by providing that the working hours of women who have attained the age of 16 years may not be extended by more than

90 hours in any year; however, the inspector may, at his discretion (having regard to the particular circumstances of the case), grant a warrant permitting the working of extended hours (not exceeding 30 in any year) after the 90 hours in a year have been worked by any employee. Further, the Minister may, at his discretion, subject to such conditions as to medical examination, provision of meals and other amenities, and such other conditions as he thinks fit, permit the voluntary working of further additional hours not exceeding 80 in any year.

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

NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

No information.

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
Bulgaria	29.12.1949	
Finland	8. 4.1947	20.10.1949
Mexico	4. 7.1941	21.11.1949
Netherlands	2. 5.1950	
Poland	17. 4.1950	
Switzerland	23. 5.1940	14.10.1949

Finland.

The report repeats the information previously supplied and gives statistics of the number of building undertakings and of the workers employed by them, as well as of accidents and their principal causes.

The Committee set up for the purpose of revising the relevant legislation is continuing its work.

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

Mexico.

The report repeats the information previously supplied and summarises the replies received from the Governors of the various States to the communication sent to them by the Secretariat of Labour. The replies received indicate that measures for the application of the Convention are being, or will be, taken in a number of the States. The Secretariat of Labour has also renewed its discussions with the authorities of the Federal District as regards the application of the Convention to building operations in the City of Mexico.

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

Switzerland.

Order of 27 May 1949, respecting measures to be taken to prevent accidents in the building industry in the use of suspended scaffolds with mobile platforms for plastering, painting work, etc.

The report repeats the information previously supplied and adds that an Order of 27 May 1949 contains provisions concerning hoisting appliances, cables, ropes and chains used with suspended scaffolds. Draft regulations concerning hoisting appliances have not yet been completed. Statistics are given of accidents which occurred during 1947 in the various branches of the building industry.

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

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	8. 7.1949
Canada	6. 4.1946	10.10.1949
Denmark ²	22. 6.1939	4.10.1949
Egypt ³	5.10.1940	17.10.1949
Finland ³	8. 4.1947	20.10.1949
Ireland	9.10.1946	17.11.1949
Mexico	16. 7.1942	21.11.1949
Netherlands	9. 3.1940	12. 1.1950
New Zealand ¹	18. 1.1940	28.10.1949
Norway ²	29. 3.1940	27.10.1949
Sweden ²	21. 6.1939	15.10.1949
Switzerland ³	23. 5.1940	14.10.1949
Union of South Africa ⁴	8. 8.1939	8. 7.1949
United Kingdom	26. 5.1947	3.10.1949

¹ Excluding Part II.

² Excluding Part III.

³ Excluding Parts III and IV.

⁴ Excluding Parts II and IV.

Australia.

The report refers to the information previously supplied and, with regard to Part III of the Convention, adds that a revision of the figures for average wage rates and hours of work will be made when the full results of the 1947 census are available, so as to bring them more into line with the present distribution of the labour force. Reference is also made to a new seasonally adjusted index of average earnings of " male units " employed. This index is based on payroll tax returns and is seasonally adjusted, but no figures are available as yet for separate indices.

Canada.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Denmark.

The report repeats the information previously supplied and adds that the Joint Committee of Northern European countries on statistics of wages has not yet finished its work.

Egypt.

The report repeats the information previously supplied and adds that the calculation of index numbers of earnings required by Article 12 of the Convention will be studied shortly by a committee of technical experts. The International Labour Office will be kept informed of the decisions taken by this committee. Statistics are regularly submitted to the Secretary-General of the Federation of Industries.

Finland.

The report gives a list of publications containing the statistics covered by the Convention and enumerates the branches of industry for which data on average and total earnings are available. This information is supplied by the employers' associations and covers 35 per cent. of the workers concerned. Articles 6 to 12 of the Convention are fully applied.

Although Part III of the Convention was excluded from the ratification, the report gives the principal legislative measures, etc., which govern wage rates and normal hours of work. Specific details are given regarding the methods of compilation, and the principal characteristics of statistics of wages and hours of work in agriculture. Copies of the report have been communicated to the representative employers' and workers' organisations.

Ireland.

The report repeats the information supplied for 1947-1948 and adds that the statistical authority entrusted with the task of compiling the data required by the Convention is now the Central Statistics Office. Copies of the report have been communicated to the representative employers' and workers' organisations.

Mexico.

The report repeats the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Netherlands.

The report gives a summary of the various laws, arbitration awards, collective agreements, etc., governing the establishment of wages in mining industries in general and in coal mines, salt mines, lignite mines and petroleum refineries. Statistical data are also supplied for these industries; the texts of the relevant legislative provisions are appended to the report. Copies of the report have been communicated to the representative employers' and workers' organisations.

New Zealand.

The report repeats the information previously supplied and gives data on holiday payments, family allowances and overtime rates which go beyond the requirements of Article 19 of the Convention. Copies of the report have been communicated to the representative employers' and workers' organisations.

Norway.

The report refers to the information previously supplied. Copies of the report have been communicated to the representative employers' and workers' organisations.

Sweden.

The report repeats the information previously supplied and gives information regarding the number of undertakings for which statistics of wages and hours of work in the mining and manufacturing industries and agriculture were compiled in 1948. Copies of the report have been communicated to the representative employers' and workers' organisations.

Switzerland.

The report repeats the information previously supplied and refers, in particular,

to bi-annual and annual statistics of time-wage rates and of normal hours of work, as well as to more complete annual statistics on the same subject. Copies of the report have been communicated to the representative employers' and workers' organisations.

Union of South Africa.

The report contains figures relating to rates of wages and hours of work by occupations in the principal manufacturing industries. Copies of the report have been communicated to the representative employers' and workers' organisations.

United Kingdom.

The report repeats the information previously supplied and, under Article 5 of the Convention, states that the results of statistics of average earnings and hours of work in mining and manufacturing, in respect of all industries combined, are comparable with those available for earlier dates. However, in October 1948, the classification of establishments to individual industries was modified. Under Article 17, the report states that, while separate data for juveniles were not published in 1946-1948, this information is now available and consideration will be given to its inclusion in the reports as soon as circumstances permit. Copies of the report have been communicated to the representative employers' and workers' organisations.

NON-METROPOLITAN TERRITORIES
(ARTICLE 35 OF THE CONSTITUTION)

*Netherlands**Indonesia.*

The report refers to the information supplied for the period 1947 to 1948.

Netherland West Indies.

There are no legislative provisions. At the end of the period under review, a Bureau of Statistics was set up as part of the Department of Social and Economic Affairs. More detailed information will be provided in the next report. The report contains information relating to wages in petroleum refineries.

Surinam.

The Convention has not been applied. As a statistical service has only recently been set up, no figures are available.

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. 1.1950
United Kingdom	24. 8.1943	22.11.1949
* * *	* * *	* * *
Southern Rhodesia (voluntary)		7. 1.1950

New Zealand

The report repeats the information previously supplied and adds that the draft Ordinance to implement the provisions of the Convention has not yet been adopted. The Ordinance will probably be passed in the course of the next session of the Legislative Assembly of Western Samoa, which is due to open in two or three months. Copies of the report have been communicated to the representative employers' and workers' organisations.

United Kingdom

Aden.

The report repeats the information previously supplied and adds that, under the legislation in force, persons under 16 years of age are not allowed to enter into contracts. The special approval of the competent authority is required for persons between 16 and 21 years of age. Compliance with paragraph 7 of Article 6 of the Convention is ensured by the administrative safeguard that all contracts require the approval of the Government as well as that of the competent authority. The maximum period of service prescribed in accordance with paragraph 1 of Article 16 is 18 months. All contracts entered into in the colony are in conformity with the provisions of Article 18; consequently, the Government exercises direct control.

Barbados.

The report repeats the information previously supplied.

Basutoland.

The report repeats the information previously supplied and adds the following details:

Article 6: paragraphs 3, 4 and 5 are applied.

Article 8: a "non-adult" is defined as a person under the apparent age of 18 years. No occupation has been approved as not being injurious to the moral or physical development of non-adults.

Article 9: a maximum period of service of one year has been established; no leave is usually granted during the period of the contract.

Article 12: no conditions have been prescribed to give effect to paragraphs 1, 2 and 3 of this Article. No cases of termination have occurred.

Article 13: no measures have had to be taken to repatriate workers under paragraph 5 of this Article.

Article 14: there have been no cases of the type referred to in the Convention; no criteria have therefore been adopted for the granting of exemptions under paragraph (d).

Article 16: the maximum period that may be stipulated in any re-engagement contract is nine months. No exemption has been granted under paragraph 2 of this Article.

Article 18: the legislation applies both to contracts relating to employment within the territory and to contracts relating to employment in other territories.

Article 19: the attesting officer must be an officer of the Basutoland Administration.

The application of the legislation is ensured by officials of the Administration, and by judicial and police officers.

Bechuanaland.

The report repeats the information previously supplied.

British Guiana.

The report repeats the information previously supplied and adds that contracts of manual workers rarely exceed 90 days; a contract usually covers a period of 75 days. Amendments to Labour Ordinance No. 2

of 1942 and a draft Bill concerning the registration of contracts are being considered for the purpose of applying the provisions of the Convention.

British Honduras.

The report repeats the information previously supplied and adds, under Article 8 of the Convention, that, in practice, the only instance in which non-adult persons enter into written contracts of employment is for work as paid learners in the chicle-bleeding industry; attesting officers do not attest their contracts unless the minors are to be accompanied by their parents or guardians in the forests.

The Labour Department maintains an inspection service, and all places of employment are visited at least once a year, with additional follow-up visits in order to ascertain whether any irregularities which have been discovered on a previous inspection visit have been corrected.

British Somaliland.

There is no legislation and there are no administrative regulations to ensure the application of the Convention. The Master and Servant Ordinance provides that a contract shall not be binding on either party for a period exceeding one month, unless either the contract or a sufficiently clear summary thereof is drawn up in writing. Other provisions of the Ordinance relate to the determination of contracts and the manner for dealing with breaches of contracts and disputes between the parties. Wages may not be paid in kind without the consent of the employee. The Native Labour Ordinance applies only to labourers, porters, etc., who are Natives of Africa and are not of European race or origin. This Ordinance prohibits the employment of such persons outside the protectorate except under the terms of an agreement of service, which must be in accordance with the form set out in the schedule to the Ordinance. The employer must obtain the necessary permit from the Governor before the agreement is signed.

Cyprus.

Orders-in-Council of 5 April 1939 and 12 January 1943.

The above Orders-in-Council declared the Convention to be inapplicable to Cyprus. Conditions in Cyprus approximate to those obtaining in Western Europe, and no problems of the kind which the Convention is designed to remedy are known to exist. Copies of the report have been communicated to the Pan-Cyprian Labour Federation, the Cyprus Workers' Confederation, the Cyprus-Turkish Trade Unions Federation and the Association of Cyprus Industries.

Dominica.

The question of application of the Convention has been reserved.

Falkland Islands.

The report repeats the information previously supplied.

Fiji.

The report gives detailed information on the legislation and the measures taken to give practical effect to the Convention. The Convention is fully applied. The terms "worker", "Native", "employer" and "contract" are defined in the legislative enactments. Contracts of apprenticeship and of land occupancy are excluded. None of the exceptions provided under Article 7 of the Convention have been granted. Natives under 18 years of age are prohibited from entering into a contract. The maximum period of a contract is one year and, under special legislation, a paid annual holiday of six working days is granted to all workers. Under Article 12 of the Convention, the report states that the period of notice is not prescribed by law but is fixed by mutual agreement between the parties. Furthermore, the attesting officer must satisfy himself that the terms of the contract are not manifestly unfair to the worker; the legislation grants the right of repatriation to the worker and sets out the conditions which may precede the termination of the contract. It has not been found necessary to have recourse to the measures provided for in paragraph 5 of Article 13 or to provide for any exceptions under paragraph (d) of Article 14. It has not been considered necessary to apply Article 16, as the maximum duration of a contract is limited to one year. Contract labour has practically disappeared in the colony; the number of contracts entered into during the period under review was 104, out of a total wage-earning population of 20,000, 10,000 of whom are Fijians. Copies of the report have been communicated to the Labour Advisory Board.

Gambia.

The report repeats the information previously supplied.

Gibraltar.

When the Convention was ratified, a reservation was entered to the effect that it was inapplicable to Gibraltar. No legislation has been enacted to apply the provisions of the Convention, as hitherto the employment of workers under contracts of employment within the meaning of Article 3 has been extremely rare. However, in 1947 an acute shortage of carpenters and masons required for the Government's permanent housing programme necessitated the immigration of 50 Italian carpenters and masons, by arrangement with the Italian Ministry of Labour. Although these men are not indigenous workers within the meaning of Article 1, they have been employed under contracts of employment

which were specially drafted to conform with the requirements of the Convention. During the period under review, no indigenous workers were engaged under contracts of employment.

Gilbert and Ellice Islands.

The Convention has not yet been applied, but its provisions are being included in a revised Labour Ordinance which is in course of preparation.

Gold Coast.

The report repeats the information previously supplied and adds that the application of the legislation is entrusted to the Commissioner of Labour. Copies of the report have been communicated to the representative employers' and workers' organisations.

Grenada.

The report repeats the information previously supplied.

Kenya.

The report repeats the information previously supplied and adds that the application of the Convention is ensured by the inspection services of the Labour Department, assisted by the provincial administration. Ordinance No. 56 of 1948, amending the Employment Ordinance of 1938, provides facilities for making a written contract. These measures are connected with a recent provision which stipulates that, generally speaking, desertion from a verbal contract is no longer an offence. Written contracts may be enforced, even when not attested, up to a maximum period of six months or six tickets. The new form of contract was introduced on 16 May 1949, when the new Registration of Persons Ordinance came into force. Under the new system, the employer is required to complete a buff contract card in duplicate when engaging an employee; one copy is handed to the employee as a record of employment, and the other is sent to the Labour Commissioner who keeps a central register of all returns. Copies of the report are available to the representative employers' and workers' organisations.

Malta.

The report repeats the information previously supplied. Copies of the report have been communicated to the General Workers' Union, the Chamber of Commerce, and the Federation of Malta Industries.

Mauritius.

Labour Ordinance No. 47 of 1938 (§ 6 (1)) provides that a contract of employment may be entered into for any period not exceeding one month; this applies to all manual workers, including artisans. Consequently, a contract for six months or more would not

be valid; the Convention cannot therefore be applied.

Nigeria.

Labour Code (Amendment) Ordinance No. 54 of 1946.

The report repeats the information previously supplied.

North Borneo.

Labour Ordinance, 1936, as amended by the Labour (Unification and Amendment) Ordinance, 1948.

All the Articles of the Convention are applied by the above legislation. No exceptions have been made in virtue of paragraphs 2, 3 and 4 of Article 2.

§ 70 (6) of the Ordinance stipulates that four copies of every written contract concluded under the relevant provisions of the legislation shall be attested, including the original. One copy shall be delivered to the employer, one to the worker or, in the case of a gang, to one of its members, and one to the Assistant Protector in the district of employment; the original shall be retained by the Protector, who shall keep a record of all such contracts.

No exceptions have been made in virtue of paragraph 4 of Article 7.

A non-adult person whose apparent age is less than 16 years may not enter into a written contract; a non-adult person whose apparent age exceeds 16 but is less than 18 years is declared incapable of entering into a written contract, except for employment in an occupation approved by the Protector as not being injurious to the moral and physical development of non-adults. The Protector has not approved any type of employment as fulfilling this condition and the effective minimum age remains fixed at 18 years.

Except with the written permission of the Protector, no contract of a duration exceeding 180 successive calendar days shall be entered into by any employer with any Native worker. § 74 of the Ordinance lays down that the maximum duration that may be stipulated or implied in any written contract involving a journey within the colonies of North Borneo and Sarawak and the State of Brunei, from the place of recruitment to the place of employment, shall in no case exceed 12 months if the worker is not accompanied by his family, or two years if he is accompanied by his family. The maximum duration which may be stipulated or implied in any written contract involving a journey, other than that referred to above from the place of recruitment to the place of employment, shall in no case exceed two years if the worker is not accompanied by his family, or three years if he is accompanied by his family.

A contract shall be terminated by the expiry of the term for which it was made, by the death of the worker before the expiry of this term, or in any other way in

which a contract is legally terminable or held to be terminated. The termination of a contract by the death of the worker shall be without prejudice to the legal claims of any person entitled thereto. If the employer is unable to fulfil a written contract, or if owing to sickness or accident the worker is unable to fulfil the contract, the contract may be determined with the consent of the Protector, subject to conditions safeguarding the right of the worker to wages earned, any deferred pay due to him, any compensation due to him in respect of accident or disease, and his right to repatriation. A written contract may be determined by agreement between the parties with the consent of the Protector, subject to conditions safeguarding the worker from the loss of his right to repatriation, unless the agreement for the termination of the contract otherwise provides. The Protector shall satisfy himself that the worker has freely consented to the termination of the contract and that his consent has not been obtained by coercion or undue influence or as the result of known misrepresentation or mistake, and further, that all monetary liabilities have been settled between the parties. A written contract other than a contract to perform some specific work without reference to time may be determined by either party giving to the other notice of such termination in accordance with the terms of the contract.

The minimum requirements for notice to terminate a contract are the following: where the contract is for more than one month, the period of notice shall not be less than 14 days, which may be given only after the expiry of the first month of employment; where the contract is for one month or less, the period of notice shall not be less than seven days. Except in cases where the Protector in his discretion shall otherwise permit, the period of notice stipulated in the contract shall not exceed one month.

An equitable settlement of monetary and other conditions, including the question of repatriation, shall be agreed upon between the worker and the employer. In default of such agreement, either party may refer the matter to the Protector who shall make such order, including the award of any subsistence expenses reasonably incurred pending such order, as may be just and equitable.

No effect has been given to paragraph 5 of Article 12. It has not been found necessary to take any measures to repatriate workers in accordance with paragraph 5 of Article 13 or to adopt any criteria for the purpose of granting exemptions under paragraph (d) of Article 14.

Under § 81 (1) of the Ordinance, in the case of a re-engagement contract, the maximum period of service is three quarters of the maximum period stipulated in § 74, but in no case may this period exceed one year. No exemptions have been made under the provisions of paragraph 2 of Article 16.

Where a contract made in the colony relates to employment in another territory, the attesting of the contract shall take place in the presence of the Protector before the worker leaves the colony; the medical examination shall take place at the latest at the place of the departure of the worker from the colony. Any non-adult person whose apparent age is less than either the minimum age or the minimum age of capacity for entering into a contract allowed by the law of the territory of employment (if the minimum age in this case is higher than that prescribed) shall not be capable of entering into a contract. The contract shall contain a proviso to the effect that it is not transferable unless the authority for the transfer is endorsed on the contract by a public officer of the territory of employment. The duration of the contract shall not exceed the maximum prescribed period.

If the provisions of the laws of the territory of employment are substantially the same as those laid down in the Ordinance, the conditions under which the contract may be terminated, as well as any questions relating to exemption from liability for repatriation, shall be determined by the law of the territory of employment. If the laws of the territory of employment differ from those of the colony in respect to repatriation, the Protector may require such deposit or security from the employer as he deems necessary. Any questions relating to the right to terminate a contract and to repatriation are determined by the Protector. The Protector shall co-operate with the appropriate authority of the territory of employment to ensure the application of the provisions of § 80 (2) of the Ordinance; the period of service stipulated in any re-engagement contract may not exceed either the maximum period allowed under the local legislation or the maximum period allowed under the law of the territory of employment.

When a contract made in another territory relates to employment in the colony, and if the territory of origin has enacted laws the provisions of which are substantially the same as those laid down in the Ordinance and has complied with all the provisions of such laws prior to the worker's departure from the territory of origin, the following provisions apply: the endorsement of a transfer on a contract shall be made by the Protector; the conditions under which the contract may be terminated shall be determined by the provisions of this Ordinance and any rules made thereunder; if the employer fails to fulfil his obligations in respect of repatriation, the said obligations shall be discharged by the Protector and the expenses involved may be recovered from the employer as a debt due to the Government; the competent authority is the Protector who co-operates with the appropriate authority of the territory of origin to ensure the application of the relevant provisions; the duration stipulated in any re-engagement contract shall not exceed either the maximum

period allowed by the Ordinance or the maximum period allowed by the law of the territory of origin.

If the territory of origin has not enacted laws substantially the same as the Ordinance or has not complied with any provisions of the law in respect of any contract, then any provisions which have not been observed shall be deemed to apply immediately upon the arrival of the worker in the colony.

It has not been found necessary or desirable to enter into the agreement provided for in paragraph 3 of Article 19.

See under Convention No. 50 for information relating to the administration of the legislation.

Northern Rhodesia.

Employment of Natives Ordinance (Chapter 171 of the Laws of Northern Rhodesia).
Regulations issued under the Ordinance.

Article 1 of the Convention is applied by § 2 of the Ordinance which defines the terms "Native", "servant" and "employer". The term "employer" includes managers, agents, etc. With regard to the application of Article 2, the report refers to the sections of the Ordinance which deal with the formation and interpretation of contracts and apprentices' contracts; no exceptions have been made with regard to paragraph 4 of this Article.

The first three paragraphs of Article 3 are applied. No specific legal provision exists with regard to paragraph 4, but the rights of workers are covered by common law. The law requires each party to a contract to be specifically stated. No contract may be deemed to be binding on the family or dependants of the contracting party. The forms of contract prescribed comply with the provisions of Article 5.

Article 6 of the Convention is applied; a copy of the contract is given to the worker in every case. § 103 of the Ordinance prescribes a medical examination for all recruited workers; the Regulations require a medical examination for all workers in mines and in certain specified employments. It is not considered necessary or practicable to require the medical examination of workers who offer themselves spontaneously for work. The employment of any person under the apparent age of 12 years is prohibited. The employment of young persons in industrial undertakings is regulated by the Employment of Women, Young Persons and Children Ordinance (Chapter 191 of the Laws of Northern Rhodesia), in accordance with the provisions of Convention No. 6.

Contracts are limited by § 7 of the Ordinance to a maximum period of two years. There is no legal provision with regard to leave. The transfer of contracts is not provided for in the Regulations, except in the case of contracts of apprenticeship. Contracts terminate on the expiry of the terms for which they were made, on the death of the worker or on the death or insolvency of the employer. The legal claims of workers'

dependants are protected by the Ordinance; the rights of the worker with regard to wages are safeguarded. Repatriation is provided for by the legislation. Compensation for accidents or diseases is covered by the Workmen's Compensation Ordinance.

Article 13, paragraph 2 (a) of the Convention is applied; no specific provisions have been made with regard to paragraph 2 (b) but, in practice, the rights of the worker are safeguarded. All complaints regarding contracts are investigated by officers of the Department of Labour and Mines. With regard to paragraph 3 of this Article, the report refers to the Ordinance; as regards paragraph 4, the report states that magistrates have power to terminate contracts on the grounds of ill-treatment or of any other complaint. No other cases are prescribed by the Regulations. The first three paragraphs of Article 13 are applied. No specific provisions have been made with regard to paragraph 4. Repatriation at Government expense is available to any destitute person.

With regard to Article 14, the report refers to § 53 of the Ordinance, and adds that the only exemption granted under this section has been to the Witwatersrand Native Labour Association which has been permitted to include a provision in contracts for a contribution from the worker towards the cost of repatriation.

No specific legal provision has been made with regard to Article 15, but where workers are recruited the provision of transport, where practicable, is made a condition of the issue of a recruiting licence.

Contracts for services within the territory are, in practice, limited to periods varying between 12 and 14 months. Re-engagements are treated as new contracts; service outside the territory is limited to 12 months, with a maximum re-engagement period of six months. The labour laws are available in handbook form; translations and explanations of particular sections of these laws have appeared from time to time in the vernacular press and have been distributed to workers in pamphlet form.

With regard to Article 18 of the Convention, the report refers to §§ 10 and 17 of the Ordinance dealing with foreign contracts of service. Workers employed outside the territory under foreign contracts of service are visited by officers of the Department of Labour and Mines.

Clauses (a), (b) and (c) of paragraph 1 of Article 19 are applied. Non-adults are not permitted to enter into foreign contracts of service; the transfer of contracts is not authorised. Clauses (f) to (k) of this Article are applied. The competent authorities of the territories of origin and employment co-operate as required under clause (g). The Convention is in force in the territory of origin and in Southern Rhodesia, but not in the Union of South Africa where workers are entitled to the rights and protection specified in §§ 10 to 16 by virtue of the terms of contracts.

A migrant labour agreement exists between Northern Rhodesia, Southern Rhodesia and Nyasaland. There are no exceptions to the provisions of paragraph 1 of Article 19.

The application of the Convention is ensured by the Department of Labour and Mines. Officers of the Department are available in all areas of the territory for inspection and supervision. Officers are also stationed in Southern Rhodesia and South Africa in order to undertake the inspection of Northern Rhodesian workers.

Nyasaland.

Government Notice No. 41 of 1944, delegating to Provincial Commissioners the power to authorise persons other than District Commissioners to issue identity certificates and travelling permits.

The report repeats the information previously supplied and adds that no exceptions have been made under Article 2 of the Convention.

Every written contract must be attested before an attesting officer; the employee is given one copy and one copy is held by the District Commissioner. The original is deposited with the attesting officer.

The Ordinance does not fix the number of workers prescribed for the purposes of paragraph 4 (a) of Article 7 of the Convention. No contracts for non-agricultural work have as yet been made.

The local legislation has fixed at 16 years the minimum age at which a person may be engaged for work.

With regard to paragraph 2 of Article 8, the report states that the minimum age has been fixed at 18 years. The legislation contains no provision regarding the occupations which are non-injurious to the physical or moral development of non-adults. No case has been reported in which an employer has failed to repatriate any of his workers. The maximum period of service for contracts of re-engagement is fixed at 12 months. No exception has been made under paragraph 2 of Article 6 of the Convention. Copies of all contracts entered into for employment in another territory are sent to the Nyasaland Government representative in the territory in question.

St. Helena.

Emigrants (Protection) Ordinance, 1906.
Ascension Island Workmen's Protection Ordinance, 1926.

The Emigrants (Protection) Ordinance of 1906 lays down that contracts shall be in writing, and shall contain the particulars required by Article 5 of the Convention. Contracts must be attested before a Government officer (the Colonial Treasurer). A medical examination is carried out. The maximum period for a contract has not been laid down in the legislation but, in practice, contracts do not exceed two years. Repatriation is provided for under § 7 (e) of the Ordinance. Revision of the legislation is being considered with a view to bringing its

provisions more completely into line with the provisions of the Convention.

St. Lucia.

The report repeats the information previously supplied.

St. Vincent.

The report repeats the information previously supplied.

Seychelles.

Ordinance No. 25 of 1945 (hereinafter called the main Ordinance), as amended by Ordinance No. 13 of 1947.

Ordinance No. 26 of 1945, as amended by Ordinance No. 14 of 1947.

Ordinance No. 26 was promulgated for the purpose of regulating the employment of labour in the outlying dependent islands of the colony.

Administrative measures, taken to enforce the provisions of the Convention as reproduced in the above Ordinances, provide penalties for contraventions of any of these provisions.

Article 1, paragraph (a): the definition of the term "worker" is reproduced in § 2 of the main Ordinance; paragraph (b): the same is true of the definition of "employer". The definition given in paragraph (c) is in fact applied by both of the above Ordinances, which also contain a definition of the term "foreign service contract".

Article 2, paragraphs 2, 3 and 4: no exceptions have been made to the provisions of the Convention.

Article 3, paragraph 1: under § 3 of the main Ordinance, the contract must be in writing if it is for a period of over one month. The application of paragraph 2 is ensured by § 4 (1) of the main Ordinance. Paragraphs 3 and 4 may be applied under § 42 (3) of the main Ordinance.

Article 4 of the Convention may also be applied by the above-mentioned provision.

Article 5 of the Convention is applied by § 6 of the main Ordinance.

Article 6: paragraph 1 is applied by § 5 (1) of the main Ordinance and paragraph 2 (a) by § 4 (1) of the main Ordinance. The activities covered by paragraph 2 (b) fall within the normal administrative duties of a labour officer; §§ 4, 18 and 23 of the amended Ordinance apply in this connection. Paragraph 3 is applied by § 4 (1) of the main Ordinance. Paragraphs 4 and 5 are not specifically applied, but could be enforced under §§ 11 and 12 as well as under § 42. Paragraphs 6 and 7 are applied by § 10 of the main Ordinance.

Article 7 of the Convention has not been applied, but regulations to this effect can be made under § 42 (3) of the main Ordinance.

Article 8 of the Convention is applied by §§ 19 and 20 of the main Ordinance, as amended by Ordinance No. 13 of 1947. Note should also be taken of the definition

of "juvenile" contained in § 2 of the main Ordinance. The minimum age at which a non-adult person may enter into contract of employment with the consent of a parent or guardian has been fixed at 12 years.

Article 9 of the Convention is applied by § 11 of the main Ordinance, which provides that the maximum period of service stipulated in a contract may be fixed at two years in certain cases for foreign service and at three years in other cases.

Article 10 of the Convention is not specifically applied, but § 18 of the Ordinance allows penalties for the decoying of labour.

Articles 11 and 12 may be applied by regulations issued under § 42 (3) of the main Ordinance.

Article 13 of the Convention is applied by paragraphs (h) and (i) of § 6 of the main Ordinance; in addition, regulations may be made under § 42. In the case of outlying islands, § 27 of Ordinance No. 26 of 1945 is also applied.

The provisions of Article 14 have not been specifically applied. The operations referred to in this Article form part of the normal administrative duties of the labour officer. In addition, § 42 authorises the issue of relevant regulations. Finally, the case of workers in outlying islands is regulated under § 27 of Ordinance No. 26 of 1945.

In so far as Article 15 of the Convention can be applied to Seychelles, measures of application are provided under § 6, paragraph (h), and Schedule I of the main Ordinance. Workers in outlying islands, to whom repatriation clauses must necessarily apply, are covered by § 27 of Ordinance No. 26 of 1945.

The maximum period of service (Article 16, paragraph 1) is for nine or 18 months. Article 16, paragraph 2, is applied.

Article 17 is not specifically applied.

The application of Article 18 is ensured by §§ 5, 6, 8 and 11 of the main Ordinance. Under § 8 of this Ordinance, security by bond is required to ensure compliance with the regulations relating to a contract for foreign service.

Article 19: paragraph 1 (a) is applied by § 5 (1) of the main Ordinance; under paragraph 1 (d), the report states that any person covered by this provision would probably be refused an entry permit by the country of employment; this provision is not specifically applied. Article 19, paragraph 1 (e), is not applied. The practice followed in the territory is in conformity with paragraph 1 (f), (g), (h) and (k) of Article 19 of the Convention. The case provided for in paragraph 2 of this Article has not arisen in Seychelles, as all neighbouring countries are British, but there would be no administrative difficulty in applying the provisions of this Article.

The supervision of the application of the above-mentioned legislation has hitherto been hampered in the colony by the absence of a qualified labour officer. An officer was appointed in 1948 and underwent a course of instruction in the United Kingdom. Un-

fortunately he was unable to take up his employment on his return to Seychelles; the possibility of obtaining a suitably qualified officer from Mauritius is now under consideration.

The application of the Convention, which is enforced by the Administration, would be within the particular duties of the labour officer.

No representative organisations of employers and workers exist in Seychelles.

Sierra Leone.

African Labourers (Employment at Sea) Ordinance.

The legislation is not fully in harmony with the provisions of the Convention; moreover the conditions envisaged in the Convention are not a normal feature in the territory. All workers are generally engaged on monthly, weekly or daily bases and the majority of contracts for industrial and agricultural workers are terminable by a day's notice. The provisions of the Convention will be included in the Revised Employers and Employed Ordinance.

Article 1 is not specifically covered by the legislation, with the exception of clause (b) thereof. The definitions of the terms "contract of service" and "servant" contained in the legislation ensure the application of paragraph 1 of Article 2. With regard to paragraph 2, the report states that the regulations authorised by the Ordinance have not yet been issued. Regular labour employed on board ocean-going vessels is covered by special legislation; employers of such labour are not indigenous persons. Regulations exist regarding apprenticeship contracts which must be in writing and attested by a magistrate. There are no proper apprenticeships at present, but new apprenticeship schemes are being established by collective agreements. Certain exceptions could be allowed under paragraph 4 of Article 3. The period of validity of unwritten contracts is restricted to six months. A contract for service outside the colony must be in writing and attested by a magistrate. There is no special provision for written contracts where the conditions of employment differ considerably from those in practice in the area of employment. The legislation requires attestation by a magistrate and the signature or mark of the worker concerned. The local legislation does not specifically provide for the cases mentioned in paragraph 4 of Article 3, but the Employers and Employed Ordinance would apply in the case of an employer who failed to comply with his obligations.

Articles 4 and 5 are applied. All workers recruited in the colony are issued with registration certificates, which include particulars of their identity. Workers engaged for foreign service must normally embark at Freetown and be registered.

Article 6, paragraph 1, applies only to illiterate persons and to labourers engaged for foreign service. Paragraph 2 is applied;

medical examinations are, however, not required except in the case of labourers engaged for foreign service. Paragraphs 3, 4 and 5 are not applied; paragraphs 6 and 7 are applied. Article 7, paragraph 1, is applied in part; paragraphs 2 to 4 have not been brought into effect. There are no exceptions.

With regard to Article 8, the report states that the minimum age has been fixed at 12 years, except where the child is employed by a member of his family on light work approved by the Director of Medical Services; no work of this nature has been approved. The age limit for foreign service is fixed at 14 years, and written contracts are limited to 13 months. In the case of mines and other specified work, the contract is limited to 12 months and to two years in the remaining cases. There are no specific provisions as regards holidays, but the majority of industrial workers are now covered by wage board orders or by joint industrial council agreements which have been given statutory effect. Article 10 is not applied. No special provisions have been made under paragraph 1 (a) of Article 11, but contracts which expire during a journey may be provisionally extended. Paragraph 1 (b) is not specifically applied, but could be applied under certain legislative provisions. Paragraph 2 is applied.

Article 12 is applied as follows: paragraph 1 is partially covered; repatriation is guaranteed to workers engaged for foreign service; workmen's compensation is payable irrespective of the circumstances in which the contract is terminated. Paragraph 2 is not applied. There is no provision for the giving of notice unless a clause to this effect is inserted in the written contract. Paragraph 4 is applied. As regard paragraph 5, the report states that the other cases for the termination of contracts are as follows: where the employer leaves Sierra Leone; where the worker is required to work at a place more than five miles from the place where he first agreed to serve; where a worker who is engaged for foreign service has been engaged by fraud or coercion and where the employer dies.

Article 13 is applied as follows: paragraph 1 (a) is applied; paragraph 1 (b) is applied in the event of the death of the employer; paragraph 1 (c) is applicable to workers employed in the territory; paragraphs 1 (d) and (e) and paragraphs 2 and 4 are not specifically covered; paragraphs 3 and 5 are applied in the case of workers engaged for foreign service.

Article 14 is not applied.

Paragraph 1 of Article 15 is partly applied; paragraphs 2 and 3 of this Article are not applied. Articles 16 and 17 are not applied.

Article 18 is applied in full; however, a guarantee of security must be given in the case of workers engaged for foreign service and in the case of contracts entered into outside Sierra Leone. Paragraphs 1 (a), (b) and (f) of Article 19 are applied, but the other clauses of paragraph 1 as well as

paragraphs 2 and 3 are not applied. Article 20 is not covered.

The Labour Department and the officers of the provincial administration supervise the application of the legislation. As there is no shortage of labour in the territory, long-term contracts are not necessary. Labour is readily engaged through employment exchanges; there is no necessity for the transport of labour over considerable distances. The mines recruit unskilled labour mainly from the immediate neighbourhood; skilled workers are usually engaged in Freetown. The only contracts which are usually put in writing are those for stevedore labour engaged for coastal voyages.

A copy of the report has been communicated to the Sierra Leone Council of Labour.

Swaziland.

Proclamation No. 4 of 1944, to amend the Native Labour (Written Contracts) (Amendment) Proclamation, No. 6 of 1943.

The definitions given in Article 2 of the Convention have been included in Proclamation No. 6 of 1943, § 3 of which exempts the following from its provisions: contracts for the employment of labour within the territory by or on behalf of indigenous employers who do not employ more than 15 Natives; contracts for the employment of personal and domestic servants and of non-manual workers for work within the territory; contracts for employment within the territory and for which the only or principal remuneration granted to the Native is the occupancy or use of land belonging to his employer; apprenticeship contracts.

Articles 3, 4, 5 and 6 are applied. Copies of the contract are made available to the worker at the time of attestation; other copies are lodged at the worker's place of employment.

Article 7 is applied; no exceptions have, in fact, been made other than those concerning the types of employment referred to above.

Article 8 is applied: the minimum age referred to in paragraph 1 of this Article has been fixed at 18 years; no minimum age has been prescribed under paragraph 2, but the consent of the parents is necessary before the competent authority (the Resident Commissioner) may permit a non-adult to enter into a contract. The contract must be for employment on light work and is subject to adequate safeguards for the welfare of the non-adult worker. No particular occupation has been prescribed by the competent authority as not being injurious to the moral or physical development of non-adults.

Article 9 is applied; the maximum period of service that may be stipulated in any contract is fixed at one year; for any re-engagement contract concluded on the expiry of the first contract, the maximum period is fixed at nine months. However, where the period of service stipulated in

any re-engagement contract, together with the period already served under the expired contract, involves the separation of any Native from his family for more than 18 months, the Native shall not begin the period of service stipulated in the re-engagement contract until he has had the opportunity of returning to his home at the employer's expense.

Articles 10, 11 and 12 are applied. No regulations have been promulgated containing provisions to safeguard the rights of workers; however, safeguards are contained in the contracts themselves, in common law as applied by the courts, and in the Workmen's Compensation Act. Employers from outside the territory must obtain a licence issued by the Government of the territory before they are allowed to recruit labour within the territory. This licence is only granted where the form of contract, in particular, has been examined in the light of these and other similar articles of the legislation and where the contract has been approved. No effect has been given to the provisions of paragraph 5 of Article 12.

Article 13 is applied. It has not been necessary to take any special measures to repatriate workers in accordance with paragraph 5 of this Article.

Article 14 is applied; no exceptions have been granted by the competent authority under clause (d).

Articles 15, 16 and 17 are applied. No legislative provisions have been made for the protection of workers in accordance with the provisions of Article 18, but representatives of the competent authority (the Resident Commissioner) exercise supervision over conditions of employment outside the territory of workers recruited under contract within the territory. For example, in the region of the Witwatersrand gold mines, where the greatest number of workers from the territory are employed, there are three established offices, staffed by representatives of the Government of the three High Commissions of Basutoland, the Bechuanaland Protectorate and Swaziland.

Article 19 is applied. Every labour agent, before any Native recruited by him leaves Swaziland, must enter into a written contract with the Native; this contract must be attested by a District Commissioner, Assistant District Commissioner or by a relevant attesting officer appointed by the Resident Commissioner. No contract may be attested unless the attesting officer is satisfied that its terms and conditions are fully understood and accepted by the Native concerned and that the Native is over the apparent age of 18 years.

It has not been found necessary to enter into agreements of the type provided for by paragraph 3 of Article 19.

Paragraph 1 of Article 20 has been applied.

The application of the above-mentioned legislation and administrative regulations is entrusted to the police force of the territory and to the administrative officers (District

Commissioners and Assistant District Commissioners). Practically all the attesting officers of the territory are members either of the administrative service or of the police force; they are thus in a particularly good position to ensure that the provisions of the legislation as regards the contractual engagement of labour are observed. The very few attesting officers who are not members of the police force or administrative service are responsible citizens approved by the Government, and are supervised in the performance of their duties by the administrative and police officers. No person is allowed to recruit labour in Swaziland for work outside the territory unless he is in possession of a labour agent's licence. The activities of these labour agents are strictly controlled under Proclamation No. 19 of 1913, as amended; this control is in accordance with the spirit of the Convention. The labour agents are particularly careful to enforce the relevant regulations, as they are aware that any infringement will involve not only a fine and/or imprisonment or both these penalties, but also the risk of the cancellation of their licence.

No practical difficulties have been encountered in the application of the Convention. For some time past, the demand for labour has exceeded the supply. This position is likely to continue for some considerable time and makes the employers of labour particularly anxious to act in accordance with the letter and spirit of the Convention.

Tanganyika.

Master and Native Servants (Written Contracts) Ordinance, No. 28 of 1942, as amended by Ordinance No. 20 of 1943.

The legislation closely follows the provisions of the Convention and contains a definition of the terms "servant" and "employer". Companies and associations are not included in the definition of the latter term; this omission will be rectified in the new Employment Bill which is in course of preparation.

The report refers to the different legislative provisions which enforce the Convention; no provision is made for the exceptions mentioned in paragraphs 2 and 4 of Article 2. The distribution of copies of contracts of service enables the workers to prove the existence of the contract and to verify its terms at any time. The Ordinance contains no provisions concerning the exception dealt with in paragraph 4 of Article 7 of the Convention.

The minimum age established in virtue of paragraph 1 of Article 8 is 14 years; the age fixed under paragraph 2 is 16 years. The competent authority has not approved any particular occupations in respect of non-adults. The maximum period for any contract of service is two years; there is no provision for periods of leave. The termination of a contract under paragraphs 1

and 2 of Article 12 of the Convention requires the consent of an administrative officer or an officer of the Labour Department. With regard to paragraph 3 of this Article, the report states that the consent of the court is required. No period of notice has been prescribed.

The maximum period of service prescribed in accordance with paragraph 1 of Article 16 is 18 months. No provision has been made in the Ordinance for the exception permitted under paragraph 2 of this Article. The handbook of the labour laws of the territory contains a summary of the law relating to contracts. The Ordinance contains no provisions with regard to Article 20.

The administration of the Ordinance is entrusted to the Labour Commissioner. Supervision is exercised by officers of the provincial administration and the Labour Department, who are able to ensure that the rights of workers, as attested in contracts of service, are observed in accordance with the Convention. Regular routine inspection visits are made to places of employment.

No difficulty has been experienced in observing the formalities with regard to the attestation of contracts and medical examinations. The system of medical examination in force, whereby information concerning each worker is recorded on special cards, has facilitated the compilation of much valuable statistical information with regard to the physique and health of the various tribes from which the workers are recruited.

The inclusion of the term "dependant" (Article 4 of the Convention) has created a certain amount of difficulty, since it has been found in certain areas that intending workers who are refused attestation because they are medically unfit to perform the work specified in the contract insist upon accompanying their companions as dependants. It is therefore suggested that the term should be more clearly defined.

Copies of the report will be communicated to members of the Labour Board.

Trinidad and Tobago.

The report states that the introduction of legislation to give effect to the Convention is under consideration.

Uganda.

The report repeats the information previously supplied and adds the following details :

Article 8 : in so far as the great majority, if not all, of written contracts result from recruiting, the provisions of this Article of the Convention are applied by § 45 of the Employment Ordinance, No. 13 of 1946, which states that "no juvenile shall be recruited". By definition, the word "juvenile" means a person under the apparent age of 16 years. Further, the Employment of Children (Amendment) Ordinance, No. 27 of 1946, provides that no child under 16

years of age may be employed in any industrial undertaking or any branch thereof.

Article 10 : there is no provision for the transfer of a contract from one employer to another. Under present conditions, no apparent need has arisen for a provision of this nature. A written contract is binding upon the particular employer and employee only in respect of the conditions specified in the contract ; should it be terminated for any reason, a fresh contract is required.

Article 11 : a contract expires automatically under the conditions laid down in the law, that is, on the expiry of the period mentioned in the contract or on the death of the worker. In addition, experience shows that contracts are frequently broken by the desertion of the employee ; in this case, the employer has no redress at law. In cases of illness or injury rendering an employee unfit to fulfil his contract of service, the contract may be cancelled by an authorised officer or an administrative officer, on receipt of an undertaking by the employer to return the employee to his home or place of engagement at the employer's expense. This arrangement is provisional and may only be put into effect if a certificate is given by a medical officer attesting that the employee is in a fit condition to travel and if the arrangements for transport are approved. The termination of a contract by the death of a worker is without prejudice to the legal claims of his heirs or dependants.

Article 14 : repatriation rights in respect of contract workers are fully safeguarded to the place of engagement. No necessity has arisen to make exemption on behalf of an employee in respect of his liability for repatriation.

Zanzibar.

Labour Decree of 1946.

The Decree of 1946 applies to workers and employers as defined in the Convention. By virtue of the definition of the term "servant" in § 2 of the Labour Decree of 1946, the Decree applies to the contracts specified in paragraph 1 of Article 2 of the Convention, with the exception of "plantation contracts" as defined in the same section of the Decree.

"Plantation workers" are excluded from the general application of the Decree. A plantation worker is a person who enters into an agreement, verbal or written, to receive wages day by day in respect of a stated amount of plantation work as defined in § 2 of the Ordinance.

The Decree of 1946 also applies to contracts of apprenticeship in virtue of the definition given in § 2. No exceptions have been provided for in the local legislation as regards paragraph 4 of Article 2 of the Convention.

Articles 3, 4, 5 and 6 of the Convention are applied. The legislation lays down that a copy of the contract must be supplied to the worker. In one or two cases where this has

not been done, steps are being taken to ensure that this omission is rectified.

The provisions of Article 7 of the Convention are covered; however, plantation workers are excluded from the provisions respecting medical examinations. Moreover, it is unusual for a worker on a plantation to be employed for manual work for a period of six months or more. The minimum age at which a non-adult person may be bound by a contract has been fixed at 14 years and, as regards paragraph 2 of Article 8, at 16 years.

There is no provision specifying the occupations which are non-injurious to the physical or moral development of non-adults, as no instances have yet arisen to necessitate a decision in this connection. §§ 3-3 D of Chapter 132 of the Revised Edition of the Laws of Zanzibar may also be applied. The maximum period of service has been fixed at two years. The maximum period of leave has not been fixed. Articles 10, 11 and 12 of the Convention are applied. The above Decree gives the courts authority to rescind contracts. A contract may be terminated in the circumstances described in paragraph 1 of Article 12 of the Convention, with the consent of an administrative officer or a labour officer, who determines, in each case, the conditions required to safeguard the worker's rights. Where a contract is determined by agreement between the parties, the agreement is subject to the consent of an administrative officer or a labour officer, who imposes such conditions as may be necessary to safeguard the worker's right to repatriation. An application by one party to terminate a contract is made before a court which has wide powers to settle all matters in dispute.

Article 13 of the Convention is applied. During the period under review, the only cases in which the employer did not comply with his obligations as regards repatriation were in connection with the repatriation of seamen and the crews of dhows (Native vessels). Article 14 of the Convention is applied. No cases have arisen under clause (d) and no criterion has therefore been adopted by the authorities. Articles 15, 16 and 17 of the Convention are applied. The maximum period of service for a contract of re-engagement has been fixed at 18 months. The terms of a contract for employment outside Zanzibar are prescribed in the Schedule to the Labour Decree of 1946 and include, in particular, the provision of free transport, rations, blankets, housing accommodation and medical attention.

Article 19 of the Convention is applied. No agreements have been entered into for the purposes of paragraph 3 of this Article.

The application of the legislation relating to the Convention is entrusted to the labour officers, labour inspectors and administrative officers. During the period under review, a few contracts were concluded for employment both within and outside the protectorate, but no special difficulties were encountered.

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 representative employers' and workers' organisations.

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Southern Rhodesia (Voluntary report)

Master and Servants Act (Chapter 231 of the Laws of the Territory).

Native Labour Regulations Act (Chapter 86 of the Laws), as amended by Act No. 18 of 1941.

Regulations published in Government Notice No. 150 of 1939, as amended by Government Notice No. 62 of 1942.

Native Juveniles Employment Act (Chapter 89 of the Laws).

Native Registration Act (Chapter 76 of the Laws).

Native Labour Contracts Registration Act (Chapter 87 of the Laws).

Native Passes Act (Chapter 77 of the Laws).

Natives (Urban Areas) Accommodation and Registration Act, 1946.

Industrial, Commercial and Municipal Natives Employment Regulations, Government Notice No. 144 of 1949.

The definitions contained in Article 1 of the Convention are fully provided for under the above legislation, which applies both to manual and other classes of workers and makes no provision for the exceptions mentioned in paragraph 2 of Article 2. Apprenticeship is dealt with in special provisions of the Master and Servants Act. The legislation makes no provision for the exceptions laid down in paragraph 4 of Article 2. Even in cases where a worker occupies or uses land belonging to his employer, he must still be paid a reasonable wage for his services.

With the exception of urban areas, verbal contracts are valid for a period not exceeding one year; it is proposed to reduce this period to six months, in conformity with the provisions of the Convention. The legislation applies paragraph 2 of Article 3; it is considered that paragraph 3 of this Article does not provide adequate protection for the worker. The proposed legislation will provide that contracts exceeding six months shall be invalid unless registered; failure to register would constitute an offence.

Articles 4, 5 and 6 are applied. A contract requiring registration is invalid if it has not been registered; however, registration may be effected before the date on which the contract expires, provided both parties agree. If a contract requiring alteration is not attested, it is invalid. The worker is protected by his common law rights and may sue for damages in appropriate cases.

Under Article 7, the report states that all recruited workers must be medically examined before their contracts can be attested. It is considered, however, that in the case of non-recruited workers who apply for employment, a compulsory medical examination is unreasonable, in view of the

long distance separating many employers from the nearest medical centre. It should be noted that the existing laws provide for the compulsory medical examination of workers in urban areas at regular intervals. The existing legislation includes a provision corresponding to paragraph 3 of Article 7, in so far as recruited workers are concerned. The Natives (Urban Areas) Accommodation and Registration Act provides that certain workers employed in responsible positions may be exempted from a medical examination.

A non-adult person under the age of 16 years may not enter into a contract without his parents' or guardian's consent and subject to the approval of the Native commissioner of the district. In view of the present lack of an adequate system of recording African births, it is not possible to incorporate the provisions of paragraph 2 of Article 8 in the legislation.

The maximum period of service which may be prescribed in a contract is three years. In urban areas, the period of leave on full pay which must be granted, apart from public holidays, is 10 days per annum. No period of leave is specified in the case of workers in non-urban areas, but a contract may not stipulate more than 313 working days per annum. The legislation includes a provision corresponding to paragraph 1 of Article 10, in cases where the unexpired portion of the contract is more than the maximum period covered by a verbal contract. In all cases, the worker's consent is required. Article 10, paragraph 2, and Article 11 are applied.

The existing legislation ensures the application of Article 12 as follows: the Master and Servants Act provides for the payment of wages and other advances stipulated in the contract of service during sickness, both for the worker and his family; the regulations framed under the Native Labour Regulations Act provide for the free repatriation of sick or injured workers; an injured workman is fully covered under the Workmen's Compensation Act as regards periodical payments until such time as he has recovered or the injury is stabilised; the legislation also provides for the payment of compensation for permanent, partial or total incapacity. Paragraph 2 of Article 12 is covered by the Regulations and administrative instructions. The Master and Servants Act and the regulations framed under the Native Labour Regulations Act provide for one month's notice in the case of workers paid on a monthly basis, 30 working days' notice in the case of workers employed on the 30-day ticket system and one week's notice in the case of weekly contracts. The legislation also provides for the payment of wages, penalties in the case of failure to pay wages, and the repatriation of a worker when the contract is terminated. Paragraph 4 of this Article is applied. The Master and Servants Act and the Native Labour Regulations provide that a magistrate may terminate the contract in the following cases,

in addition to those mentioned above under paragraph 4 of Article 12 of the Convention: breach of contract on the part of the employer; an unjustified charge made by the employer against the worker; incapacity on the part of the employer to pay the prescribed wages; failure on the part of the employer to provide work; payment of a portion or the whole of the worker's wages to another person without authority; unlawful deductions by the employer from the worker's wages and failure on the part of the employer to provide free medical attention when such a course is necessary.

Article 13 is applied by the existing legislation and administrative arrangements. Article 14 is applied by administrative arrangements. No exceptions have been granted under the provisions of clause (d). The Native Labour Regulations Act includes provisions corresponding to Article 15.

As regards Article 16, the report states that workers seldom enter into a contract on a basis other than a monthly basis, and, moreover, they are in relatively close touch with their families. Workers recruited in other territories are engaged by means of recruiting permits and under contracts including penal sanctions, for periods not exceeding two years. At the end of this period, the workers must be repatriated to their homes unless they are accompanied by their families. The same procedure is applied to workers entering the colony in search of work. In cases where a worker who is accompanied by his family renews his contract, no exception is granted to the provisions of Articles 6 and 7 of the Convention.

It has not been considered necessary to include the provisions of Article 17 in the legislation. Workers' rights under their contracts are fully explained to them at the time of attestation and, in the case of any subsequent dispute, recourse may be had to the Native Affairs Department, the police and the itinerant labour officers. A copy of the contract, as attested, is forwarded to the Native commissioner of the district in which the workers are to be employed; the worker has access to this document.

The legislation provides for protection corresponding to that laid down in Article 18. Article 19 is applied through legislative or administrative channels. A non-adult person under 16 years of age may not enter into any contract for employment within or outside the territory, unless the consent of his parents or guardian has been obtained or, in their absence, the consent of the Native commissioner. Non-adult persons under 12 years of age may not enter into contracts except in cases of apprenticeship provided for in the Master and Servants Act. The tripartite labour agreement between the three central African territories contains provisions corresponding to paragraph 1 (j) of Article 19. Paragraph 2 (b) is not yet applied, but will be provided for by legislation. The local legislation does not provide for any exceptions to the provisions of paragraph 1 of Article 19. Article 20 is applied.

The application of the legislation and administrative regulations is entrusted to the Native Affairs Department, the Native Labour Department and the police, and is supervised and enforced by labour officers, officers of the Native Department and mem-

bers of the police force. Itinerant labour officers, entrusted with inspection duties, visit all centres of employment and enforce the regulations. No practical difficulties have been encountered in the application of this legislation.

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	26. 1. 1950
United Kingdom	24. 8. 1943	22. 11. 1949
* * *	* * *	* * *
Southern Rhodesia (voluntary)		7. 1. 1950

New Zealand

The penal sanctions for any breach of contract as defined in the Convention are, in general, non-existent in any of the contracts entered into with workers belonging to the island territories administered by New Zealand. As mentioned in previous reports, the following two Ordinances still contain clauses involving penal sanctions :

The Pacific Island Contract Labourers' Ordinance of 1920, which provides for imprisonment not exceeding three months for neglect or refusal to obey lawful orders or for habitual idleness. This Ordinance is a dead letter and revocation has been recommended by the Chief Judge of the High Court of West Samoa ;

The Union Islands Labour Ordinance of 1935 (§ 9), which provides for a fine of £20 on any Native who has signed an agreement of service and who, without reasonable cause, fails to leave the Union Islands for the purpose of carrying out such agreement. Revocation of this clause has been recommended by the Samoan administration.

As stated above, an Ordinance to revoke the Pacific Island Contract Labourers' Ordinance, 1920, and § 9 of the Union Islands Labour Ordinance, 1935, has been drafted. This Ordinance has not yet been passed, but it is anticipated that it will be approved at the next session of the Legislative Assembly of Western Samoa in two or three months' time. The International Labour Office will be advised immediately of the passage of the Ordinance.

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

United Kingdom

Aden.

The report repeats the information previously supplied.

Barbados.

The report repeats the information previously supplied. Copies of the report have been communicated to the Barbados Sugar Producers' Federation, the Shipping and Mercantile Association and the Barbados Workers' Union.

Basutoland.

The report repeats the information previously supplied and adds that, during the period under review, no progress has been made towards the abolition of penal sanctions for breach of contract. The application of the legislation is ensured by administrative, judicial and police officers. Prosecutions for breach of contract are very rare where this course is still legally possible. No practical difficulties have been encountered.

Bechuanaland.

The report repeats the information previously supplied.

British Guiana.

The report repeats the information previously supplied and adds that it is intended to repeal § 36 of the Labour Ordinance, 1942, which provides for the imposition of a limited fine if an employee, having received an advance, fails to commence his service. In practice, this section of the Ordinance is not applied.

British Honduras.

The report repeats the information previously supplied, and adds that the general supervision and enforcement of the Employers' and Workers' Ordinance is entrusted to the Labour Department, which maintains an inspection service.

British Somaliland.

No legislation and no administrative regulations exist to ensure the application of the Convention.

Cyprus.

Order-in-Council of 5 April 1939.
Order-in-Council of 12 January 1943.

The above Orders-in-Council declared the Convention to be inapplicable to Cyprus. Conditions in Cyprus approximate to those obtaining in Western Europe, and no problems of the kind which the Convention is designed to remedy are known to exist. Copies of the report have been communicated to the Pan-Cyprian Labour Federation, the Cyprus Workers' Confederation, the Cyprus-Turkish Trade Unions Federation and the Association of Cyprus Industries.

Dominica.

The Convention does not apply, as the law of the colony does not provide for penal sanctions for breach of contract.

Falkland Islands.

The report repeats the information previously supplied.

Fiji.

The report confirms the information previously given, to the effect that the Convention is fully applied. Copies of the report have been communicated to the Labour Advisory Board.

Gambia.

The report repeats the information previously supplied.

Gibraltar.

When the Convention was ratified a reservation was entered to the effect that it was inapplicable in Gibraltar.

No legislation has been enacted applying the provisions of the Convention, as hitherto the employment of indigenous workers under contracts of employment has been extremely rare. During the period under review, no cases were brought to notice of indigenous workers having been engaged under contracts of employment. The administration of any legislation or regulations enacted to apply the provisions of the Convention would be enforced by the Director of the Department of Labour and Welfare.

Gilbert and Ellice Islands.

The Convention has not yet been applied, but its provisions are being included in a revised Labour Ordinance which is in course of preparation.

Gold Coast.

The report repeats the information previously supplied.

Grenada.

The report repeats the information previously supplied.

Kenya.

The report repeats the information previously supplied. Copies of the report have been made available to the representative employers' and workers' organisation.

Malta.

The report repeats the information previously supplied. Copies of the report have been communicated to the General Workers' Union, the Chamber of Commerce, and the Federation of Malta Industries.

Mauritius.

The report repeats the information previously supplied.

Nigeria.

The report repeats the information previously supplied.

North Borneo.

The Abolition of Indentured Labour Ordinance, 1932, had the effect of rendering void all contracts of employment the terms of which made workers liable to penal sanctions. Under § 88 of the Labour Ordinance of 1936, provision is made for the imposition of a sanction only in the special case of a worker who wilfully breaks his contract knowing or having reason to believe that the probable consequences of his doing so, either alone or in conjunction with others, would be the cause of a riot or of danger to life or property. In the revision of labour legislation which is now under review, consideration is being given to the abolition of this section of the Ordinance. The only other penal sanction now existing is under § 491 of the Indian Penal Code, which reads as follows: "Whoever, being bound by a lawful contract to attend on or to supply the wants of any person who by reason of youth, or of unsoundness of mind, or of a disease or bodily weakness, is helpless or incapable of providing for his own safety or of supplying his own wants, voluntarily omits so to do, shall be punished by imprisonment for a term which may extend to three months, or by a fine which may extend to one hundred dollars, or by both".

Since these are the only penal sanctions in force, the ratification of the Convention has not affected the position as regards the colony, and the provisions of the Convention are enforced by the ordinary administrative machinery.

The Protector of Labour is in charge of the Labour Department, assisted by Assistant Protectors throughout the colony. These officers have wide powers under the Labour Ordinance to enforce protective legislation. Periodical visits and inspections are made to ensure free access to these officers or to any magistrate for purposes of complaint.

Penal sanctions as envisaged in the Convention do not exist.

Northern Rhodesia.

Employment of Natives Ordinance (Chapter 171 of the Laws of Northern Rhodesia).
Regulations issued under the Ordinance.

The report contains the following information with regard to the application of the various Articles of the Convention.

Article 1, paragraph 1 : the report refers to the definition given to the terms " employer ", " Native " and " servant " contained in § 2 of the Ordinance ; paragraph 2 (a) : refusal to commence service carries a penal sanction ; paragraph 2 (b) : neglect of duty carries no penal sanction except when the employer's property is endangered ; paragraph 2 (c) : no penal sanctions are provided for with regard to absence ; paragraph 2 (d) : desertion carries a penal sanction under § 75 (4) of the Ordinance. The African Labour Advisory Board, when it considered this question in May 1948, advised that the penal sanction should be retained for the present.

Article 2, paragraph 1 : all penal sanctions for breach of contract are to be abolished progressively and as soon as possible. A number of such sanctions have already been removed, in particular, those for absence without leave and refusal to obey orders. The repeal of § 72 (1) (d) (concerning the general power to impose a fine for breach of contract), § 74 (3) (concerning the use of the employer's property) and § 81 (2) (concerning the detention of the servant's property) has been recommended by the African Labour Advisory Board and is under consideration by the Executive Council. Paragraph 2 of Article 2 is applied with regard to servants under the apparent age of 16 years.

The Department of Labour and Mines is the authority mainly concerned with the administration of the legislation. Labour officers maintain close contact with employers, workers, police officers and magistrates regarding the application of the law.

In practice, little use is made of the sanctions which remain in the Ordinance. This applies, in particular, to large industrial undertakings, except in aggravated cases. However, the African Labour Advisory Board, on which large-scale employers and farmers are represented, has recommended the removal of a number of sanctions and has indicated that the removal of the remaining sanctions within a reasonable time would be desirable.

Nyasaland.

The report repeats the information previously supplied.

St. Helena.

The report repeats the information previously supplied.

St. Lucia.

The report repeats the information previously supplied.

St. Vincent.

The report repeats the information previously supplied.

Sierra Leone.

Trade Disputes (Declaration of War) Ordinance, 1939.

The report repeats the information previously supplied and adds that the existing sanctions apply to all categories of workers, irrespective of whether they are indigenous or not, and irrespective of the type of employer. § 54 of the Employers and Employed Ordinance of 1934 makes it a penal offence for an apprentice under contract to wilfully absent himself from work, refuse or neglect to obey lawful orders, wilfully damage his employer's tools, machinery or materials, or disclose his employer's secrets. It is also a penal offence for a domestic servant, guide or carrier, accompanying his employer on a journey, to desert without lawful excuse. In practice, prosecutions under these sanctions are most unlikely and none have occurred during the period under review. Penal sanctions are provided for under the Trade Disputes Ordinance for wilful and malicious breach of contract by persons employed (a) in vital services run by the Government or any legal authority for the supply of electricity or water or for vital and urgent sanitary services, or (b) in circumstances where the probable consequences of breach of contract are likely to endanger human life or cause serious bodily injury, or expose valuable property to destruction or serious injury. These sanctions have been considered necessary, although no prosecutions occurred during the period under review.

The Government is now considering the introduction of new legislation providing for due notice and arbitration procedure for certain vital public services. The Labour Department ensures the application of the legislation. Copies of the report have been submitted to the Council of Labour.

Seychelles.

Ordinances Nos. 25 and 26 of 1945 and No. 14 of 1947.

Administrative measures are taken to enforce the provisions of the Convention as applied by the Ordinances which provide penalties for contraventions of the provisions of the Convention.

Article 1 of the Convention has been applied by the two above-mentioned Ordinances. The definitions of the terms " contract " and " employer " have been reproduced in § 2 of each Ordinance. Under § 55 of Ordinance No. 26 of 1945, the competent court may terminate the contract in accordance with the provisions of paragraph 2 (c) and (d) of this Article.

Article 2 of the Convention has been fully applied. There are no penal sanctions

for the breaches referred to in the Convention, either in the above-mentioned Ordinances or in any other current legislation.

The supervision of the above-mentioned legislation has hitherto been hampered by the absence of a qualified labour officer. It is intended to obtain such an officer from Mauritius.

Few difficulties have been met in the application of the above-mentioned Ordinances and, in so far as the Convention is concerned, none have arisen.

There are no representative organisations of employers and workers.

Swaziland.

Since the enactment of Proclamation No. 23 of 1944, no progress has been made towards abolishing penal sanctions for breaches of contract as defined by the Convention. This Proclamation has reduced the number of workers to whom these sanctions could be applied. The minimum age of workers has been fixed at 16 instead of 18 years.

The application of the above-mentioned legislation is entrusted to the administrative, judicial and police staff of the territory. The work of inspection is largely done by the police.

No decisions were given by courts of law regarding application of the Convention. There are no representative employers' and workers' organisations.

Tanganyika.

Master and Native Servants (Amendment) Ordinance, No. 29 of 1941.

The above Ordinance, which abolished the penal sanctions enumerated in paragraph 2 (a), (b) and (c) of Article 1 of the Convention, contains a definition of the terms "servant" and "employer". The definition of the term "employer" does not cover companies or associations. This omission will be rectified in the new Employment Bill which is in course of preparation.

Desertion is still a penal offence in cases where a worker unlawfully leaves his employer's service with intent not to comply with his contract. The penalty is increased if the deserting worker has failed to repay an advance of wages in circumstances which indicate that he intended to defraud his employer. A worker may be required to refund any sum in excess of one month's wages. It should be noted that the amount advanced to a recruited worker is limited to a fortnight's wages. With regard to paragraph 2 of Article 2, the report states that the age is fixed at 16 years.

The administration of the Ordinance is effected by the Labour Department, whose officers ensure its application by means of frequent and regular inspection visits. Employers' organisations constantly make observations regarding the neglect of duty and lack of diligence on the part of workers, their absence from work without valid

reason and the lack of any disciplinary measures to ensure compliance with the provisions of the contract of service. These observations are borne out by the remarks contained in the report of Sir Granville Orde-Browne, Labour Adviser to the Secretary of State for the Colonies, who, in his report in 1944 on labour conditions in East Africa, noted that in the last 20 years the output of the individual worker had decreased by "more than one half to two thirds of the former figure, low though it was"; this was largely due to the high degree of absenteeism, as "few men work six days a week and any excuse is sufficient for a rest". The author of the report also estimated that an average working week in an agricultural undertaking was probably under, rather than over, 25 hours.

In reply to the observations made last year by the Committee of Experts, the report points out that desertion is the only breach of contract which continues to carry a penal sanction, and adds that the Government has taken note of the observations made by the Committee. However, while the Government does not deviate from its acceptance of the principle of the progressive abolition of penal sanctions for desertion and would greatly welcome the advance in the African's adjustment to Western conceptions of labour relations which would make abolition possible, it holds to the view that it has not been possible to abandon this sole remaining safeguard for the bilateral fulfilment of contract for the following reasons. The repeal of penal sanctions for desertion would almost certainly involve a discontinuance of the facilities for advances of salary granted to contract workers, as a large proportion of the desertions occur amongst employees who have received advances. In these cases, desertions involve an element of fraud, which should not go unpunished, but for which it is extremely difficult to bring a successful prosecution under the sections of the Penal Code dealing with fraud. In addition, the inability to obtain an advance would penalise those workers who respect the sanctity of their contracts, whereas the withholding of advances is aimed at less scrupulous workers who do not respect their contracts in the same way.

Moreover, it is considered essential that an African worker should, in his own interest, be brought to realise the sanctity of a contract; in the virtual impossibility of proceeding against such a worker under civil law for breach of contract, the only remaining method of achieving this object is by applying some form of penal sanction. In considering the form of penalty which can reasonably be used as a deterrent to breaches of contract by workers involving loss to the employer, it should perhaps not be overlooked that the adherence of employers to their contractual obligations towards the workers is enforced by much more stringent penal sanctions than those to which workers are subject.

Trinidad and Tobago.

The report repeats the information previously supplied.

Uganda.

Employment Ordinance No. 13 of 1946, as amended by Ordinance No. 13 of 1947.

The legislation applies the provisions of the Convention in the case of all contracts of employment of the type referred to in paragraph 1 of Article 1. There is nothing in the legislation which is not in harmony with the provisions of the Convention.

The only remaining penal sanction in the territory is that provided for in § 62 of the Ordinance; this sanction does not apply to juveniles (persons under the apparent age of 16 years).

An employee is liable to a fine not exceeding the amount of one month's wages and, in default of payment, to imprisonment for a period not exceeding one month if he is convicted of either of the following acts: if, during working hours, he renders himself unfit for work by becoming intoxicated; if he makes any brawl or disturbance in or at his employer's dwelling house or other premises or on his employer's lands, and continues to do so after being requested by the employer to desist.

The repeal of this provision is under consideration by the Government, but it has not so far been found desirable to introduce new legislation in this respect.

The application of the provisions of the Convention is entrusted to the Labour Department, consisting of a labour commissioner, labour officers and labour inspectors assisted by the provincial administration (consisting of provincial and district commissioners and their staffs).

Labour officers who are posted at various centres throughout the protectorate supervise and enforce application by means of regular periodical inspection visits to all undertakings within the areas for which they are responsible. These officers also investigate any complaints which may be made to them by employees at any time.

Very few cases under the penal provisions of the legislation relating to employment have ever come before the courts; in the great majority of cases, the Labour Department is able to effect suitable adjustment of claims by investigation and conciliation.

With regard to the observations made by the Committee of Experts in 1949, the report states that in 1947 the Government promulgated new legislation to repeal § 63 of the Ordinance which provided for certain penal sanctions, in the face of strong opposition from non-official members of the Legislative Council and against the advice of the Labour Advisory Committee. In the light of subsequent experience, the Government feels that the abolition of penal sanctions in the case of desertion by employees engaged by written contract, as well as in the case of lack of reasonable care

by an employee of his employer's property, may have been premature.

Recent reports indicate that there has been a considerable increase in the desertion rate amongst labour employed on written contracts. This is not because of reasons related to conditions of employment, for adequate and accurate information in this connection is in the possession of up-country workers before they come down to the principal estates. The increased desertion rate is due to the rise in prices of cotton and coffee and this enables the African smallholders in fertile areas near the large estates to offer high wages, thereby giving workers covered by the Convention an obvious inducement to desert. As these desertions often occur within a few days of the arrival of the workers, the result is that large-estate employers have paid the fares for the down-country journey of these workers without any benefit to themselves. In such cases, there is no hope of successful civil action, even if the deserting worker can be traced. Moreover, there are indications that, in consequence of the absence of penal sanctions, indigenous workers who cannot be expected to show the same sense of responsibility as that expected of workers in metropolitan territories, may have shown, by wilful negligence or more serious acts, a generally lessened respect for their employer's property.

In view of these tendencies, many employers feel, not without some justification, that the abolition of sanctions which were seldom used in the past but which had an undoubted psychological effect on employees, has weighted the scales unfairly against them. It is argued with some force that, if improvements in conditions of work are to be introduced by employers, then reasonable obligations must be enforced on employees in order to protect employers against any irresponsibility on the part of the workers which may involve them in considerable loss.

Zanzibar.

The Labour Decree of 1946 repealed the Master and Native Servants Decree (Chapter 129 of the Revised Laws of Zanzibar, 1934) which contained penal sanctions. The legislation now in force provides for no penal sanctions for breach of contract by a worker except in the following cases:

A worker who has received wages in advance and fails to commence, or leaves without good reason, the service of the employer before the advance is repaid or worked off and does so in circumstances showing that he intended to defraud his employer, is liable to a fine of £5 or imprisonment for six months under the terms of § 53 of the Labour Decree of 1946.

Under the Schedule to Labour Decree No. 11 of 1948, the maximum advance which may be made to a worker is equal to the amount which may already have been earned at the time of the advance. Under the Plantation Workers' (Clove Picking

Contracts) Regulations (Government Notice No. 205 of 1946), the maximum advance is 25 per cent. of the total remuneration payable under the contract. The Labour (Labour Agents and Private Recruiters) Regulations (Government Notice No. 25 of 1949) lay down that the maximum advance is equal to one tenth of the total remuneration payable under the contract or one month's wages, whichever is the less.

As regards paragraph 1 of Article 2 of the Convention, the report refers to the information supplied under Article 1. As regards paragraph 2 of Article 2, the report states that non-adult persons are not expressly exempted from the liability imposed by § 53 of the Labour Decree, 1946, but that no person under 14 years of age may enter into a contract (§ 10 of the Decree); consequently any person in this category could not be subject to the provisions of § 53.

The application of the Convention is ensured by the administrative officers (who attest the contracts and explain to the parties concerned their obligations) and by magistrates before whom charges are brought. Few prosecutions are initiated under § 53 of the Decree, chiefly because employers cannot afford to be absent from their plantations in order to conduct prosecutions. However, in years of heavy crops there is usually a considerable number of infringements by irresponsible persons who lightheartedly abscond from one plantation to another, attracted by the prospects of easier picking or higher remuneration while they are still in possession of an advance paid by an earlier employer. This is a perennial problem which causes much loss and anxiety to the employers; the penal clause must therefore be retained in order to

bring home to workers a sense of their responsibilities.

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 representative employers' and workers' organisations.

* * *

Southern Rhodesia
(Voluntary report)

The acceptance by Southern Rhodesia of the Convention has not in any way modified the previously existing legislation. The only way by which observance of the provisions of the Convention can be enforced is by Act of Parliament.

No legislation covering the provisions of Articles 1 and 2 of the Convention has been introduced, neither has any administrative action to this end been taken.

The African generally has little sense of responsibility and even less of the sanctity of the contract. A contract of employment concluded for a certain period is novel to him and is unaffected by tribal sanctions. The civil sanction is quite ineffective, since Natives own little territory; moreover, the cost of civil proceedings, which would in most cases be irrecoverable, would prevent employers from instituting action.

The immediate or even early abolition of criminal penalties would be likely, not only to upset the stability of labour, but to increase lawlessness. The above remarks apply with equal force to both adults and non-adults.

THIRTY-FIRST SESSION (SAN FRANCISCO, 1948)

88. Convention concerning the organisation of the employment service

(Not yet in force)

Countries	Date of registration of ratification	Report received
Australia	24. 12. 1949	
Bulgaria	29. 12. 1949	
Netherlands	7. 3. 1950	
New Zealand ¹	3. 12. 1949	11. 1. 1950
Norway	4. 7. 1949	
Sweden	25. 11. 1949	
United Kingdom	10. 8. 1949	

¹ Voluntary report.

New Zealand.

Employment Act, 1945.

Employment (Information) Regulations, 1946.

In its voluntary first report, the Government states that the National Employment Service now operating was established in April 1946, in accordance with the Employment Act, 1945, and since its inception has complied in all respects with the provisions of the Convention adopted in 1948. The principal function of the Department of Labour and Employment is to promote and maintain full employment at all times; the Employment Act specifies in detail the obligations of the National Employment Service in providing a complete employment service to carry out this function.

As regards Article 2 of the Convention, the report states that the National Employment Service is under the Minister of Employment and a Director of Employment who is a public servant appointed by the Public Service Commission; the head office of the service forms part of the Department of Labour and Employment.

There are 26 district offices in cities and towns with populations of over 10,000 and in some smaller towns. Four main cities act as regional centres in appropriate matters. The organisation of this network is reviewed and revised as circumstances require.

In regard to Article 4, the report states that the Employment Act provides for advisory councils and committees to be appointed by the Minister with such functions as he may from time to time determine. National employment advisory committees have been set up in certain major industries. In these industries and in others, local committees, with regional

scope where appropriate, have been set up in the main industrial centres. The advisory committees consist of equal numbers of representatives nominated by the employers' and workers' organisations affected, with the district officer of the employment service as chairman. The views of the advisory committees are taken into consideration as regards Article 5.

The employment service assists workers to find suitable employment and employers to find suitable workers. Standing instructions lay down a uniform national procedure which is described in detail.

At six-monthly intervals, employers in industries are required (under the Employment (Information) Regulations, 1946) to furnish returns to the employment service. The returns are analysed at the head office of the employment service; detailed information is published in a "Half-Yearly Survey of Employment" and in a "Monthly Review of Employment". From time to time (and in collaboration with other departments or bodies where necessary), special studies are made on particular features of the employment situation. There is close liaison between the National Employment Service and the Social Security Department, which is responsible for the payment of unemployment benefit and other assistance allowances. In particular, the payment of unemployment benefit is subject to registration with the employment service. The employment service assists other public and private bodies, where necessary, in social and economic planning calculated to ensure a favourable employment situation; the employment service has co-operated with local authorities in their planning of development programmes.

Measures have been taken to facilitate specialisation within employment offices to meet special local industrial and occupational requirements, such as in the hop and tobacco growing industries and in farming generally. Under New Zealand conditions, the need for such specialisation is limited. Measures have been taken to meet the needs of particular categories of applicants for employment. A special employment promotion scheme is operated for those semi-fit workers who are unable to compete for jobs in the ordinary way, while measures

for training or retraining disabled persons are at present under review with the object of broadening the facilities available to them.

In the main industrial centres, the Education Department maintains offices for the vocational guidance and placement of juveniles, and there is close liaison between these offices and the local employment service offices.

The staff of the employment service are public servants employed by the New Zealand Public Service Commission. Their status and conditions are those applying generally to all public servants, and fulfil in every respect the requirements of the Convention. These officials are recruited with sole regard to their qualifications for the performance of their duties. Care is taken by both the Public Service Commission and the Department of Labour and Employment to ascertain the qualifications of applicants for positions in the department, including the National Employment Service. Training is given through manuals of instruction, lectures, group discussions, special courses and on-the-job instruction. Facilities are provided for university study in appropriate cases.

All possible measures are taken to encourage full use of employment service facilities by employers and workers on a voluntary basis. Such measures have in-

cluded press publicity, radio broadcasting and field contacts. There are no private employment agencies not conducted for profit that are of any significance; should any develop, steps would be taken to secure any necessary co-ordination and co-operation.

There are no large areas within New Zealand to which the conditions of the Convention would not apply. The only populated area of significant size without reasonable access to the facilities of the employment service is the Chatham Islands (area: 372 square miles; population: 700; distance from the mainland: 450 miles). There is no evidence of any need to extend the employment service facilities to these islands. These facilities are fully available to persons coming from the islands to the mainland in search of work.

The application of the legislation and regulations is entrusted to the National Employment Service, which is an integral part of the Department of Labour and Employment. The factory inspectorate assists in the administration. The number of persons placed in employment by the employment service during the year ending 31 March 1949 was 14,686 males and 6,309 females. Copies of the report have been communicated to the representative employers' and workers' organisations.

ADDENDA

REPORTS RECEIVED FROM BULGARIA ON 19 MAY 1950 CONCERNING CONVENTIONS NOS. 1 TO 27 AND NO. 30

FIRST SESSION (Washington, 1919)

Convention No. 1 : Hours of Work (Industry).

Act of 1935 respecting industries engaged in continuous process work, to amend Decree No. 24 of 24 June 1919, respecting the eight- and six-hour day.

In virtue of the above legislation, the eight-hour day was introduced and has been applied in all industrial undertakings, as well as in workshops and commercial, building and transport undertakings. In conformity with the amending Act of 1935, hours of work in undertakings engaged in continuous process work were fixed at six a day or 42 a week. This Act also provided for the exceptions allowed under Articles 3, 4, 5 and 6 of the Convention.

Convention No. 2 : Unemployment.

Various Regulations and Decrees, adopted in 1948 and 1949, respecting the employment, registration, placing and training of specific categories of workers.

Under the Act of 1925, free employment exchanges were set up in 16 central cities; this number was later increased to 24. Since the beginning of 1948, the network of exchanges has been extended to include all provincial centres (95 in all). There are no private fee-charging employment agencies. In conformity with the amending Act of 30 June 1941, the Minister of Labour and Social Welfare is entrusted with the regulation of employment in the different branches of production or types of work, according to the demands of the labour market. Various Regulations and Decrees were adopted in 1946 and 1948 in order to meet the requirements of the various branches of production and to place workers in appropriate posts.

Convention No. 3 : Maternity Protection.

Legislative Decree of 5 September 1936, respecting contracts of employment (L.S. 1936, Bulg. 4), as amended and supplemented by Decree No. 1327 of 1948.
Act respecting social insurance, 1949.

In accordance with the above-mentioned Legislative Decree, as amended, the employer is not authorised to dismiss a woman worker after the fourth month of pregnancy except

in case of serious misconduct. Under § 57 of the Act respecting social insurance, pregnant women and nursing mothers are paid an indemnity amounting to 100 per cent. of the wages on which insurance has been paid for a period of three months, provided that contributions have been paid continuously for at least eight weeks preceding the month in which confinement takes place. In addition, a nursing mother is entitled to two rest periods a day of one hour each until the child reaches the age of six months.

Convention No. 4 : Night Work (Women).

Decree of 24 June 1919, respecting the eight- and six-hour day, as amended in 1935.

The above Act contains provisions which prohibit the employment of women at night.

Convention No. 5 : Minimum Age (Industry).

Act of 5 April 1917, respecting the health and safety of workers (B.B. 1918, Bulg. IV (1)), as amended and supplemented in 1919-1921, 1931-1935, 1937, 1940, 1941, 1942, 1945, 1946 and 1948.

Regulation No. 5 of 1946, respecting the application of the amendments to the above-mentioned Act.

The Convention has been fully applied under the above Act.

By amendments made in 1946, the scope of the above Act was extended to cover workers engaged on farms and homesteads and domestic servants.

Convention No. 6 : Night Work of Young Persons (Industry).

See under Convention No. 5.

SECOND SESSION (Genoa, 1920)

Convention No. 7 : Minimum Age (Sea).

See under Convention No. 5.

Convention No. 8 : Unemployment Indemnity (Shipwreck).

Act respecting social insurance, 1949.

The Convention is applied under § 144 (2) of the above Act.

Convention No. 9 : Placing of Seamen.

Act of 12 April 1925, respecting employment exchanges and unemployment insurance (L.S. 1925, Bulg. 2), as amended by the Act of 30 June 1941.

The Convention is applied under § 2 of the above Act.

THIRD SESSION
(Geneva, 1921)

Convention No. 10 : Minimum Age (Agriculture).

See under Convention No. 5.

Convention No. 11 : Right of Association (Agriculture).

Constitution of the People's Republic of Bulgaria.

The right of association and combination of all workers is guaranteed by § 87 of the Constitution.

Convention No. 12 : Workmen's Compensation (Agriculture)

Act respecting social insurance, 1949.

The Convention is fully applied under the above Act.

Convention No. 13 : White Lead (Painting).

See under Convention No. 5.

Convention No. 14 : Weekly Rest (Industry).

See under Convention No. 5.

Convention No. 15 : Minimum Age (Trimmers and Stokers).

See under Convention No. 5.

Convention No. 16 : Medical Examination of Young Persons (Sea).

See under Convention No. 5.

SEVENTH SESSION
(Geneva, 1925)

Convention No. 17 : Workmen's Compensation (Accidents).

See under Convention No. 12.

Convention No. 18 : Workmen's Compensation (Occupational Diseases).

See under Convention No. 12.

Convention No. 19 : Equality of Treatment (Accident Compensation).

See under Convention No. 12.

Convention No. 20 : Night Work (Bakeries).

Regulation No. 18 of 1942, to regulate night work in bakeries.

See also under Convention No. 5.

EIGHTH SESSION
(Geneva, 1926)

Convention No. 21 : Inspection of Emigrants.

No legislation has been enacted to apply the Convention.

NINTH SESSION
(Geneva, 1926)

Convention No. 22 : Seamen's Articles of Agreement.

Legislative Decree of 5 September 1936, respecting contracts of employment (L.S. 1936, Bulg. 4), as amended and supplemented by Decree No. 1327 of 1948.

The Convention is fully applied under the above Act.

Convention No. 23 : Repatriation of Seamen.

No special legislation has been enacted to apply this Convention, but there have been no cases of non-compliance with the provisions of the Convention.

TENTH SESSION
(Geneva, 1927)

Convention No. 24 : Sickness Insurance (Industry).

See under Convention No. 12.

Convention No. 25 : Sickness Insurance (Agriculture).

See under Convention No. 12.

ELEVENTH SESSION
(Geneva, 1928)

Convention No. 26 : Minimum Wage-Fixing Machinery.

Decree No. 1327 of 1948, to amend and supplement Legislative Decree of 5 September 1936, respecting contracts of employment (L.S. 1936, Bulg. 4).
Regulation of the Council of Ministers, No. 42 of 4 January 1948.

The Convention is fully applied under the above Act. The Regulation of 4 January 1948 fixes the amounts of wages.

TWELFTH SESSION
(Geneva, 1929)

**Convention No. 27 : Marking of Weight
(Packages Transported by Vessels).**

The Legislative Decree of 25 March 1935 ensures the application of the Convention.

FOURTEENTH SESSION
(Geneva, 1930)

**Convention No. 30 : Hours of Work
(Commerce and Offices).**

Regulation No. 844 of 1936, respecting hours of work in commerce.

See also under Convention No. 5.

INTERNATIONAL LABOUR CONFERENCE

THIRTY-THIRD SESSION

GENEVA, 1950

SUMMARY OF REPORTS ON UNRATIFIED CONVENTIONS AND ON RECOMMENDATIONS (ARTICLE 19 OF THE CONSTITUTION)

Third Item on the Agenda

INTERNATIONAL LABOUR OFFICE

GENEVA, 1950

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INTRODUCTION

Article 19 of the Constitution of the International Labour Organisation, as amended in 1946, provides in paragraphs 5 (*e*) and 6 (*d*) that States Members shall be required to submit to the International Labour Office, at appropriate intervals, reports on unratified Conventions and on Recommendations. In 1948, when called upon to bring into effect these provisions of the Constitution, the Governing Body deemed that it would be neither desirable nor feasible to request reports immediately on all unratified Conventions and Recommendations adopted by the Conference. Thus, the first reports requested under Article 19 of the Constitution concern the six Conventions and six Recommendations adopted by the International Labour Conference at its 14th, 26th and 28th Sessions (Geneva, 1930, Philadelphia, 1944, and Seattle, 1946). A list of these instruments will be found in the table of contents.

In accordance with a decision of the Governing Body, the Office requested the Governments of the States Members to submit, before 1 July 1949, reports concerning the above-mentioned Conventions and Recommendations and covering the period up to 31 December 1948. In conformity with Article 23, paragraph 1, of the Constitution, a summary of the reports communicated in answer to this request will be submitted to

the Conference. This summary covers reports received by the Office up to 1 February 1950. It was not possible to summarise reports received after this date; these will be communicated to the Conference.

* * *

Since this is the first time that the Conference is called upon to deal with reports submitted by States Members in pursuance of Article 19 of the Constitution, the Office has endeavoured to present as full a summary as possible. Special attention has been given to the information supplied by States Members concerning the difficulties which may prevent or defer the ratification of the Conventions and concerning any modifications which might appear necessary to permit the adoption or application of the Recommendations. Finally, since the texts on which reports are to be submitted relate to three groups of subjects—forced or compulsory labour, social security and maritime questions—corresponding to three separate sessions of the Conference—it was thought advisable to group these texts according to their subject, irrespective of whether they are Conventions or Recommendations, in order to facilitate their examination.

FOURTEENTH SESSION (GENEVA, 1930)

Forced Labour Convention, 1930: C. 29¹

Argentine Republic.

Neither the letter nor the spirit of the national Constitution permits the establishment of forced or compulsory labour as a permanent system. Such labour may be utilised only in exceptional cases for a determined period and only when unquestionably required in the interest of the community. Existing social legislation (Act No. 3708 concerning locust invasion) provides for only one such case, as permitted by Article 2, paragraph 2 of the Convention; conditions of work in case of the exaction of such labour are similar to those for normal and voluntary labour. In so far as the Convention is designed to prevent indigenous peoples from being compelled to provide forced labour, it should be noted that in the Argentine Republic such peoples enjoy the same status as other citizens.

Austria.

The Government has not requested Parliament to take measures for the ratification or approval of the Convention, as the questions dealt with do not lend themselves to practical application. The Government refers to the Proceedings of the National Council. Copies of the report have been communicated to the representative organisations.

Brazil.

Forced or compulsory labour has been abolished for some time. Certain forms of such work enumerated in Article 2, paragraph 2 of the Convention are permitted, although they cannot be considered as contravening the principles laid down in the Convention.

Canada.

The conditions relating to the use of forced or compulsory labour, which it is the object of the Convention to regulate and suppress, do not exist in Canada and no legislative or other action, whether on the part of the federal or of the provincial parliaments, is therefore required to give effect, in relation to Canada, to the principles set forth in the Convention.

Ceylon.

Forced labour, as defined in the Convention, does not exist in Ceylon. The Convention has been brought before the Minister of Labour and Social Services who is the

competent authority, and he has ruled that it may be ratified.

Cuba.

In § 60 of the 1940 Constitution it is provided that "work is an inalienable right of the individual". § 58 of Decree No. 798 of 1938 lays down that the contract of employment, whether individual or collective, may be terminated by agreement between the parties; however, in practice, a worker may leave his work without being subject to penal or civil sanction. Only the employer is called upon to pay compensation if he breaks the contract. Forced or compulsory labour is entirely unknown in the Republic, where the provisions of the Convention are regarded as law.

Dominican Republic.

While there is no legislation concerning the subject matter of the Convention, the employment of workers on compulsory labour in any kind of Government or municipal work is prohibited by Order of the Executive Power No. 1251 of 23 July 1943. The enforcement of the relevant legislation is entrusted to the Department for the Supervision of the Application of Labour Laws, which was established within the Secretariat of State for Labour in 1948, and to which a body of inspectors is attached. The employers' and workers' organisations co-operate in enforcing the regulations. There are no difficulties to prevent or delay ratification of the Convention.

Egypt.

The only Egyptian legislation dealing with the subject matter of the Convention is that relating to compulsory labour in case of Nile floods and similar cases. The Convention provides an exception for this kind of emergency. In regard to agriculture, a number of Laws (Nos. 42 of 1942, 91 of 1945 and 122 of 1946) oblige landowners to devote part of their land to the cultivation of wheat and barley. The Govern-

¹ This Convention came into force on 1 May 1932; 22 ratifications were registered up to 31 December 1948. The summaries of the reports submitted on this Convention in pursuance of Article 22 of the Convention are contained in the first part of Report III to the 33rd Session of the Conference (Reports on the Application of Ratified Conventions).

ment is of the opinion that there would be no practical advantage in ratifying the Convention, since forced labour does not exist and Egypt has no colonial possessions.

Greece.

Work is free from two points of view : a person can offer his services freely, and no one may be forced to work against his will. Forced labour is provided for in exceptional circumstances, which are, moreover, included in the exceptions enumerated in Article 2, paragraph 2, of the Convention. For instance, the Code for the administration of municipal corporations and communes, for whose application the Ministry of the Interior is responsible, includes various provisions (§§ 342 to 349) relating to the performance of work in municipal corporations and communes and dealing with the achievement of the aims of groups of communes; these provisions cover the work or services which could be exacted in case of emergency, such as war, disaster, threatened disaster, fire, flood, famine, epidemic, epizootic disease, etc. Other cases are also provided for, such as work performed in the direct interest of the community, on condition that the people or their direct representatives have the right to express an opinion on the justifiable grounds of such work. The question is therefore one of normal civic obligations. Act No. 512 of 1914, covering the extermination of field rats and locusts, as well as Emergency Acts Nos. 813 of 1937 (intensified cultivation), 1110 of 1938 (rice cultivation) and 1700 of 1939 (inauguration of forest transport), allow forced labour in certain instances which are also covered by the exceptions allowed under Article 2, paragraph 2, of the Convention. Other exceptions also provided for in the Article are authorised under Emergency Acts Nos. 1573 of 1939 (financial aid to the special fund of the Provincial Highways Commission) and 2372 of 1940 (civil defence of the country against enemy air action). Nevertheless, the circumstances and conditions actually necessary for the imposition of forced labour (existence of an exceptional emergency, strict determination of the duration of the forced labour, form of imposition, wages to be paid, legal guarantees) are such that there is no question of there being forced labour in the sense of Article 2, paragraph 1, of the Convention.

The Government proposes to ratify the Convention at the earliest possible date.

Iceland.

Forced or compulsory labour is unknown in Iceland; however, prisoners may be obliged to work, but in return for remuneration. Under the Maintenance Act of 1947, local authorities are empowered to obtain a magistrate's order compelling any able-bodied person, who is in receipt of a maintenance allowance, to accept any suitable employment offered to him by the authorities. Provision is made for appeal against

the order. The same Act empowers the local authorities to obtain a magistrate's order compelling the recipient of a maintenance allowance, where he is not a householder, to perform work equivalent in value to funds disbursed by the parochial authorities on account of a child of his but which he himself might have defrayed. The magistrate fixes the period of validity for the order, taking into account the salary scales prevailing in the district. These provisions appear to be covered by the exceptions allowed in the Convention; the national legislation contains no provisions which are contrary to the Convention. § 69 of the Constitution guarantees freedom of employment, except in the case of restrictions justified in the national interest, for which legal enactment is required. There appears to be no reason why Iceland could not ratify this Convention as soon as it has had an opportunity of studying the Conventions adopted at the previous sessions of the Conference.

India.

It was not found possible to ratify the Convention when it was laid before the competent authorities in 1931. Nevertheless, the Government was urged to take action as soon as possible with regard to the provisions contained in the Convention, with the exception of Article 2.

In pursuance of this resolution, the provincial Governments were asked to give effect to the recommendations of the Legislature. In August 1948, an official was appointed to study the whole question of forced labour and to submit a report outlining the legislative and administrative steps necessary for its ultimate suppression; the question of the use of forced labour in agriculture was dealt with separately. In addition, the Constituent Assembly on 3 December 1948, adopted § 17 of the Draft Constitution of India, which reads as follows : "(1) Traffic in human beings and *begar*¹ and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law. (2) Nothing in this article shall prevent the State from imposing compulsory service for public purposes only. In imposing such service the State shall not make any discrimination on the ground of race, religion, caste or class".

The report also contains information concerning the present situation in regard to each Article of the Convention. It points out that the Government of India is committed to the suppression of forced labour as soon as possible, that a Bill on this subject was recently introduced in the Constituent Assembly and that, in pursuance of a resolution adopted by this body on 11 February 1949, this Bill has been circulated in order to ascertain public opinion.

¹ Note by the International Labour Office : Work performed for the landowner's benefit.

The report sets forth the law and practice in the various provinces regarding the use of forced labour for public purposes, services on behalf of Government inspectors or troops, clearance and maintenance of canals, irrigation trenches and waterways. It specifies the categories of persons who can be called on to perform these services, and indicates that the question of the revision or repeal of these provisions by legislative enactment is at present being studied. With regard to the other Articles of the Convention, the report gives the following information.

Article 4. Under Bengal Regulation No. XI of 1806, landowners, farmers, etc., must provide bearers, boatmen, carts, bullocks, etc., which are not being used exclusively for agricultural purposes, to officials, military officers, or other travellers crossing their lands.

This is the only legal provision permitting the requisition of forced labour for private individuals. It has, however, been repealed in the United Provinces and Bihar. In Assam, Bengal, Orissa, the Central Provinces and Ajmer-Merwara, although this provision is still in force, it is never used and its use has been prohibited. In the other provinces, its repeal is being considered. Under the United Provinces Tenancy Act of 1939, landowners are prohibited from exacting forced labour from their tenants. The United Provinces Removal of Social Disabilities Act of 1947 prohibits the imposition of forced labour or *begar* on the "scheduled castes". In the Union of Rajasthan, a regulation of 1934, permitting the use of forced labour in return for payment, was repealed in 1947. In Saurashtra, a proclamation prohibiting the use of forced labour will shortly be replaced by an ordinance. In Mysore, the use of forced labour is punishable by law.

Article 5. No concession involving the use of forced labour is ever granted to any individual, company or association.

Article 6. No constraint by an officer of the administration is ever put upon members of the population to work for private individuals, companies or associations.

Article 7. There is no legislative provision authorising chiefs not exercising administrative functions to employ forced or compulsory labour, and any imposition by them of forced labour is subject to punishment under § 374 of the Indian Penal Code. In addition, certain legislative measures, notably Provincial Tenancy and Debtors' Laws, prohibit indirect compulsion to work, such as is still used by some chiefs, landowners and influential persons in the more remote and backward parts of the country. The Government is taking the most active steps to combat these practices. Chiefs of States and Princes actually exercising administrative functions have also abolished personal services of this kind. Some States still permit labour for public purposes, but this is being reduced progressively. Certain

States, such as Kashmir, Kolhapur, Barwani, Dewas (Junior), Jaura, Jobat, Tehri Garhwal, the Union of Rajasthan, and others, have enacted legislation on the lines of the Convention.

Article 8. Forced labour is resorted to only if it is authorised by central legislation. All executive instructions are issued by the provincial or State Government. The use of forced labour does not entail displacement of the workers involved. Porters in Assam, Bengal and the East Punjab are required to go only from their place of residence to the next village.

Article 9. Apart from the exceptions mentioned above, there are no statutory provisions authorising the use of forced or compulsory labour. Some provincial Governments (Assam, Bengal, Bihar, United Provinces) have issued executive instructions embodying the provisions of this Article.

Article 10. Under the Assam Forestry Regulations of 1891, the inhabitants of the forest villages of this frontier province, who are largely primitive and economically backward and therefore unable to pay land taxes, are obliged to perform five days' forestry work per annum instead. These rules were revised in 1939, thereby allowing the villagers the option of paying in cash. The question of abolishing these provisions is under consideration. Similar practices in Darjeeling, West Bengal and the reserved zone of Bihar have been stopped.

Article 11. Although there is no specified age limit, recruitment is restricted to able-bodied adults. It is also pointed out that the majority of the legislative enactments covering the requisitioning of labour are in fact dead letters.

Articles 12 and 13. Since it is a question of occasional work only, there was no necessity to adopt regulations. Most of the States have, however, embodied the relevant provisions in their legislation.

Article 14. The laws authorising the use of forced labour for public purposes provide for remuneration at the maximum local rates. The principles set forth in this Article are regularly observed in all provinces and States.

Article 15. A regulation in Bihar, like those in a number of other States, provides for compensation in case of accident or sickness. However, there has been no occasion to apply them, as forced labour has not been used.

Articles 16 and 17. The question of transferring recruited workers from one place to another does not arise.

Article 18. These provisions are embodied in enactments of the Governments of Assam, West Bengal, Bihar, Orissa and others. In addition, the Government of Madras has prohibited the imposition of forced labour or of work on account of indebtedness.

Article 19. There is no compulsory cultivation. However, in time of famine or scarcity, the public are advised, by means of State propaganda, to grow more food.

Article 20. Forced labour as a means of collective punishment was used on one occasion in the frontier zone of Assam, where the inhabitants had performed a human sacrifice in 1932.

Article 23. Wherever necessary, detailed regulations have been issued by the provinces and States. They embody provisions for appeal against the misuse of power.

Article 24. District officers, revenue officers and other departmental officers are empowered to inspect conditions of work. Any official requisitioning labour must report the fact to the provincial Government through his departmental superiors.

Article 25. In § 374, the Indian Penal Code of 1850 renders liable to imprisonment or fine anyone illegally employing forced labour. The Government of India is considering even more stringent measures to root out any illegal uses of forced labour which still exist.

The report also contains a certain amount of general information. It states that no specific legislation has ever been adopted to apply Convention No. 29. However, police officers are empowered to register the complaints of workers who suffer injury or illness arising out of employment on forced labour.

Private employers are never authorised to use forced labour and no complaints have been lodged in this respect by employers' or workers' organisations, which strongly favour the abolition of forced labour.

In 1924, the Government of India passed the Criminal Tribes Act, dealing with primitive tribes habitually given to plunder. Under the terms of this Act, the provincial Government can declare a tribe to be a "criminal tribe" if its members continue the practice of plunder. In this case, their freedom of movement can be restricted. They can also be confined in an agricultural or industrial settlement established by the Government or by private philanthropic institutions, which are subject to Government inspection. The children of such tribes are placed in institutions where their education is carefully supervised. The work performed is of an industrial, agricultural or educational character and is remunerated. This Act has resulted in the regeneration of a number of criminal tribes by equipping their members to gain a livelihood by legitimate means and has also greatly reduced the extent of crime.

In April 1948, the Government of Madras repealed this Act and adopted instead legislation covering habitual offenders and providing for their internment in agricultural or industrial settlements. Similar action was taken by the Government of Bombay in 1947. In addition, steps have been taken

to release a number of prisoners before the expiration of their sentence when circumstances are such that they can be employed on public projects, subject to a degree of control being exercised over their behaviour.

In addition, there is a certain amount of legislation relating to young persons, e.g., the Bombay Children's Act of 1948. This Act provides for the treatment and rehabilitation of juvenile delinquents after they have been examined by special magistrates appointed for that purpose and empowered to send them to industrial or reformatory schools. The purpose of such legislation is to reform the primitive peoples, and the help of private institutions is sometimes sought. It is not felt that enactments of this kind constitute exceptions to the definition of forced labour contained in Article 2 of the Convention.

Luxembourg.

Forced or compulsory labour, as defined in the Convention, does not exist in the Grand Duchy of Luxembourg and could not under any circumstances be introduced there. Under § 11 of the Constitution, the State guarantees natural human rights, the right to work as well as the right to organise; in addition, under § 12, individual freedom is formally guaranteed. The Grand Duchy does not have under its sovereignty, jurisdiction, protection, suzerainty or authority any dependent territories to which the provisions of the Convention might be applied. The Convention has no practical value for the Grand Duchy. While the Government approves the principles of the Convention, it is of the opinion that ratification is unnecessary.

Pakistan.

Forced labour is practically non-existent; consequently, there is no particular legislation dealing with this subject, apart from § 374 of the Penal Code, which reads as follows: "Whoever unlawfully compels any person to labour against the will of that person shall be punished with imprisonment of either description for a term which may extend to one year or with fine or with both". The definition of forced or compulsory labour given in the Convention precludes the possibility of Pakistan's ratifying the Convention, in view of the difficulty of giving effect to the Convention without modifying the Criminal Tribes Act of 1934. Under § 16 of this Act the provincial Governments are empowered to establish industrial, agricultural or reformatory settlements for the criminal tribes, as defined in § 11 of the Act. The Act further empowers the provincial Governments to establish industrial, agricultural or reformatory schools for the children of such tribes. The provincial Governments are also empowered to make rules for the supervision and control of these schools and communities and to determine the conditions of work. Any member of a tribe confined in one of these

communities is liable to a penalty for any breach of the rules. Although this is a work of regeneration, the work imposed would, according to the Convention, be termed forced labour.

The Government would have to have the co-operation of the provincial Governments to ensure application of the Convention. Moreover, agriculture falls exclusively within the scope of the provincial Governments; the latter have not yet amended the tenancy laws permitting the use of forced labour. The Government has not yet received full information on this subject from the provincial Governments.

Turkey.

The Government is in agreement with the principles laid down in the Convention. Forced or compulsory labour as defined by the Convention does not exist in Turkey. Recourse is had only to certain measures which are applied in all fully independent countries, namely, the exaction from the population of certain tasks which are considered as normal civic duties or as compulsory services for a specific period, in exceptional circumstances and solely in the national interest. Prisoners are required to perform certain tasks which will give them useful training for the future. Under the terms of Act No. 1882, men between the ages of 18 and 60 years are required to provide compulsory labour services for the maintenance of roads for a short period every year. Public officials and other persons who so desire may pay a tax in lieu of such services; the amount of this tax is fixed by legislation. Decrees promulgated by the Government in virtue of § 9 of Act No. 1780 of 1940 established compulsory service. In view of the fact that these decrees were designed to secure for undertakings the necessary labour force with a view to increasing the national production, and as the

persons providing such services are employed under the same conditions and with the same rights as voluntary workers, these arrangements may be regarded as one of the exceptions provided for by the Convention.

The provisions of the Penal Code regarding the employment of prisoners, require all prisoners to carry out the tasks assigned to them; certain persons condemned to "hard labour" are required to work on the roads, in mines or in agriculture according to the decisions of the Ministry of Justice. Prisoners are employed under the supervision and control of the administration of the prisons to which they remain attached. Working conditions and working hours of prisoners are fixed by agreement between the administration and the employers, including private persons, but prisoners may not be placed unconditionally at their disposal. The legislative provisions in this respect are, therefore, in harmony with the provisions of the Convention as regards work or services exacted from persons as a consequence of a decision by a court of law.

Since the national legislation and practice are in complete conformity with the provisions of the Convention, the Minister of Labour has decided to prepare a Bill for the ratification of the Convention.

Union of South Africa.

The advisability of abolishing the practice of hiring convict labour to private companies and individuals has been the object of further study; however, the situation remains unchanged, and the Union of South Africa is accordingly unable to ratify the Convention.

Uruguay.

The Convention has not been examined or ratified, since the type of labour with which it deals is unknown in Uruguay.

Forced Labour (Indirect Compulsion) Recommendation, 1930 : R. 35 ¹

Austria.

See under Convention No. 29.

*Belgium.**

The Decree of 16 March 1922 respecting the contract of employment contains provisions relating to prohibitions as regards recruitment, acclimatisation and labour permits. This Decree lays down in § 44 that, for reasons in the public interest and by means of an Ordinance, the Governor of a province may prohibit, for a period and in regions to be determined by him, any recruitment or even engagement of labour, or make such operations subject to the condition that Natives may not be removed to other regions.

Extensive measures have been taken in order to prohibit or limit the recruitment of workers in specific regions. These measures are published in the Administrative Bulletin of the Belgian Congo. The granting of any concession is conditional on the labour supply available.

The legislative body has always endeavoured to avoid the imposition of unduly heavy taxation on the population. The Government has no observations to make regarding the other restrictions dealt with in Parts II and III of the Recommendation. The question of the regulation of permits for the transfer and removal of workers

¹ The countries marked with an asterisk have ratified Convention No. 29.

is dealt with, in particular, in § 7 of the Decree of 5 December 1933 respecting Native districts.

Local legislation and practice do not necessitate any modifications as regards the application of the provisions of the Recommendation; these provisions are dealt with by legislative measures. § 58 of the Decree of 16 March 1922 respecting the contract of employment lays down the authorities responsible for the application of the above-mentioned measures; these authorities are the Governor-General, the provincial governors, the Attorney-General, the public prosecutors and all regional officials. In virtue of § 44 of the same Decree, the Governor of the province is entrusted with the special duty of controlling any labour call-up from among the population of the province. Employers' and workers' organisations co-operate generally in the application of the provisions of the Recommendation, through regional and provincial committees for Native labour and social progress.

Brazil.

The Recommendation does not concern the country, where forced or compulsory labour was abolished a long time ago.

Canada.

The conditions relating to the use of forced or compulsory labour, which it is the object of the Recommendation to regulate and suppress, do not exist in Canada, and no legislative or other action, whether on the part of the federal or of the provincial parliaments, is therefore required to give effect, in relation to Canada, to the principles set forth in the Recommendation.

Ceylon.

Neither forced labour, as defined by Convention No. 29, nor indirect compulsion to labour, exist in Ceylon. It can therefore be considered that the principles of the Recommendation are applied.

Cuba.

The Constitution, in § 60, fully guarantees freedom to work. As workers are free to take up employment in any part of the national territory, the suggestions contained in the Recommendation are irrelevant.

*Denmark.**

Part I of the Recommendation relates to Greenland only. Under § 21 of the Greenland Administration Act (No. 134) of 18 April 1925, industry in Greenland is under the direct administration of the Danish Government which aims exclusively at promoting the living conditions of the population. However, in exceptional cases, permission has been given for the establishment of private undertakings which, as well as new undertakings, are carried on in conformity with the policy mentioned above. In order to protect the indigenous

population, special authorisation is required from the Danish Government for permission to settle in Greenland. The conditions dealt with in Parts II and III of the Recommendation do not exist in Denmark.

Dominican Republic.

The labour legislation of the Republic corresponds closely to the existing habits of life and labour of the working community and thus gives effect to the requirements of Part I of the Recommendation. In regard to Part II of the Recommendation, the report states that there is no legislation compelling workers through the imposition of taxation to seek wage-earning employment with private undertakings; Act No. 1927 of 11 February 1949 and Act No. 1928, both concerning the profits tax, have a contrary effect. The requirements of sub-paragraph (b) of Part II are implemented by the Land Registry Act No. 1542 of 11 October 1947; the interpretation of the term "vagrancy" has not been abused; there is no legislation which places workers in the service of others in an advantageous position as compared with other workers (sub-paragraph (d)). No modification of the Recommendation seems desirable. Enforcement is entrusted to the Department for the Supervision of the Application of Labour Legislation, and employers' and workers' organisations have provided full co-operation.

Egypt.

There is no legislation on the subject, as Egypt is not one of the areas in a primitive stage of development to which the Recommendation refers.

*Finland.**

See under Convention No. 29.

*France.**

Territories

Cameroons.

The Act of 11 April 1946, to suppress forced labour in the overseas territories, strictly prohibits indirect compulsion to labour. The economic evolution of the territory is taking place progressively and without any difficulty. The fact that there is absolute freedom of movement and of labour means that there are no sudden repercussions on the habits of life of the population. The extension of agricultural and forestry undertakings is mainly confined to land which has not previously been used for the cultivation of crops; as the latter are carried on in the customary manner, each tenant enjoys a wide measure of independence which is increased by the fact that each person has the right of ownership of any land which he holds according to custom.

Taxation is not of a nature likely to compel the populations to seek employment

with private undertakings. The land system at present in force guarantees the ownership of land and the meaning of vagrancy is strictly limited and does not lead to any extensive abuse. The freedom of movement is as absolute as the freedom to take employment.

French Equatorial Africa.

The competent authority has endeavoured to establish regulations which, as far as possible, take into consideration the factors referred to in the first paragraph of the Recommendation.

In accordance with the provisions of the Decree of 29 July 1942, to modify the labour and manpower system in French Equatorial Africa, a Native Labour and Manpower Office has been set up for the express purpose of controlling the engagement and utilisation of manpower. This Office, which is composed of representatives of the Administration, appointed by a head of territory, and employers' representatives appointed by the Chambers of Commerce, is consulted on all questions relating to the engagement and utilisation of manpower in the territory. Heads of territory, after consulting the Office, fix the number of contract or daily workers who may be employed by each agricultural or industrial undertaking, taking into account the possibilities of output based on reports from the technical services or on fixed quotas.

After having examined the merits of each case, the Office grants a permit for the engagement of workers where it is clear that the number of workers requested is not in excess of the manpower available in the administrative district, as estimated by the district heads, taking into consideration the customary services rendered, the demographic situation, the conditions of health and fitness for work of the ethnical groups.

In addition, an Order of 26 May 1948 set up under each labour inspector an advisory labour committee, composed of an equal number of employers and workers appointed by the most representative organisations and entrusted with the task of examining all problems relating to labour and manpower, in addition to questions on which its opinion must be obtained in virtue of any legislative texts. The restrictions laid down in the Act of 10 August 1932 as regards the employment of foreigners in commercial and industrial undertakings in the Metropolitan territory have been adapted to French Equatorial Africa; as regards the Territories included in the Treaty limits of the Congo Basin, the above-named restrictions take due account of the reciprocal treatment accorded to nationals of the States who have signed or adhered to the Treaty of Saint-Germain-en-Laye of 10 September 1919. No foreigner having European or assimilated status may take up any employment in a public or private undertaking unless he has first obtained a work permit issued by the head of the

Federation. In pursuance of the provisions of the Decree of 25 March 1939, to regulate the employment of volunteers, the Order of 28 August 1939 fixes at 5 per cent. the maximum proportion of foreigners having European status who may be employed in each industrial, commercial, agricultural or forestry undertaking. As regards wage earners of French nationality, the principle of free access to the territory of the Federation is applied. As very few Native technicians are available, the fixing of non-African elements in the territory of the Federation depends solely on the requirements of the various undertakings. At the present time, the proportion of non-indigenous workers is not more than 16 per thousand of the total manpower employed by private initiative. The granting of forest or other concessions does not require the issue of a recruiting permit; taxation imposed on the populations does not have the effect of compelling workers to seek employment with private undertakings. In actual fact, taxes on unmarried indigenous persons do not amount to more than 5 per cent. of the minimum wage fixed by the competent authority. Under the present system of land grants, a worker has no difficulty whatever in possessing, occupying or making use of any land which he may require for cultivation or for his dwelling. The only restrictions in connection with this system are as regards rural land, for which no grant may be made subject to certain liabilities for an area exceeding five hectares, situated at least three kilometres from the limits of the outer urban boundaries of an area comprising a number of reserved plots of land, and six kilometres from any base fixed by the Administration as constituting the centre of this area. Zones may be set apart close to European urban centres for Native dwellings and the cultivation of crops for indigenous populations; these lands are regarded as collective reserves and may not be surrendered. In addition, temporary and revocable occupation permits for rural lands of not more than ten hectares and for a single tenant may be granted free of charge to Natives on an individual or collective basis; these permits may be replaced by permanent concessions after the development of the land.

The term "vagrancy" is defined as follows in § 1 of the Decree of 11 April 1930: a "vagrant" is defined as any Native who finds himself outside his department of origin and can show no regular or known means of existence, does not ordinarily carry on a trade or occupation and has no dwelling suitable for such trade or occupation. The Order of 21 December 1935 (to issue provisions for the administration of the Decree of 4 May 1922 concerning the labour system in French Equatorial Africa) lays down that no Native shall be employed as a day labourer elsewhere than in his subdivision of origin or in the subdivisions of his department or of a neighbouring department having the same frontiers. Any

Natives employed outside these limits must be engaged by a contract of employment drawn up on the lines laid down in the above-mentioned Order. These provisions are intended to protect workers who decide to leave their department of origin.

In addition, the legislative provisions contained in the Decree of 29 July 1942 referred to above were issued in order to avoid the wastage of manpower and would not lead to the indirect compulsion of workers to seek work in certain specific industries or regions.

Copies of the report have been communicated to the representative organisations in France.

French West Africa.

It has not been found necessary to draw up any regulations, administrative or other measures to lay down conditions regarding compliance with the provisions of the Recommendation which are given practical effect in French West Africa. No indirect means have been taken to direct the population to any particular kind of wage-earning employment. The economic and social evolution of the people is such that their habits of life and labour have not been disturbed by the normal working conditions in agricultural and industrial undertakings. However, the installation and development of undertakings are more in relation to the capacities and qualifications of workers than to the available labour supply. In order to carry out the ten-yearly plan for the economic and social equipment and development of French West Africa, an attempt has been made to afford vocational training to workers at present in employment so that they will be in a position to take an active part in this programme and so lessen the need to obtain assistance from non-indigenous technicians.

As the rights of citizenship of all nations of overseas territories were proclaimed in the Constitution of 27 October 1946, such persons are closely associated with the political, economic and social development of the country, through their elected, federal and territorial representative assemblies, higher council and general councils; these bodies, in accordance with the Act of 29 August 1947 and the Decree of 25 October 1946, take decisions and draw up regulations regarding the bases for taxation, tariffs and all taxes, and must be consulted on matters regarding regulations for agricultural, forest and mining property, as well as on the system for labour and social security. Moreover, there has been no change in the conception of vagrancy since 29 March 1923 and the movement of Natives is entirely free. Administrative authorities of all kinds are entrusted, in conjunction with the labour inspection services, with ensuring the application of the provisions of the Recommendation. Employers' and workers' organisations may make any observations or express any opinions regarding questions of interest to the labour inspection service.

Copies of the report have been communicated to the representative employers' and workers' organisations in French West Africa and in France.

Madagascar.

The report states that 6 per cent. of the 4,120,000 inhabitants hire out their services. If it is borne in mind that the male adult population capable of work in an overseas territory is normally 16 per cent. of the total population, it will be seen that in Madagascar 34 per cent. of all adult fit men are engaged in semi-regular employment. The demand for employment is always greater than the supply, which shows that no coercion is made to balance the labour market. The Madagascan is above all a peasant and an occasional worker who seeks employment for his "hours of leisure" in nearby undertakings, provided this does not interfere with his agricultural or domestic work.

The increase in the number of all types of undertakings, although covered by regulations, is easily integrated in the general programme beneficial to the local economy. Non-indigenous settlement is particularly justifiable with respect to technicians and foremen who are able to improve the occupational training of Native workers. The granting of forest concessions is strictly regulated in Madagascar and has no great influence on the social development of the population.

The provisions regarding taxation have never been such as to compel indigenous persons to engage more frequently in wage-earning employment. The regulations concerning estates belonging to the State, based on the *Torrens Act*, give facilities and full security to persons wishing to cultivate the land. The only object of French policy is to improve the condition of indigenous peasants; rights to ancestral land have been widely guaranteed. A special circuit-court makes awards establishing these rights after a summary hearing of the parties on the spot.

Finally, the agricultural credit scheme grants substantial financial aid to planters affiliated to a fund for mutual credit. No abusive extension of the meaning of vagrancy has been reported; the Constitution of 1946 would, if necessary, prevent such an extension. The same applies to passes, which can no longer be issued, since § 72 of the Constitution fully guarantees human rights.

Copies of the report have been communicated to the representative organisations in France.

New Caledonia.

Convention No. 29 was brought into application by the Decree of 12 August 1937, promulgated on 22 November 1937. Moreover, all forced or compulsory labour is prohibited by the Act of 11 April 1946, promulgated in New Caledonia on 23 August

1946. The poll-tax imposed on indigenous and immigrant workers, and amounting per year to less than the wages for one day's work, was abolished in 1947; a local regulation forbidding both Native or immigrant workers and any other foreigner to buy real estate unless previously authorised to do so by the Governor, ceased to be applied on 1 June 1946, the official date of the end of hostilities.

Vagrancy is strictly defined by the Penal Code and no prosecution or sentence was reported by the courts during 1948. Orders Nos. 544 and 545 of 3 May 1946 granted freedom of movement to indigenous persons and all French citizens; this freedom was also granted to immigrants from foreign countries (Javanese) by Order No. 640 of 28 May 1949. Only foreigners are still required to report any change of address.

Whatever their extraction and race, workers are free to seek employment when and with whom they please; there are no penal sanctions regarding the fulfilment of contracts of work.

The application of the statutory provisions is ensured by police officers entrusted with preliminary investigations and, in questions relating to work, by labour inspectors. No observations were received from employers' or workers' organisations during 1948.

Copies of the report have been communicated to the representative organisations in France.

Saint Pierre and Miquelon Islands.

The Recommendation does not apply; the inhabitants of this territory are solely the descendants of French settlers of the 18th and 19th centuries and the regulations regarding conditions of work are very similar to those existing in France.

French Somaliland.

There is no form of forced labour.

Togoland.

There is no form whatever of direct compulsion to labour. Taxes are voted by the Representative Assembly, set up under the Decree of 27 October 1946. On the other hand, labour exacted as a tax, which moreover was redeemable, was abolished by the Order of 17 October 1944; a local road tax is now collected according to a list of all persons subject to the personal tax and the tax on the floating population. The proceeds of these taxes are refunded to the districts responsible for collecting them and are utilised to finance specific works formerly performed by persons in lieu of taxes. All land is in the hands of Natives, who carry out family or village cultivation, except in the south where there is a considerable amount of individual ownership. There are no restrictions of any kind regarding the acquisition of ground.

The offence of vagrancy, which was formerly punishable by disciplinary meas-

ures under the Code respecting Natives (suppressed under the Decree of 22 December 1945), is now punishable under § 269 and following of the Penal Code. The definition given in § 270 of the Code relates to "vagrants population are allowed in the interior of existence and who do not carry on any regular occupation". Movements of the or persons with no fixed abode or means of the territory, except in the event of an epidemic; the pass system was abolished in 1947. There are no restrictions whatever on the freedom of movement and manpower.

Copies of the report have been communicated to the representative organisations in the territory and in France.

Greece.

See under Convention No. 29.

Iceland.

There is no legislation on this subject, as the country does not include any primitive regions. There is no indirect compulsion to labour, the people being free to work whenever and wherever they please.

India.

In order to ensure the economic and social development of the aboriginal or backward tribes, the Government has, by an Act of 1935, declared the areas inhabited by these people to be "excluded" or "partially excluded" areas; such areas are administered by a Governor in virtue of special regulations. None of the provisions of these regulations authorises forced labour involving removal of inhabitants from their place of residence; the development of these areas is not based on forced labour. The establishment of non-indigenous peoples in these areas may be authorised, but is subject to the reservation that the legal rights of the tribes are safeguarded; thus, there is special legislation prohibiting the alienation of land, labour in consideration of debts, etc. All the provincial Governments and some of the State Governments have drawn up plans for the socio-economic and educational development of these tribes. They benefit from a number of privileges, such as forestry concessions, land grants on favourable terms, etc. No economic pressure is exerted on these people to lead them to seek wage-earning employment, and none of the restrictions envisaged in Part III of the Recommendation is practised in India.

*Italy. **

The problem of forced or compulsory labour does not arise; there are no conditions which are likely to lead to recourse to indirect compulsion of labour. The principle of the freedom of personal service is formally established in the Constitution.

Luxembourg.

As forced or compulsory labour is prohibited by the principles of the Constitution

of Luxembourg, indirect compulsion to labour is likewise prohibited. Further, Luxembourg is not responsible for any backward dependent territories. The Government does not therefore consider it necessary to legislate along the lines of the Recommendation.

*Netherlands. **

The various form of labour which were formerly carried out in Indonesia in connection with public works (*heerendiensten*) under penal sanction have been suppressed. In Java and Madura, the requisition of such labour was suppressed in 1934; from 1 January 1942, recourse to *heerendiensten* was suppressed in the Outer Provinces (*Buitengeswesten*) and replaced by an Ordinance imposing a tax on all groups of the population for the cost and maintenance of roads. When war broke out, *heerendiensten* existed on private estates. However, considerable progress had already been made in the repurchase and expropriation of these estates. In view of post-war developments, there is no longer any reason for the continuance of former customs.

*Norway. **

Reference is made to the report on Convention No. 29 concerning forced or compulsory labour for the period 1945-1946, in which it is stated that forced labour is non-existent in Norway and that, in consequence, it has not been necessary to take any special legislative or administrative measures in connection with the Recommendation.

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

Pakistan.

There is no special legislation covering Part I of the Recommendation. The provisions of this Part do not apply to Pakistan as they relate to territories in a primitive stage of development. In regard to Part II, the national legislation gives perfect freedom to individuals to seek employment in whatever occupation they choose. However, owing to increasing pressure on the land during the last few decades, the rural population has been forced to seek employment in the towns. This, to some extent, can be regarded as indirect economic pressure. The Government has imposed no tax which would compel the population to seek wage-earning employment with private undertakings. As regards Part III, the report states that there are no legal or executive restrictions on the flow of labour from one employment to another or from one district to another.

*Switzerland. **

Forced or compulsory labour is unknown in Switzerland. Convention No. 29 was rati-

fied by the Government for purely humanitarian reasons. Consequently, the conditions necessary for the application of the Recommendation do not exist.

Turkey.

As the Recommendation envisages primarily colonies and contains principles designed to avoid the exploitation by others of persons who need to work, it is in complete harmony with the basic social policy of the country and its application by Turkey is an accomplished fact.

*United Kingdom. **

The national law and practice is in full accordance with the terms of the Recommendation; no restrictions of movement have been imposed on workers, except in circumstances where it was judged to be in the national interest to do so. Such restrictions which have been imposed have been under a temporary law aiming to ensure certain vital requirements of the community during the war and the post-war period.

Territories

Basutoland.

There are no industrial or mining undertakings in the territory and, apart from certain schemes carried out by the Department of Agriculture, cultivation is in the hands of the Basutos. Non-Natives are not permitted to own land, and may be granted concessions only for the establishment of missions, schools, trading stations, etc. An industrial concession was recently granted for the sterilisation and export of bones. Taxes are generally fixed at 34 shillings per year per adult male; this tax is not so large as to compel the population to seek wage-earning employment; similarly, there are no artificial restrictions on the possession, occupation and use of land. The Basuto is free to move about within the territory at will, and does not require a pass. The administration is entrusted to the Resident Commissioner and other Government officers to whom administrative powers are delegated.

Bechuanaland.

There is no law permitting direct or indirect compulsion to labour. The Native tax is fixed at 28 shillings per adult male, in addition to a tax graded according to individual capital or income, the minimum being 8 shillings. The number of industrial, mining and agricultural undertakings is negligible and there are no signs of any increase. Non-indigenous settlement is less than 2 per cent. of the population, a figure which has remained more or less constant for many years. Conditions in the Protectorate are such that the provisions of the Recommendation are applied in practice and no special legislation on the subject is necessary.

Kenya.

The Governments of Tanganyika, Uganda and Kenya have recently enacted legislation making the East African Industrial Council the authority for industrial licensing in the three territories. In Kenya, the relevant Ordinance is the Industrial Licensing Ordinance, No. 26 of 1948.

The Government is anxious to establish secondary industries, not only to produce a balanced economy but to raise the standard of living of the African population by enabling them to leave over-populated agricultural areas to find suitable employment which will permit them to earn a living for themselves and their families. Immigration is controlled by the Immigration (Control) Ordinance, No. 7 of 1948; a central Immigration Control Board advises the Government on this question. Residential certificates are issued to persons intending to engage in agriculture, provided they have adequate capital; the same applies to persons prospecting for minerals, or engaging in trade or commerce, the general principle being that such activities should not be prejudicial to the inhabitants of the Colony. Two Ordinances adopted in 1938 and 1939 have established the permanent boundaries of the Native Land Units. As regards forestry development, the major part of the forest area is Crown Land; the Forestry Department closely supervises and controls the activities of persons granted licences to exploit these assets. Taxes are not imposed to oblige the population to seek wage-earning employment, but only to ensure a reasonable contribution to the maintenance of public services, particularly social services. The Native Poll Tax Ordinance of 1942 fixes the tax to be paid by Africans at amounts ranging, according to district, from 7 to 22 shillings per adult male. The Native Land Units are held in trust by the Native Lands Trust Board; land tenure is based on customary law. Various regulations adopted aim solely at improving fertility and preventing soil erosion. Vagrancy laws conform to normal standards and pass laws do not place those in the service of others in an advantageous position *vis-à-vis* other workers. The flow of labour within the Colony is voluntary. It should be noted that the indigenous population do not have to seek wage-earning employment in order to exist; those who accept employment of this kind do so to improve their economic conditions. Resort to direct or indirect compulsion to labour is, therefore, extremely rare.

Nigeria.

With regard to Paragraph 1 of the Recommendation, the report states that the object of the Registration of Industrial Workers Order and Rules of 1948 and the Registration (Lagos Township) (Young Persons) Order of 1946 is to restrict the employment of persons who are not registered with the employment exchanges and to

define the qualifications to be satisfied before registration is permitted, in order to prevent a heavy influx of labour into the industrial centres which would result in excessive unemployment and a lowering of social conditions. The Commissioner of Labour is responsible for enforcing these provisions by means of the employment exchange service and the labour inspectorate. Industrial workers present themselves in large numbers for registration. A number of employers also co-operate by refusing to employ unregistered workers.

As regards Paragraph 2, the report states that the Direct Taxation Ordinance of 1940 and the Income Tax Ordinance of 1943 prescribe the tax rates; there is no evidence to indicate that these taxes are such as to compel the population to seek wage-earning employment. Among some tribes, the practice is to engage in employment in order to buy cloth and fulfil tax obligations. A number of the young men from these tribes seek seasonal employment in the groundnuts production centres or in the tin mines. The Deputy Commissioner of Income Tax, the provincial administration and the Native administrations assess the taxes, the employers assisting by furnishing particulars regarding their employees. The Government has the power to acquire lands for public purposes. Generally, there is no restriction on the occupation and use of land by Nigerians in the major part of the country. There is no abusive interpretation of the term "vagrancy", and there are no pass laws. However, the law governing registration of workers has as its object regulation of the flow of workers towards the industrial areas.

North Borneo.

The principles contained in the Recommendation are not the subject of special legislation, but the administration has taken all the necessary steps. Development plans for the Colony have been studied in relation to the shortage of labour, the necessity for the preservation of native agriculture and the effects of the import of migrant workers. No indirect means designed to urge the population to seek wage-earning employment have been used. The flow of labour is entirely voluntary, and no abusive use is made of the term "vagrancy", which is defined by law.

Nyasaland.

Due account is taken by the Governor-in-Council and the officials concerned of the factors mentioned in Paragraph 1 of the Recommendation. Thus, before granting a permit to recruit, consideration is given to the possible effect of the withdrawal of adult males on the social life of the population concerned. A licence can be refused if the manpower available appears to be insufficient. All the lands of the Protectorate, apart from Government lands and reserve lands, have been declared Native

Trust Lands. They are administered and controlled by the Governor on behalf of the Natives of the Protectorate, and the Native authorities are consulted before any use is made of them. In the case of prospecting or the grant of mining concessions, the general interests of the Native population must be taken into account. Taxes are not imposed with a view to compelling the population to seek wage-earning employment. There are no Native reserves, and the indigenous inhabitants have sufficient land to ensure adequate food supplies and other crops; the majority of wage earners, moreover, retain rights to a customary holding of land. Vagrancy is carefully defined, and, except for certain restrictions on the movements of Natives within townships and sanitary areas during the night, there are no pass laws. The flow of labour is absolutely voluntary.

Southern Rhodesia.

The territory is not in a primitive stage of development and industrialisation has been proceeding for some generations. The labour supply is adequate to ensure further industrial expansion if productivity could be increased. This is a matter of the greatest importance, but there is no question of efforts to this end having evil effects on social conditions. It would be unwise to impose such taxes as would oblige the people to seek wage-earning employment with private undertakings. Moreover, the direct tax of £1 per head of the male adult indigenous population has remained the same since 1904. No restrictions are placed on the possession, occupation or use of land. However, bad farming methods have led in many instances to soil erosion, drying up of water supplies and decrease in the fertility of the soil. One of the chief causes of this situation lies in the fact that the occupants go to the towns periodically to take up industrial employment. The time is not far distant when these people will, in their own interests, have to choose between agriculture or industry as a means of livelihood. The definition of "vagrancy" has not been extended to abusive limits. Under the Urban Pass Laws, workers in the service of others, including those employed by the State and Local Administrations, receive a contract of service which permits them to remain in the urban areas. Those working on their own account receive a document granting them the same rights; equality between the two groups of workers is thus assured. There are no restrictions on the flow of voluntary labour.

Sarawak.

There is only one large industrial undertaking, Sarawak Oilfields Limited, and it is of long standing. It is not expected that industrial, mining or agricultural undertakings will increase to such an extent that the habits of the people will be markedly influenced. Generally speaking, the indi-

genous inhabitants are abundantly provided with land; non-indigenous settlement is strictly controlled, and only after close examination of the requirements of the indigenous inhabitants is any alienation of land approved. Forest reserves have largely been constituted on unoccupied ground, chiefly as a means of ensuring soil conservation, and any grant of forest concessions is of direct benefit to the indigenous population, bringing them valuable economic assistance. The tax rate is fixed, according to districts, at \$1 per head of the adult male indigenous population. The non-indigenous people pay no direct tax. Indirect taxes are kept as low as possible.

Vagrancy is extremely rare, and the authorities do not concern themselves except in cases of crime or misdemeanour, sickness or a request for admission to a pauper institution. Until recently, the Dayaks were obliged to obtain a pass before leaving their own district. This custom has fallen into disuse; however, the Dayaks themselves have requested its reintroduction. The voluntary flow of labour has existed in Sarawak since the last century.

Sierra Leone.

No non-Native may own land in the Protectorate. Leases are granted only with the approval of the Tribal Authority and of the District Commissioner. In the Colony, which is not, however, a territory "in a primitive stage of development", there is no restriction upon aliens settling. The Proclamation regarding forest reserves safeguards the rights of the population; concessions can be granted only with the approval of the Governor, who must satisfy himself that they would have a beneficial effect on the local inhabitants. As regards the second part of the Recommendation, the report states that there is no recourse to indirect methods of urging the population to seek wage-earning employment. There are no restrictions on the voluntary flow of labour. However, the labour exchange at Freetown endeavours, in the interests of the Native population, to restrict the flow of labour towards the urban areas.

Swaziland.

There is no special law providing that account shall be taken of the social conditions of the indigenous populations in the event of an increase in the number and extent of industrial, mining or agricultural undertakings, as the interests of these people are invariably safeguarded administratively. Limited non-indigenous settlement is permitted in the urban and European areas of the territory; a negligible number of non-indigenous Africans have been permitted to settle in Native areas but only with the prior consent of the Chief and the District Council. No concession or monopoly prejudicial to the interests of the indigenous population has been granted since 1930. It is provided that grant of

surface and mineral rights shall be exercised with mutual consideration and that agricultural and mineral resources should be developed simultaneously. Since 1920 the tax rate has been fixed at 35 shillings per adult male bachelor or married man with one wife; those having more than one wife pay 30 shillings in respect of each wife to a limit of £4 10s. per year. Two emergency levies of £1 and 7s. 6d. were raised in 1947 and 1948 to combat an epidemic of animal trypanosomiasis. Europeans owning cattle paid corresponding sums. The rate of taxation is not such as to compel the population to seek wage-earning employment; there are no restrictions on the possession and use of land. There is no abusive interpretation of the term "vagrancy" and Native pass laws are not enforced in the territory, where, moreover, there is no restriction on the voluntary flow of labour.

Tanganyika.

Account is always taken of labour supplies when there is any question of large-scale development schemes, e.g., the Groundnut Scheme. The population of Tanganyika is increasing rapidly, numbering 7 million in 1948, as compared with 5 million in 1931. In view of this and the need for expansion of social services, it is essential that there should be considerable extension of the various industrial activities. The Government is mindful of the effects that rapid industrial development might have and is endeavouring to improve democratic local government and to develop the Labour Department and the social and welfare services. The indigenous population is abundantly provided with land, and is not in the position of having to seek wage-earning employment. There is no indirect compulsion to labour. Increases in Native taxation are generally the result of a demand on their part in order to ensure the expansion of local social services. The only restrictions on the possession and use of land are measures aimed at soil conservation and easier cultivation. The definition of vagrancy is not extended abusively and there are no pass laws. The flow of labour from one district to another is voluntary. Legislation is enforced by the provincial administration and the Labour Department.

Uganda.

The Uganda Employment Ordinance, 1946, and the Employment Rules, 1946, together with the legislation governing the employment of children and of women, workmen's compensation, etc., assist the application of the Recommendation. The country is essentially agricultural, cultivation being carried out largely by Africans and by a few Asians. The alienation of land to non-Africans has been severely restricted and would only be approved for a restricted period and when it did not conflict with African interests. Apart from certain densely populated areas,

there is adequate cultivable land. The prices paid for crops are at levels very considerably in excess of those paid before the war, and there is some degree of stability in these prices. The result is a shortage of labour, in spite of an increase in wages of about 90 per cent. above those paid in 1939. Measures are being taken to increase the number of skilled workers among the Africans, of whom 150,000 are in paid employment out of a total of 2,479,000 African males. The figure of 150,000 includes some 25,000 immigrants from Belgian territory, but does not include a large number of individual Africans working for other Africans in cultivation.

Industrialisation is still in the construction stage; secondary industries and building construction are expanding steadily. In mining there has been little expansion, but exploratory work is proceeding in connection with copper. The entry of non-Natives to the territory is strictly controlled and permanent immigration is only allowed where it is not to the prejudice of the inhabitants. There are no concessions other than in forests, and in strictly limited areas. Every effort has been made to increase production in this field. Various small increases under the Poll Tax Ordinance of 1939 have been made since that year in the poll tax. The Vagrancy Ordinance is not resorted to extensively in practice, and certainly not in any abusive degree. There is no pass system, but temporary restrictions on movement may be imposed in case of an epidemic and there is restriction of movement in the case of sleeping sickness areas. Paid employees are therefore in exactly the same position as others. There are no restrictions on the voluntary flow of labour. The provisions of the law are enforced by the provincial administration, assisted by the Labour Department which is under the charge of a Labour Commissioner who is also a member of the Legislative Council, and which consists of European and African officers who are stationed at main centres throughout the protectorate. Other departments dealing with agricultural, veterinary, mining, and similar matters, also co-operate in the application of the provisions of the Recommendation.

There are no organisations of employers and workers which are sufficiently representative.

The Government of the *United Kingdom* states that copies of the reports concerning the application of this Convention in the foregoing territories have been communicated to the representative employers' and workers' organisations.

Uruguay.

No effect has been given to the Recommendation, since the system of labour with which the Recommendation deals is unknown in Uruguay.

Forced Labour (Regulation) Recommendation, 1930 : R. 36¹*Austria.*

See under Convention No. 29.

*Belgium.**

The relevant legislative provisions and regulations are published in the national languages, *i.e.*, French and Flemish. This method is satisfactory and brings the legislative provisions and regulations to the notice of persons who have an average amount of education and who, in fact, are alone in a position to appreciate the meaning of a text containing any legal elements. As regards other workers (speaking approximately 200 different dialects), the necessary explanations are given to them by agents of the administration on the occasion of meetings of the occupational groups or of the councils of notables. It would not appear possible to follow entirely the procedure laid down in the Recommendation.

No special legislative measures are called for as regards Parts II and III. The transport of goods in certain conditions is prohibited under a Decree of 19 March 1925 and the Orders issued in application of this Decree. This prohibition has not been extended to the transport of persons. As regards the exceptional cases in which provision is made for recourse to forced labour, there are no exceptions to the measures relating to the regulation of the sale of alcoholic drinks.

Brazil.

The Recommendation does not concern this country, where forced or compulsory labour was abolished some time ago.

Canada.

The conditions relating to the use of forced or compulsory labour, which it is the object of the Recommendation to regulate and suppress, do not exist in Canada, and no legislative or other action, whether on the part of the federal or the provincial parliaments, is therefore required to give effect, in relation to Canada, to the principles set forth in the Recommendation.

Ceylon.

Forced labour, as defined by Convention No. 29, does not exist and it can be considered that the principles of the Recommendation are applied in Ceylon.

Cuba.

As forced or compulsory labour does not exist, the questions dealt with in the Recommendation are irrelevant.

*Denmark.**

Reference is made to the previous annual report on Convention No. 29, according to

which forced or compulsory labour within the meaning of the Convention does not exist in Denmark.

Dominican Republic.

While there is no legislation concerning the subject, the employment of workers on compulsory labour in any kind of Government or municipal work is prohibited by the Executive Authority Order No. 1251 of 23 July 1943.

Act No. 637 of 16 June 1944 concerning labour contracts makes provision, in § 38, for the termination of contracts by workers for justifiable reasons, *inter alia*, irregularities as regards the payment of wages, improper conduct on the part of the employer or his dependants, unhealthy or unsafe working conditions, non-fulfilment of the terms of the contract of employment or failure by the employer to observe the terms of the contract. Publicity is given to all labour legislation through the Government publication *Labor*. Existing legislation regarding hours of work of employees of both sexes, workmen's compensation and social security protects the worker in other respects in accordance with the requirements of the Recommendation. The enforcement of the relevant legislation is entrusted to the Department for the Supervision of the Application of Labour Legislation, to which a body of inspectors is attached.

Egypt.

Forced or compulsory labour is unknown and consequently there is no legislation on this subject.

*Finland.**

See under Convention No. 29.

*France.***Territories**Cameroons.*

The Act of 11 April 1946, to suppress forced or compulsory labour, has been published in the Cameroons official gazette; its provisions have been broadcast and commented upon by the press and radio, and have also been the subject of verbal explanations by representatives of the administration.

French Equatorial Africa.

The Act of 11 April 1946 lays down as an absolute principle the prohibition of forced or compulsory labour. As no need has been

¹ The countries marked with an asterisk have ratified Convention No. 29.

felt, during the period under review, for recourse to forced or compulsory labour as authorised in the exceptions provided under Convention No. 29, no regulations have been issued respecting forced or compulsory labour in the territory.

Copies of the report have been communicated to the representative organisations in France.

French Somaliland.

There is no forced labour under any form.

Madagascar.

Native labour is regulated by the Decree of 7 April 1938, promulgated by the Order of 26 April 1938; the contents of the Decree have been brought to the knowledge of the public by means of several thousand copies of a leaflet distributed free of charge. Moreover, the main obligations of employers have been summarised and printed in French and Madagascan and distributed, in the form of warnings, to employers and workers by labour inspectors. All amendments to the regulations are brought to the knowledge of the population by means of official *kabary* (speeches), in accordance with the local traditions (in some cases, notices are posted up at the entrance of offices, public buildings, important places, etc.). If any Europeans or Madagascans are not acquainted with the regulations in force, this is because of their lack of interest in official publications.

It must be added that the Act of 11 April 1946, to suppress forced or compulsory labour, is fully applied in Madagascar. There have been no breaches of the principles contained in the Recommendation.

The food supply of Native communities has never had to suffer because of statutory recourse to forced or compulsory labour. When mechanical transport cannot be used because of the condition of the roads, recourse to portage may be had in urgent cases (for example, health evacuation), but the terms offered to professional porters are advantageous and many apply for this type of work. Alcoholic drinks being forbidden, porters can only obtain them clandestinely in villages.

With regard to the application of international Conventions, the Commissioner or Secretary-General may make the labour inspectorate or provincial inspectors, in agreement with heads of provinces, responsible for ensuring strict observance of the instruments ratified by France. Powers are also delegated in this respect to provincial and local chiefs.

Copies of the report have been communicated to the representative organisations in France.

New Caledonia.

Forced or compulsory labour has been completely suppressed by the Act of 11 April 1946, promulgated in New Caledonia on 23 August 1946. As a result, no remarks

are required under Parts II, III, IV and V of the Recommendation. It was not necessary to translate the various regulations into Native languages (over 20 different languages or dialects for a native population of 30,000), since the Natives have at least an elementary knowledge of French.

In the case of workers who are not Natives, the provisions respecting labour are brought to their knowledge when their contract is signed; a copy of the latter in their mother tongue is handed to them. The only exception to this rule concerned the last convoy of Javanese workers and was due to a printing delay. Their contract was read out to them by official interpreters of the immigration service.

The statutory provisions are applied by police officers entrusted with preliminary investigations, and by labour inspectors. No observations have been received from employers' or workers' organisations.

Copies of the report have been communicated to the representative organisations in France.

St. Pierre and Miquelon Islands.

See under Recommendation No. 35.

Togoland.

In view of the prohibition of forced or compulsory labour under the Act of 11 April 1946, the provisions of the Recommendation do not apply.

Greece.

See under Convention No. 29.

Iceland.

Forced or compulsory labour being unknown, there are no laws or regulations on the subject.

India.

Since 15 August 1947, nearly all the provincial Governments have published new legislation in the language or languages of the respective provinces. No new legislation prohibiting or regulating the use of forced labour has been enacted since that date. The question of publication does not, therefore, arise. Since recourse to forced labour is extremely rare and of a casual nature in India, the food supply of communities is not imperilled by requisition of manpower. Certain legislative and administrative instructions specifically provide that agricultural workers should not be requisitioned. There is no legal provision permitting the employment of women or children on forced labour, and the question does not, moreover, arise in practice. The provincial Governments have undertaken the construction of roads in the hilly regions and human portage has been replaced by animal or mechanical transport. It is laid down that where other means of transport exist, porters should not be requisitioned. Persons engaged in forced labour are not

exposed to the temptation of alcoholic beverages.

*Italy. **

The problem of forced labour does not arise in Italy, where no recourse is ever had to any form of such labour. The Forced Labour Convention has been ratified by Italy and is applied under Act No. 274 of 29 January 1934 and by Royal Decree No. 817 of 18 April 1935. The provisions of the above-named Convention have been put into effect in all Italian possessions and colonies and extended automatically to any territories which came under Italian administration.

Luxembourg.

Since forced or compulsory labour is prohibited by the Constitution and the national legislation, the question of the regulation of such labour does not arise.

*Netherlands. **

See under Recommendation No. 35.

*Norway. **

Reference is made to the report on Convention No. 29 concerning forced or compulsory labour for the period 1945-1946, in which it is stated that forced labour is non-existent in Norway and that, in consequence, it has not been necessary to take any special legislative or administrative measures in connection with the Recommendation. The report has been communicated to the representative employers' and workers' organisations.

Pakistan.

No regulations have been issued in application of the Forced Labour Convention.

*Switzerland. **

Forced or compulsory labour is unknown in Switzerland and Convention No. 29 was ratified by the Government for purely humanitarian reasons. The conditions necessary for the application of the Recommendation, which provides for certain measures of practical application of the Convention, do not exist in Switzerland.

*Turkey. **

As the Recommendation envisages primarily colonies and as the principles which it contains are in harmony with the basic social policy of the country, its application by Turkey is an accomplished fact.

*United Kingdom. **

See under Recommendation No. 35.

Territories

Basutoland.

The report submitted last year on the application of the Convention concerning

forced or compulsory labour described the situation in Basutoland. There is still in existence a form of customary labour known as *matsema*. However, it has been decided to abolish this custom, and the necessary steps are now being taken. The food supply of the population is not imperilled by any form of forced labour. Forced labour is not employed for transport of persons or goods. Workers engaged in forced labour are not exposed to alcoholic temptations. Administrative, judicial and police officers are entrusted with the enforcement of the provisions of the Recommendation.

Bechuanaland.

Legislation relating to forced labour has been printed in Setswana. However, the vast majority of the population is illiterate. Exaction of forced labour is within the powers of the Native authorities only, in accordance with Native law and custom; there is no question of its use imperilling the food supply of the community. Exercise of their powers by the Native authorities does not involve the illegal employment of women or children. Portage is no longer used; all transport is effected by railway, motor or animal transport. Alcoholic temptations are not placed in the way of workers engaged on forced labour.

In practice, there is virtually no forced or compulsory labour.

Kenya.

Copies of the labour laws of the colony are available to the public; moreover, in districts where there is compulsory labour, the district commissioners exercise the utmost care to explain fully the relevant laws and regulations. One of the four African members of the Legislative Council is also a member of the Labour Advisory Board, which is called on to discuss all questions relating to labour. The provisions of Convention No. 29 are embodied in the Compulsory Labour (Regulation) Ordinance of 1932, which provides that the Governor must satisfy himself, before authorising any imposition of compulsory labour, that such imposition will not lay too heavy a burden on the community concerned, that the proportion of workers recruited shall not exceed 25 per cent. of the able-bodied adult males and that account shall be taken of a number of factors, particularly the economic and social interests of the community. Only male Natives between the ages of 18 and 45 years may be called on for compulsory labour; the labour inspectorate ensures application of the law and supervises particularly the employment of women and children.

Forced labour is exacted in two remote districts where it is necessary to recruit porters. It is expected that this practice will soon be rendered unnecessary by the introduction of a permanent force of porters. All possible steps are taken to see that no alcoholic temptations are placed in

the way of workers. The provincial commissioners, the district officers and Headmen are entrusted with the responsibility of ensuring enforcement of the relevant provisions.

Nigeria.

The question of applying Parts II and III does not arise, since the exaction of forced labour is illegal. As regards Part IV, the report states that by virtue of the Labour Code Ordinance of 1945, the Governor may authorise the exaction of forced labour to provide portage in certain cases. The conditions of labour are strictly regulated. Moreover, the Governor has not so far had occasion to use the powers thus conferred on him.

North Borneo.

The desirability of printing legislative and other provisions in the Native languages is recognised; however, the implementation of this principle is not presently practicable as the people who might be called on to perform forced labour are illiterate and printing facilities were drastically reduced as a result of wartime destruction. Part II of the Recommendation is applied, the number of days devoted to forced labour not being sufficient to imperil the food supply of any community concerned. The number of persons recruited and the period of their employment are regulated by the Prohibition of Forced Labour Ordinance of 1933. There is no illegal employment of women or children. All possible steps to reduce the use of forced labour are being taken, particularly by the development of transport and communications. No alcoholic temptations are placed in the way of workers engaged on forced labour. With the exception of Part I, the Government applies the provisions of the Recommendation, the Department of Immigration and Labour being charged with the enforcement of the 1933 Ordinance on forced labour. The exaction of forced labour by persons other than authorised Government officials is prohibited by this same Ordinance.

Nyasaland.

The Forced Labour Convention has been applied without modification in Nyasaland. There is legal provision for the publication of enactments relating to forced labour, as well as for their explanation orally. Parts II and III of the Recommendation are applied by the Forced Labour Ordinance of 1933. Only men between the ages of 18 and 45 years may be required to perform compulsory labour. In recent years there has been no recourse to forced labour. In the event of recourse being had to forced labour, the District commissioners would be responsible for its control.

Sarawak.

The provision of transport from one village to another for Government officials on

tour of duty has long been an established custom. This is a minor communal service whose value is apparent to the people in the speedy settlement of minor disputes, provision of medical supplies, etc. The sanctions provided by the Native Administration Ordinance (which was repealed in January 1949) were very rarely applied. This Ordinance, moreover, authorised district officers to call for forced labour when they considered it "expedient for the good order and government of the area". The Secretary for Native Affairs could also make rules for the enforcement of this Ordinance; no such rules were ever made. The Local Authority Ordinance, which came into operation on 17 January 1949, empowers the Governor-in-Council to regulate forced labour. The regulations applying this Ordinance are in conformity with the Forced Labour Convention and came into operation on 1 March 1949. The provisions contained in the Recommendation are generally applied; only a Government officer can call upon forced labour, and only within the limits fixed by the regulations.

Sierra Leone.

The Forced Labour Ordinance permits the following types of forced labour: those resulting from criminal conviction; those exacted in cases of emergency (war, fire, flood, famine, etc.); minor communal services performed in the interests of the community as normal civic obligations in accordance with Native law and custom; traditional services performed by the Native peoples on behalf of the paramount chiefs (maintenance of farms, building and repairing of houses, transport of the chief and his goods); construction and maintenance of roads, of Government rest-houses in Native villages and buildings on Government stations; transport of Government officers and stores. In practice, these powers are very seldom used. The Public Health Ordinance permits the chiefs to recruit adult Native males between the ages of 18 and 45 for labour. The limitations upon the use of forced labour are widely known, and no useful purpose would be served by printing them, as the population concerned is mostly illiterate. The report states that Parts II and III of the Recommendation are applied in practice; as regards Part IV, it states that the right of paramount chiefs and Government officers to use forced labour for transport applies only where there are no motor roads. No alcoholic temptations are placed in the way of workers. The provincial administration is charged with enforcement of the law. There is no forced labour in industrial or commercial undertakings.

Southern Rhodesia.

There is no legislation permitting the use of forced or compulsory labour; the report indicates general agreement with the provisions of the Recommendation.

Swaziland.

There are no legal or administrative provisions in regard to the matters dealt with in the Recommendation. In practice, compulsory labour is only used for the moving of chiefs' kraals and the tilling of their lands. This is a custom of long standing; nevertheless, a certain amount of control is exercised in order to prevent abuses. Persons thus serving the chief are given Native beer. This gift is customary and could not be regarded as an alcoholic temptation.

In practice, the peoples render the services thus demanded of them only in so far as they wish to do so. The participation of women and children is not compulsory, and this type of work does not imperil the food supply of the community.

No forced labour is used for transport purposes.

Tanganyika.

Legislative texts and administrative instructions have so far been published only in English, the official language of the territory. The application of the Forced Labour Convention is ensured by legislation; however, a general Employment Bill, containing a chapter on forced or compulsory labour, is at present being drafted. It is also proposed that a collection of the legislation affecting Africans should be prepared and published in Swahili, the *lingua franca* of the territory. Only the Chief Secretary to the Government can authorise recourse to forced labour, except in cases of emergency or for portage. It would not be sanctioned if it were likely to imperil the food supply of the community. Only male Natives between the ages of 18 and 45 years are called upon. All possible steps are taken to avoid the use of forced labour for transport of persons or goods, and portage is being replaced by mechanical transport; the use of animals is impossible in a number of regions owing to the prevalence of tsetse fly. In areas where portage is still necessary, an effort is made to avoid the use of forced labour by increasing the wage rates of porters and stabilising their employment wherever possible. The territory subscribes to the Convention of St. Germain-en-Laye (1919) which forbids the supply of spirituous

liquors to the indigenous inhabitants. This Convention is applied by law.

The provincial administration, the Labour Department and the Police Department are entrusted with the enforcement of the law.

Uganda.

Forced or compulsory labour is used only in connection with the transport of persons and goods, and this use is extremely restricted. Legal provisions and administrative practice are well known, and it has not been necessary to translate them into the vernacular languages. Oral explanations are given whenever it is considered necessary. Compulsory labour is practised on such a small scale that there is no possibility of its imperilling food supplies. In any case, officers of the Agricultural Department and the administration keep a vigilant watch on the state of production. Only male Natives between the ages of 18 and 45 years who are physically fit can be required to perform compulsory work. There is no question of the illegal employment of women and children. Forced or compulsory labour for the transport of persons or goods is only used in cases of administrative necessity, and the extension of the road system has made such cases increasingly rare. No alcoholic temptations are placed in the way of persons engaged in compulsory labour. No modifications have been found necessary in the application of the Recommendation. The provincial administration and the Labour Department are responsible for carrying out the provisions.

There are no organisations of employers or workers which are sufficiently representative.

The Government of the *United Kingdom* states that copies of the reports concerning the application of this Convention in the foregoing territories have been communicated to the representative employers' and workers' organisations.

Uruguay.

No effect has been given to the Recommendation by Uruguay, since the system of labour with which the Recommendation deals is unknown.

TWENTY-SIXTH SESSION (PHILADELPHIA, 1944)

Income Security Recommendation, 1944 : R. 67

Australia.

The responsibility for social security is divided between the Commonwealth and the States. However, since 1941 the emphasis on the provision of social security services has shifted from the States to the Commonwealth, which is now responsible for security of income as regards sickness, invalidity, maternity, unemployment, old age and widowhood. In the main, State Government is responsible for the provision of compensation for employment injuries (except as regards seamen in certain cases and specific categories of officials and employees), medical and health services and facilities for the care of aged persons and persons in need. The Government's measures as regards the contingencies referred to in the Recommendation are set out in the Social Services Consolidation Act, 1947-1948 and the Tuberculosis Act, 1948. Since the adoption of the Recommendation, important modifications have been introduced as regards methods for financing the social services; in addition, the law relating to social services has been consolidated. Compensation for employment injuries is not on the same basis as the other social security benefits and will be dealt with in a separate document.

The Government does not agree that income security should be organised on the basis of compulsory social insurance and on the principle of the participation of the persons concerned. The scheme in force in Australia is organised on the basis of social assistance rather than on social insurance and, although contributions are paid by the persons concerned, the payment of benefit is related to need and not to contributions.

Social Insurance

Contingencies covered. Income security is provided by the Commonwealth in the following contingencies : sickness, maternity, invalidity, old-age, death of breadwinner, unemployment, emergency expenses. The contingency of employment injuries is provided for under Commonwealth and State legislation. Under Commonwealth law, no person may receive concurrently invalidity, old-age, widowhood and unemployment benefit.

Sickness. Sickness benefit is paid from and including the seventh day on which the beneficiary becomes incapacitated until he is fit to return to work, dies or becomes an invalid. The waiting period is necessary even though sickness recurs within a few months of any previous claim. Benefits are subject to a means test and are reduced when income exceeds a certain amount. A married woman may not receive sickness benefit if it is reasonably possible for her husband to maintain her. In the case of tuberculosis, allowances are paid with the object of encouraging sufferers to refrain from working.

Maternity. Maternity allowances are payable to any woman who is a resident of Australia. As it is not usual for married women in Australia to work during pregnancy, the allowance is not directed at offsetting the loss of earnings but at providing financial assistance towards the expenses associated with childbirth. In the case of unmarried women, those normally in employment are paid sickness benefit for six weeks before and usually six weeks after confinement. Benefits may be paid for a longer period on account of the state of the mother's health. The payment of maternity allowances is not conditional on the utilisation of any health services.

Invalidity. As a general rule, invalidity pensions are provided by the Commonwealth, subject to certain residence conditions, for persons aged 16 years or over who are permanently incapacitated (if the degree of incapacity is not less than 85 per cent.) or are permanently blind. A certain number of persons are disqualified from receiving invalidity pensions because of their nationality or conduct, or if their income exceeds a given amount. A handicapped person is not expected to engage in any occupation, but a rehabilitation service is provided and beneficiaries are placed in employment where this is possible. During vocational treatment, invalidity benefits are suspended and higher allowances are granted. If the treatment or vocational training of a pensioner does not result in his being able to engage in employment, his right to the continuance of his pension is not prejudiced. Beneficiaries whose permanent inability to engage regularly in any gainful occupation has been confirmed are allowed to supplement in-

lidity benefits by casual earnings up to an amount of 15 per cent. of the normal wage payable in the avenue of employment in which they engage. An invalidity pension is paid at a flat rate, subject to a means test, and is generally paid from the date when sickness benefit ceases up to the age at which an old-age pension may be claimed.

Old age. Old-age pensions are provided for men at 65 and women at 60 years of age. The payment of these pensions is conditional on compliance with certain residence qualifications and a means test. Certain categories of persons are disqualified from receiving old-age pensions because of their nationality or conduct. The payment of benefits is not conditional on retirement from all gainful employment, but a maximum income of 30 shillings per week only can be earned without deduction from the amount of the pension.

Death of breadwinner. Pensions are paid to widows and other dependent women, who are divided into various categories, in particular, according to age and to whether or not they have dependent children. These pensions are subject to a means test and, in the case of a widow, are reduced if her income exceeds a given amount. Certain women are specifically disqualified from receiving widows' pensions because of their nationality or conduct. Where there are several dependent children, benefits are provided for under the Commonwealth Scheme of Child Endowment. Pensions payable to widows with one dependent child are continued until the child attains the age of 16 years and 18 years if he continues his education and is still dependent on the widow.

Unemployment. Benefits are paid to persons who are unemployed and whose unemployment is not due to their being direct participants in a strike, who are capable and willing to undertake suitable work and have taken reasonable steps to obtain such work (registration with the employment officer). Benefits are subject to a means test and to compliance with certain residence requirements and are payable from and including the seventh day after the claimant becomes unemployed or lodges his claim. A fresh waiting period is required when unemployment recurs. Benefit continues so long as the beneficiary is able and willing to undertake suitable work. In all cases, suitable employment is regarded as employment which the claimant is physically and mentally able to perform. A person with no children or whose family includes sick people is not required to take employment which will involve his being away from home. A person cannot be required to work at less than the rates which are usually operative. A special allowance may be granted to a person not qualified for unemployment or sickness benefit if he is unable to earn a sufficient livelihood for himself and his dependants.

Emergency expenses. The local government authorities are responsible for providing domestic help during the hospitalisation of mothers. Where circumstances permit, families are expected to contribute to the cost of these services, but in necessitous circumstances no charge is made. The maternity allowances are intended to provide for the extraordinary expenses associated with childbirth. No special supplement is paid to recipients of invalidity or old-age benefit. Wherever possible, such persons are admitted to appropriate institutions. A payment is made towards the cost of the funeral expenses of an old-age or invalidity pensioner or of a claimant who, but for his death, would have been granted an old-age or invalidity pension.

Persons covered. Employed and self-employed persons, except those in the very low income groups, contribute to the cost of social services. Payment does not necessarily entitle individuals to draw benefits unless the required conditions have been fulfilled. Additional payments are made in respect of a wife to recipients of invalidity pensions and unemployment and sickness benefits. If the wife of an old-age pensioner is not in receipt of a pension and her husband is permanently incapacitated for work, a wife's allowance may be paid. Allowances for one child up to the age of 16 years are paid to persons in receipt of widows', invalidity, unemployment and sickness benefits.

Collection of contributions. The Commissioner of Taxation is responsible for the collection of all contributions.

Administration of benefits. As the Australian social security scheme does not operate on insurance lines, there is no need for the keeping of contribution records, etc.

Benefit rates. The Government adheres to the view that benefits should replace lost earnings, with due regard to family responsibilities, up to as high a level as is practicable without imperilling the will to work where resumption of work is a possibility, and without levying charges on the productive groups so heavy that output and employment would be checked. However, the Government does not subscribe to the view that benefits should be related to the previous earnings of insured persons on the basis of which they have contributed. All benefits are at flat rates. The maximum rates of benefits are set out in a table appended to the report.

Contribution conditions. Eligibility for benefits is not related to contributions.

Distribution of cost. The cost of benefits is met from the National Welfare Fund, which is made up of the proceeds of social service contributions and the proceeds of a payroll tax, paid by employers whose payrolls exceed £20 per week.

Administration. The main income security services of the Commonwealth are administered by the Department of Social Services, which maintains close liaison with other administrative or medical authorities. Special services are provided for the income security of special groups (ex-servicemen, women). No central or regional committees exist, but constant contact is maintained between the administration and the organisations concerned. Apart from appeals to the Director General of Social Services, there are no special tribunals for the settlement of disputes. No dispute can arise concerning liability to make contributions, since this question is established by law.

Social Assistance

The Commonwealth Government pays 10 shillings per week in respect of children except one under 16 years of age. All families are eligible for this assistance. The other allowances provided by the State Governments include the provision of houses for needy families, the care of neglected, orphaned and delinquent children, assistance to needy invalids, aged persons and widows, allowances to mothers with dependent children deprived of the support of their husbands, assistance (generally in kind) to aged and sick aborigines. Most of this assistance is in cash, but, in some of the States, it is still the practice to grant assistance in kind only. Whereas, in 1940, a large part of assistance was the responsibility of the States, by 31 December 1948 the Commonwealth Government had become the major authority in social assistance, the rates and conditions of which are established by law.

Austria.

Social Insurance

Social insurance is regulated, on the one hand, by German legislation introduced in Austria during the period of occupation and, on the other, by legislation enacted after the re-establishment of the Austrian Republic.

Contingencies covered. The contingencies covered include sickness, maternity, invalidity, old age, death of the family breadwinner, unemployment and employment injuries and occupational diseases. Supplementary benefits are paid in certain cases.

Sickness. Cash benefits are payable to replace earnings lost as a result of incapacity for work caused by sickness or employment injuries, incapacity for work being assessed according to the occupation of the insured person. Benefits are payable for a period of 26 weeks from the fourth day of incapacity. This period may be extended to 52 weeks by the rules of the insurance institution. The legislation also provides for the extension

of this period in cases where it is evident that the insured person will be able to resume his work in the near future.

Maternity. An insured woman is entitled to a rest period of six weeks before and six weeks after childbirth; this latter period may be extended to eight or even to 12 weeks. Maternity benefits are payable during the rest period. An insured woman is also entitled to a rest period and to sickness benefits, when necessitated by the state of her health.

Invalidity. An invalidity pension is payable in case of incapacity for work which lasts for more than 26 weeks. The incapacity must be such that the insured person is unable to earn one third (wage-earning employee) or one half (salaried employee) of the amount which a healthy person with the same training could earn in the same occupation.

Miners are entitled to an invalidity pension if they are unable to continue working in the mining industry.

Old age. An old-age pension is granted to men on reaching 65 years of age and to women at 60 years of age. Miners who have reached the age of 50 years and have completed 300 monthly contributions, of which at least 180 must have been as miners, are entitled to a reduced pension.

Death of breadwinner. A pension is payable to the widow of a wage-earning or salaried employee provided she does not engage in insurable or independent employment. In certain circumstances, a pension is granted to an invalid widower. Pensions, up to the age of 18 years, are payable to the orphans of wage-earning and salaried employees and miners in the event of the death of the family breadwinner.

Unemployment. Unemployment benefit is granted to persons who are unable to find suitable employment. This benefit is payable for 12 weeks but, in certain circumstances, may be extended for 20 weeks. On the expiry of this period, further benefit is paid, but for not longer than 26 weeks. A housing allowance is also payable to an unemployed person.

Emergency expenses. Extraordinary benefits granted under sickness insurance are : a nursing allowance which is payable for 26 weeks; a lump-sum payment on the birth of a child and a lump sum to defray funeral expenses on the death of an insured person or of certain dependants. A lump-sum payment is also granted to female insured persons on the occasion of their marriage. Special allowances are payable to victims of employment injuries who require constant attendance. Provision is made for a lump-sum payment to the widows of the victims of accidents other than industrial accidents. A funeral grant is

also paid to the survivors of a victim of an industrial accident.

Employment injuries. The victim of an industrial accident who is not covered by insurance is entitled to a daily allowance if his incapacity for work does not exceed 13 weeks. A pension is payable from the twenty-seventh week to persons who are covered by sickness insurance and from the first day to persons who are not so covered. In the latter case, sickness benefit is included in the pension. The report contains information relating to each of the suggestions contained in the Recommendation as regards compensation for industrial accidents.

Persons covered. In principle, every person under a contract of employment is covered against all contingencies, with the exception of persons in the employment of the State and public corporations, as well as persons employed in a temporary capacity. The dependants of wage-earning employees are entitled to sickness and maternity benefits, as well as to benefits provided under survivors' pensions and employment injuries insurance. The dependants of self-employed persons who have paid a supplementary premium for this purpose are entitled to a nursing allowance and to a lump-sum payment for the birth of children and to a funeral grant.

Collection of contributions. The employer is responsible for the collection of contributions and is authorised to deduct the sums so due from the wages of the persons employed by him.

Administration of benefits. Registers are kept of contributions paid; the employment services are required to co-operate in the establishment of these registers.

Employed persons. With the exception of persons employed in a temporary capacity, employed persons are in principle insured against all the contingencies covered by social insurance. Apprentices, even if they are not paid, are covered against employment injuries and sickness.

Self-employed persons. Apart from notaries (who are compulsorily insured against invalidity, old age and death), self-employed persons who are Austrian citizens may, up to the age of 40, become members of an insurance scheme. These conditions as to age and citizenship are not required if the worker was insured previously as a salaried or wage-earning employee or miner.

Benefit rates. Employed persons: the daily sickness benefit amounts to 50 per cent. of the insurable wage. This rate may be increased by 60 per cent. from the seventh week, by 10 per cent. for a dependent wife or husband and by 5 per cent. for any other dependent person. However, the total amount of benefits may not exceed 75 per

cent. of the insurable wage. During hospitalisation, benefits are reduced by one half; if this is the case, the rules of the insurance institution may provide for the payment of two thirds of the benefit, as well as a 5 per cent. supplement for each dependant. The aggregate amount may not exceed the usual rates of sickness benefit. The rate of maternity benefit is equal to earnings, with a specified minimum. The maternity benefit payable to the wives of insured persons may be equal to half the sickness benefit.

In case of total incapacity for work resulting from an industrial accident, benefit amounts to two thirds of the earnings of the victim before the accident. In case of partial incapacity, the rate of benefit varies with the degree of incapacity. Where incapacity for work is as much as or exceeds 50 per cent., a supplement of 10 per cent. is paid for each child under 18 years of age. A supplement is also paid to persons requiring constant attendance. The rate of widow's pension is equal to one fifth of the remuneration of the victim but may be increased to two fifths. An invalid widower is entitled to this pension. Orphans' pensions amount to one fifth of the victim's earnings. For all other dependent persons the pension is equal to one fifth of earnings. The aggregate sum of survivors' pensions may not exceed four fifths of the wages earned by the victim.

Invalidity, old-age and survivors' insurance: for wage-earning and salaried employees, the invalidity pension is fixed at a basic rate, increased by 1.2 per cent. for each contribution year, up to a certain maximum. The widow's pension is equal to five tenths and the orphan's pension to four tenths of the invalidity pension. For wage-earning miners, the legislation provides for two kinds of pension, namely, the regular pension paid in case of incapacity caused by an industrial accident and the "full" pension paid in case of total incapacity for work. The rate is the same for salaried and wage-earning employees, but the increase per contribution year is higher. The widow's pension is equal to six tenths of the miner's pension; the orphan's pension is fixed at a flat rate.

Unemployment: the basic daily benefit varies for each of the seven wage classes; the supplements for dependants are the same for each of these wage classes.

Sickness benefit for self-employed persons is paid at a flat rate for each of the three categories into which such persons are divided.

Contribution conditions. The right to sickness benefit is based on law and does not depend on contribution conditions. The right to additional benefits may be dependent on a specified contribution period which, however, may not exceed six months. A qualifying period of ten months is prescribed for maternity benefits.

A qualifying period of 780 contribution

weeks is required for the payment of an old-age pension for wage-earning employees and 180 months for salaried employees; 300 contribution months are required for the payment of a reduced miner's pension. For invalidity and survivors' pensions, a qualifying period of 260 weeks is prescribed for wage-earning employees and 60 months for salaried employees. No qualifying period is required under employment injuries insurance. Self-employed persons are entitled to benefits under voluntary sickness insurance after a contribution period of two months.

Distribution of cost. Sickness insurance is financed by contributions from insured persons and employers. The State contributes 1 per cent. towards the cost of sickness insurance for wage-earning miners. The contribution rate varies from 6.2 to 7 per cent. of earnings. Insured persons and employers contribute to the same extent; they contribute also 10 per cent. to the expenses of invalidity, old-age and survivors' insurance. Where the earnings of an insured person do not exceed a certain minimum, contributions are paid entirely by the employer. The State contributes one fourth of the amount of the pension. The pensions of wage-earning miners are financed on the same basis as those for salaried and wage-earning employees. Industrial accident insurance contributions are borne exclusively by the employer. Self-employed persons bear the entire cost of insurance and are divided into three categories according to their income. Employment insurance is financed by contributions from insured persons and employers; the contribution rate is 3 per cent. of earnings, one half of which is payable by the employer and the remaining half by the insured person.

Administration. The administration of all branches of social insurance is entrusted to autonomous institutions which are controlled by bodies composed of representatives of insured persons and employers. The Ministry of Social Welfare supervises the activities of these institutions, which are federated under the Austrian Federation of Social Insurance Institutions. All disputes between insured persons and the above institutions, with the exception of those concerning the right to benefit, are referred to the administrative authority of the region. Appeals against the decisions of the regional authority may be lodged with the Federal Ministry of Social Welfare. All disputes concerning the right to benefits are brought before a special social insurance court. The president of this court is nominated by the Ministry of Justice and the assessors by the Ministry of Social Welfare from among members of employers' and workers' organisations. The decisions of the insurance courts are final, with the exception of those regarding the correct application of the legislation, brought at the request of the Ministry of Social Welfare before the Administrative Court of Austria.

Social Assistance

The federal authorities are responsible for questions relating to social assistance, but the regional authorities are responsible for measures regarding practical application.

Maintenance of children. A network of institutions is responsible for the maintenance of children; these institutions carry out the supervision of children not living with their parents and act as the guardians of children born out of wedlock. They co-operate with the courts and the police as regards delinquent children. Public subsidies in kind or in the form of free meals are granted to such children. Special measures have been taken for the benefit of the children of war victims.

Maintenance of needy invalids, aged persons and widows. The legislation provides for assistance to persons in need. The rate of maintenance allowances varies from region to region. In case of necessity, special housing and clothing grants are made. The amount of the maintenance allowance is reduced if the person concerned is in receipt of any kind of income.

General assistance. The establishment of budgets corresponding to the cost of maintenance allowances can be made without difficulty, owing to the long experience of the authorities concerned. The beneficiary of a maintenance allowance is required to comply with the instructions issued by the medical and employment services.

Owing to the present transitional stage of Austrian social insurance, it is not possible to reply to the question regarding possible modifications of the Recommendation.

The supreme authority entrusted with supervision of the social insurance scheme is the Ministry of Social Welfare. In the provinces, supervision is carried out by the regional authorities. Employers' and workers' organisations are called upon to give their opinion on Bills relating to sickness insurance questions.

Belgium.

Social Insurance

Contingencies covered. The following contingencies are covered : (a) sickness, maternity, invalidity; (b) old age, death; (c) unemployment. Occupational risks (industrial accidents and occupational diseases) are not part of the general social security scheme. The joint payment of old-age pensions and invalidity pensions for employment injuries is authorised. The family allowance scheme ensures benefits for all dependent children, regardless of loss of earnings.

Sickness. Benefits are granted for all incapacities for work in respect of which

no remuneration is paid. The national legislation estimates incapacity for work in relation to the work which a person with the same training can produce in the same district. An initial waiting period of three working days is applied in respect of each period of incapacity for work, with the exception of periods which fall during the first 25 working days after the resumption of work, or during the first 50 days when the insured person returns to work without written authorisation from a doctor. The initial waiting period is not required in respect of a period of incapacity for work during a period of involuntary unemployment. Compensation for primary incapacity equal to 60 per cent. of the earnings lost is paid to an insured person, certified to be incapable of working, for each working day, up to a maximum of 150 days, or up to the normal statutory age for receiving an old-age pension if the insured person reaches this age before the 100th day. This scheme is still temporary.

Maternity. The national legislation is in conformity with the provisions of the Recommendation. Women may not be employed during the six weeks following confinement. In addition, they have the right, in spite of any agreement to the contrary, to a period of leave during the last six weeks of their pregnancy and must produce a medical certificate to this effect for their employer. During these periods, the contract binding them to their employer is suspended. An insured woman who interrupts her work during a period covering six weeks before and six weeks after confinement is granted confinement benefit for each working day, equal to 60 per cent. of the earnings lost. If, at the end of the period of six weeks following confinement, an insured woman is still unable to work, confinement benefit is replaced by the primary incapacity benefit mentioned above. The utilisation of health services provided for women in confinement and their children is optional.

Invalidity. The national legislation is in conformity with the provisions of the Recommendation. Invalidity benefit is paid only if the insured person is no longer able to earn one third of the amount that a person of the same position and with the same training can earn by his own personal work in the same district. After the 151st day of the invalidity period, a disabled person who undergoes a period of training or retraining is granted compensation, the total amount of which, paid jointly with the remuneration, if any, is equal, in the case of an insured person with a dependent family, to half or one third of the lost earnings, according to whether or not the insured person has a dependent family. Invalidity benefit may be added to the amount of the wage or other income from an occupation, on condition that the latter has been declared by the insured person. However, in the latter case, invalidity benefit is reduced where

appropriate. Invalidity insurance is linked up with sickness insurance. When incapacity for work is prolonged beyond the 150-day period specified for payment of the benefit for primary incapacity, the insured person is paid for each working day, starting with the first day of the invalidity period, an invalidity benefit equal to 60 per cent. of the remuneration lost. From the 151st day of the invalidity period, or the 301st day of incapacity for work, the invalidity benefit is equal to a half or a third of the earnings lost according to whether or not the insured person has family responsibilities. Invalidity benefit is not payable to persons who are already in receipt of an old-age pension or who have reached the normal statutory pensionable age.

Old age. Benefits comprise the old-age pension, an old-age pension-bonus and an addition to the old-age pension.

Information is given regarding the age at which benefits can be claimed under existing legislation and under proposed legislation.

The granting of an old-age pension does not depend on the cessation of regular work in a gainful occupation.

Death of the breadwinner. Under present legislation, the following persons are entitled to benefits: (a) the widow of an insured person; (b) a child who was dependent on an insured person at the time of the latter's death (a legitimate, illegitimate or adopted child); an unmarried woman with whom the deceased cohabited is not entitled to survivors' benefits. Widows' benefits comprise the widow's annuity, the widow's annuity bonus and an addition to the survivors' pension. The widow's pension constitutes a right which the widow can claim upon the death of her husband, without any condition as to age, dependent children, or state of health. This is also the case for the widow's annuity bonus granted to widows of deceased insured persons born before 1908. An addition to the survivors' pension is granted to the widow at the age of 55 years. A much higher addition to the survivors' pension is granted at the age of 60 years, provided that the widow ceases all gainful employment other than occasional work. Children's benefits are granted up to the age of 16 years. This limit is extended to 18 years when the child attends regularly in the mornings and afternoons a course in an establishment for vocational or general education, or when the child is bound by an apprenticeship contract which is recognised and controlled by the Government.

The tendency of proposed legislation as regards beneficiaries appears to be as follows: (a) to continue survivors' benefits to the widow; (b) in the event of the death of the family breadwinner, not to include children's benefits under the system known as "insurance against old age and premature death", as such benefits are provided for

in the legislation dealing with family allowances. Up to the present, in determining the right of a divorced woman to a pension on the death of her former husband, there has been no provision which would take into account the period during which she lived with her husband. This question will be examined. Methods of payment for widows' benefits will be considerably changed on the lines indicated in the Recommendation.

Children's benefits would come under "family allowances", in respect of which advantages similar to those contained in the Recommendation are already granted.

Unemployment. A worker is entitled to unemployment allowances from the moment when he is involuntarily unemployed (whether totally, accidentally or partially) as the result of circumstances beyond his control, and provided that he is physically able to work and willing to accept any new suitable employment which may be offered to him. No waiting period is required for the granting of unemployment allowances. However, no allowance is paid in respect of unemployment on one day a week; after two days of unemployment, compensation is paid in respect of each day of unemployment in a week. A single day of unemployment gives a right to compensation in certain cases. Home workers are only compensated when they are totally unemployed during the week for which unemployment allowances are claimed. Exclusively seasonal workers are not entitled to any unemployment allowance during periods in which normally they do not work, unless they have sought work during these periods. The right to unemployment allowances continues as long as no new suitable employment has been found for the unemployed person. An unemployed person receiving compensation is obliged to accept any suitable employment, even in an occupation other than his own or in a district other than that in which he is domiciled. However, during the first three months of unemployment a skilled worker is not bound to accept employment in an occupation other than his own. Physical and vocational aptitudes are taken into account in deciding on the employment offered to an unemployed person; if necessary, an unemployed person is authorised or obliged to follow courses of vocational training. Employment involving change of residence is suitable only if the employer secures lodging under satisfactory conditions and if the worker can obtain in the new locality adequate nourishment at reasonable prices. Employment is considered as suitable when the wages conditions are in accordance with the agreements or practices in force in the occupational branch and in the district where employment is proposed.

Employment injuries. The national system as regards this contingency is in conformity with the provisions of the Recommendation.

The legal guarantee covers accidents occurring on the usual route to and from the place of employment and the home of the person in question. Compensation for injuries caused by occupational diseases is granted to workers suffering from one of the diseases indicated in the lists drawn up by Royal or Ministerial Order. These lists are drawn up so as to allow for a simple procedure of revision. No employment period is required in order to establish the presumption of occupational origin of the diseases contracted. Rules for the compensation of industrial accidents and occupational illnesses are identical. Benefit for temporary incapacity resulting from an occupational disease is payable from the first day if the disease lasts beyond the 15-day waiting period. Temporary incapacity resulting from industrial accidents is payable unconditionally from the first day of incapacity. Belgian legislation does not require a permanently incapacitated person to resume employment in any occupation which may be reasonably indicated to him. If the incapacity is permanent, even if partial, a pension calculated according to the degree of incapacity is granted to the victim until death, regardless of whether or not he takes up gainful employment. In the case of injury not resulting in reduction of working capacity, compensation is limited to benefits for medical care. Workers engaged in occupations which expose them to risk of occupational diseases must undergo periodical exploratory examinations. A worker who is prohibited from continuing work in an undertaking or occupation in which he is employed enjoys the same advantages which would have been granted to him had he been the victim of temporary or total incapacity.

Compensation for permanent incapacity is payable, from the time when temporary incapacity compensation ceases, for the whole duration of permanent incapacity. A worker who is in receipt of compensation for permanent and partial incapacity is granted other social security benefits under the same conditions as workers in a good state of health. Survivors' benefits are granted to : (a) widows; (b) minors up to 18 years of age; (c) the father and mother of a victim who leaves neither husband, wife nor children; (d) grandchildren who are dependants of the victim; (e) grandparents, as well as brothers and sisters who were directly dependent on the victim's wages. The widow of the victim is entitled to compensation even in the event of remarriage. Children benefit from compensation only up to the age of 18 years. No provision is contained in the legislation to grant basic survivors' benefits to the survivors of a person permanently incapacitated and who dies otherwise than from the effects of an employment injury.

Persons covered. The social security scheme which was introduced by the Legislative Order of 28 December 1944 is com-

pulsory only for wage-earning employees. Self-employed persons are covered by the family allowance scheme. Since February 1949, unemployment allowances at a higher rate have been granted to married unemployed or assimilated persons. In addition, family allowances are granted in respect of (1) children under 16 years of age, (2) persons between 16 and 18 years of age who follow a full course of educational or general training or who are bound by an apprenticeship contract which is recognised and supervised by the State, (3) persons of 16 years of age and over, up to an unlimited age, who are unable to work because of their physical or mental condition. Under insurance for sickness, old age, industrial accidents and occupational diseases, wives and dependent children benefit only from the allowance for medical care. Only dependent children receive benefits for family allowances.

Collection of contributions. The national legislation is in conformity with the provisions of the Recommendation regarding the collection of contributions. Social insurance is compulsory only for wage-earning employees. However, self-employed persons must become individual members of the special funds for family allowances and are free to contribute individually to a certain number of insurance schemes.

Administration of benefits. The National Social Security Office is in charge of all measures which ensure the efficient administration of benefits. No similar systematic organisation exists for employment or medical services.

Employed persons. Wage-earning employees are insured against the whole range of contingencies covered by social insurance. A frequent change of employer does not affect rights under social security. Persons who ordinarily work irregularly and whose earnings only constitute a subsidiary source of income are not entitled to unemployment allowances, although they are covered, in most cases, by social security. Persons who ordinarily work for a very short time for the same employer (usually seasonal workers) are nevertheless admitted to the benefit of unemployment allowances when they are deprived involuntarily of work during the period in which they are normally employed.

Self-employed persons. Self-employed persons are free to contribute to insurance against sickness, invalidity, old age or premature death. Cash benefits for invalidity and sickness insurance paid out under this scheme are considerably lower than those guaranteed under compulsory insurance. Generally speaking, benefits in kind are identical to those paid out to compulsorily insured persons. A system of voluntary insurance against the contingencies of old age and death is based on the accumulation of funds in individual accounts.

A system of compulsory insurance against the contingencies of old age and death for self-employed persons, based mainly on standards laid down in the Recommendation, is under consideration.

Benefit rates and contribution conditions. The principle of replacing lost earnings by benefits, with due regard to family responsibilities, up to as high a level as is practicable without impairing the will to resume work, finds expression in the Belgian system. Contributions to social security are calculated not according to previous earnings but to monthly remuneration, the upper limit of which is at present fixed at 4,000 francs; benefits are fixed at a percentage of the actual remuneration up to a certain limit. Benefits at flat rates are, in general, commensurate with the earnings of an unskilled worker. The rate of unemployment allowances is 50 per cent. of an average fixed remuneration, established by the legislation according to the worker's category. Since February 1949, unemployment allowances at a higher rate have been granted to married unemployed or assimilated persons. Family allowances are granted to workers during a period of unemployment. The total unemployment benefits may not exceed a maximum amount. Daily sickness insurance benefits are equal to 60 per cent. of lost earnings, the total of which, however, is limited to 150 francs a day. Family allowances are the same as those paid to able-bodied workers. Confinement benefits are the same as sickness insurance benefits. Invalidity benefits are equal to half of the lost earnings and to two thirds thereof in the case of an insured person with family responsibilities. The old-age benefit is equal to 40 per cent. of an unskilled worker's remuneration in the case of single workers or assimilated persons, and 60 per cent. in the case of workers with dependent wives. Widow's benefit is paid at the age of 60 years at the rate of 30 per cent. of the above-mentioned remuneration. Orphans' allowances are granted for dependent children under the legislation relating to old-age and widows' benefits. In addition, benefits are granted to orphans in accordance with the legislation relating to family allowances, but the joint payment of these two benefits is not authorised. When retirement is postponed beyond the minimum age at which the pension benefit can be claimed, the old-age allowance is not increased. No provision is made to change the amount of the retirement benefit granted after the normal age by a coefficient or special bonus. However, where contributions have been deducted in respect of earnings after the normal age for retirement, these earnings will be taken into account in order to determine the total amount of retirement benefit. Where a worker receives a fixed remuneration, the legislation allows compensation equal to half the daily earnings during the first 28 days of incapacity for work, and to two thirds of these earnings for the sub-

sequent period until his condition has become stabilised. In the case of permanent incapacity, a pension commensurate with the degree of incapacity is granted to the victim until death. The adaptation of pensions for permanent incapacity to the considerable changes in wage levels is not carried out systematically in Belgium. Old-age and widows' pensions have in fact been adapted to these changes. The principle of readapting the total amount of old-age and widows' benefits to general fluctuations in the wages totals has been examined and is still being considered for insertion in future legislation.

Contribution conditions. The national legislation is in conformity with the provisions of the Recommendation with regard to contribution conditions. In order to become eligible for unemployment allowances a woman must have worked for 75 days. No similar condition is required in respect of men; however, the law authorises insurance institutions to decide in each individual case whether or not the person claiming allowances possesses the status of a regular worker. Furthermore, no condition as to the regular payment of contributions is required for retaining the previously acquired status of a regular worker, except in the case of married women who are not the head of a family. Unemployment benefits are granted only when social contributions have actually been deducted from wages paid. Sickness insurance benefits are only paid if the worker has become a member of an insurance carrier during the month preceding the illness. Maternity benefits are payable only if the employed woman has made payments during a period of 10 months before confinement; medical care, however, is granted, from the fifth month after stopping work, to women workers who are pregnant and who have stopped work in order to rest. As old-age and widows' pensions are established in relation to the total payments made according to the system of accumulation of funds in individual accounts, no qualifying period is stipulated before these benefits are granted. A qualifying period is stipulated only with regard to increases to a pension (bonus on old-age and widows' pensions, additions to old-age and survivors' pensions). It would not appear that the condition of a qualifying period before receiving retirement and widows' pensions should be retained, as these latter pensions should be established on the basis of remuneration corresponding to the occupation. The provision regarding a qualifying period, however, should be retained in respect of any advantages granted during the period of transition. The national legislation is in conformity with the provisions regarding suspension of the right to benefit where an insured person wilfully fails to pay contributions and the maintenance of the insurance status of an insured person during the currency of invalidity or old-age benefit.

Distribution of cost. The cost of benefits, including administration of the various social

security schemes, is met out of contributions from employers (from 14.5 to 16.45 per cent. of remuneration with a fixed limit) and from workers (from 8 to 8.25 per cent. of remuneration with a fixed limit). The State participates by granting a bonus to insured persons of limited means, by granting subsidies to sickness insurance and, as regards unemployment, by being responsible for any expenses which are not covered by employers' and workers' contributions. As all contributions are collected at the same time by a central body on the basis of remuneration, and as benefits are dispersed by separate institutions on bases which are not uniform in all cases, it is not possible to establish a system which would ensure a sufficiently accurate distinction between workers according to their means and responsibilities and the benefits which they enjoy. In view of the fact that contributions are fixed as a percentage of earnings and that certain advantages are granted irrespective of means, it can be concluded that the Belgian social security system tends, on the whole, to favour insured persons of small means. At present, only the family allowance scheme is compulsory for self-employed persons. In the case of salaried employees, contributions for family allowances are borne exclusively by the employer. Family allowances are granted irrespective of means to self-employed persons as well as to salaried employees, although the basis is not the same for each of these categories. Contributions from self-employed persons are fixed on the basis of estimated earnings. The maximum of earnings on which contributions are collected in all social security schemes has been fixed at 4,000 francs. Employers pay about two thirds of the total contributions in respect of all their workers without discrimination.

The entire cost of compensation for employment injuries is borne by the employer. As insurance against compensation for employment injuries is not compulsory, insurance companies are free to fix the amounts of contributions. However, these insurance schemes are controlled by special State departments. While the setting up of reserve funds is provided for in each branch of the social security system, no provision has been made as regards the constitution of a stabilisation fund by the central body (National Social Security Office), the latter being responsible for dividing receipts from contributions equally among the various branches of the social security system. The cost of benefits which cannot be properly met by contributions is only charged to the community in the case of old age and unemployment. In the case of old-age insurance, the cost of admitting persons of an advanced age to insurance is borne partly by the State and partly by the community of insured persons. In future legislation, the State would bear the expenses incurred by admitting into insurance salaried employees of an advanced age as well as self-employed persons of small means.

Administration. The national legislation is generally in conformity with the provisions of the Recommendation regarding the administration of social insurance. In view of the fact that compensation for employment injuries comes under private insurance in Belgium, employers and workers are not closely associated with the administration of compensation. In most cases appeals are brought before administrative tribunals consisting of social security experts. If the dispute is not settled by these tribunals, it is brought before the probiviral court and the ordinary courts and, if necessary, before the Supreme Court of Appeal.

Social Assistance

Assistance is furnished by charitable organisations known as "Committees of Public Assistance". These committees furnish assistance to persons in want, irrespective of nationality or place of residence. They are in operation in every Belgian town and are responsible not only for helping persons in want but for ensuring hospital services. The amount of assistance is adapted to the necessities of each case.

Maintenance of children. The Department of Public Health and Family has introduced a special allowance for mothers in want. In addition, the State contributes to the working expenses of camps for undernourished and needy children. Furthermore, Parliament includes each year in the budget sums of money for the National Child Welfare Fund, the purpose of which is to safeguard the health of Belgian children by encouraging the provision of consultations for nursing mothers and for children between the ages of 3 and 6 years and by introducing subsidised open-air establishments for the protection of school children and adolescents in a poor state of health. Family allowances are paid, according to a fixed scale, to large families irrespective of the income of the parents. The amounts paid vary according to the number of dependent children. However, they do not represent a substantial contribution calculated to allow for the higher cost of maintaining older children. Belgium has introduced a housing policy which enables large families to borrow money for building houses at a rate of interest which decreases according to the number of dependent children. The Public Welfare Committees are responsible for assisting dependent children whose parents are unable to provide for their maintenance.

Maintenance of needy invalids, aged persons and widows. The legislation on public assistance has made charitable organisations responsible for taking up the cases of all persons who, for one reason or another, are unable to meet their vital needs. Crippled and disabled persons receive allowances fixed according to a prescribed scale. The public authorities are responsible for the cost of maintaining and educating, cripples

afflicted with a serious or incurable complaint and who are placed in a special institution for retraining. Apart from cripples and disabled persons, the assistance granted is not intended to cover completely the subsistence of the beneficiary over a long period and according to a fixed rate. The local public assistance committees have complete right to decide on the expediency and amount of assistance to be granted in each case. It does not seem possible to fix scales for assistance. During the war, experience showed that this system would result in abuse.

General assistance. Assistance is granted in a large measure to persons in want. A tendency which is becoming more and more apparent is to assist persons in want in such a way as to prevent the occurrence of destitution, or at least to prevent its spreading. While assistance was formerly aimed at alleviating distress, it is now of a preventive and social nature. Moreover, public assistance administrations should set up mutual benefit societies for persons assisted and place them in employment. Under social security legislation, the number of needy persons requiring assistance has decreased considerably. This means that the administration can intervene in the case of persons who do not enjoy any social security advantages.

Brazil.

With the exception of persons employed in the liberal professions, self-employed persons and domestic servants, for whom insurance is optional, all persons employed in the urban districts are covered by compulsory social insurance, through five institutions and 30 funds.

According to statistical data relating to 1947, the total number of insured persons, including dependants, amounted to 8,587,800, as compared with 22,991 insured persons in 1924. Owing to the size of the country, it has not yet been possible to extend insurance to agricultural workers. The moneys of insurance institutions and funds are made up from equal contributions from the State, employers and workers, varying from 3 to 8 per cent. of earnings. At present, for the majority of institutions, contributions are paid on the basis of 5 per cent. of earnings. An additional contribution of one half or 1 per cent. is also payable by the State, employers and workers in order to provide for medical care.

There is as yet no unemployment insurance system as there is no problem of unemployment in the country.

The following benefits are granted : retirement pensions ("ordinary" pension for old age or length of service and "invalidity" pension), survivors' pensions, sickness allowances and federal allowances. Special retirement pensions and maternity allowances are also provided.

Medical, pharmaceutical and dental assistance, as well as food allowances, are granted

by each institution in accordance with its regulations. Additional assistance is provided for insured persons who are in need of any advice or assistance. The rate of the pension varies with each institution and represents a percentage of the earnings of the insured person during his last period of employment. This period varies between 12 months and three years and the percentage varies between 60 and 80 per cent., according to the institution. Special rules are applicable in cases where insured persons have only paid a limited number of contributions.

Survivors' pensions vary, according to the number of dependants, between 50 and 100 per cent. of the retirement pension to which the deceased insured person would have been entitled. Sickness benefits are granted in general on the basis of 60 per cent. of earnings for the last six months of employment.

The administration of insurance institutions is based on a system of capitalisation, any reserves being utilised for the purchase of Government shares, etc. Loans are also granted for the acquisition of housing accommodation. The co-ordination, general supervision and control of insurance institutions is entrusted to the Ministry of Labour, Industry and Commerce, assisted by the National Department of Social Welfare, the Superior Social Welfare Council, the actuarial service and the legal adviser for questions relating to social welfare. According to the 1947 budget for insurance institutions, 64 per cent. of the resources were expended in benefits, 10 per cent. in medical assistance and 26 per cent. in administrative costs.

There is also a considerable number of other welfare institutions which, in general, have been set up by the Governments of various States or districts.

In addition to the above-mentioned institutions, there is also a "People's Homes Foundation" responsible for the construction of dwellings at reasonable rents, and a social welfare statistical service responsible for providing family allowances. Up to the present, family allowances have been granted to 105,052 family groups, comprising 898,884 young persons. Of these allowances, 61 per cent. have been distributed among rural districts where there is a majority of indigent persons who are not covered by social insurance.

A basic social welfare Bill has recently been submitted to the National Congress for approval. This Bill is designed, in particular, to reorganise and completely unify the insurance system, to extend benefits to agricultural workers and to extend the scope of medical assistance.

Canada.

The report contains a detailed introductory statement concerning jurisdictional responsibility for social security in Canada. This statement indicates that, both traditionally

and historically, social welfare has developed as a local rather than as a national responsibility. Until 1927, the federal authority had practically no responsibilities in the social welfare field except for special groups of the population, *e.g.*, veterans of the first world war. Since 1927, under the pressure of public opinion, the federal Government has progressively enlarged its area of responsibility for the financing and administration of social welfare services, first of all, through the device of conditional grants-in-aid to the provinces, and latterly, through the acceptance of direct administrative as well as financial responsibilities. In the latter case, constitutional amendments have at times proved necessary.

The present position is that the federal Government, in some instances by specific legislative enactment, operates certain services directly, *e.g.*, unemployment insurance, family allowances, veterans' legislation. In other areas, through the device of conditional grants-in-aid, it offers federal assistance financially in the carrying out of provincial programmes. It provides financial assistance, supervision and leadership in establishing standards, the actual administration being left in the hands of the provinces. In a third area of services, the administrative and financial responsibility is left entirely with the provinces and their local subdivisions (*e.g.*, mothers' allowances, child protection, relief to indigents).

The report contains the following information with regard to the provisions of the Recommendation :

Social Insurance

Sickness. A sickness cash benefit programme for temporary disability co-ordinated with the existing federal unemployment insurance scheme has not been developed in Canada. There is some question as to whether such a scheme would be within the jurisdiction of the federal Government. The federal veterans' pensions programme provides income maintenance for disability arising from war service. Within the provinces, temporary disability cash benefit programmes are available for a certain limited number of people under provincial workmen's compensation and mothers' allowances programmes.

Maternity. Saskatchewan and Alberta provide maternity benefits for expectant mothers who are unable, for financial reasons, to obtain the necessary medical, hospital or nursing aid or clothing for themselves or their expected children. Alberta provides free hospitalisation and maternity care for twelve days; Ontario legislation of 1946 initiated one free pre-natal examination per person; and British Columbia provides that all employers must grant leave of absence from employment for six weeks before and six weeks after the birth of a child. Under the British Columbia and Saskatchewan hospital insurance programmes, prepaid hospitalisation is available,

including public-ward care, case-room facilities and necessary drugs. No provision is made under any legislation for the payment of benefits for loss of earnings.

Invalidity. With the exception of benefits paid under workmen's compensation for industrial accident or disease, and non-contributory schemes, there is no provision regarding income maintenance for persons who are unable to work owing to illness. However, considerable progress has been made in the form of rehabilitation and treatment services.

Old age. There are only assistance programmes. The Government Annuities Act, passed in 1908, authorised the sale of annuities by the Government of Canada. A Government annuity provides the annuitant with a maximum yearly income of \$1,200. On 31 March 1948, 210,935 Government annuity contracts were in effect. Most federal, provincial and municipal governments have developed contributory retirement schemes for their employees. In addition, some 630,000 employees and wage earners are covered by private industrial retirement plans.

Death of breadwinner. There is no general plan of survivors' insurance in Canada. Certain non-contributory programmes of limited scope are, however, in effect. An insurance programme is operated by the federal Government under which life insurance is instituted for the dependants of war veterans who have availed themselves of this insurance coverage through the payment of insurance premiums.

Unemployment. Following an amendment of the British North America Act, by which unemployment insurance was placed within federal jurisdiction, the Unemployment Insurance Act of 1940 was passed by the Dominion Government. Under this Act, all persons of 16 years of age and over, employed under a contract of service and earning \$3,120 or less annually, are covered, with certain major exceptions, such as those employed in agriculture, teachers, members of the Armed Forces, permanent employees of federal, provincial or municipal governments, employees of charitable organisations not carried on for purpose of gain, private duty nurses and nurses in training. On 1 April 1948, the insured working force numbered 2,330,860; the total number of persons engaged in insurable employment at any time during the period 1 April 1948 to 31 March 1949 amounted to 3,699,803.

Contributions to the unemployment insurance fund are paid by the insured person, his employer, and the federal Government. The federal Government contributes one fifth of the aggregate employer-employee payments. In addition, the Government pays the cost of administration. Benefits are paid according to a graded scale and are related to contributions. The total

amount of benefits paid up to December 1948 was \$142,377,694.

There is a nine-day initial waiting period. In addition, a person is not entitled to benefit for the first day of unemployment in a claim week unless unemployed for the whole of that week or unless the first day of unemployment in that week follows a period of continuous unemployment of not less than one full week. For partial unemployment, benefit is paid for each day of unemployment in a week after the first day; no day in which earnings exceed \$1.50 is considered as a day of unemployment.

The number of benefit days in a benefit year is one fifth of the number of contribution days during the preceding five years, less one third the number of benefit days in the preceding three years. The maximum duration of benefit is one year. In order to be eligible for unemployment insurance benefits, a person must have paid contributions for 30 weeks or 180 days within the preceding two years, be unemployed, be capable of and available for work and be willing to accept a training course if required. The claim is disqualified if he is unemployed because of work stoppage caused by a labour dispute unless he is able to prove non-participation in the dispute. In addition, the claim is disqualified for a period of up to six weeks if the insured person refuses to accept suitable employment, if he has been dismissed for misconduct or if he refuses to attend a training course.

The Act is administered by the Unemployment Insurance Commission, an independent national agency. Claims for benefit are lodged at local unemployment insurance offices and any disputes may be referred to the Court of Referees, consisting of equal representation of employers and employees with a non-partisan chairman appointed by the Government. In certain instances, disputes may be referred to the umpire for a final decision. An employment service is operated in conjunction with the unemployment insurance scheme. Since 1942, the Federal Department of Labour carries on various training projects.

Emergency expenses. With the exception of funeral benefits paid under provincial Workmen's Compensation Acts, Canada has no insurance scheme to cover extraordinary expenses.

Employment injuries. In all provinces there are Workmen's Compensation Acts, under which compensation is paid for traumatic injury or disease resulting from employment. If injury results in death or serious disablement, compensation may be paid even if it is attributable to serious and wilful misconduct. Workmen's compensation is financed almost exclusively through employer contributions. Some provinces pay part of administration costs. In certain cases, the federal Government reimburses the provinces.

Employed persons in industry and commerce, including apprentices are covered under the terms of the above-mentioned Acts. Provincial Boards may exclude industries and small undertakings, except in British Columbia. Important exclusions include agricultural workers, domestic servants, home and casual workers.

Benefits for total permanent disability consists of 100 per cent. of earnings in New Brunswick, subject to an annual maximum benefit; 75 per cent. in Ontario and Saskatchewan and 66 $\frac{2}{3}$ per cent. in other provinces, with maximum annual earnings for benefit purposes and minimum weekly payment varying from province to province.

Benefit for partial disability is 66 $\frac{2}{3}$ per cent. of wage loss in all provinces except Saskatchewan and Ontario where benefit is 75 per cent. of wage loss. In case of death, funeral grants of from \$100 to \$175 are payable. The pension for a widow or invalid husband varies from \$40 to \$50 monthly according to the province. Pensions for half orphans (in most cases to age 16, or 18 if attending school) vary from \$10 to \$15 monthly; pensions to "full" orphans vary from \$20 to \$25 monthly. In certain cases, parents are also granted pensions if there is no dependent widow or child. Workmen's Compensation Acts are administered by provincial boards. Medical aid and appliances and replacement and repair of appliances are supplied in all provinces.

The report contains the following information regarding the application of several specific points contained in the legislation.

Existing legislation does not include provision for accidents occurring on the way to or from the place of employment. In general, any disease which occurs only to persons employed in certain occupations is presumed to be an occupational disease, except in Ontario, where a disease must be listed in a schedule or regulation under the Act in order to be compensated. Temporary incapacity compensation is payable at a fixed ratio depending upon the degree of incapacity. There exists no provision to the effect that a workman permanently incapacitated must take specific employment in any occupation which may reasonably be indicated; however, he is expected to do so. If no such employment can be offered, he might receive compensation or be eligible for unemployment insurance. Provincial Acts make provision for compensation for partial incapacity proportionate to loss in earning capacity.

Consideration is given to the possibility of paying suitable compensation in every case of loss of a member or function, or disfigurement, even where no reduction of capacity can be proved, in Alberta, British Columbia and Manitoba, but not in other provinces. Provincial health legislation provides for the periodic medical examination of workers in certain hazardous industries. A child receives compensation up to the age of 16 years or, if attending

school, 18 years. The survivors of the person permanently incapacitated in the degree of two thirds or more who dies otherwise than from the effects of employment injury are not entitled to basic survivors' benefits.

Self-employed persons. Canada has no federal or provincial social insurance legislation for self-employed persons.

Social Assistance

Maintenance of children. The Family Allowances Act of 1944 stipulates that the allowance must be used for the "maintenance, care, education, training, and advancement of the child". The allowances, which are tax-free, involve no means test and are paid both during times of earning and not earning, are paid exclusively by the federal Government to families in respect of virtually all children under 16 years of age. The report gives detailed information on the application of the above Act. Acceptance of family allowances is not compulsory, but it is assumed that every person with children eligible for family allowances is in receipt of the allowance. For each such dependent child, an exemption of \$100 from the taxable income may be claimed. For dependent children not eligible for family allowances because they lack the necessary residence in Canada or are 16 years of age or over, an exemption from taxable income of \$300 is allowed.

When normal parental care breaks down or is destroyed, responsibility for the care and maintenance of children rests with the provincial Governments. The provincial Children's Protection Acts establish a central authority or child welfare superintendent entrusted with the duty of stimulating and supervising the child protection programme for the whole province. The Children's Aid Society, to whom children's aid is entrusted in the majority of provinces, is essentially a local voluntary agency under its own citizen board, subject to inspection and supervision by the provincial Government and financed by voluntary contributions and by municipal and provincial *per diem* grants. In Quebec, the Public Charities Act provides for subsidies on a *per diem* basis to a variety of private institutions caring for children. The report lists the provincial services which are responsible for child protection in Prince Edward Island, Nova Scotia, New Brunswick, Quebec, Ontario, Manitoba, Saskatchewan, Alberta, British Columbia and Newfoundland. A substantial number of school authorities supply milk and school lunches approximately at cost.

Maintenance of needy invalids, aged persons and widows. Old-age pensions, to be paid jointly by the federal and provincial Governments, were authorised by the Old-Age Pensions Act, 1927, which has become effective in the different provinces on various

dates since 1927. In 1937, the Act was amended to include pensions for blind persons.

Up to December 1948, old-age pensions are paid to persons aged 70 years and over whose annual income, including pension, is not more than \$600 for a single person, \$1,080 for a married person, or \$1,200 if married to a blind person. Blind pensions are paid to persons aged 21 years and over, whose maximum annual income including pension does not exceed a certain amount. Old-age pensions and pensions for the blind are not paid concurrently, or together with an allowance under the War Veterans' Allowance Act, 1946, or to an Indian as defined by the Indian Act, and pensions for the blind are not paid with a pension for blindness under the Pensions Act. As from 31 December 1948, 248,289 persons, representing 42.65 per cent. of the total population aged 70 years and over were in receipt of old-age pensions, and blind pensions were paid to 9,425 persons. The exact pension payable in each case depends on the amount of outside income and resources of the pensioner.

Implementation of the Old-Age Pensions Act in any given province is contingent upon the province passing enabling legislation and signing an agreement with the Government of Canada.

Complete medical, surgical, dental, pharmaceutical and hospitalisation services are provided for old-age and blind pensioners in British Columbia, Alberta and Saskatchewan. In Manitoba and Ontario, minimal medical services are available; and, in Quebec, community health services where they are organised. In these three provinces and in the Maritime provinces, hospital care as for indigents is provided.

The War Veterans' Allowance Act, administered by the Department of Veterans' Affairs provides for three classes of veterans. On 31 March 1948, there were 23,397 veterans and 494 dependants receiving benefits under the War Veterans' Allowances programme.

An important invalidity benefit programme in Canada is the pension system administered by the federal Department of Veterans' Affairs for veterans disabled as a result of war service. As at 31 March 1948, there were 155,699 disability pensions in force, covering veterans of the first and second world wars for which the annual liability was \$51 million. Pensions are paid to dependants of armed service personnel killed in action or veterans who have died as a result of war injury. As at 31 March 1948, there were 34,164 pensions for both wars in force under this pension programme with an annual liability of \$22 million. Pensions are provided for widows, and allowances are granted to half orphans and full orphans. Dependent brothers and sisters are eligible for pensions but may be paid at reduced rates.

All of the ten Canadian provinces have legislation providing allowances to enable certain needy mothers to remain at home

to care for their dependent children. Newfoundland does not have any comparable legislation but some assistance is provided for. Except in Alberta, the total cost is paid from provincial treasury funds. There are two conditions of eligibility required by all provinces: means test and residence. Variations in the means tests in eight provinces are indicated in an appendix. Residence in the province at the time of application is required by each province and the necessary period of previous residence varies from one province to another. Except in Ontario, the mother must be a fit and proper person to have the care and custody of her children. Nationality is an important eligibility condition in all provinces except Alberta, Saskatchewan and Ontario.

Since the introduction of the legislation, there has been a general extension of coverage. An applicant must be a widow or her husband must be mentally incapacitated or, except in Alberta, totally and permanently disabled. Total and permanent physical disability is defined in various ways, in the different provinces. All provinces except Alberta consider a mother eligible for an allowance if her husband is receiving treatment for tuberculosis.

Deserted wives who meet specified conditions are eligible except in Nova Scotia, but the period which must elapse after desertion varies from one to five years. Mothers who have been divorced or legally separated from their husbands are eligible in British Columbia, Manitoba and Ontario and a divorced mother may be paid an allowance in Saskatchewan. Subject to certain conditions, foster mothers caring for children whose parents are dead or disabled are eligible for allowances. All provinces grant allowances in respect of legally adopted children but in some cases the child must have been adopted by the husband and wife jointly. In Manitoba, Saskatchewan, Alberta and British Columbia, allowances are paid for children born out of wedlock if certain conditions are fulfilled.

Allowances may be paid in respect of children under the age of 16 years, except in Manitoba where they are paid in respect of children under 15 years of age. In special circumstances, the age limit is extended. Five provinces also make provision for the payment of allowances to needy mothers who are not strictly eligible under the terms of the Act. In other provinces, cases of this kind are generally cared for under social assistance or relief programmes.

In all provinces, the Act is administered by public welfare authorities and most provinces have a board or commission to make decisions regarding eligibility and amounts of allowance to be paid under the Act. In all provinces, the amount of allowance granted is fixed by the administrative authority on the basis of the actual need of the applicant. Supplementary allowances are also provided for in certain cases.

Complete medical, surgical, dental, pharmaceutical and hospitalisation services are provided for recipients of mothers' allowances and their dependants in British Columbia, Alberta and Saskatchewan. In Manitoba and Ontario, minimal medical services are available, and, in Quebec, community health services where they are organised. In these three provinces and in the Maritime provinces, hospital care as for indigents is provided.

General assistance. Responsibility for social welfare, including general relief to persons in want, has rested on the provinces which, in turn, have delegated a large share of this responsibility to the municipalities. Services include institutional care for the aged and infirm and other persons in want and any direct relief which might be given to employable or unemployable persons or their families. Considerable variation exists between provinces and, in some cases, between the municipalities in a province, as regards the coverage and the amount of direct assistance available, whether in cash or in kind. Aid to employable unemployed is still not generally provided, but a more flexible interpretation of "unemployable" is apparent. As a general rule, in most parts of Canada, basic relief to unemployed or unemployables is given only when the applicant has almost completely exhausted his own resources for maintaining himself. Questions of domicile, nationality, race, age and moral character do not specifically affect the determination of eligibility for general relief. In certain cases, arrangements can be made to have assistance given in food supplies or other relief, kind rather than in cash. Generally speaking, relief is given on a cash basis in about 95 per cent. of all cases across the country. A serious lack of uniformity in residence requirements is also a hindrance in meeting public needs for assistance.

The report contains information regarding the organisation of public assistance, the authorities responsible for the administration and the costs of this assistance in the various provinces.

Ceylon.

There is a pension scheme for public servants, to which officers do not contribute, and a widows' and orphans' pension scheme applicable to public servants, to which a public officer has to contribute 4 per cent. of his salary. There is also a Public Service Provident Fund. A special teachers' pension scheme exists for teachers in assisted schools; these teachers contribute 4 per cent. of their salaries. Permanent employees of the University of Ceylon contribute 5 per cent. of their salaries to the University Provident Fund; the University adds 10 per cent.

Income security to employees of certain mercantile and banking establishments is provided in some cases by means of a pension scheme and in others by means of a provident

fund. Maternity benefits are granted to workers in shops, mines, factories and estates. Public servants and workers in the employ of local bodies are entitled, under certain conditions, to full-pay maternity leave. The grant of compensation for employment injuries is governed by the Workmen's Compensation Ordinance.

Social assistance is granted as follows: (a) public assistance in the form of monthly allowances to relieve destitution resulting from old age, disablement, widowhood, temporary sickness, etc., and statutory poor law in municipal areas; (b) casual relief, in cases of emergency; (c) rehabilitation and resettlement of disabled persons; (d) resettlement grants for substantially disabled ex-servicemen; (e) assistance to urban unemployed in distress; (f) relief of widespread distress due to failure of crops, floods and other exceptional causes.

The provisions of the Recommendation relating to social insurance are still under consideration.

Cuba.

The Constitution provides in § 60 "that the State shall utilise the resources at its disposal to provide employment for all who need it and to ensure to all workers the conditions necessary for a life compatible with human dignity". In § 65 the Constitution provides for the setting up of a social insurance system in order to protect workers against all risks including, in particular, the right to a retirement pension and to a survivors' pension. In point of fact, Congress has set up various pensions funds in favour of important categories of workers.

As the legislation regarding pensions was not adopted in conformity with the provisions of the Recommendation, the employers' and workers' organisations do not participate in the application of the provisions of the latter.

Denmark.

Social Insurance

Contingencies covered. Social insurance does not cover all the contingencies in which an insured person is unable to earn his living since, as regards sickness and maternity, cash benefits are paid to a limited extent only. In the case of the death of the breadwinner, the survivors receive compensation only if death was the result of an industrial accident or an occupational disease. However, social insurance is supplemented to some extent by children's allowances. These allowances are comparable with insurance benefits and are granted, not according to a means test, but according to certain fixed rules.

Social insurance in Denmark cannot be called compulsory in the general sense. Employers are required to insure their employees and workers against industrial accidents. Moreover, every person is required

to become a member of the general sickness insurance scheme; this condition may be fulfilled by becoming a "passive member" paying a fairly small contribution. In view of the extent of voluntary insurance in the country, it has not been considered necessary to introduce a compulsory insurance scheme.

Supplements in respect of children are paid to old-age and invalidity pensioners and to insured unemployed persons, but not otherwise.

Sickness. The rules governing sickness benefit are to be found in the National Insurance Act of 1933, as subsequently amended. A large number of friendly societies, which have been in existence for many years, provide sickness insurance for their members. Since 1891, these societies have received subsidies from State funds and, by 1933 when the Social Reform Bill was introduced, nearly two thirds of the adult population were members. Since 1933, membership of a sickness fund has been compulsory, but the individual is left free to decide whether he will become an "active" or a "passive" member; the latter pays a low contribution and has very few rights. Approximately 75 per cent. of the adult population are "active" members. There are about 1,600 funds organised on a geographical basis and fixing their own contribution rates. They must provide certain benefits and may provide higher benefits in return for additional contributions. The State contributes towards the funds, but seven tenths of their resources are derived from members' contributions; employers do not contribute. A member's children under 15 years of age are covered by insurance in respect of their mother or father. There is an upper income limit for active membership, corresponding to the annual earnings of skilled workers and adjusted annually in accordance with these rates and with the cost of living. The following benefits are compulsory: (a) free medical attendance by a doctor, with free choice of doctor; (b) free hospital treatment (including mental hospitals and sanatoria for tuberculosis; practically all hospitals are owned by the State or the local authorities, and the rates charged to the funds are very much lower than the actual cost of treatment); (c) daily allowance, minimum 0.40 kr., maximum 6.00 kr. up to 26 weeks. A member may not be paid a sum which exceeds four fifths of his earnings and is not entitled to benefits if he continues to receive his full income during illness. Old-age and invalidity pensioners receive sickness benefits at a reduced rate and for a shorter period; (d) three fourths of the cost of certain medicaments; (e) contributions to the cost of funeral expenses in the form of a lump-sum payment.

Voluntary benefits comprise: benefits which the sickness funds are not compelled by law to provide but which they are free to include in their rules, subject to the

approval of the Directorate of Sickness Funds, such as specialist treatment and dental treatment (provided by most funds); medicaments (up to 75 per cent. of the cost); maintenance in convalescent homes; home nursing; massage and medicinal baths and surgical appliances.

The necessity of absence from work must, as a rule, be established by a medical certificate. No daily cash benefit is paid in respect of an illness lasting for three days only. The maximum period for payment of daily cash benefit is 26 weeks within 12 consecutive months. The maximum period as regards payment of sickness benefit is 60 weeks within three consecutive years.

Maternity. In the case of childbirth, the sickness fund grants attendance by a midwife and medical assistance to all insured women, as well as two weeks' daily pecuniary benefit equal to the amount for which the person concerned has contributed in case of illness. Women working in factories may not work during four weeks after childbirth and are entitled to a daily cash benefit during eight weeks before and up to six weeks after confinement.

Invalidity. The rules governing benefit in the event of invalidity are contained in the National Insurance Act.

Under the Social Reform Act of 1933, every person who is an "active" or "passive" member of a sickness fund, on payment of the appropriate contributions, is insured against invalidity until he reaches the qualifying age for an old-age pension. Persons suffering from a serious disease or physical infirmity when they apply for membership of a sickness fund are not accepted for invalidity insurance; under the Public Assistance Act, they are entitled to the same benefits which they would have received under the invalidity insurance scheme. All claims are decided by the Invalidity Insurance Court, which also decides whether preventive or curative treatment is needed. The general qualifying condition for an invalidity pension is that the applicant is "no longer in a position to earn, by an employment suitable to his strength and ability, and such as he can reasonably be expected to undertake in view of his training and former occupation, one third of the customary earnings of physically and mentally sound persons". The general conditions relating to good conduct are more or less the same as those relating to old-age pensions, and the basic pension is calculated in the same way. Provision is made for supplementary invalidity benefits. These supplements continue when the invalidity pensioners are transferred to an old-age pension on reaching the age of 65 years; the income limits are slightly higher than for old-age pensions. The Invalidity Insurance Court also carries out important preventive functions. Any physician attending a patient under 30 years of age who is suffering from an infirmity likely to impair

permanently his working capacity is required to report the case to the Court. The same condition is also required of all schools in respect of their pupils. Individuals may also report to the Court if they consider that their working capacity is seriously threatened. If the Court so requires, any person brought to its notice in this way must submit to retraining, treatment or nursing, including the use of surgical appliances, artificial limbs, invalid carriages, etc. The Court may also defray the cost of an operation; however, the patient is not obliged to submit himself to an operation if it involves danger to life or health. The Court may, within certain limits, assist persons already receiving treatment, retraining, surgical appliances and artificial limbs, etc. The Court may also contribute towards the purchase of tools, or setting up disabled persons in an independent occupation. It may also help them to find employment suited to the nature of their disablement.

The financial resources of the Invalidity Insurance Fund are made up from contributions by insured persons (about one third), employers, local authorities and finally the State (about two fifths).

The Invalidity Insurance Court assists disabled persons to obtain training, provides them with the necessary remedies and makes efforts to place them in suitable work. The employment exchanges play an important role in this field, as they have a special employment service for disabled persons. Persons in receipt of invalidity pensions are entitled to supplement their pensions by other income; they may earn an amount corresponding to the basic amount of the invalidity pension without any deduction being made in the pension. The amount of the pension is not related to the previous earnings of the insured person. An invalidity pension is paid from the date of application, provided that the application is justified.

Old age. The rules governing old-age pensions are included in the National Insurance Act.

No contributions are payable in respect of old-age pensions, the entire cost being borne by the State and local authorities. The right to pension is subject to "active" or "passive" membership of a sickness fund. Pensions are granted to married men and women at the age of 65 years (for single women at the age of 60 years or in special circumstances), provided they have not indulged in disorderly or extravagant living, been sentenced to imprisonment or lived a life otherwise offensive to public morals within a certain period before reaching the age of 60 years, or been in receipt of poor relief or certain forms of public assistance. The pension consists of a basic benefit adjusted to the cost of living. The actual value of pensions in terms of purchasing power is thus kept stable. Children's supplements are payable in respect of dependent children under 15 years of age. The Social Committee, which administers the scheme,

may also add a personal bonus to the basic pension for special individual needs. A pensioner may have an income of 50 per cent. of the basic pension without his right to pension being affected; for income above this amount, there is a proportionate reduction until the time when the right to pension ceases. Legacies and private pensions are, to a certain extent, disregarded in these calculations. Persons who postpone applying for a pension until they are 67 or 70 years of age receive an addition of 5 or 10 per cent. respectively to their pension. Persons over 80 years of age receive a special allowance. Persons having very small resources in addition to their pension receive a fuel allowance and an addition of 8 per cent. to the basic pension for clothing. The total value of the pension is about half the average income of an unskilled worker.

Death of breadwinner. There is no compensation for the loss of the breadwinner.

Unemployment. The right to benefit is subject to contributions having been paid for the preceding twelve months. There is a waiting period of six days (15 in some cases). If, after having become unemployed, an insured person obtains work of a temporary nature only, lasting for not more than five weeks, there is no fresh waiting period after the cessation of the temporary employment. The benefit period is limited in the following different ways. There is a period of 180 days at least within which benefit can be obtained in a single year; the number of successive years in which a worker may claim the annual maximum of unemployment benefits may not, as a rule, exceed three, unless the worker re-qualifies by paying contributions for a year. The right to benefit is limited in proportion to the amount of work performed during a fixed preceding period. The right to unemployment benefit ceases if the insured person refuses to accept work offered to him by the unemployment fund, the employment office or the local authority, provided that the wage offered is not lower than that settled by collective agreement. This applies even where the work offered is not that which is ordinarily performed by the insured person; in this connection, the transfer of labour from one occupation to another must be justified; the employment offered must not exceed the ability and strength of the insured person or substantially prejudice his chances of being employed subsequently in his own occupation.

Emergency expenses. From 1 October 1949, under a "domestic help service", the local authorities may provide specially trained persons to replace mothers, at the request of a doctor or a midwife, for a maximum period of 14 days after confinement. A special supplement is paid to helpless and blind disabled persons and to old-age pensioners over 80 years of age. There is a system of funeral insurance in

connection with sickness insurance, under which the survivors of a deceased insured person receive funeral expenses.

Employment injuries. Under the Act of 23 March 1948, all employed persons must be insured by their employer with an approved insurance company against accidents arising out of and in the course of their employment. An employer who fails to comply with this obligation is liable to a fine and is personally liable for the payment of benefit. If he is unable to do so, the insurance company is required to meet his claims. The worker is therefore completely covered. Self-employed persons may take out a policy, subsidised, in part, by the State, covering themselves and their wives, if the latter are employed by them. This insurance is compulsory in the case of fishermen. The scheme covers injuries sustained by an employee in trying to prevent accidents or substantial material loss.

The following compensation is granted : (a) medical treatment, in addition to that to which the injured person is entitled through his sickness fund; (b) daily cash benefits amounting to three fourths of a worker's daily earnings up to a maximum limit; (c) compensation for disablement in the form of an invalidity pension of 50 per cent. or more, unless there are good reasons in individual cases for granting a lump-sum payment. The amount paid in benefits is arrived at by taking into account the degree of incapacity and the previous annual earnings. For incapacity of less than 50 per cent. a lump sum is usually paid, age and sex as well as previous earnings and degree of incapacity being taken into account in determining the amount; (d) funeral expenses, as well as compensation, are paid to dependants in the event of the death of an invalidity pensioner. A directorate and a council are responsible for the settlement of all workmen's compensation claims.

Injuries resulting from employment do not include accidents occurring on the way to or from the place of employment. The Act relating to employment injuries contains a list of occupational diseases for which compensation may be claimed. This list is revised at frequent intervals. An injured person is entitled to daily cash benefit as from the seventh day after the occurrence of the accident. Even where the incapacity is of longer duration than the waiting period no compensation is paid. Compensation is regulated according to the degree of incapacity. This encourages the injured person to resume work as soon as he is fit. At the instance of the Labour and Factories Inspection Service, persons exposed to the risk of an occupational disease are submitted to medical examinations. Persons receiving compensation under the Act relating to employment injuries are eligible for other benefits, including an invalidity pension. Compensation is paid to the widow and dependent children. Should there be no

widow or children, compensation may be paid, to a certain specified extent, to other members of the family who were dependent on the deceased worker. There is no effective survivors' insurance scheme in Denmark.

Persons covered. Social insurance, except for employment injuries, is not limited to wage-earning employees but covers all nationals, subject to a means test. Dependent wives are independent members of insurance. Children under the age of 15 years are covered by their parents' sickness insurance and may then become independent members of the insurance fund.

Collection of contributions. The employer does not collect social insurance contributions.

Employed persons. Since social insurance covers all nationals fulfilling certain conditions, it would be a step backwards to organise a special social insurance scheme for salaried employed persons.

Benefit rates. The principle of replacing lost earnings by benefits has been adopted as far as possible; however, in the case of maternity benefit or cash benefit in the event of illness, this principle is not fully applied.

It is not possible to calculate benefits in relation to the previous earnings of the insured person on the basis of which he has contributed.

Where an application for an old-age pension is deferred beyond the minimum age at which the pension could have been claimed, a supplementary allowance is paid. Invalidity and old-age pensions are adjusted once a year to the cost-of-living index.

Contribution conditions. The payment of sickness benefit and of old-age and invalidity pensions is subject to membership of the appropriate insurance fund.

Administration. Sickness benefit is primarily administered by the sickness funds, old-age pensions by the municipal social committee, and unemployment benefit by the unemployment funds. Invalidity pensions are administered for the whole country by the Invalidity Insurance Court and, as regards compensation granted in respect of industrial accidents, by the Directorate of Employment Injuries Insurance. The Directorate of Sickness Funds acts as a court of appeal for the sickness funds; it supervises their administration and guides their work. The Labour Directorate acts in a similar capacity as regards the unemployment funds. All fields of social insurance, with the exception of unemployment insurance, come under the Ministry of Social Affairs, which is the highest competent administrative authority.

Dominican Republic.

A new Secretariat of State for Social Welfare was set up under Act No. 1399, published on 19 April 1947, to give advice

on the legislation concerning sickness, maternity, old-age and death insurance of employees and workers in general and all matters connected with social security.

The scheme established by Act No. 1896 of December 1948 covers the risks of sickness, maternity, invalidity, old age or death.

At the request of the Dominican Social Security Fund or of the persons concerned, the Secretariat of State for Labour deals with any dispute that may arise in connection with the occupational classification of insured persons. Disputes arising from claims affecting employers and insured persons or from any other legal aspect are submitted to the managing director of the Dominican Social Security Fund. Employers' and workers' organisations alike co-operate in the matters dealt with in the Recommendation.

Egypt.

There is no legislation in Egypt respecting social insurance against sickness, old age, invalidity, unemployment, etc. A Bill concerning social insurance, which is being drawn up, does not cover unemployment.

Maternity benefit is regulated by Act No. 80 of 1933, which prescribes that every woman is entitled to leave her work 30 days before confinement and shall not be permitted to work during the two weeks following confinement; her wages shall be paid during these two weeks and, in case of need, she may take further unpaid leave. Compensation for employment injuries is regulated by Act No. 64 of 1936.

No amendments to the provisions of the Recommendation are considered to be necessary.

Finland.

The provisions of the Recommendation have been applied only in part. With regard to accident insurance, the Act of 20 August 1948 is in conformity with the relevant provisions, except as regards benefits due to children who are beneficiaries and which are only paid up to the age of 17 years or 19 years in the case of children who are continuing their studies, or, in the case of children suffering from a mental complaint, as long as their condition requires. Benefit is only granted to the members of the family of a deceased disabled person if the latter had lost nine tenths of his capacity for work, unless death was due mainly to an injury or disease caused by the accident.

General old-age and invalidity insurance was the object of the Act of 1937 respecting national pensions. The provisions of this Act cover the provisions of the Recommendation, but the statutory age at which a pension is payable is 65 years both for men and women.

Unemployment insurance is provided for through voluntary funds. The question of voluntary unemployment insurance as well as the organisation of maternity assistance and sickness insurance remains in abeyance.

France.

Social security legislation is, in general, based on the guiding principles given in the Recommendation. The sphere of assistance will be considerably reduced as social security becomes progressively extended to the whole population.

Social Insurance

Contingencies covered. Social insurance covers all contingencies which prevent an insured person from earning his living, whether by incapacity for work or in which he dies leaving a dependent family. The impossibility of finding paid employment as a result of unemployment is not included among these contingencies. Certain emergency expenses entitle an insured person to supplementary allowances. Compensation is granted in cases of incapacity for work, and death resulting from employment injuries.

The contingencies covered are classified as follows : (a) sickness, (b) maternity, (c) death, (d) invalidity, (e) old age, (f) injuries or sickness arising out of employment. The combination of benefits paid under invalidity insurance and those paid under old-age insurance is not allowed. Unemployed persons continue to benefit under social security legislation in the same conditions as if they had remained at work.

Supplementary allowances for each of the first two children are not added to benefits payable as compensation for loss of earnings, but benefits paid under maternity insurance are increased in the case of an insured woman who already has two children, and also in the case of illness of an insured person having three or more dependent children.

Children's allowances are continued when the insured person ceases to work as a result of one of the risks covered by the legislation, and are granted in respect of two or more children; the single-wage allowance is granted from the first child.

Sickness. Loss of earnings due to abstention from work for reasons of health necessitating medical treatment or supervision entitles an insured person to daily benefits.

Abstention from work is determined with reference to the previous occupation of the insured person.

Daily benefits are paid only from the fourth day following the date when incapacity for work begins. A fresh waiting period is provided for in the case of a relapse after an interruption of medical treatment in excess of two months.

Daily sickness benefits are granted for a maximum period of six months. A monthly allowance, known as "long-term sickness benefit" may be granted for three years in the case of a specified disease or sickness involving lengthy treatment. After the expiry of the period of six months, wage-earning employees in agriculture and forestry may receive only an invalidity pension and not long-term sickness benefit. The Government, however, contemplates the extension

of this benefit in the near future to the wage-earning employees concerned.

Maternity. Cash benefits are payable for loss of earnings due to abstention from work before and after childbirth. Every insured woman is entitled to leave her work six weeks before the expected date of confinement and eight weeks (six weeks in agriculture and forestry) after the date of childbirth. Her absence from work should be for at least six weeks; during this period, she receives a daily benefit.

Absence from work is permissible for longer periods, or where desirable on medical grounds in view of the physical condition of the insured person and the exigencies of her work. Sickness insurance takes effect as from the date on which the sickness is diagnosed. The payment of benefits is conditional on compulsory pre-natal and post-natal examinations.

Invalidity. An insured person is entitled to the pension provided for in the Recommendation when he cannot earn at least as much as one third of the amount earned in the same area by a worker in the same occupational category. Partially incapacitated persons are not required to be employed, but if they are considered capable of work the amount of their pension is reduced. There is no allowance for training courses. Beneficiaries of invalidity pensions may occasionally earn small amounts of money, provided that such earnings do not exceed the normal earnings of a worker in the same category. Invalidity pensions are granted only where it is impossible for the insured person to obtain a wage in excess of one third of the normal earnings of able-bodied persons in the same branch of occupation. Invalidity pensions are payable in the conditions provided for in the Recommendation.

Old age. A minimum age limit of 60 years is required for old-age insurance in the case of both men and women, and a lower minimum age limit for persons engaged in occupations involving heavy or unhealthy work (seamen, railwaymen). The payment of old-age pensions is not conditional on retirement from all regular work in a gainful occupation.

Death of breadwinner. Upon the death of the head of the family covered by social insurance, his dependants, except in certain cases, are only entitled to a single lump-sum payment. This payment is made, by priority, to persons who actually were completely and permanently dependent on the insured person on the day of his death; if there is no claim to priority, to the surviving spouse who was not legally separated or living apart from the insured person and, where there is no such spouse, to his descendants; in the absence of both spouse and descendants, to ascendants. When an insured person dies after reaching the age of 60 years, his dependent spouse who is more than 65 years of age is entitled, under certain conditions, to a reverted pension equal to

one half of the pension or income which her deceased husband received or would have received; the reverted pension is increased by 10 per cent. when the beneficiary has had at least three children.

No children's benefits, except family allowances, are payable to a widow.

Unemployment. There is no system of unemployment insurance in France, but only a system of assistance for unemployed workers.

Emergency expenses. Emergency allowances are payable to meet extraordinary expenses. French legislation does not provide household assistance during the hospitalisation of a mother with dependent children; but the social security funds set aside from their resources amounts to be paid to family aid societies which are responsible for the payment of emergency allowances.

Apart from maternity benefits and pre-natal allowances, the legislation does not provide for the payment, to insured women and to the wives of insured men, of benefits towards the cost of a layette and similar expenses, in the event of childbirth. Such benefits, however, are granted by the social security funds. Beneficiaries of invalidity pensions, who are totally incapable of working and who are obliged to have recourse to the assistance of another person for the ordinary acts of daily life, receive a bonus on their pension. Compensation for funeral expenses is included in the lump sum for death benefits. Where an industrial accident is followed by death, funeral expenses are paid by the social security fund.

Employment injuries. Compensation is payable to all wage earners who are the victims of an industrial accident or a disease resulting from employment, not brought about deliberately or by the serious and wilful misconduct of the victim, and resulting in temporary or permanent incapacity or death.

An industrial accident is deemed to be an accident suffered by an employed person when travelling to the workplace from his place of residence and *vice versa*, provided that he has not interrupted or turned aside from the direct route of his journey for reasons of personal interest not connected with his employment. In agriculture and forestry, accidents occurring between the place of residence and the workplace are considered as industrial accidents under the legislation.

Distinctions are made between occupational diseases which have been caused: (a) by clearly determined noxious substances to which workers are regularly exposed in an employment of the kind mentioned in a schedule; (b) by microbial infections, which are presumed to be of occupational origin only where workers have been habitually engaged in a process specified in a schedule; and (c) by an atmosphere or particular

conditions required for the performance of certain scheduled employments. Thanks to a procedure of simple revision, the list of these diseases is being enlarged constantly.

French legislation is in agreement with points 5, 8, 14 and 17 of this principle of the Recommendation.

The rate of compensation for periods of temporary incapacity is higher than in the case of benefits for ordinary illness. There is no fixed waiting period in the case of industrial accidents and occupational diseases. Where the incapacity for work does not last for more than 15 days or, in the majority of cases in agriculture and forestry, the only days which are not taken into account are days which are not normally working days immediately following the cessation of work. In such cases, compensation is payable from the fifth day after the date of the accident, or from the first day if the incapacity has lasted for more than ten days. The injured or sick person is never obliged to undergo retraining or rehabilitation or to accept any given kind of employment. The degree of incapacity, and consequently the amount of the pension, is determined in accordance with various factors; in no case is this amount determined by subtracting from the wage actually received that which the injured or sick person would have been able to receive if the accident had not occurred. Injuries which merely mar appearance do not give the right to compensation. However, in point of fact, the social security funds grant compensation, taking into account embarrassment or discomfort resulting from the injury or disease, even if it does not affect earning capacity. Compensation is provided for in the case of workers suffering from silicosis who are obliged to change their employment in order to prevent an aggravation of their condition. Strict medical supervision is exercised in respect of workers exposed to the risk of occupational diseases. An insured person who benefits by the legislation relating to workmen's compensation retains his rights to benefits under sickness insurance, insurance for long illnesses, maternity, invalidity, old-age and survivors' insurance. However, the daily benefits payable under the Act respecting industrial accident may not be combined with benefits payable under social security legislation. A widow is entitled to compensation for the whole duration of her widowhood. In the event of her remarriage, she receives a lump-sum payment equivalent to three years' pension. Pensions payable to orphans cease when the orphans reach the age of 16 years. This age limit is extended to 17 years in the case of apprenticeship and to 20 years in the case of children who are continuing their education or who suffer from an infirmity or incurable disease. In addition to widows and children, relatives in the ascending line, descendants other than children, and foundlings enjoy benefits from workmen's compensation. The depen-

dants of an insured person who is permanently incapacitated in the degree of two thirds and who dies otherwise than from the effects of an employment injury, are entitled to survivors' benefits only if the insured person, at the date of his death, fulfilled the conditions as a wage earner which are prerequisites for the receipt of these benefits.

Range of persons to be covered. Social insurance is extended to all employed persons and persons placed on the same footing, as well as to their dependants. The benefits of this insurance have not as yet been extended to self-employed persons, except as regards the risk of "old age".

Dependants are protected under family maintenance insurance.

Collection of contributions. The employer is responsible for collecting contributions. For the purpose of old-age insurance, self-employed persons are affiliated to independent funds which collect their contributions; national or local authorities take no part in the collection of these contributions. Under certain conditions, self-employed persons may be voluntarily insured and pay contributions to any social security funds, agricultural funds or mutual societies which they may establish.

Administration of benefits. An insured person is required only to prove that he is an employed person in order that he may be presumed to have paid his contributions, except in the case of insured persons in agriculture and forestry, who must produce evidence to show that their contributions have been deducted from their wages. The existence of contingencies which give the right to benefits must be verified by the medical practitioner, who is freely chosen by the insured person. The funds may exercise medical supervision.

Employed persons. Employed persons are insured against all risks covered by French social insurance legislation. All persons of French nationality regardless of sex, employed persons or persons working in any capacity for one or more employers and regardless of the amount and nature of their remuneration and of the form, nature or validity of their contracts of employment, are compulsorily affiliated to social insurance, irrespective of their age and even if they are in receipt of a pension. The report lists the various categories of persons who are considered to be employed persons. A system for the collection of contributions has been organised to allow short-time workers the full benefits of the legislation. The conditions of employment required for occasional workers in order that they may be entitled to benefit are lenient. As regards apprentices, the report states that French legislation is in agreement with this principle of the Recommendation.

Self-employed persons. Since 1948, independent old-age insurance organisations have

existed for self-employed persons. The Act of 22 May 1946 provides that other branches of social insurance may be extended to them, but this Act has not been applied. The members of the family of an employer who live in his household and who receive wages for their work are subject to the general social insurance scheme. The employer is responsible for payment of their contributions. No self-employed person is excluded from old-age insurance on the grounds that his earnings are ordinarily too low. Persons who have been compulsory members of the general social security scheme for employed persons for not less than six months and who no longer fulfil the conditions of compulsory insurance may be voluntarily insured, provided that they make an application within six months from the date on which they cease to be affiliated to the insurance scheme for employed persons. Optional insurance only applies to agriculture and forestry in the case of formerly insured persons who become farmers.

Benefit rates. Where, for any reason, an insured person's wage is decreased, benefits replace his earnings, without, however, fully compensating the loss of earnings resulting from the period of inactivity. Children's allowances are not decreased when the insured person ceases to be employed because of illness, maternity or invalidity. The benefits paid are related to the previous earnings of the insured person on the basis of which he has contributed. This basis does not always correspond to the wages received by the insured person, owing to the existence of a wage ceiling for contributions. In the case of sickness insurance, benefits are equal to one half of the daily basic earnings and, in the case of insured workers who have three or more dependent children, to two thirds of the daily basic earnings as from the thirty-first day following the commencement of incapacity for work. There are maximum limits to these rates. With the exception of children's allowances, no supplements are provided to the daily benefits for each dependent child. Workers earning high wages only pay contributions and receive benefits on a part of their wages. The daily rest benefit granted in the case of maternity is equal to one half the daily basic earnings, with maximum limits. If an insured woman has two children already, benefits are increased to two thirds of her wage as from the thirty-first rest day in respect of the third birth. Children's allowances payable for the child are paid as from the date when the pregnancy of the mother is certified.

Basic invalidity benefits are granted with due regard to the average annual wage for the last ten years of insurance preceding invalidity (or the years following registration for insurance) and to the category of invalidity in which the insured person is classified. The pension rate varies from 30 to 40 per

cent., dependent on whether or not the pensioner is capable of taking up gainful employment. An increase of 20 per cent. is provided if the invalid is absolutely incapable of taking up gainful employment and requires the assistance of another person for the performance of ordinary acts of daily life.

Old-age pensions, paid at the age of 60 years after 30 years of insurance, are equal to 20 per cent. of the basic wage, or 40 per cent. in the case of unusually heavy work. An increase is granted for a dependent spouse, but not for dependent children. A widow who is permanently incapacitated in the degree of two thirds and a widower incapable of work who was dependent on his wife receive a pension equal to one half of the old-age or invalidity pension which the deceased received. With the exception of children's allowances, no increase is provided for dependent children. Orphans' pensions have been discontinued and replaced by children's allowances, except in most of the special insurance schemes (mines, gas and electric industries, etc.). Persons insured under invalidity and old-age insurance schemes may not pay supplementary contributions in order to increase their benefits under the general scheme. The normal rate is increased by 4 per cent. of the basic wage for every year of insurance completed after the age of 60 years. In the case of persons earning moderate wages, compensation granted for employment injuries takes the place of the whole of the wages lost where capacity is reduced by more than 50 per cent.; such compensation is in the form of periodical payments. However, the pension granted to a person injured in an industrial accident may, after the expiry of a period of five years counting from the date when the pension became payable, be replaced by a lump-sum payment to cover total compensation (if the beneficiary is of age and the degree of incapacity is equal to not more than 10 per cent.), or of a part of the compensation (a quarter of the amount and only for a fraction of the periodical payments not exceeding 50 per cent.). Under certain conditions, the beneficiary may request that the compensation be paid to him as a life annuity and one half of it may revert to his spouse. In granting periodical payments in respect of permanent incapacity or of invalidity and old-age pensions, due consideration is given to changes in the general wage level.

Contribution conditions. With the exception of old-age insurance and agriculture and forestry insurance schemes, an insured person may not be deprived of his right to benefit because his employer has omitted to collect regularly the contributions payable on his account.

In order to receive sickness and maternity benefits, employed persons in non-agricultural occupations must have been employed as wage-earning employees or assimilated per-

sons for not less than 60 hours during the three months preceding the illness, or must have been unemployed for reasons beyond their control for an equivalent period. Employed persons in agriculture and forestry must have paid four or eight monthly workers' contributions during the two or four calendar quarters preceding the quarter in which the accident or the illness occurred.

In the case of maternity benefits, an insured woman must also prove that she has been insured for ten months preceding the expected date of confinement. In agricultural occupations, an amount equal to eight monthly contributions must have been paid in the four calendar quarters preceding the quarter in which confinement took place.

As regards invalidity and long-term sickness insurance, an insured person must have been registered for at least one year, have worked for not less than 240 hours during this period (60 hours during the calendar quarter preceding the quarter in which the illness or the accident occurred), or have been unemployed for reasons beyond his control for an equivalent period. In agriculture and forestry, the right to an invalidity pension is subject to the applicant's having been insured during the eight calendar quarters preceding the illness or accident and to the payment of not less than 16 monthly contributions during this period.

In order to be entitled to an old-age pension, an insured person must prove that he has paid contributions for 30 years. A proportional pension is granted when the insured person has completed from 15 to 30 years of insurance. Where he has completed from 5 to 15 years of insurance, he is entitled to a pension calculated on the basis of the contributions paid. A lump-sum payment in the event of death is paid when an insured person dies after having been a wage-earning employee or assimilated person for not less than 60 hours during the three months preceding the accident, or after having been unemployed for reasons beyond his control during an equivalent period. In agriculture and forestry, the payment of four or eight workers' contributions during the two or four calendar quarters preceding the illness which resulted in death must be proved. Old-age benefits are granted only to persons who have been insured for at least five years. The right to benefits is suspended when an insured person, after having requested voluntary insurance benefits, wilfully fails to pay any contributions due by him in respect of a period of self-employment.

An insured person maintains his status as such in respect of invalidity or old-age pensions for so long as he receives benefits. The right to a lump-sum payment in the event of death takes effect when a person entitled to an invalidity pension had fulfilled the necessary conditions at the time of the accident or at the beginning of the sickness which caused invalidity.

Distribution of cost. The entire cost of benefits under the general social insurance scheme and under the scheme for agriculture and forestry is borne by the insured persons and employers only. The State does not contribute to the budgets of these schemes. On the other hand, the State contributes to the payment of benefits under the scheme for Government employees and the special schemes for mines, local railroads and tramways. An insured person's contribution which, strictly speaking, refers only to social insurance, represents the percentage of his wage, up to a fixed maximum. The contributions collected for a certain period correspond to the cost of the payment of benefits acquired during the same period. There is as yet no complete social insurance scheme for self-employed persons. There is no minimum rate of contribution except for old-age benefits, in respect of which contributions must be made on the basis of earnings equal at least to the allowance of aged employed persons. Employers must provide more than one half of the total cost of benefits paid to employed persons. Under the scheme for agricultural occupations, the rates of contributions for employers and for employed persons are the same.

The employer is responsible for the entire cost of compensation for employment injuries. In determining the rates to be paid by employers for industrial accident insurance, due consideration is given to the kind of employment and to the dangers involved. There has been no change in the rates fixed in 1945 for the contributions of insured persons and of employers. For agricultural occupations, the rate of contributions was fixed in October 1948 and may only be increased by a maximum of 2 per cent. The National Social Security Fund assumes responsibility for the guarantee and the compensation. Contributions cover the entire cost of benefits paid by the funds of the general social security scheme. The community supports only partially the benefits paid by certain special schemes, for example, for miners and students.

Administration. Owing to the existence of special schemes, it has not been possible to arrive at a complete unification of social insurance. The administration of social insurance for agriculture is ensured by funds which are not connected with social security funds. The administration of the general social security scheme has been co-ordinated in a hierarchy of social security funds, built up from the primary or local funds of regional authority, supplemented by regional social security or old-age insurance funds, and with a national social security fund at the top. A greater degree of unification has been achieved in respect of children's allowances. The governing bodies of all these funds are elected by the contributors, employers or employees. The electoral colleges of the children's allowance funds comprise only contributors who are beneficiaries.

The Ministry of Labour and Social Security is responsible for the supervision of this administration. There are no co-ordinating bodies to associate the services of this Ministry with the authorities administering public assistance, the medical care services and employment services. The Ministry of Agriculture supervises the administration of agricultural agencies. The unified administration of social insurance and children's allowances under the general insurance scheme is not incompatible with the operation of special or supplementary insurance schemes. When this plan was under discussion, all trade union organisations pointed out the necessity for solidarity which is at the basis of the organisation. An insured person has no difficulty in understanding his rights. The greatest degree of simplicity was sought in the establishment of procedures to be followed by beneficiaries and contributors.

It was considered useless to establish central advisory councils, since the funds are administered by the insured persons themselves who, with the employers, choose the members of the governing bodies. Employers and employed persons are closely associated in the administration of compensation for employment injuries. In addition, technical committees, composed of representatives of workers and employers, assist the governing body of each regional fund for each branch or group of branches of activity. In agriculture and forestry, the free insurance scheme does not permit the participation of employed persons in the administration of the agencies.

Complaints regarding the decisions of the governing bodies of each agency which decide on appeals are brought before two boards (the board of first instance and the board of appeals). In the case of an appeal, disputes concerning the degree of invalidity are brought before a national board, with final recourse to the Supreme Court of Appeal. In agriculture and forestry, the agencies handling special disputes are competent only in questions of social insurance and children's allowances. Disputes in respect of industrial accidents are brought before the courts of law. The magistrates who preside over the boards of first instance and appeal are assisted by assessors representing employers and employed persons in equal numbers. Appeals may be brought against all decisions given by the boards handling disputes concerning social security.

Uniformity of interpretation is ensured by the Social Chamber of the Supreme Court of Appeals.

Social Assistance

Maintenance of children. French legislation aims at a system which will ensure the equalisation of the cost of family responsibilities among the entire population. The allowances paid include maternity benefits, children's allowances and single-wage allowances.

Maintenance of invalids, aged and needy widows. In addition to the assistance provided for the aged under assistance, strictly speaking, French legislation has instituted an "allowance to aged workers". This is granted to workers who have attained the age of 65 years or more and who have been engaged as wage-earning employees or assimilated persons for more than five years after reaching the age of 50 years. The main allowance is increased by: an allowance for a dependent spouse; a bonus for beneficiaries who have had at least three children; and supplementary allowances or increases for beneficiaries residing in certain regions. The allowance is payable only if the entire personal resources of the worker do not exceed a certain maximum. Upon the death of a beneficiary of this allowance, his widow may, under certain conditions, be granted assistance for life.

In addition to this allowance, French legislation has instituted a "temporary allowance for the aged", payable to persons who have attained the age of 65 years or more (or 60 years in the case of persons who are unfit for work), who are not beneficiaries or not eligible for a pension or allowance under the social security scheme or for the allowance to aged workers, and whose resources do not exceed a certain minimum. The State will be responsible for the payment of temporary allowances of this kind which fall due up to 1 October 1949. After this date, the independent old-age allowance funds will be responsible for the payment of allowances to persons who have been employed for at least 10 years in a handicraft, liberal, commercial or industrial profession.

No amendments or modifications to the provisions of the Recommendation were necessary in order to permit their adoption or application.

The Ministry of Labour and Social Security is responsible for the application of the provisions under the preceding headings.

Employers' and workers' organisations co-operate in the application of the provisions of the Recommendation, through their representatives elected to the governing bodies of the funds and through their representatives appointed to the advisory bodies and technical committees.

Greece.

In a general introductory note, the Government points out the many difficulties which have been encountered with regard to income security schemes and the efforts which have been made in this connection by the State since the beginning of the last century. The system of compulsory insurance has been accepted in Greece. Legislation relating to income security is the following: Act No. 551 of 1915 respecting compensation for industrial accidents to workers and wage-earning employees (under this Act the employer is responsible for compensation for industrial accidents); Act No. 2868 of 1922, which instituted the general application of the social insurance

system in Greece, and Act No. 6298 of 1934, which extended this system to all workers and covered the contingencies of invalidity and old age, death, accidents and sickness.

Social Insurance

Contingencies covered. The following contingencies are covered by compulsory social insurance: (a) sickness; (b) maternity; (c) invalidity; (d) old age; (e) death of family breadwinner; (f) unemployment; (g) employment injuries (including sickness).

Sickness. The insurance funds cover the contingency of sickness and provide benefits in kind (medical assistance, therapeutic requisites, hospital treatment), and in cash. Persons insured with the Social Insurance Institution (I.K.A.) are entitled to cash benefit from the sixth day after the beginning of an illness.

Maternity. On the production of a medical certificate stating that confinement is likely to take place within a period of six weeks, every woman has the right to leave her work. No woman is authorised to resume work during a period of six weeks following confinement; benefits in this respect are granted by various social insurance institutions in addition to medical benefits. An insured woman who leaves her work for a period of six weeks before and six weeks after confinement is entitled to a daily allowance, as well as to a nursing allowance for 60 days following the cessation of the confinement benefit.

Invalidity. Persons insured with the Social Insurance Institution are deemed to be disabled if, owing to an illness, injury or bodily or mental infirmity, they are unable to earn in any employment suited to their strength more than one third of the usual earnings of a physically and mentally sound person with similar training in the same district and the same occupation. Invalidity which is in respect of less than approximately six months shall be deemed to be invalidity giving the right to a pension.

Old age. If an insured person, on attaining the age of 65 years in the case of a man and 60 years in the case of a woman, has not earned in any kind of employment more than half of the wage earned by a physically and mentally sound person in the same district and in the same occupation, he or she is entitled to an old-age pension.

Death of the family breadwinner. The family of an insured person is entitled to a pension and to a grant towards funeral expenses. In cases where the members of the family of the deceased person do not satisfy the qualifying conditions for a pension, a lump sum is granted.

Unemployment. Unemployment insurance was introduced by Act No. 118 of 1945 and was extended in 1946 to various categories of workers. The Act of 1945 set up an unemployment fund which is only bound to pay unemployment benefits

if it is unable to provide employment for unemployed persons through the employment exchanges. Unemployment benefits are paid for a period of nine months which may be extended by a further nine months if so decided by the Minister of Labour.

Emergency expenses. The Social Insurance Institution grants benefits for maternity, contributions towards funeral expenses and special allowances to insured persons suffering from tuberculosis.

Employment injuries. Under Act No. 551 of 1915, employers are responsible for compensation to victims of industrial accidents. The insurance institutions are responsible for granting compensation for industrial accidents which are not covered by this Act. Compensation is also paid for occupational diseases. Any diseases which are covered by the categories specified in the above Act are regarded as occupational diseases provided that, during the years immediately preceding the poisoning or disease in question, the insured person has completed a specified number of days of employment in one of the undertakings enumerated in the Act.

Persons covered. Social insurance extends not only to employees but also to self-employed persons (barristers, doctors, solicitors, engineers, contractors, tradesmen, owners or operators of undertakings, craftsmen, and the clergy). The Social Insurance Act which, at first, was applied only in the districts of Athens and the Piraeus, has been extended rapidly to many urban districts. The following members of the family are also insured, provided they live with the insured person and are dependent on him: (a) the wife or, in certain cases, the husband if he is disabled and indigent; (b) unmarried children until they attain the age of 16 years; (c) the mother and the father if they are disabled and indigent; (d) grandchildren and brothers who have lost both parents, until the age of 16 years, if they are unmarried. Farmers and domestic servants are not covered by insurance.

Collection of contributions. Every insured person is provided with an insurance book. The employer pastes in this book stamps in respect of his own contributions and those of the worker. The employer is bound to deduct the share of the contributions payable by the worker.

Administration of benefits. The names of dependent persons are entered in the insurance book referred to above. Insured persons are also provided with a sickness insurance book in which sickness benefits in cash and in kind are entered.

Employed persons. Persons whose employment is not regarded as permanent are not affiliated to insurance. Any work which lasts for less than one week is considered as non-permanent, with the exception of building and similar work which is

considered as permanent irrespective of the period covered.

Self-employed persons. Self-employed persons are insured, by the various special funds, against the contingencies of incapacity, old age and death.

Benefit rates. Benefit rates vary for each insurance fund. Recently, an attempt has been made to adjust these rates as far as is possible. Sickness benefits are fixed at 40 per cent. of the insured person's earnings and at 60 per cent. of earnings in the case of industrial accidents or occupational diseases. Maternity benefits for confinement and nursing, increased by a fixed sum, amount to one third of the average daily salary. The amount of the invalidity pension has been adapted to present circumstances. The invalidity pension granted in respect of an industrial accident may not be less than 40 per cent. of earnings and, in the case of total incapacity, this amount is increased by 50 per cent. in relation to the earnings of the injured person. While he is in receipt of medical assistance, an injured person is also entitled to cash benefits 50 per cent. higher than those granted for sickness. The old-age pension has been adjusted as far as the present financial situation makes it possible. Where the invalidity or death of an insured person does not entitle him to a pension, he and his dependants are paid a lump sum.

Contribution conditions are regulated by the statutes of the insurance carriers. The following rules are applied by the Social Insurance Institution : sickness benefits are paid when an insured person has been gainfully occupied for 50 days in a period of 12 months preceding the beginning of an illness and in respect of which he has paid contributions. Invalidity, old-age and sickness benefits are payable when an insured person has paid contributions for 750 days, 300 of which must have been in respect of the four years preceding the date of the beginning of the invalidity or the date of the attainment of the qualifying age for an old-age pension or the date of death.

Distribution of cost. The expenses in connection with benefits are divided between insured persons and employers. The resources of a considerable number of funds are constituted from social taxes. The average contribution of an insured person is 7 per cent. of earnings; the employer's contribution amounts to 13 per cent. of these earnings. The Social Insurance Institution does not benefit from special taxes, as existing legislation does not provide for direct financial participation by the State in the cost of social insurance. However, on several occasions recently the State has granted financial assistance to insurance carriers.

Administration. The administration of social insurance is entrusted to : (1) pension insurance funds for various occupations

and undertakings, covering all contingencies in general or only certain contingencies. In 1948, the number of main pension insurance funds (granting benefits for the contingencies of invalidity, old age, death, maternity, sickness and unemployment) amounted to 65; the number of auxiliary insurance funds (granting supplementary benefits) amounted to 30; (2) the Social Insurance Institution (I.K.A.), a central autonomous institution whose activities extend throughout the country and which covers all employed persons and contingencies with the exception of unemployment. The governing bodies of the insurance carriers are always constituted on the basis of tripartite representation (representatives of the State, insured persons and employers); the number of persons representing employed persons is twice that of those representing employers.

Social Assistance

Maintenance of children. Various measures are provided to help large families (exemption from taxes, reduced expenditure for education); food is also granted for young infants. Family allowances are granted only to Government officials, private employees and the subordinate staff of undertakings, with the exception of employees paid by the day. Collective agreements provide for family allowances in respect of each child (10 per cent. of earnings for men and 5 per cent. for women) up to a maximum of three children. "Children's cities" and various other institutions have been set up for the maintenance of children whose families are unable to support them because of present circumstances. The State makes grants in respect of 1,600 orphans, while approximately 30,000 are maintained free of charge in orphanages.

Maintenance of needy invalids, aged persons and widows. There are several homes and other institutions for persons in this category, but the State is not in a position to make grants for the maintenance of all needy persons.

General assistance. The Ministry of Social Welfare and the Ministry of Hygiene are competent to decide as to the assistance (pharmaceutical requisites, hospital treatment, homes, orphanages) to be granted to indigent persons. Provision is also made for cash benefits. In addition to the usual number of indigent persons, Greece is obliged to meet the needs of victims of the war and the occupation, as well as of 700,000 refugees who have left their homes because of the present situation.

The Ministry of Labour, which was reorganised in 1945, is the central body entrusted with the application of the provisions of the Recommendation. Other Ministries, such as the Ministry of Social Welfare and the Ministry of Public Health, and certain other institutions also have certain duties in this connection.

*Iceland.**Social Insurance*

The matters dealt with in the Recommendation are covered by Act No. 50 of 1946 respecting social security.

Sickness. Sickness benefits are paid in cases where earnings are reduced because of sickness (except where sickness is due to the use of alcohol or narcotics or to the fault of the person concerned), to a sum not exceeding one fourth of the amount of the benefits due. In principle, sickness benefits are not payable in the case of an epidemic.

In towns or villages, benefits are payable from and including the eleventh day of sickness and for a period not exceeding 26 weeks per year. In certain cases, benefits are granted for a longer period. No payment is made unless incapacity for work lasts at least 14 days. Persons in permanent employment must on no account suffer any loss of earnings for the first 14 days of sickness and may continue to receive remuneration for a longer period. In rural districts, sickness benefits are paid only if the patient is in hospital or is confined to bed.

Self-employed persons are entitled to sickness benefits from the sixth week of illness and for a period of 26 weeks, provided they can produce evidence to show that their earnings have been considerably reduced.

Maternity. A woman is entitled, on the birth of a child, to a benefit of 80 krónur and, in addition, to 120 krónur for confinement expenses. A woman who is employed is entitled to a benefit of 140 krónur per month for a period of six weeks before and six weeks after childbirth, provided her husband is unable to support the family. Benefit may be reduced in cases where the wages paid by the employer are less than the amount paid in benefits.

Invalidity. The contingency for which invalidity benefit is paid is permanent incapacity which prevents a person from earning one fourth of the amount earned by physically sound persons in the same occupation. The rate of invalidity benefit is equal to that for old-age pensions.

Old age. Every citizen who has reached the age of 67 years is entitled to an old-age pension, the amount of which varies according to zones and to whether or not the beneficiary is married or single. The pension may be increased by as much as 40 per cent. if the pensioner requires special nursing.

Death of breadwinner. A widow who, on the death of her husband, has to support children under 16 years of age, is entitled to children's allowances in respect of such children until they reach the age of 16 years or, in the event of her remarriage, for three years after her marriage. In certain cases a widow is entitled to half this allowance. Upon her husband's death, a widow is entitled to an allowance for three

months and, if she has children to support, to an additional allowance for another nine months. In addition, in certain circumstances, a widow or an unmarried mother is entitled to an annual pension. An orphan is granted an allowance until the age of 16 years.

Unemployment. Iceland has no system of unemployment insurance.

Emergency expenses. [No provision is made for such benefits. In certain cases, assistance is given to persons who are unable to support themselves.

Employment injuries. A daily allowance, invalidity compensation and survivors' compensation in the event of death, are payable for employment injuries, including accidents sustained by an insured person on the way to or from his workplace.

The daily benefit is payable from the eighth day and provided that incapacity for work lasts for more than ten days. This benefit is payable for a period of 26 weeks, but in specific cases payment may be authorised for a longer period. If the accident results in the death of an insured person, compensation is paid to the surviving spouse, a woman with whom the deceased man has cohabited, children under 16 years of age, and parents, brothers and sisters who had been supported by the deceased person. If the accident results in permanent incapacity, the insured person is entitled to a pension proportionate to the degree of incapacity, or to a lump sum if he is incapacitated by less than 50 per cent.

Persons covered. Act No. 50 of 1946 respecting social security covers all Icelandic citizens resident in Iceland. In certain cases, persons residing abroad retain their rights to benefits.

In general, the employer is responsible for deducting contributions from the wages of the persons employed by him.

Self-employed persons are, in principle, insured in the same conditions as other persons.

The rate of benefits does not depend as a rule upon the earnings of the insured person. All Icelandic citizens between 16 and 67 years of age are obliged to contribute to the insurance scheme, no difference being made as regards the period in respect of which contributions have been paid. However, in the event of irregular payments, the insured person may forfeit, in whole or in part, his right to benefits.

Distribution of cost. The cost of benefits is covered by subsidies from the State and the communes and, as regards employment injuries, by policies taken out by the employer. The amount of contributions varies according to zones and to whether or not the insured person is married or single, but does not depend on his means. The parish fund is responsible for the contributions of unemployed persons.

Administration. The State Social Security Institute is responsible for the administra-

tion of the social security scheme. This Institute is under the supervision of an Insurance Board, appointed by Parliament and assisted by an Advisory Medical Committee. An employers' representative and a trade union representative are entitled to take part in the discussions of the Board and to make certain recommendations.

Social Assistance

Under the Social Insurance Act of 1947, an annual allowance varying from 300 to 400 krónur is made from the fourth child in a family in respect of each child under the age of 16 years.

India.

The Employees' State Insurance Act, 1948, constitutes the first measure of social insurance in the country and ensures income security by providing cash payments to an insured person who loses his income by reason of inability to work owing to sickness or maternity, disablement as the result of an employment injury or occupational disease. The Act does not, however, deal with old-age pensions, unemployment insurance or payments to the dependants of a deceased insured person, except in case of employment injury or occupational disease. Other contingencies will be covered gradually. No provision has been made by any social assistance scheme for the payment of benefits not covered by compulsory social insurance. However, the employer's liability is recognised for the payment of maternity benefit and compensation to employees not covered by the insurance scheme.

Social Insurance

Contingencies covered. The contingency covered by the compulsory social insurance scheme is the payment of cash benefits when an insured person is prevented from earning his living for a certain number of reasons, or when he dies as the result of an employment injury and leaves a dependent family.

The contingencies covered are (a) sickness; (b) maternity; (c) disablement due to employment injury; and (d) the death of an employee as the result of employment injury. No benefits are payable at the same time for more than one of the following contingencies: sickness, maternity, disablement benefit for temporary disablement.

No supplementary benefits are permissible in respect of the children of an insured person.

Sickness. Sickness benefit consists of periodical payments to an insured person whose sickness is duly certified. The benefit is not payable in respect of any day on which the insured person works and receives wages.

An insured person is not entitled to benefit for an initial waiting period of two days, except in the case of a period of sickness following, at an interval of not more than 15 days, the period of sickness for which

sickness benefit was last paid. Benefit is payable for a maximum number of 56 days in any continuous period of 365 days.

Maternity. Maternity benefit consists of periodical payments for a total period of 12 weeks, of which not more than six must precede the expected date of confinement.

Invalidity. In the event of continued sickness, no benefit other than sickness benefit is payable. However, provision is made for the extension of the period of sickness benefit as and when the funds of the Employees' State Insurance Corporation permit.

Old age. There is no provision at present for any old-age pension.

Death of breadwinner. There is no provision for payment of any benefit to the widow and/or children of a deceased insured person except in case of employment injury.

Unemployment. Owing to the condition of labour and industry, no provision has been made for unemployment insurance. The Government intends to institute a scheme at the earliest opportunity.

Emergency expenses. No provision exists at present for the payment of extra benefits, including emergency expenses.

Employment injuries. Disablement benefits consist of periodical payments to an insured person who is incapacitated as the result of an employment injury sustained by him as an employee under the 1948 Act. It is not clear from the Act whether accidents occurring on the way to and from the place of employment can be deemed to be employment injuries. The occupational diseases which come within the definition of "employment injury" are those listed in the Workmen's Compensation Act, 1923. Benefit is payable for temporary or permanent (partial or total) disablement. There are no waiting periods or any qualifying contribution conditions regarding the payment of this benefit. Benefit is payable from the commencement of the disablement until recovery or death. There is no specific provision for the periodical examination of persons exposed to the risk of an occupational disease of slow evolution. It is intended to develop both the curative and preventive systems of medical treatment for insured persons. Persons in receipt of permanent disablement benefit are not prohibited from receiving one of the other benefits simultaneously. No maximum rate of benefit has been fixed with regard to combined benefits, if any.

Benefits are payable: (a) to widows until death or remarriage; (b) to sons until they reach the age of 15 years or, if continuing their education to the satisfaction of the Corporation, until the age of 18 years; (c) to legitimate unmarried daughters until they reach 15 years of age or until marriage, whichever is earlier; if education is continued to the satisfaction of the Corporation, payment may continue until the age of 18

years; (d) to other dependants as follows : (i) parent or grandparent for life, (ii) male dependants until they reach 15 years of age, (iii) female dependants until they reach 15 years of age or marry, whichever takes place first or, if widowed, up to the age of 15 years.

Persons covered. The Act applies to persons in receipt of a remuneration not exceeding Rs. 400 per month and employed in or in connection with perennial factories or establishments using power and employing 20 or more workers; it does not apply to self-employed persons and to persons working in a seasonal factory, to any member of the army, navy or air forces, persons employed in mines, or apprentices who receive no remuneration. The provisions of the Act may be extended at a later date.

The Act provides for the exemption of any factory or any employee or group of employees from any or all of the provisions thereof for such period and subject to such conditions as may be imposed.

Collection of contributions. The contributions of both employers and employees are to be paid by the employer, who has the right to recover the employee's share.

Administration of benefits. The main organisation of the Employees' State Insurance Corporation will consist of local offices distributed throughout the country, regional offices in at least the principal industrial provinces and the headquarters.

Employed persons. Occasional employees working in perennial factories will not lose their benefits even if they change from one employment to another, provided both employments are covered under the scheme.

Self-employed persons. The scheme does not cover self-employed persons.

Benefit rates. The rate of sickness benefit in any benefit period of six months is about 7/12ths of the average wage during the weeks for which contributions were paid in the corresponding contribution period of six months. Maternity benefit is at a flat rate of 12 annas per day. The rate of disablement benefit is about 7/12ths of the average wage for each of the weeks for which contributions were paid during the period of 52 weeks preceding the date of employment injury.

The rate of dependants' benefit is as follows : (1) in the case of a widow (if more than one, all the widows share equally), a total amount equal to 3/5ths of the rate of the permanent total disablement benefit to which the deceased employee would have been entitled; (2) each child is entitled to 2/5ths of the permanent total disablement benefit to which the deceased employee would have been entitled. The total amount of the benefits under (1) and (2) may not exceed the full permanent total disablement benefit to which the deceased employee would have been entitled; (3) the total amount of benefits payable to other depen-

dants should not exceed one half of the amount to which the deceased employee would have been entitled.

Contribution conditions. Sickness benefit : as a rule an insured person is entitled to receive sickness benefit in any continuous period of six months (benefit period) if, during the corresponding period of six months (contribution period), weekly contributions were paid for not less than two thirds of the number of weeks during which he shall be deemed to have been available for employment, subject to a minimum of 12 contributions. Maternity benefit : the contribution condition is the same as for sickness benefit; however, at least one contribution should have been paid between 35 and 40 weeks before the week in which the confinement takes place or in which notice of pregnancy is given before confinement. Disablement and dependants' benefit : no qualifying contribution condition has been prescribed. Medical benefit : no contribution condition is laid down.

If an employer fails to pay any contribution in respect of an employee, the Corporation may pay benefit to the insured person and then recover from the employer the difference, or twice the amount, of any unpaid contributions.

Distribution of cost. The entire cost of benefits, as well as the administrative expenses of the scheme, are met principally out of the contributions payable by employers and employees. The Central Government has undertaken to pay two thirds of the administrative expenses for the first five years. One third of the cost of medical benefits is to be met by the provincial Governments, the balance of two thirds of the cost thereof being met by the Employees' State Insurance Corporation. Contributions payable on behalf of an employee depend on his average wages. For this purpose, insured persons have been classified under eight groups. In the two lower wage groups, employees either do not pay any contribution or pay two ninths of the contribution. In all the other six groups, contributions are payable by the employers and the employees in the ratio of 2 : 1.

Administration. The administration of the scheme has been entrusted to the Employees' State Insurance Corporation, consisting of 31 members, who include representatives of the Central Government, the provincial Governments, the central legislature, as well as representatives of the employers, the employees and the medical profession, nominated by the Central Government. The affairs of the Corporation will be administered by a standing committee consisting of 13 members and constituted on the same basis as the Corporation. The Corporation will be advised by a Medical Benefit Council. It may appoint regional boards, local committees and regional and local medical benefit councils, and will

have a system of regional offices and of local offices. There is also provision for the setting up of employees' insurance courts throughout the country. Moreover, the parties to any dispute may appeal to the High Court in the respective province on any substantive question of law.

Social Assistance

The Act will soon be applied in full. Social assistance schemes have not been initiated so far. However, in various provinces social assistance benefits are available, such as (a) famine relief; (b) medical assistance; (c) lunacy service; (d) maternity assistance; (e) assistance for children who are blind or have other physical defects; and (f) shipowners' liability towards sick or injured seamen. The report contains detailed information relating to these schemes.

Italy.

Contingencies covered. Social insurance covers the following contingencies : sickness, marriage, maternity, invalidity, old age, death of breadwinner, unemployment and employment injuries.

Old-age, invalidity and survivors' insurance ensure basic pensions proportional to contributions paid, increased by additional payments proportional to the basic pension and, in the case of old age and invalidity, by a pension paid by the State. Beneficiaries of invalidity and survivors' pensions also receive a cost-of-living indemnity. An invalid receives additional benefits in kind.

Insurance against employment injuries ensures compensation in cases of temporary total incapacity and a pension in cases of permanent incapacity, whether total or partial, and in cases of fatal accidents. Medical assistance is also ensured, in the form of medical care and artificial limbs.

The insurance ensures benefits in case of marriage, maternity and miscarriage.

The majority of workers are entitled to family allowances for an invalid wife or husband, for each child, or dependent person, under 14 years in the case of wage-earning employees and under 18 years in the case of salaried employees, for parents in the direct line or persons assimilated to them.

Social Assistance

Social assistance makes provision for needs not covered by social insurance. Under Act No. 847 of 3 June 1937, each commune has a relief centre, subsidised by the State, which deals with general assistance and all needs, without any exception. These centres have greatly developed recently and the State participates to a considerable extent. Provincial assistance committees operate in the provinces (Decree of 22 March 1945). Subsidies are also granted in favour of other public or private institutions dealing with assistance in general or with special post-war relief. It is difficult

to apply uniform criteria in matters of assistance, since the present position of the country and the limited means at the disposal of the bodies responsible for assistance do not permit the adoption of fixed rules.

Assistance for children is supplied through the National Foundation for Maternity and Child Welfare set up by Act No. 2277 of 10 December 1925. The Foundation is responsible, in particular, for the protection and relief of pregnant women and needy mothers and children under five years of age, as well as the relief of children belonging to needy families, and children who are physically or mentally abnormal, deserted, neglected or delinquent young persons, up to the age of 18 years. This organisation is also responsible for making known scientific rules and methods for pre-natal and infant hygiene and the organisation of preventive measures to combat tuberculosis amongst children and other diseases of children. Assistance for illegitimate children is entrusted to the provincial administrations under Legislative Decree No. 798 of 8 May 1927. Adequate benefits are granted to mothers nursing or bringing up their children, and their maintenance and placing are looked after. Moreover, the Ministry of the Interior may take steps in favour of minors who are abandoned and in need. A special service is responsible for the protection and relief of war orphans.

The communes are responsible for assistance to persons who have become incapable of work and are not covered by insurance. The Ministry of the Interior makes grants to relief institutions for needy aged persons and for persons incapable of work in general. The provinces are responsible for the retraining of blind persons and deaf-mutes; special institutes operate with this end in view. Aid in various forms is granted to refugees from territories which are no longer under Italian administration. The Minister of the Interior is at present studying a Bill concerning the reorganisation and co-ordination of the relief services.

The application of legislation respecting insurance is entrusted to the National Institute for Social Welfare, the National Institute for Employment Accidents, the National Institute for Assistance to Persons suffering from an Occupational Disease, and to regional branches. The Ministry of Labour and Social Welfare is responsible for supervision, acting through the labour inspection service and the regional offices. The Ministry of the Interior supervises the activities of the different public relief bodies mentioned above.

Luxembourg.

For many years, the national legislation has taken into account the guiding principles laid down in the Recommendation with regard to social insurance and social assistance. A considerable number of measures in this direction have been taken recently

and are being put into effect constantly since the revision of the Luxembourg Constitution in 1948, which resulted in new social guarantees for workers.

Under paragraphs 4 and 5 of § 11 of the amended Constitution, the legislation must guarantee the right to work and ensure that every citizen may exercise this right. The legislation must also provide for the organisation of a social security system and the protection of the workers' health and rest, and must guarantee freedom of association.

The framers of the 1948 Constitution thus intended to give constitutional value to the measures taken or still to be taken in the social sphere. The new social reforms to be introduced by the legislators will be inspired in future by the principles of the Constitution.

Netherlands.

The Government has submitted the Recommendation to the States General, together with a note indicating that a number of the guiding principles of the Recommendation had already been inserted in the national legislation concerning social insurance. All social insurance legislation is at present being revised. The Government has set up a committee entrusted with the drafting of this revision and intends to take into account, as far as possible, the provisions of the Recommendation.

New Zealand.

Social Insurance

Contingencies covered. The contingencies covered are the following: retirement from active working life, age, invalidity, widowhood, orphanhood, family responsibilities, miners' diseases, sickness, unemployment, maternity, and emergencies causing hardship. Compensation is paid in cases of incapacity for work and of death from employment injuries. No person, while in receipt of any specific benefit, is entitled to an additional benefit except in respect of children's allowances or medicaments. Children's allowances are payable out of public funds in respect of all children.

Sickness. The contingency for which sickness benefit is paid is temporary incapacity for work through sickness and the consequent loss of earnings. The Social Security Commission has discretion to waive the whole or part of the waiting period, in particular, if sickness recurs within a short time. Sickness benefit is payable so long as incapacity continues or until the beneficiary is entitled to receive some other benefit.

Maternity. Maternity benefits cover free ante-natal and post-natal treatment. Married women are entitled to leave their work well before confinement. Cash benefit is not paid in the event of maternity, as a husband's wages are normally sufficient to

maintain both himself and his wife. A social security wife's allowance is payable in addition to whatever benefit the husband receives. There is no necessity therefore to provide for the right of a married woman to leave work six weeks before confinement. Sickness benefits are payable to unmarried women in the event of pregnancy. During a period of six months immediately following her confinement, no woman may work in any factory other than a factory in which only members of the same family are employed. Sickness benefit is payable to a woman who leaves her work on production of a medical certificate for a period of six weeks before and six weeks after confinement; sickness benefits are paid to cover these periods. Beneficiaries of maternity benefits are not obliged to utilise any particular health service.

Invalidity. Invalidity benefits are payable to persons who are temporarily incapacitated for work through accident, illness, congenital defect or total blindness. Payment of benefit is conditional upon the beneficiary working in any reasonable occupation or following any course of occupational training; in such cases, special benefits are paid. Benefits are granted in the cases provided for in the Recommendation. Beneficiaries of invalidity benefits are entitled to supplement these benefits by casual earnings amounting to as much as £52 a year. Benefit is at flat rates and is not related to the rate of previous earnings. Sickness benefit is payable until the beneficiary becomes entitled to receive invalidity benefit and ceases when the insured person is entitled to old-age benefit.

Old age. To qualify for old-age benefits, an applicant, male or female, must have reached the age of 60 years. There is no provision for a lower age to be fixed for persons working in arduous or unhealthy occupations. Old-age benefit may be reduced according to the income or property of the insured person.

Death of breadwinner. Benefits are granted to: (a) certain classes of widows, after a means test, (b) orphans under the age of 16 years, both of whose parents are dead. Where conditions necessitate it, the Social Security Commission may grant an allowance to a woman with whom the deceased person cohabited. Widows' benefits are granted to widows with a child or children under 16 years of age, or to widows without dependent children under 16 years of age, subject to certain conditions regarding age and the duration of marriage. A widow who is not entitled to survivors' benefits can qualify for unemployment benefit. Children's allowances are payable in respect of all children under 16 years or, up to the age of 18 years in the case of further continuation; the school-leaving age is 15 years.

Unemployment. Unemployment benefit is payable to unemployed persons over 16 years of age who have resided in New Zealand

for not less than 12 months and who are capable and willing to undertake suitable employment and have taken steps to secure such employment. Apart from exceptional circumstances (recurrence of unemployment within a very short period), benefit is not paid for the first seven days of unemployment. Benefit is paid for as long as unemployment continues and the above conditions are fulfilled. If the applicant declines suitable employment, the commencement of the payment of benefit may be suspended for any period not exceeding six weeks. In such cases, a right of appeal is provided. No distinction exists between initial and subsequent periods as regards suitable employment. The unemployed person is required to accept employment in another locality provided (a) there is no suitable employment in his own locality; (b) reasonable accommodation is available in the new locality; and (c) in the case of a married man, he is able to return to his home from time to time.

Emergency expenses. Emergency benefit may be granted to any person who, by reason of age, physical or mental disability, domestic circumstances or any other reason, is unable to earn a sufficient livelihood for himself and his dependants and is unable to qualify for any other monetary benefits. This assistance is given either in the form of emergency expenses or through the Home Aid Service. A special supplement is paid to recipients of invalidity or old-age benefit who need constant attendance. No lump-sum payment is provided at childbirth or on the death of an insured person. In the event of the death of the victim of an employment injury or of a person receiving miner's benefit, a lump-sum payment is granted to cover funeral expenses.

Employment injuries. An employer is liable to pay compensation in respect of employment injuries. No compensation is payable in respect of any accident which is attributed to the serious and wilful misconduct of the worker, unless the injury results in death or serious disablement. Subject to certain conditions, compensation is granted in cases where an accident occurs while a worker is travelling to or from his work and, in particular, if the employer has provided the means of transport. The only presumption of occupational origin is in connection with tuberculosis contracted by persons employed by any hospital institution. There is no list of diseases presumed to be of occupational origin. All diseases due to the nature of employment are compensable. Compensation is related to the rate of earnings, whereas sickness benefit is at flat rates. Compensation is granted from the first day of temporary incapacity. As regards permanent incapacity, compensation is payable in respect of loss or reduction of earning capacity. A person who is partially incapacitated is expected to resume reasonable employment, and his compensation is calculated in accordance with this principle.

If no suitable employment can be found, the payment of compensation may be continued without any reduction, except in certain circumstances. There are no general provisions regarding the necessity of periodical medical examinations, but such examinations are provided for in certain specific occupations, in particular, in work involving the use of lead. Compensation is payable where a change of occupation is indicated because of the contraction of an occupational disease. Compensation for permanent incapacity may be given either in the form of a lump sum or in weekly payments for the whole duration of the incapacity, with an over-all limit of £1,500. Compensation may be supplemented by social security benefits (with the exception of those granted to miners in respect of the same disability), having regard to the means test applicable in respect of such benefits. Survivors' compensation is paid in the form of a lump sum to the Public Trustee who administers it; in the case of a widow, this sum may be paid out to her immediately or, where there are dependent children, may be held in trust for periodical payments. Consideration is given to the general and vocational education of children up to the age of 21 years. Dependants are compensated according to the degree of their dependency; a widow and children under 16 years of age are always presumed to have been dependent on the earnings of the deceased person. The dependants of an insured person who dies otherwise than as the result of employment injury are entitled to basic survivors' benefits, whether or not the deceased person had fulfilled contribution conditions.

Persons covered. There is no distinction between employers, employees and self-employed persons as regards contributions or the right to receive benefits. Dependent wives and children are covered by the legislation.

Collection of contributions. The employer is responsible for deducting contributions from the wages of the persons employed by him. The collection of contributions is undertaken by a national authority.

Administration of benefits. Arrangements are made for the efficient administration of benefits by the State Department concerned, in constant co-operation with the medical and employment services.

Employed and self-employed persons. The social security scheme is applicable to the whole community. The only benefits confined to employed persons are workmen's compensation, benefits for wage-earning miners and unemployment benefits. Persons who are employed for less than three days are excluded from workmen's compensation. Miners' benefit is granted to persons who have been employed for at least two and a half years in the mines. There are no unremunerated apprentices in New Zealand.

Benefit rates. The normal rate of social security benefits is £2 5s. per week, as compared with the minimum weekly wage of £5 15s. for men and £3 13s. for women.

Benefits are not related to previous earnings, except in the case of workmen's compensation where earnings over £7 6s. 8d. per week are ignored for the purpose of determining the rate of benefits.

Social security benefits are at flat rates. The population can procure additional protection by means of voluntary insurance. The rates fixed ensure a reasonable standard of comfort. Benefits correspond to approximately 33 per cent. of wages (66 per cent. if the wife's allowance is taken into account and more with child's benefit). Compensation for employment injuries is assessed on the basis of three quarters of the wages lost. Compensation is granted in the form of lump-sum payments if it is clear that such sums will not be misused. No provision is made for the adjustment of periodical payments to changes in the wage level in the insured person's previous occupation.

Contribution conditions. The rate of benefit is not related to the amount or number of contributions paid. Benefits for sickness, unemployment, old age and invalidity are only paid if the insured person has resided in New Zealand for a certain period, which varies according to the nature of the benefit. Child's benefit is granted to a widow if the child was born in New Zealand or, in certain cases, if the birth took place abroad.

Distribution of cost. The cost of benefits is covered by the collection of a special tax of 7½ per cent., paid by all recipients of income into the Social Security Fund. Where necessary, however, funds are transferred from the general state budget. The entire cost of compensation for employment injuries is borne by the employer. Premiums due by employers may be reduced or increased according to the type of building of the undertaking or to the employer's experience in preventing accidents. The stabilisation of contributions is ensured by the State-controlled insurance carriers.

Administration. The administration of social security is entrusted to three State departments, namely, the Income Tax Department, the Health Department and the Social Security Department: a special commission administers cash benefits. Workmen's compensation legislation is administered by the Department of Labour, but insurance monopoly is the responsibility of the State Fire Insurance Office. The influence of contributors is through normal parliamentary procedure. Many voluntary insurance schemes exist; the legislation fixes the conditions for the operation of such schemes. Beneficiaries and contributors easily acquire the knowledge of their rights and duties, in particular, by means of the publication of handbooks on the subject. Simplicity has been given primary considera-

tion in establishing procedure. In view of the control exercised by Parliament, it has not been found necessary to institute advisory councils. The central employers' and workers' organisations are consulted on proposed changes in the workmen's compensation legislation. There is no general right of appeal under the social security scheme. Limited rights of appeal exist in certain cases as regards employment injury insurance. No superior appeal tribunal exists to ensure uniformity of interpretation.

Social Assistance

Maintenance of children. Apart from benefits for dependent children (family benefits), public subsidies have been established to provide for the free distribution of milk and apples to schools, the organisation of health camps for delicate children and a school dental service. Subsidies have also been granted to provide for the welfare and maintenance of children from large families with limited means. A society subsidised by the Government devotes its activities to assisting mothers, by giving them advice and information on the duties and responsibilities of motherhood. This society trains and employs qualified nurses and maintains a network of clinics in which advice and assistance are given to mothers.

In view of the universal structure of the social security scheme, no provision is necessary for assistance in the form of family allowances. The State accepts responsibility for dependent children in so far as parental responsibility for maintaining them cannot be enforced.

Maintenance of needy invalids, aged persons and widows. These various categories of persons are protected by social insurance.

General assistance. Owing to the comprehensive nature of social security benefits, allowances of this kind are in the main unnecessary. However, provision is made for allowances in cash and in kind in necessitous cases by the social welfare departments of the various hospital boards.

All social security benefits, with the exception of health benefits which are administered by the Department of Health, are administered by the Social Security Department. Workmen's compensation insurance is under the control of the Government Accident Insurance Office, a branch of the State Fire Insurance Office.

Pamphlets relating to social security and health benefits in New Zealand are appended to the report, a copy of which has been communicated to the representative employers' and workers' organisations.

Norway.

Social Insurance

Sickness. Sickness benefits are awarded in the case of sickness which results in invalidity. An insured person is considered to be incapacitated for work if he has lost

his working capacity entirely, or if it is essential for his cure that he should abstain from doing any kind of work.

No sickness insurance benefits are paid for the first three days, as reckoned from the day of the occurrence of the invalidity. If the beneficiary sustains a relapse from the same illness, no new waiting period is required. Sickness benefits are payable until the insured person is fit to return to work, dies, or is granted a disablement pension, but for not longer than one year in respect of one and the same illness. In the case of tuberculosis, cancer, or chronic infectious polyarthritis, sickness benefits are payable for a period not exceeding two years.

Maternity. In case of absence from work owing to confinement, pecuniary maternity benefit is paid for a period of six weeks before and six weeks after confinement. If sickness occurs, the same benefits as are payable in other cases of sickness are paid instead of pecuniary maternity benefit. No deductions are made in respect of benefits to which the beneficiary may be entitled.

Invalidity. There is no general invalidity pensions scheme but, under the proposed National Insurance System, high priority is given to the introduction of such a scheme. Moderate benefits are provided for blind and crippled persons. A number of municipalities have also introduced ordinary invalidity pensions.

Old age. Every person who has attained the age of 70 years is entitled to an old-age pension. No exemptions are made in respect of persons employed in dangerous or unhealthy work. A general lowering of this age would seem impracticable for financial reasons and would also tend to encourage persons capable of working to desert industry. The requirements of persons who are incapacitated for work before becoming entitled to an old-age pension should be met by the introduction of a disablement pension scheme for persons under 70 years of age. The proposed national insurance system provides for the introduction of such a scheme. The report indicates the actual pension rates. The rules regarding the old-age pension tax are such as to make it imperative for most old-age pensioners to resign from ordinary employment in order to qualify for an old-age pension.

Death of breadwinner. There is no breadwinner's insurance scheme. Such a scheme has been prepared, but it will probably be some time before effect can be given to it.

Unemployment. The legislation in force is similar to that envisaged in the Recommendation. A fresh waiting period is, however, imposed if the insured person has been in employment for more than 12 days. Benefit is paid for a maximum

period of 15 weeks during 12 months. During and after the initial period, the policy advocated in the Recommendation is applied only if the unemployment is held to be of short duration. The text of the Act of 24 June 1939, as amended on 22 July 1949, respecting unemployment insurance, is appended to the report.

Emergency expenses. There is no insurance scheme which provides benefits for emergency contingencies not covered by other insurance schemes, but the necessary assistance is provided for persons without the means required for their support.

Employment injuries. Benefits are granted in respect of industrial accidents which result in incapacity for work, or of fatal accidents. No compensation is payable in respect of accidents which occur while a worker is proceeding to or from the place of employment. The same rules as for industrial accidents apply to a number of industrial diseases in respect of which a special legislative provision is in force. For other diseases, no benefit is granted unless the disease has been contracted as the result of an accident. Decisions as to which diseases are to be assimilated with industrial accidents are taken by the Crown; the list of such diseases is revised and supplemented from time to time. The legislation does not require a minimum period of employment in an occupation in order to establish the presumption of occupational origin. Compensation for temporary incapacity is paid under conditions similar to those applicable to the payment of sickness benefit. A waiting period of three days is observed for industrial accidents as well as for sickness. In the case of permanent incapacity resulting from an industrial accident, the rate of compensation is graded according to the degree of incapacity. There are no legislative provisions under which a person permanently incapacitated may be deemed to be suitable for some special kind of work. Compensation is determined according to the degree of incapacity. The legislation contains provisions for safeguarding the health of workers by medical examinations. A worker who is transferred to another occupation because he has contracted a disease or is threatened with a disease is not eligible for compensation unless the disease results in invalidity for which compensation is payable. Compensation in respect of permanent incapacity is payable from the termination of the medical treatment, and is not subject to any restrictions as regards duration. If the accident results in death, the beneficiaries of the deceased person receive compensation. A widow receives compensation until she remarries. Children receive compensation until the age of 16 years. Relatives in the direct line may be granted compensation if the deceased person was their chief breadwinner. If death is not caused by the injury, the beneficiaries of the deceased person are not entitled to compensation.

Persons covered. The wife of a beneficiary and his children under 16 years of age are ensured approximately the same benefits as the beneficiary himself (with the exception of sickness benefits).

Collection of contributions. The employer is responsible for the payment of the sickness insurance premium and for deducting the employee's share of the contribution from his wages. As regards accident insurance, the entire premium is paid by the employer, except in the case of fishermen.

Employed persons. Salaried employees must be registered with the insurance office. Sickness benefits are granted even if registration has not taken place. No registration is required for insurance against industrial accidents.

Self-employed persons. Self-employed persons are entitled to an old-age pension on the same lines as other persons; they may also register as voluntary members of sickness insurance offices.

Benefit rates. Insured persons have been divided into six categories and sickness benefits are fixed at the same amount in respect of incomes within each category. These benefits amount to approximately 60 per cent. of the income of the person concerned; no sickness benefits are paid in respect of Category 1. An additional benefit is paid for a dependent marital partner and for each dependent child under 16 years of age. Sickness benefits with supplements may not amount to more than 90 per cent. of income. Pecuniary maternity benefit is equal to the sickness benefit granted for the category concerned. The amount of the old-age pension is the same for all beneficiaries; deductions are made according to the income of the pensioner. A widow's pension constitutes 40 per cent. of her deceased husband's earnings. Fixed annual benefits are paid for children. In the case of orphans, the amount payable for the first child is the same as that due to a widow, supplements being payable in respect of the other children. Under the accident insurance scheme, benefits amounting to 60 per cent. of earnings are payable in the event of total incapacity. However, a maximum limit has been stipulated. A fixed breadwinner's supplement is also payable. Compensation always takes the form of periodical payments, except when incapacity for work is less than 20 per cent. No adjustment of the pension is made because of changes in the rates of wages for the previous occupation of the insured person.

Contribution conditions. Sickness benefits are not paid in respect of an illness contracted prior to membership as an insured person. Maternity benefits are paid to persons who have been members of the sickness insurance office for a period of 10 months immediately preceding confinement. The expenses of the old-age pension scheme are defrayed from taxation.

Distribution of cost. The expenses of sickness insurance are distributed among insured persons (six elevenths), employers (two elevenths), the State (two elevenths) and the municipalities (one eleventh). The contribution of the insured person varies according to the category in which he is listed. The entire cost of accident insurance contributions is borne by the employers. The old-age pension tax is fixed at 1.2 per cent. of the income and is collected together with ordinary taxes.

Administration. The sickness and accident insurance schemes are administered by the National Insurance Institution, with insurance offices in each municipality. The old-age pensions and the family allowances schemes have their own administration, under the jurisdiction of the Ministry of Social Affairs.

Social Assistance

Maintenance of children. In order to keep the cost of living stable, important subsidies have been provided in the national budget. Municipal and State taxes are reduced according to the number of children.

The report gives details regarding school meals and housing loans. Every person who is the breadwinner of more than one child under 16 years of age is entitled to a family allowance, irrespective of his income, estate, or occupation, and whether or not the child was born in wedlock, is a foster-child, stepchild, or adopted child. The main necessities of life are secured to persons who are unable to support themselves.

Maintenance of needy invalids, aged persons and widows. There is no insurance scheme for the benefit of invalids, aged persons and widows who receive no benefits under any insurance scheme.

Further details regarding the situation in Norway are contained in documents on social insurance, the "New Universal Social Security Plan for Norway", and "Family and Child Welfare in Norway", appended to the report.

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

Pakistan.

At present, income security is provided only under the legislation respecting employment injuries and maternity.

Employment injuries are covered by the Workmen's Compensation Act, 1923, which applies to certain categories of workers. Workers covered by the Act are entitled to compensation from employers in case of injuries caused by accidents arising out of and in the course of employment and in case of occupational diseases specified in the Act. The worker is not required to make any contributions. The amount of compensation depends on the nature of injuries and the average monthly earnings of the worker; compensation is payable in the event of death, permanent total disable-

ment, permanent partial disablement and temporary disablement, according to a schedule laid down in the Act.

Maternity benefits are provided under a central Act (the Mines Maternity Benefit Act, 1941) and several provincial Acts. The Mines Maternity Benefit Act, 1941, applies to women employed in mines, and provides for maternity leave during a period of four weeks before and four weeks after confinement, at the rate of 12 annas a day in the case of women employed on surface work and, in the case of women working underground, for ten weeks before and six weeks after confinement at the rate of 6 rupees a week. A woman who is attended by a qualified midwife is also entitled to a confinement bonus of 3 rupees. The Punjab Maternity Benefit Act applies to factories and provides 30 days' maternity leave before and after confinement, with benefits equal to her average daily earnings or 12 annas a day, whichever is greater. The Assam Maternity Benefit Act, 1944 (in force in the District of Sylhet in East Bengal) applies to factories and mines. It provides for maternity leave during a period of four weeks before and four weeks after confinement at the following rates : (i) in factories, average daily earnings subject to a minimum of 2 rupees a week ; (ii) on plantations, at the rate of 1 rupee 4 annas per week during the period after delivery provided the total cash payment amounts to 14 rupees. Every woman worker covered by this Act is entitled to medical treatment and attendance during pregnancy and confinement. The Bengal Maternity Benefit Act (in force in East Bengal) applies to factories and provides for maternity leave during a period of four weeks before and four weeks after confinement, at the rate of 8 annas a day or the average daily earnings, whichever may be greater. A Bill to provide maternity benefit for women working on tea estates is being considered by the Government of East Bengal. The Sind Maternity Benefit Act also provides for maternity leave during a period of four weeks before and four weeks after confinement at the rate of 8 annas a day. The Pakistan Government is studying a Workmen's State Insurance Bill covering the risks of employment injuries, childbirth and sickness by means of compulsory insurance.

The Workmen's Compensation Act is administered by Commissioners for Workmen's Compensation appointed by each provincial Government. The provincial maternity benefit Acts are administered by the provincial Governments while the Mines Maternity Benefit Act is administered by the Central Government, through its chief inspector of mines.

The texts of the Acts mentioned in this report are in substance the same as those in force in India at the time of Partition (i.e., 15 August 1947); however, certain necessary adaptations have been made to bring the legislation in line with the changes which have occurred.

Poland.

The social insurance system applies to all employed persons and is based on the Acts of 24 November 1927 and 28 March 1933. Pending the consolidation of the basic principles of the economic and social system in Poland, the former legislation has been amended and supplemented in various respects. The Decree of 29 September 1945 placed on the employer the entire responsibility for contributions. The Decree of 8 January 1946, which instituted a single insurance system for the whole country and authorised the extension of social insurance to agricultural workers throughout the territory, regulated the methods for determining pensions and introduced medical assistance for pensioners. The Decree of 13 January 1946 modified in some respects the provisions relating to the waiting period as regards sickness benefits. The Decree of 28 April 1948 extended the duration of maternity benefit, and the Act of 1 March 1949 unified the administration of the various branches of insurance and set up a general insurance fund. In addition to general insurance, administered under the Act of 1933, there is a special insurance system for miners and foundry workers. From 1 January 1948, family insurance, with an independent administration, was introduced in order to ensure the maintenance of children and also of husbands who are unable to work.

Social Insurance

Contingencies covered. The following contingencies are covered by the Act of 28 March 1933 : sickness, maternity, invalidity, old age and death of the breadwinner, employment injuries; unemployment is dealt with in the Acts of 12 July 1924 and 24 November 1927. Beneficiaries of insurance allowances in cash may receive either children's allowances under family insurance, from the second child, or supplementary benefits for each child. The former are at a higher rate than the latter and are payable until the child has reached the age of 16 years, while the latter are payable until the child reaches 18 and even 24 or 30 years of age.

Sickness. Cash benefits are granted in the event of sickness. Incapacity for work is determined in relation to the occupation of the insured person and is taken into consideration as a protective health measure when the resumption of employment is likely to result in a deterioration of the state of health. There is a waiting period of two days; where incapacity lasts for more than two days, benefits are payable from the first day. The duration of benefits is limited to 26 weeks and, in certain cases, may be extended to 29 weeks.

Maternity. Every woman has the right to cease work and to receive benefits during a period of 12 weeks, at least eight of which must fall after childbirth. Where a further rest period is recommended, the woman is

entitled to maternity benefit, the payment of which is not conditional on the utilisation by the beneficiary of existing health services.

Invalidity. The contingency for which invalidity benefit is payable is inability to engage in any occupation, the wages of which amount to at least one third of the amount earned by an able-bodied person of equivalent qualifications. No difference is made between temporary and permanent incapacity. Persons who follow training courses continue to receive invalidity benefits. Earnings not exceeding a certain sum do not involve loss of pension rights. In practice, the earnings of a disabled person may not exceed one half of average earnings. A handicapped person is not obliged to accept any occupation which may reasonably be indicated to him.

Old age. The right to an old-age pension begins at 65 years of age for men and women and 60 years for workers who have been employed for 15 years in mines or foundries. The amount of the pension is not related to the earnings of the insured person. Where necessary, an invalidity pension is granted up to the date on which the right to an old-age pension begins.

Death of breadwinner. A pension is granted to a widow with one or several dependent children, who is unable to work or who is over 55 years of age. In any case, pensions are granted to the widows of miners. In certain conditions, a widower is eligible for a pension. Orphans (legitimate and illegitimate children, stepsons and step-daughters) are entitled to a pension up to the age of 18 years, or 24 years in the case of orphans who are continuing their education.

Unemployment. As there is no widespread unemployment in Poland, any moneys collected in this respect, in virtue of the Acts of 1924 and 1927, are utilised for the improvement of conditions of employment (training, vocational guidance, etc.).

Emergency expenses. Under the insurance system, a certain number of benefits is provided for in order to meet special expenses (special bonus where the constant attendance of another person is required, grant to cover funeral expenses, milk allowance to children, pregnant women and mothers who nurse their children, allowance to cover the purchase of a layette in case of childbirth).

Employment injuries include accidents occurring to an insured person on the way to or from the place of employment. The list of occupational diseases which give the right to benefit is supplemented from time to time by means of an Ordinance; no minimum or maximum periods of employment are required. In the case of temporary incapacity, and even at the beginning of permanent incapacity, compensation is granted, as for sickness benefits, from the first day of a period of incapacity which lasts

for at least three days. Compensation is paid for the entire period of incapacity, provided that this exceeds four weeks. Compensation is not granted unless the insured person is incapacitated by at least 25 per cent. An insured person is not obliged to resume any employment which may reasonably be indicated to him. The beneficiary of an accident pension may be entitled concurrently to an invalidity, old-age or survivors' pension; in this case, the amount of the lowest pension is reduced by one half. Persons exposed to the risk of an occupational disease are subject to periodical examinations; in principle, where a change of occupation is necessary, the insured person is entitled to compensation. In the event of death, benefits are granted to : (a) the widow; (b) children up to the age of 18 years and, if continuing their education, up to 24 or 30 years; (c) parents, grandparents, brothers or sisters who were dependent on the insured person. If death was not caused by the employment injury, the widows and children of insured persons may only be granted an invalidity, old-age or survivors' pension; the legislation will be amended so as to enable them to enjoy benefits, even in cases where they are not entitled to these pensions.

Persons covered. All employed persons including, in particular, home workers are protected by social insurance. The legislation provides for the possibility of voluntary insurance for self-employed persons but, in point of fact, no practice is at present made of this type of insurance. Dependent wives and children are covered by insurance respecting the breadwinner.

The employer is entirely responsible for contributions, which are collected by the local social insurance offices.

The administrative services have been reorganised in order to control the right to benefit and to settle benefits rapidly and with the minimum of administrative expenses; they are assisted in their task by the trade unions.

Persons employed for remuneration are insured against all the contingencies covered by the unified social and family insurance system. The extension of insurance to certain categories of agricultural workers has been delayed because it has been necessary to amend collective agreements. Technical difficulties have also prevented the extension of insurance to domestic servants who do not work for more than two weeks for the same employer. Persons whose gainful occupation does not provide them with the main means of subsistence and who do not work for more than one week for the same employer are only covered by accident insurance. The same is the case for wage-earning apprentices and agricultural workers who do not work for more than 25 days for the same employer. The members of an employer's family are considered as employed persons if the work in question is carried out in accordance with

a contract of employment. In other cases, they enjoy only accident insurance benefits. In certain conditions, insured persons who cease to be gainfully occupied retain their insurance rights.

Benefit rates. The main features of the Polish insurance system are short-term and permanent benefits. In the case of the former, the amount of benefit is fixed in relation to the total earnings of the insured person: 70 per cent. (with a 5 per cent. supplement for each dependent child) for sickness benefit, 100 per cent. for maternity benefit. Since, in the event of hospitalisation, all expenses are assumed by insurance, cash benefits in this case are reduced to 50 per cent. for persons with dependent families and to 14 per cent. for others. In order to determine the amount of permanent benefits (pensions), insured persons are divided into various categories according to their earnings. Invalidity and old-age pensions vary between 40 per cent. and 25 per cent., according to the amount of earnings. The accident insurance pension is at the rate of 40 per cent. of actual earnings in the case of the highest wage rates and 75 per cent. for the lowest wage rates. With regard to pensions, a supplement of 7 per cent. of average earnings is paid in respect of each dependent child where family insurance does not provide for benefits in favour of children. Widows' pensions amount to approximately 70 per cent. of the insured person's pension or 30 per cent. of wages in the lowest wage groups. As regards accident insurance, the widow's pension is 50 per cent. of the pension in case of total incapacity and represents from 20 to 35 per cent. of the basic wage. Orphans are granted the pension for dependent children, to which a supplementary allowance is added. As old-age pensions are granted even in cases where the pensioner continues to be employed, there is no question of increasing the pension when retirement is deferred beyond the prescribed age. Periodical payments are adapted to significant changes in the wage and prices level.

Contribution conditions. The right of an employed person to benefit is subject, not to the payment of contributions by the employer, but to the period of employment (four weeks in the case of sickness benefit) or to the period spent in an insurance (four weeks during the year preceding confinement in the case of maternity benefit). As regards invalidity, old-age or survivors' pensions, this period must be at least 200 weeks during ten years, of which 50 weeks must have been spent during the preceding three years. In the case of persons employed by the month, the minimum period of insurance is at least 60 months.

Distribution of cost. In all branches of insurance, the cost of benefits, including the costs of administration, are borne exclusively by the employer.

Administration. The administration of the general and family insurance scheme has been completely unified and entrusted to an organisation comprising 61 basic regional offices, 7 main branch offices and the central service of the Social Insurance Institution. Workers' representatives participate in several respects in the administration of insurance. The medical care services form an integral part of this institution. A considerable number of popular publications makes it possible to acquaint insured persons with their rights. The settlement of disputes is entrusted to special insurance tribunals, presided over by professional judges and comprising workers' and employers' representatives. In principle, a two-instance procedure is applied, the judgment authorities of the second instance being responsible for ensuring uniformity of interpretation.

Social Assistance

Maintenance of children. The State assumes the responsibility for the protection of children by various measures: (a) family insurance, under which an allowance amounting to 15 per cent. of the basic wage is granted for each child of an employed person or pensioner: this insurance also includes benefits in kind (milk, layette); (b) measures designed to assure the healthy nurture of children (holiday camps, amusements, homes, food supplements, medical care); (c) measures in favour of orphans or children whose parents are unable to bring them up in satisfactory conditions. Taking into consideration the effects of the war, a considerable measure of success has been achieved in this direction (homes for children and mothers, nursery schools, allowances for food and clothing, medical assistance).

Maintenance of needy invalids, aged persons and widows. Benefits equivalent to insurance benefits are granted to employed persons who, in view of their age at the time when the insurance system was introduced, have been unable to enjoy benefits. In certain regions, benefits are also granted to persons employed in agriculture who are not covered by insurance. A considerable number of wage-earning employees who have worked abroad are not covered by insurance, either because there are no agreements with certain countries (Belgium, Germany) or because they have worked in two or three countries successively. Such cases are very numerous owing to the development of Polish emigration before the war and to the system of forced labour in Germany during the war. A special indemnity is payable in favour of miners who have worked successively in Belgium, France and Germany, as well as to their dependants. Benefits are also provided for certain categories of invalids, widows and orphans, victims of the war, but it is not possible to extend assistance to all war victims, the number of which amounts to several millions.

General assistance. Measures for permanent assistance (special institutions, rehabilitation) are taken in favour of persons not covered by the above-mentioned categories and who suffer from physical or mental infirmities. Measures are also being taken in order to reclassify prostitutes, beggars and vagrants.

The report gives details of the modifications which it has been considered necessary to make in the provisions of the Recommendation in order to make it possible to adopt them in Poland.

The second principle of the Recommendation stipulates that income security should be organised "in consideration of the contributions paid". The insurance system introduced in Poland is of such a nature that it would be more appropriate to employ the term "in consideration of the period covered by insurance", in view of the fact that the right to benefit is not conditional on the payment of contributions.

While the Recommendation (Principle 10) provides, as regards maternity, for abstention from work during a period of six weeks before and six weeks after childbirth, it seems more suitable for this period to include four weeks before and eight weeks after childbirth.

Principles 17 and 21 refer to the extension of social insurance to self-employed persons. The Polish Government is of the opinion, on the one hand, that the definition of the category of self-employed persons, which includes mainly ground landlords and farmers, is far too wide, in view of the fact that these persons are in a more or less comfortable position (moreover, the economic and social system of rural districts is in the process of transformation in various countries). On the other hand, the Recommendation introduces a reservation (possibility of collecting contributions without incurring disproportionate administrative expenditure) which is likely to lead to delay in ratification. The report suggests that the question of insurance for self-employed persons should be re-examined, that a more limited definition should be adopted and that insurance should be introduced for this category of workers irrespective of the administrative difficulties involved and parallel with the introduction of social reforms.

As regards the provisions relating to benefit rates (Principles 22 to 24), it would have been desirable for the Recommendation to make a distinction between short and long-term benefits. As regards the latter, the most important question is that of adapting periodical payments to changes in the wage level.

Sweden.

The measures contemplated or already in force tend, in general, to cover the same provisions as those contained in the Recommendation. An Act passed in 1946, and due to come into force on 1 July 1951,

provides for the creation of a general compulsory sickness insurance scheme. Proposals have been submitted for the setting up of a compulsory maternity insurance scheme. Some special forms of assistance are already in force (continuation of remuneration during maternity leave, maternity assistance and assistance to mothers).

Compulsory invalidity and old-age insurance have been in existence since 1913; amendments were made in 1948 in order to increase benefits. The scheme also provides for widows' pensions. Unemployment insurance is on a voluntary basis for various occupations; it has been proposed to generalise this scheme and make it compulsory. Compulsory insurance against employment injuries has been in force for some time. The social assistance measures mentioned in the Recommendation are applied largely through the Poor Act.

Although it has not yet been possible to achieve uniformity in the administration of social insurance, this question is being discussed and examined.

Contributions to State pensions, maternity benefits and compulsory sickness insurance schemes are paid at the same time as taxes, but the payment of these contributions does not necessarily constitute a right to benefits. The same principle is followed in the proposed scheme for compulsory unemployment insurance. The State is responsible for a large part of the costs of the various branches of insurance.

Benefits paid to insured persons are not fixed according to their earnings, as insurance is considered as a means of equalising incomes. The sums allocated are uniform and are sufficient to guarantee a reasonable standard of living. Special contributions may be paid in order to obtain supplementary benefits. Sickness and unemployment benefits are, to some extent, increased by the payment of family allowances; this also applies to the scheme for invalidity and old-age insurance. Any person who has reached 67 years of age may claim old-age benefits.

Switzerland.

Social Insurance

Contingencies covered. The range of contingencies covered by social insurance does not embrace all the contingencies in which an insured person is prevented from earning his living. The compulsory accident insurance scheme provides for benefits in favour of workers and salaried employees in the case of incapacity for work or death. Insurance has been introduced to cover : sickness, maternity (in conjunction with sickness insurance), old age and survivors, benefits in the event of death, unemployment, employment injuries and occupational diseases. There is no invalidity insurance, strictly speaking, and there are no special provisions regarding emergency expenses.

Daily benefits payable under sickness and accident insurance do not vary according

to the number of children of the beneficiary; invalidity pensions are in proportion to earnings, and include regular supplementary allowances. Unemployment insurance benefits vary according to the number of persons dependent on the beneficiary.

Allowances paid to employers and workers on military service include benefits for each child up to 18 years of age. Family allowances (the payment of which is compulsory in certain cantons) are generally paid, for a limited period only, in cases of sickness, accident, unemployment or death.

Sickness. In § 34 (*bis*) the Federal Constitution authorises the Confederation to introduce sickness and accident insurance by legislative measures and taking due account of existing sickness funds. The Federal Act of 13 June 1911, respecting sickness and accident insurance (LAMA) entrusted the recognised sickness funds with the application of sickness insurance. The Act lays down certain conditions regarding the official recognition of the funds. In practice, the necessity for abstention from work is judged with reference to the previous occupation of the insured person. Medical care and pharmaceutical requisites are payable from the beginning of the illness and not later than from the third day. This waiting period may be required anew for each subsequent illness.

Sickness funds are free to establish the duration of the period during which benefits are payable. However, benefits must be guaranteed for one or more illnesses for not less than 180 days during 360 consecutive days. Benefits for persons suffering from tuberculosis must be paid from the first day's treatment in a sanatorium, for at least 720 days during a period of five consecutive years or, if the house doctor certifies that an extension of the treatment would have beneficial results, for a period not exceeding 1,080 days in a period of five consecutive years. The Confederation is responsible for part of the insured persons' contributions to the costs of treatment and surgical operations. Subsidies granted by the Confederation are increased in cases where the funds grant benefits which are higher or are paid for a period longer than provided for in the legislation relating to insurance.

Maternity. Leave before childbirth is optional. Upon giving notice, pregnant women may leave their work temporarily or not come to work; they may not be dismissed for so doing. From six to eight weeks' leave after childbirth is compulsory for women employed in factories. Sickness funds are only bound to pay benefits to insured women during the six weeks following childbirth. Benefits extending beyond this period are paid only in case of sickness. There are at present no legal provisions concerning the compulsory utilisation of childbirth services, provided free by the communes or other institutions.

Invalidity. The Federal Constitution lays down that invalidity insurance may not be introduced by the Confederation until old-age and survivors' insurance has been established. This latter branch of insurance has been set up recently and the Confederation will consider at what time the necessary work can be undertaken in connection with invalidity insurance. Invalidity due to an employment injury or occupational disease is regulated in conformity with §§ 76-82 of the Act of 13 June 1911 (LAMA).

Old age. The old-age pension is granted from the first day of the six months of the calendar year following the year in which the 65th year has been reached. In the case of a married couple, the pension is granted when the husband reaches 65 and his wife 60 years of age. There are no provisions respecting a lower age for persons who have worked for many years in arduous and unhealthy occupations. The payment of pensions is not conditional on retirement from all regular work in a gainful occupation.

Death of breadwinner. Survivors' insurance covers benefits for widows and orphans. Widows' benefits are paid to : (a) a widow, who at the time of her husband's death has one or more children or adopted children; (b) a widow without children or adopted children, provided that she is over 40 years of age at the time of her husband's death and has been married for at least five years; (c) a divorced woman, on the death of her former husband, provided the marriage has lasted for not less than 10 years and the husband has been paying her alimony. One single allowance is paid to a widow who, on the death of her husband, does not fulfil the qualifying conditions for a pension.

Orphans' pensions for the loss of one parent are paid to children upon the death of their father or, in certain cases, of their mother. "Full" orphans' pensions are paid to children who have lost both parents. Illegitimate children are also entitled, subject to certain conditions, to a pension for the loss of one or both parents. Where the father is unknown or has not contributed to their upkeep, children are allowed an orphan's pension for the loss of both parents, on the death of their mother. Adopted children may only claim benefits on the death of their adoptive parents. Foundlings are entitled to an orphan's pension for the loss of both parents. Orphans' pensions are payable up to the age of 18 years or, in the case of apprentices or students, up to 20 years.

Unemployment. Only wage-earning employees may belong to an unemployment insurance fund. In order to be entitled to benefits an insured person must be unemployed through no fault of his own, must be suitable for and endeavour to obtain employment. Both total and partial unemployment give the right to benefits. A waiting period of one day is prescribed but is not imposed more than once a year.

The payment of benefit is limited to 90 days. This period may be extended for 90 days, or even 140 days during a year. No distinction is made between the initial and subsequent periods. An insured person claiming unemployment benefit must accept any suitable work. Work is considered suitable if it is in another occupation or involves a change of residence; it is considered as unsuitable if it is performed under conditions which do not correspond to local or occupational practice or are not in conformity with the conditions laid down in the collective labour agreements by which the insured person is bound. In practice, the national legislation is applied in conformity with the spirit of the Recommendation.

Emergency expenses. Housewives may insure themselves for a daily allowance with a recognised sickness fund. Existing legislation contains no provisions concerning the payment of a lump sum for the purchase of a layette. The necessary amendment to the legislation is under consideration. A bonus on an invalidity pension up to the total amount of earnings is provided for in case of total incapacity for work and for as long as the complaint exists. The legislation respecting sickness and accident insurance provides that if an insured person dies as the result of an accident, funeral expenses up to the amount of 40 francs are paid to survivors. The legislation respecting old-age and survivors' insurance makes no provision for a lump-sum payment for burial expenses.

Employment injuries. Salaried employees and workers engaged in certain specific undertakings, which are enumerated in the legislation, are compulsorily insured against accidents with the Swiss National Accident Insurance Fund. Insurance is applied by an institution under the public law, set up by the Confederation, and according to the principles of mutual insurance. The risks insured against include bodily injuries sustained by an insured person in the workplace, either before or after the hours of work. Federal legislation assimilates occupational diseases and employment injuries. The Federal Council draws up a list of substances, the production or utilisation of which results in certain serious diseases. The report enumerates these diseases. The Federal Council is authorised to assimilate to occupational diseases certain serious diseases resulting from employment injuries but not caused by the action of harmful substances. The list of such substances can be easily revised by the Federal Council by means of an Ordinance. A minimum period of employment is not required in order to establish the presumption of occupational origin. In the case of temporary incapacity, benefits take the form of medical care and pharmaceutical requisites, appliances and the necessary travelling expenses and, on the other hand, unemployment benefit, which is granted from the third day after the accident and for the duration of the illness.

A pension is granted in case of total incapacity for work. The legislation does not compel an insured person to take up employment in an occupational branch which may be indicated for him. He is required, however, to follow a new treatment which is likely to improve his ability to work. If it appears that an insured person will recover his ability to work when his claims have been settled and he has returned to work, benefit in the form of a lump sum to replace the pension is substituted for previous benefits. The invalidity pension is based on the degree of incapacity for work, whether or not the disabled person continues in gainful employment. No compensation in the form of a single payment is provided for in the case of loss of a member or disfigurement. Workers who are exposed to quartz dust or who are employed in the manufacture or use of paint containing lead are required to undergo periodical examinations. Moreover, compensation is paid, subject to certain conditions, to insured persons whose possibilities of earning are considerably reduced because they are no longer able to continue in their former occupation. A pension is paid to a disabled person as soon as it is certain that further medical treatment will not greatly improve his condition and if the accident is followed by an incapacity considered to be permanent. There are no special regulations regarding qualification for other benefits of persons receiving compensation for permanent and partial incapacity. In the event of the death of an insured person, allowances are payable to the widow (during widowhood) and, in certain cases, the widower, children, parents, grandparents, brothers and sisters. Every legitimate child is entitled to a pension up to the age of 16 years or, if at this age the child is permanently incapacitated for work, until 70 years have elapsed since the birth of the insured person. Direct descendants, for the remainder of their lives, and brothers and sisters up to the age of 16 years are also entitled to a pension. The legislation does not provide for basic survivors' benefits for insured persons who are incapacitated and who die otherwise than from the effects of an employment injury.

Range of persons to be covered. Every Swiss citizen of either sex has the right to join a sickness insurance fund provided he satisfies the statutory conditions for admission.

Accident insurance covers all wage-earning employees in an undertaking subject to insurance and whose duties bring them into contact with the undertaking or parts thereof. As a general rule, a subcontractor and his employees are also insured, as well as persons forming part of a group employed on job work. The marital partner of the head of an undertaking, as well as any relatives living in his household, are covered by insurance only in so far as they are considered workers and employees of the undertaking. Old-age and survivors' insurance is compul-

sory for the whole population without any distinction; exception is made of persons benefiting from privileges based on international law, persons who have satisfied the required conditions for a relatively short period and persons already affiliated to an official foreign institution for old-age and survivors' insurance, provided that membership of the Swiss scheme would impose too heavy a burden on the persons concerned.

Collection of contributions. The cantons may compel employers to control the payment of sickness insurance contributions from any of their employees who are compulsorily insured with public funds. This procedure is becoming more and more frequent.

Employers are responsible for the collection of accident insurance contributions. Subject to certain reservations, premiums paid by employers for non-occupational accidents are deducted by them from earnings.

Contributions for old-age and survivors' insurance are deducted (a) from remuneration at source, (b) in respect of insured persons of independent means or not gainfully employed, by the compensation fund.

Administration of benefits. The sickness insurance funds must be financially sound and are under the supervision of the Federal Bureau of Social Insurance. Accident insurance is administered by the Swiss National Fund for Accident Insurance. Contributions paid in respect of old-age and survivors' insurance are entered in the individual account of each insured person.

Employed persons. There is no insurance strictly speaking for wage-earning employees which embraces all the contingencies covered by social insurance. This situation could be remedied by the federal Bill which is now being drafted concerning the protection of labour in industry, arts and crafts, commerce and transport. Switzerland has adopted the principle of "universality" with regard to old-age and survivors' insurance.

Self-employed persons. There are no legislative provisions concerning a general insurance scheme for persons working on their own account. Self-employed persons are insured in the same way as employed persons under the old-age and survivors' insurance scheme.

Benefit rates. The funds are responsible for establishing the rate of daily sickness insurance benefits (minimum of 1 franc a day, including Sunday). The possibility of granting a supplementary maternity benefit of 3 francs a day for loss of earnings to gainfully employed insured women is under consideration.

Accident insurance benefits comprise 80 per cent. of earnings lost by reason of sickness, including regular supplementary allowances; earnings are taken into account only up to 26 francs a day. In the case of total incapacity for work, the pension is fixed at 70 per cent. of the annual earnings

of the insured person. If the injury necessitates the care of a nurse and other special treatment, the pension may be increased up to the total amount of earnings. No provision is made for increased benefits in the case of dependent persons. Widow's benefit is up to 30 per cent. of the insured person's annual earnings. Each surviving or posthumous child is entitled to an allowance of up to 15 per cent. of the annual earnings of the insured person. If the surviving child is both fatherless and motherless, benefits amount to up to 25 per cent. of the insured person's annual earnings. No provision is made for increased benefits in return for additional contributions by an insured person. As a rule, benefits to an insured person who is disabled as the result of an accident are paid in the form of periodical payments. The redemption of a pension is not authorised unless the consent of the competent fund has been obtained, and unless the monthly payment is under 10 francs or the beneficiary lives abroad. In the latter case, the consent of the insured person is not required. An insured person is not entitled to a lump-sum payment in lieu of a pension. Periodical payments are not adjusted to changes in the wage level for the insured person's previous occupation.

As regards old-age and survivors' insurance, a distinction is made by law between ordinary and transitory pensions, according to whether or not claimants and their survivors have paid contributions for at least a year. Transitory periodical payments are pensions based on a means test and are only granted in cases where the income of the claimant is below a certain level. Ordinary and transitory pensions are divided into the following categories: old-age pensions (single persons and married couples); widows' and orphans' pensions (loss of one or both parents).

Distinction is also made between full and partial ordinary pensions, according to whether or not the insured person has paid contributions for at least 20 years. However, orphans are entitled to a full pension provided their father has paid contributions for at least one year. Pensions are calculated on the basis of the average annual contributions entered in the individual accounts of contributions.

The rate of ordinary pensions (full) varies with the sum of contributions paid.

Contribution conditions. In principle, every insured person must pay sickness insurance contributions. The waiting period required by a fund in respect of its members before they are entitled to benefits must not exceed three months. Maternity benefits are only payable if the insured person has been a member of a fund for at least nine months before confinement without any period of interruption of more than three months. Sickness funds may suspend benefits if the insured person is late in paying his contributions. Ordinary old-age and survivors' pensions are only granted if

the person covered by the law has paid contributions for at least one whole year.

Distribution of cost. Subsidies in respect of sickness insurance are paid by the Confederation per insured person and per year, as well as other subsidies in mountainous districts where communications are difficult and the population is scattered. The remainder of the costs must be borne by the insured persons, if necessary with assistance from the cantons and communes. If the cantons or communes make sickness insurance compulsory and undertake to pay all or part of the contributions of insured indigent persons, the Confederation grants subsidies amounting up to one third of their expenses. Employers may not be compelled to pay sickness insurance for their employees.

Under accident insurance, premiums for employment injuries are paid by the employer. In the case of non-occupational accidents, the insured person pays three quarters of the premium and the Confederation one quarter.

The expenses of the old-age and survivors' insurance scheme are covered by: (a) contributions from insured persons and, in the case of wage-earning employees, from employers; (b) contributions from public authorities, divided between the Confederation and the cantons and (c) interest on the compensation fund. The compensation funds cover their administrative expenses by special contributions from their members. All wage-earning employees do not participate in covering the administrative expenses of the funds.

Administration. Sickness insurance is administered by various private and public funds under the supervision of the Confederation. Every insured person has a copy of the regulations of his fund, containing full details respecting the rights and duties of members. Appeals relating to sickness insurance are referred to ordinary tribunals.

Compulsory accident insurance is administered by the Swiss National Fund for Accident Insurance, an institution under public law; the administration of this institution is not unified. Occupational organisations are called upon by the National Fund to advise in certain questions. Each canton appoints a tribunal to deal with disputes concerning insurance benefits. Appeals may be referred to the cantonal tribunals; the right of appeal is guaranteed under the legislation. Uniformity of interpretation is ensured by the Federal Insurance Tribunal at Lucerne.

The administration of old-age and survivors' insurance is entrusted to the compensation funds for the cantons or the occupational organisations and is supervised by the Confederation. Provision is made in certain circumstances for the collaboration of wage-earning employees in the administration of the occupational funds. The head compensation office forms part of the federal administration.

The communal agents of the compensation funds for the cantons or the occupational organisations must supply the interested persons with any information they request. Contentious appeals concerning old-age and survivors' insurance are free of charge. The Federal Committee for Old-Age and Survivors' Insurance, which is called upon to advise on all important questions, is composed of representatives of insured persons, big economic associations, the cantons and insurance institutions.

Appeals against the decisions of the compensation funds may be referred ultimately to the Federal Insurance Tribunal at Lucerne. Notice of appeal may be given by the parties concerned as well as by the Federal Council.

Social Assistance

Maintenance of children. As a rule, social assistance is carried out by the cantons and communes. The Confederation subsidises the cantons and the "Pro Juventute" institution to enable them to assist orphans by benefits supplementary to survivors' insurance pensions. Private subsidised institutions sell milk at a moderate price for babies whose mothers are unable to nurse them. The system of school canteens to supply free or moderately-priced meals is widespread in mountainous districts with a scattered population. There are also school canteens in the towns. In several cantons and communes, the authorities have arranged for the distribution of milk to school children and to indigent persons, and own children's holiday homes and public nurseries. Practically every part of the country has a public health service for schools and public medical pedagogical services.

The only federal scheme for children's allowances relates to agricultural workers and peasants in mountain districts. Five cantons have introduced compulsory family allowances for all wage-earning employees. In these cantons, payments are ensured by contributions from employers. Moreover, various occupational organisations make provision for the payment of family allowances to wage-earning employees.

Under the federal scheme, all agricultural workers, whatever their income, are entitled to household allowances and to allowances for legitimate or adopted children, children to whom they offer a home and children of their spouse, up to the age of 15 years. Mountain farmers receive children's allowances only if their undertakings have a capacity of production under 12 head of heavy cattle.

Cantonal legislation does not make the right to children's allowances dependent upon income. Allowances are paid for all children under 18 years of age or, in some cases, under 20 or 21 years. The rate of the allowance does not vary according to the age of the child.

In all communes, the social services and, in particular, the guardianship authorities, undertake the upkeep of dependent children

when the parents do not or are unable to assume it themselves.

Maintenance of needy invalids, aged persons and widows. Needy invalids under 65 years of age receive public assistance if they are not in receipt of invalidity benefits under compulsory accident insurance or a private insurance scheme. Needy aged persons and widows not benefiting from old-age or survivors' insurance pensions are assisted by the cantons who receive federal subsidies for this purpose. The "Pro Senectute" institution receives similar subsidies and assists the cantons in their efforts to prevent the persons in question from becoming a burden on the public assistance scheme.

General assistance. The rate of assistance allowances is fixed by the cantonal or communal authorities, due account being taken of the individual circumstances of each case. The competent social services ensure that proper use is made of benefits which are often in kind (rent, food, fuel, medical treatment and hospitalisation).

Turkey.

The guiding principles of the Recommendation cannot be applied fully at present in Turkey.

Social Insurance

The public employment service which was set up three years ago is responsible for placing unemployed persons, in the first place workers, in employment. This service carries out its task in a fairly satisfactory way. Because of the situation prevailing in the country, it is not possible to provide financial assistance to all persons who are without work; such assistance is only granted in case of loss of capacity for work resulting from employment. It is not possible at present to set up, for the entire population, compulsory social insurance destined to provide means of existence. The four branches of insurance which have been introduced in the country are limited in scope.

The social insurance institution which is at present functioning only affords protection to workers who are unable to work as the result of employment, and does not protect all persons who lose their capacity for work or who are unemployed. Compensation is only granted in case of incapacity for work or of death resulting from employment. The classification of contingencies adopted in Turkey for social insurance, taking account of the needs of the country, does not correspond entirely with that provided for in the Recommendation. Family allowances are granted only in respect of children of civil servants. The extension of the allowances to all families is not contemplated for the near future.

The insurance system at present in force covers the following contingencies: industrial accidents, death resulting from employment, occupational diseases and maternity; it applies to persons engaged in the undertak-

ings specified in the Labour Act. Under this system, all expenses in connection with insurance are borne exclusively by the employer. Premiums for pension insurance alone are shared equally between employers and workers. In view of the position of workers and of the financial situation of the State, it does not appear possible to modify this system at present, nor is it possible, for the time being, to extend insurance to self-employed persons, as this necessitates a State subsidy.

The Government is in agreement with the principle of administration, which is already being applied in connection with industrial accidents, occupational diseases and maternity.

Social Assistance

The Government is in agreement with the principle of assistance for children. In certain cases, needs not covered by compulsory insurance are met by the Society for the Protection of Children and the Home for Invalids at Istanbul. It does not appear possible at present to apply assistance measures to invalids, aged persons and needy widows or to provide for a system of general insurance.

Union of South Africa.

Invalidity. The national scheme has been withdrawn and replaced by the Disability Grants Act (No. 36 of 1946). This Act provides for the payment of grants to persons who, owing to physical or mental disabilities, are unable to provide for their own maintenance.

Unemployment. The Unemployment Benefit Act, 1937, has been repealed and superseded by the Unemployment Insurance Act (No. 53 of 1946) which came into operation on 14 October 1946. The payment of contributions and the right to benefits became operative on 1 January 1947. Certain amendments to this Act are being considered at the present parliamentary session, details of which will be furnished at a later date.

United Kingdom.

Great Britain. On 5 July 1948, a number of new social security schemes came into force. These schemes are: the National Insurance Act, 1946, which provides a general scheme of social insurance, the National Insurance (Industrial Injuries) Act, 1946, providing benefits for persons who suffer an industrial accident or disease, the National Health Service Act, 1946, which provides free medical, surgical, hospital and other forms of treatment to all persons in Great Britain, the National Assistance Act, 1948, which provides assistance for persons in need, and the Children's Act, 1948, providing for the care of children. The schemes established by these Acts, together with the family allowances scheme which was set up in 1945 under the Family Allowances Act, 1945, form a comprehensive system of social security.

1. Family allowances are provided subject to the satisfaction of certain residence tests in the case of children born outside of the United Kingdom, at a flat rate of 5 shillings for each child in a family after the first; the allowance is payable up to school-leaving age.

2. The National Insurance and Industrial Injuries Insurance Schemes provide benefits, which are, in general, similar in nature to those specified in the Recommendation, and in the manner and subject to the conditions suggested in the Recommendation, except as stated below.

(a) The National Insurance Act provides sickness benefit for a period of 12 months, but where a more severe contribution test is satisfied, benefit is payable indefinitely for as long as the sickness lasts. This benefit is comparable with invalidity benefit.

(b) Maternity benefit is payable to women who have never worked, and there is a special benefit which is only payable to working women. If a woman works during any week during which a weekly allowance would be payable, she is disqualified for receiving the allowance.

(c) The minimum age at which pensions are paid is 65 (men) and 60 (women). A pension is only payable on retirement from regular employment. At the age of 70 years (men), and 65 (women), persons are treated as having retired from work. Where in any week a person earns more than £1, the pension is reduced by one shilling for each shilling earned in excess of £1.

(d) Survivors' benefits are paid for the first child of a deceased insured man (the other children receive family allowance payments) and to his widow, but not to an unmarried woman. A young childless widow receives widows' benefits for a period of 13 weeks and, at the end of this period if she is unemployed, she can claim unemployment benefit under her own insurance. Payment of benefit for the child continues only up to school-leaving age.

(e) Unemployment benefit is payable for 180 days of unemployment; at the end of this period it is possible to pay benefit for an extended period.

(f) There is no payment of benefit under the insurance scheme where the uninsured wife of an insured man is ill, though the medical and hospital treatment would be free and she could have a home-help under a scheme organised by local authorities.

An allowance for constant attendance is only paid to a person who is receiving a disablement pension as the result of an industrial injury or disease.

Payments in respect of burial have been provided for in the legislation, but have not yet been introduced.

(g) Injury benefit is paid during incapacity for work following injury arising out of the course of employment; disablement benefit is payable where loss of mental or physical capacity results from the injury.

If a workman meets with an accident on

his way to or from work, this is only regarded as an industrial injury if the accident occurs whilst travelling in transport provided by his employer. There is a waiting period of three days, but where as the result of an accident a person is incapable of work for 12 days, benefit is paid for these three days. The amount of disablement benefit is not related to the person's earnings, but is determined by the percentage of disablement which he has suffered.

The payment of benefit for children only continues up to school-leaving age.

(h) Persons who are not employed are also compulsorily insured against certain contingencies.

(i) Contributions to insurance are paid by sticking stamps on an insurance card; this is done by the employer for his employees. Other classes of insured person stamp the card themselves. There is a staff of inspectors to ensure that persons comply with the law.

(j) Benefits are at flat rates (with increases for dependants), but they bear no relation to earnings or to the rate of contributions paid.

(k) There are two contribution conditions to satisfy for entitlement to benefit. The conditions are complicated and vary for each benefit, but the primary condition is generally that a certain number of contributions have been paid at some time prior to claiming benefit, and secondly that there is either a certain yearly average calculated over the whole insurance life, or that a certain number of contributions have been paid or credited during the last complete contribution year.

(l) Contributions to the insurance schemes are at flat rates and are comprised of contributions from employers, employees and the State; the employer pays less than half of the total contribution to both the general and the industrial injuries scheme.

(m) The two insurance schemes are administered by the Ministry of National Insurance which has a network of local offices throughout the country. There are two advisory councils, which include persons representing employers and employed persons.

3. The National Assistance Board, set up under the National Assistance Act, and local authorities provide for the assistance in cash and in kind of all persons in need and for the welfare of disabled, sick, aged and other persons.

Various Acts and regulations provide for many special services for encouraging the nurture and healthy development of children and for helping to maintain large families.

The provisions of the Recommendation apply to Great Britain only in so far as the national legislation already fulfils them.

Northern Ireland. The schemes are identical with those established in Great Britain, apart from certain differences in administrative machinery.

Uruguay.

There is no system of compulsory sickness insurance, the contingency of sickness being covered by mutual benefit funds and by public assistance. The other contingencies included in the Recommendation are covered by the Children's Code (§ 37), Act No. 10004

respecting compensation for industrial accidents and occupational diseases and the Acts relating to pensions, and by the labour exchanges which operate under special legislation or collective agreements. A Bill to set up a national unemployment exchange has been submitted to Parliament.

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Austria.

While measures for the assistance of prisoners of war and repatriates are not laid down in the legislation, various Ordinances have been issued by the Ministry of Social Affairs relating to the responsibility of the Ministry for the cost of hospitalisation. Ordinances have also been issued by the Ministry of the Interior regarding other aspects of assistance to the above-named persons. Measures for the assistance of discharged persons are the responsibility of the regional and communal authorities.

On arrival in the home town (or mustering-out station), the repatriate has to undergo a medical examination and is given a number of pamphlets containing general directives and special information concerning tuberculosis, venereal diseases, etc. Special cards for supplementary rations for a period of three weeks are issued to repatriates. Persons who, owing to their poor state of health, are unable to obtain employment, receive food parcels from U.N.R.R.A., and other donations.

Unemployment. Insurable employment for a period of two years before the beginning of military service is taken into account for the purpose of assessing the qualifying period for unemployment benefit. On fulfilment of these conditions, an allowance is payable after discharge until the repatriate enters employment.

Pension insurance. Time spent in service or internment is taken into account in calculating the qualifying period for old-age, invalidity and survivors' pensions. Bonuses on these pensions are calculated on the basis of the last salary or wage before entry into military service. Public employees who have been in receipt of their salary during the period of their military service are not entitled to increments for this period. Three quarters of the cost incurred by the granting of these pensions is borne by the social insurance institutes and one quarter by the State.

Sickness insurance. If the repatriated person falls sick before being discharged, the cost of his hospitalisation is charged to the Ministry of the Interior. Sickness insurance benefits are payable to those discharged persons who have re-entered employment, even though no contributions were paid by them or on their behalf during their

military service. Students who have exceeded the age of 24 but whose studies have been interrupted by their military service or internment are considered as insured under the sickness insurance scheme. War invalids and sick persons whose sickness is the result of military service are entitled to medical care, the cost of which is borne by "regional invalidity offices" (for military invalidity pensions); these offices also certify and assess the degree of invalidity. All sickness insurance institutes have been directed to consider repatriated service men as priority cases. Repatriates are asked to report to medical authorities all infectious diseases from which they have suffered during their military service or internment. Repatriates are entitled to free X-ray examination.

A discharged service man who has been insured against sickness before he joined the services retains his rights from this insurance for two weeks after the day of his discharge; if he falls sick within four weeks, medical benefits are granted for 26 weeks. Dependants of discharged servicemen are entitled to medical benefits under the same conditions. The rate of the sickness allowance is calculated on the basis of the last remuneration before joining the service. The cost of these benefits is borne by the sickness insurance institute.

Belgium.

Mustering-out grant. Persons discharged from the armed forces or assimilated services receive, in addition to their pay, grants varying according to their length of service and for the following categories: prisoners of war, Belgian forces in Great Britain, resistance army. War volunteers are granted various allowances and benefits.

Unemployment insurance and assistance. Although no legislation has been enacted, the necessary assistance has been granted to persons discharged from the forces, either by placing them in employment rapidly or by granting unemployment benefits.

Pension and sickness insurance. Contributions in respect of old-age pensions for each of the years 1939-1940 to 1944-1945 are considered as having been paid. Contributions due under social insurance legislation by prisoners of war during the period of their detention are also considered as

having been paid; the resulting expenses are borne by the Government.

Subject to certain conditions, contracts made under social insurance legislation in respect of old age and premature death are maintained in force by the insurance associations for the benefit of widows of mobilised affiliated persons.

Among various measures which are under consideration, it is proposed that the pension rate should be based on a hypothetical salary during the period of military service; the expenses involved will be borne by the Government.

Persons discharged from the forces are covered by compulsory sickness or invalidity insurance provided they are under a contract of employment or are registered as seeking employment. Benefits are paid subject to certain conditions.

Insured persons who are entitled to invalidity pensions granted for injuries caused by the war may receive in addition an indemnity amounting to 85 per cent. of the daily earnings for their occupational category.

No regulations have been made regarding maternity benefits. Any amendment in this respect would place the small number of women in the armed forces in a position more favourable than that of women workers normally covered by insurance.

Since 1 January 1945, compulsory sickness and invalidity insurance has been included in the social security scheme. Consequently persons discharged from the forces benefit from this insurance.

Brazil.

There are no special demobilisation grants. Persons called up for military service or war employment have the right to be reinstated in their former civil employment. Various decrees were promulgated in 1942, 1943 and 1946, laying down measures with regard to persons engaged on war service. During the period of such service, the employer continues to pay 50 per cent. of the employee's remuneration; a fine of Cr\$2,000 is imposed for failure to comply with this provision.

There is no unemployment insurance, as persons serving with the armed forces are entitled to reinstatement in their former civilian employment. Social security benefits are ensured in virtue of the fact that employment is guaranteed.

As regards the armed forces, persons incapacitated as the result of injury or disease are promoted to the next rank and are then retired with appropriate periods of leave. The benefits and assistance granted to members of the armed forces are extended to persons sustaining permanent incapacity for work as the result of war service.

The enforcement of the legislation is entrusted to the military authorities in co-operation with the Ministry of Labour, Industry and Commerce.

Canada.

The basic objective of Canada's plan for rehabilitation of members of the armed forces was that every veteran, man or woman, should be in a position to earn a living.

Mustering-out grant. Under the War Service Grants Act, which became effective from 1 January 1945, ex-service men and women who were honourably discharged from the services were paid a basic gratuity according to the length of service performed and the theatre of operations.

At the time of discharge, veterans also received any deferred pay due, a clothing allowance of \$100 and a rehabilitation grant of 30 days' pay and allowances. Veterans were eligible for a grant known as "re-establishment credit" for the use of ex-service men and women who did not elect to take an educational, vocational or technical training or benefits under the Veterans' Land Act.

Educational and vocational training: under the Veterans' Rehabilitation Act, the cost of such training, together with a living allowance based on the time of service, was paid to veterans who wished to proceed with their courses. In cases of exceptional ability and effort the basic period of service was extended to ensure not only university education but also post-graduate work.

Land settlement: under the Veterans' Land Act, assistance was provided for veterans who wished to establish themselves on full-time farms or on smallholdings. The Government provided approximately 23½ per cent. of the cost of the land and buildings, plus the total cost of livestock and equipment up to \$1,200.

Loans for business: under the Veterans' Business and Professional Loans Act, provisions were made to assist veterans by way of small loans (the maximum amount being \$3,000) to commence a small business or set up a professional occupation. To such veterans and to those who were in business without a Government loan or settled under the Veterans' Land Act an allowance of \$50 a month was paid, for a single veteran, with additional allowances for dependants, for a period up to 52 weeks to provide for the complete maintenance of the veterans and their families.

Unemployment insurance and assistance. Under the Reinstatement in Civilian Employment Act, veterans were entitled to reinstatement with the employers whose services they left to enlist on terms not less favourable than those which would have prevailed had their period of unemployment not been interrupted by war service. In addition, under the Unemployment Insurance Act, 1940, veterans would, after completing 15 weeks in insurable employment, be deemed to have been in insurable employment immediately prior to the commencement of the said 15 weeks for a period equal to their war service after 30 June 1941.

The necessary contributions to cover such a period would be a charge to public funds without cost to the veteran.

Provisions were also made for assisting discharged personnel who were out of work at any time within 18 months following discharge. An allowance, paid also to veterans who were unable to work on account of temporary incapacity due to illness or injury during the early post-discharge period, was paid with additions for dependants.

Pension and sickness insurance. While the type of assistance referred to in this item does not exist in Canada, the following protection was made available to discharged service personnel: (1) free treatment with allowances for any condition arising within the twelve-month period following discharge, if not caused by misconduct; (2) free treatment with allowances for any service-related condition acquired at any time during the veteran's life; (3) treatment is also provided for disabilities not connected with service for veterans who saw meritorious service in a theatre of actual war and who are unable to pay for such treatment from their own resources; (4) free treatment for the period of training granted under the Veterans' Rehabilitation Act. The Government set up a system of medical treatment, with financial assistance during treatment, and compensation by way of pensions for those with physical handicaps as a result of war service. Pensions are also provided for dependants of persons who died during service or were killed in action.

Ceylon.

In the Royal Army Service Corps and other Imperial Units, persons discharged from the armed forces are paid a gratuity, which varies according to length of service and position held; members of the Ceylon Defence Force are granted 56 days' leave with pay on discharge. Medical treatment and assistance are provided for members of the armed forces and civil defence services who are disabled as the result of war service. Ex-servicemen who are seriously disabled may be paid resettlement grants by the Director of Social Services, in co-operation with the Resettlement Bureau of the Ex-servicemen's Association, and after reports made by revenue officers and medical officers. The amount of the grant varies according to the applicant's requirements and resources, but in no case may it exceed Rs. 500.

The medical report must state whether the degree of disability is such that it constitutes a substantial handicap to obtaining or retaining suitable employment. Before the grant is given, the applicant is required to enter into an agreement with the Government stating that he will set up in business within a period of three months, and that he will not dispose of his business in less than six months, except with the approval of the competent authorities.

Provided they have served in certain groups or units and under certain conditions, ex-servicemen are legally entitled to reinstatement in the posts which they held before they were called up for war service. This provision also applies to employed persons; the Government has granted concessions to such persons in respect of age, educational qualifications, entrance examinations, salaries, reservation of a proportion of posts for ex-servicemen and reduction of period of apprenticeship wherever possible. Special facilities are provided for ex-servicemen whose education or training for a career was interrupted by military service or who were unable to continue their education. There is no general scheme of unemployment and sickness insurance.

Cuba.

Although participating in the war, the Republic of Cuba was not confronted with any of the problems covered by the Recommendation. The only legislation enacted was Decree No. 2041 of 22 July 1942, relating to the right of workers to be reinstated in the posts which they held before being called up for military service.

Denmark.

The Government has no comments to make.

Dominican Republic.

The application of the Recommendation is ensured by Act No. 25 of 9 April 1943, respecting the demobilisation of the armed forces of the Republic; the responsible authority is the Committee for Army Retirement Allowances and Pensions. Medical assistance is given in the military hospitals; members of the armed forces are entitled to pensions when they are obliged to retire either by reason of their age or for reasons of invalidity. Pensions are fixed at 50 per cent. of pay. The financial resources of the scheme are derived from contributions amounting to 2 per cent. of pay for officers and cadets and 1 per cent. for the troops.

Egypt.

There is no relevant legislation. However, § 33 of Law No. 41 of 1944 provides that every worker is entitled to an indemnity in respect of previous service. Military Order No. 37 of June 1948 lays down that the posts held by workers who are called up for military service or who are requisitioned under an Ordinance shall not be filled until the termination of the period of hostilities.

Finland.

With the exception of public officials, a gratuity was paid to personnel discharged from the armed forces. The other provisions of the Recommendation are not applied.

France.

Mustering-out grant. Persons discharged from the armed forces and assimilated

services have been granted gratuities, varying from one to six months' pay according to their length of service. In addition, a mustering-out grant of 1,000 francs was paid on demobilisation to all persons who had already been serving with the colours for three months prior to 8 May 1945.

Persons who are no longer on the active list are not entitled to medical care from the army health services. However, if they are in receipt of an invalidity pension for an accident or illness attributable to their army service, they are entitled to free medical care and hospitalisation.

Unemployment insurance and assistance. There is no unemployment insurance system, but only provision for assistance to unemployed workers. Persons discharged from the armed forces and assimilated services are entitled to assistance and are treated as unemployed civil workers provided they have completed six months of active service and have been registered as seeking employment. Allowances are granted only to persons who can prove that they have no resources.

Pension and sickness insurance. General system : as regards workers who were registered under the compulsory insurance scheme, periods of service in the armed forces or assimilated services are considered as insurance periods in determining the right to an old-age pension. In the case of mobilised insured persons, periods of army service between 1 September 1939 and 1 June 1946 are assimilated to periods of compulsory insurance in calculating the rate of old-age and invalidity benefits. An invalidity pension is payable, subject to compliance with certain other conditions, provided the insured person had been registered under insurance for one year when he joined the armed forces.

Special schemes : in calculating the date at which the right to an old-age (or retirement) pension begins, account is taken of service with the colours, even if the insured person was not previously covered by a special scheme when he joined the armed forces. This is the case for officials employed by the Government, the departments and the communes, railway workers, persons employed in the mines, seamen, etc. As regards mines, the insured person must have spent 15 years in mining undertakings.

An invalidity pension is calculated in relation to the average earnings of the last ten years of insurance prior to the first medical diagnosis of the accident or sickness and is not related to the number of contributions paid. The same applies to old-age pensions, except where an insured person has completed at least five but not more than 15 years of insurance. For the period 1 September 1939 to 1 June 1946, contributions must have been paid on the basis of a maximum three-monthly remuneration of 4,500 francs. The French social security system does not provide, as regards persons discharged from the armed forces

and assimilated services, for the maintenance of rights acquired in respect of contributions credited to them for the period between their discharge and re-establishment in civil life.

In order to be eligible for sickness and maternity insurance benefits, insured persons must prove that they were gainfully employed for at least 60 days during the three months preceding the sickness or pregnancy or that they were involuntarily unemployed for the same period. In the case of maternity, evidence must be produced to show that ten months have been spent in insurance prior to the expected date of confinement; time spent in war service is not taken into account as regards the above-mentioned periods of three and ten months. The dependants of insured persons are eligible for these benefits during the same period. Sickness and maternity benefits are payable from the date on which the insured person returns to his home and may be paid for a maximum period of three months following the date of discharge from the armed forces, provided the conditions required under the legislation are fulfilled. The rates of sickness benefits are fixed in relation to earnings received prior to joining the armed forces.

It has not been necessary to make any modifications to the provisions of the Recommendation in order to adopt or apply these provisions. The authorities responsible for enforcement of the provisions of the Recommendation are the Ministry of National Defence and the Ministry of Labour and Social Security. The representative employers' and workers' organisations are not called upon to collaborate in the application of these provisions.

Iceland.

The Recommendation is not applicable since there are no military organisations.

India.

Subject to certain conditions, mustering-out grants are payable to soldiers in the regular army. Soldiers on wartime engagements do not receive such grants, since it cannot be said in their case that their career has been prematurely terminated. However, they receive demobilisation benefits, which include a war gratuity and demobilisation and overseas service leave. There are no provisions regarding mustering-out grants for the navy; however, in certain cases, gratuities are payable by the Government to regular personnel whose length of service does not entitle them to a pension and who are invalided out of the service because of disability amounting to less than 20 per cent. Short-service ratings are entitled, when demobilised, to benefits similar to those granted to army personnel. Mustering-out grants are also payable to airmen in the regular air force who are discharged for reasons beyond their control and whose length of service does not entitle them to

a service pension. No such provision exists in respect of officers who have not completed 10 years' service. Invalidity pensions are, however, granted both to officers and airmen, provided their disability amounts to more than 20 per cent. and is attributable to service.

No unemployment insurance or assistance scheme is in force for the armed forces.

The Employees' State Insurance Act, 1948, which provides for disablement benefit as a result of an employment injury, only applies to persons discharged from the armed forces if they were covered by that Act before enlistment. Service with the armed forces is not taken into account in calculating contribution periods under the Employees' State Insurance Act, for purposes of sickness, maternity and medical benefits; there is no insurance scheme for men in the forces.

Luxembourg.

Compulsory military service was introduced in November 1944. Administrative measures have been taken to ensure medical treatment and indemnities in case of accident for members of the armed forces. Under a Grand-Ducal Order of 7 June 1945, the families of persons on military service are entitled to benefits.

A Bill has been submitted to the Chamber of Deputies, containing provisions dealing with social questions, including the maintenance of the social insurance rights of persons on military service and their right to reinstatement by their former employers.

Netherlands.

Many provisions of the Recommendation have already been applied under the legislation, in particular, under § 4, paragraphs 5, 6 and following of the Royal Order of 5 October 1945.

§§ 51 and 60 of the Act respecting invalidity, old-age and survivors' insurance, ensure the right of workers to maintenance in insurance even if not employed.

New Zealand.

Mustering-out grant. A re-establishment gratuity was provided for all service personnel on discharge from the armed forces. The amount was related to length of service and provided ready means to re-establishment in civilian life (War Service Gratuities Emergency Regulations, 1945).

The New Zealand system is not strictly an insurance scheme and, while the questions dealt with in the Recommendation are not entirely appropriate, the principles of the latter are applied.

Unemployment insurance and assistance. Discharged servicemen are on an equal footing with the rest of the community as regards unemployment benefit. There is no exhaustion of the general right to unemployment benefit so long as the beneficiary is in fact unemployed. Persons in the armed forces retained their qualifications

for benefit. Where necessary, a rehabilitation allowance was payable for periods up to 13 weeks from the cessation of service pay. Discharged persons who required medical treatment for any incapacity which precluded their return to civilian employment within a short time after discharge, were paid a demobilisation allowance until such time as they were fit to resume employment, or were granted some other form of financial assistance.

Pension and sickness insurance. Persons in the armed forces and assimilated services were exempt from payment of social security contributions and their liabilities under the social security scheme were undertaken by the State. This gave the financial basis to the protection of their rights to benefit which had been expressly reserved to them by the Social Security Act, 1938. In the case of benefits where a residential period is necessary, the period spent in the armed forces or assimilated services was not deducted. The rate of pension or benefit does not vary with the number of contributions, since these are fixed by legislation.

Rights to sickness, maternity and medical benefits are retained by servicemen and are thus available on discharge as for any other member of the community. Such benefits are available to dependants in their own right as citizens.

The rate of sickness benefit is not proportionate to the remuneration of the insured person.

If persons serving in the armed forces or assimilated services with pension insurance contributions were receiving any part of their remuneration during their service in addition to the services' pay, social security contributions continued to be deducted from such remuneration, but no contribution was deducted from their services' pay.

Social security benefits are administered by the Social Security Department, under control of a Social Security Commission. War pensions legislation is administered in the office of the Secretary of War Pensions, who is an officer of the Social Security Department, the power to grant such pensions being vested in a War Pensions Board. Rehabilitation allowances are administered by the Rehabilitation Department.

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

Norway.

Discharge gratuity. A Royal Decree of 17 August 1945 lays down that a discharge gratuity, taking into account length of service, age, etc., shall be paid to all conscripted, territorial and reserve military personnel who joined the colours before 7 June 1940 in Norway or at a later date abroad, including the police force in Sweden and women serving with the armed forces. Reductions are made for service not exceeding 12 months; no gratuity is paid if the

period of service is less than eight months. The gratuity may not be less than 200 kronor. Service in the merchant fleet is calculated as equivalent to 50 per cent. of military service.

Unemployment benefits and assistance are not granted to discharged persons unless the discharge is due to accident or illness contracted in course of the service.

Pension and sickness insurance. Privates and corporals are entitled, for the period of their service, to medical care (including board and lodging) and, if necessary, hospital treatment. They are also entitled to medicaments while they are attached to their unit, as well as to any allowances provided for in the legislation. In the event of discharge because of accident or illness contracted or aggravated in course of service, other benefits are provided by the Medical Corps. Medical care and treatment in military hospitals is free of charge.

In conformity with the provisions of the Sickness Insurance Act, sickness benefits are payable for a period not exceeding two years. If, at the end of this period, invalidity subsists, the Ministry of Defence decides whether the invalid is entitled to a pension; the latter is paid by the Treasury. As a rule, pensions are granted for one year (with the possibility of renewal) and vary according to the degree of incapacity for work. A cost-of-living bonus, at present fixed at 45 per cent., is added to the pension. In addition, an invalid is entitled to medical care, provided by the Medical Service. The pension may be renewed after one year on the production of a medical certificate.

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

Pakistan.

Part I of the Recommendation is covered by a system of allowances for military service and war service. However, the existing rules governing the grant of pensions and gratuities to persons discharged from the armed forces do not provide for unemployment insurance and assistance as dealt with in Parts II and III of the Recommendation. There is no unemployment insurance or assistance scheme, and no compulsory pension or sickness insurance scheme. The enforcement of the scheme of allowances is entrusted to the Ministry of Defence.

Sweden.

In an introductory paragraph, the Government points out that the conditions referred to in the Recommendation have been of little practical significance in Sweden. Owing to the shortage of labour during recent years, no difficulties have been encountered in re-establishing in civil life persons discharged from military service. The following information is given relating to various principles of the Recommendation.

Mustering-out grant. Under proclamations issued on 25 May 1945, transitional benefits payable, subject to certain conditions, to virtually all categories of servicemen conscripted in connection with the emergency expansion of the armed forces, and conscription loans, were provided for conscripts with a long period of military service. Transitional benefits, in the form of mustering-out grants and vocational training, were designed to facilitate the transition from military service to civil life. The mustering-out grant, payable from the date of demobilisation or the termination of military service, varies between a monthly maximum of 400 to 500 kronor, according to zone and is reduced by 10 per cent. per month, so that in the sixth and last month it reaches a maximum of only half of the original sum. The grant is payable either as subsistence allowance during a period of unemployment or as supplementary wages in the case of conscripts whose wages in civil life are less than the amount of the grant. Vocational training, with the right to mustering-out grant, is afforded to men who have completed a long period of military service and for whom no suitable employment can be found. Such persons are also granted a special allowance from State funds if the mustering-out grant paid during the period of vocational training is less than the benefits payable under the regulations governing vocational training, or is no longer payable. Volunteers and, in exceptional cases, persons who, because of a long period of military service, encounter difficulties in obtaining civil employment, are also eligible for transitional benefits. Conscription loans are advanced to conscripts with a long period of military service in order to enable them to take up or begin vocational training, or to earn a livelihood in a trade or branch of industry.

Unemployment insurance and assistance. Under the national legislation, a period of compulsory military service is not considered as equivalent to a period of employment, except as regards persons who are members of an approved unemployment society; such persons are allowed "conscription weeks" to enable them to satisfy the qualifying conditions relating to the payment of contributions over an unspecified period, provided they have paid 12 weekly contributions before the commencement of compulsory military service. The special regulations relating to conscripts are otherwise designed to ensure that the acquired right to benefit is retained. Thus, a member of an unemployment society who is entitled to 120 days' unemployment benefit over a period of 12 months, and who commences his compulsory military service after receiving unemployment relief for 25 days, is entitled to a further 90 days' relief in the event of unemployment after the completion of military service. If a conscript, on commencing military service, has completed the waiting period (six days of unemploy-

ment during a period of three weeks), laid down for the receipt of unemployment relief, this period is taken into account in the event of unemployment immediately after the completion of military service. No special regulations other than those applying to other Swedish citizens have been introduced in respect of the categories defined in the Recommendation. In the legislation relating to unemployment insurance, the period of conscription is interpreted to mean both the training period and the period of active service.

Financial assistance, under the general unemployment relief scheme, may be afforded to persons who are not eligible for the mustering-out grant, vocational training or the conscription loan and who are members of approved unemployment societies. Assistance consists partly of pension benefits and partly of rent allowances, varying according to the cost-of-living index.

Pension and sickness insurance scheme. Swedish legislation does not provide for an insurance system in which insurance is related to the type of employment. Benefits under the pensions and health insurance scheme are payable to persons in the categories defined in the Recommendation up to the same amount as those payable to other citizens. Contributions payable under the old-age pension schemes are graded in proportion to the insured person's income. At present, health insurance through approved benefit societies is of a purely voluntary nature. The Accident Insurance Act of 1916, the Occupational Diseases Insurance Act of 1939 and the Military Compensation Act of 1927 make no provision for injuries sustained in the event of war in which Sweden is involved. On 10 January 1941, the Government Committee submitted a report containing, *inter alia*, proposals for a war pensions Ordinance. Subsequently, the Ministry of Social Affairs drew up regulations concerning compensation to persons sustaining war injuries, and to their dependants. On 15 December 1944, the National Insurance Office submitted a report regarding these proposals but, as far as is known, no measures have been taken by the Government or the Riksdag. Certain measures outside the scope of the Recommendation, including re-education, have been taken in respect of persons sustaining bodily injuries in the course of their military service. No special regulations other than those applying to other Swedish citizens have been introduced in respect of the categories defined in the Recommendation.

Up to the present it has not been necessary to revise the provisions of existing regulations in connection with the subject matter of the Recommendation.

The following information is given relating to the authorities and institutions responsible for the application of the existing provisions. Public labour exchanges and family allowances boards administer the

forms of relief mentioned in the report. Where no suitable employment can be found by the public labour exchanges, allowances are paid through the family allowances board. Applications for conscription loans are forwarded to the conscription loans board by the family allowances board. Decisions regarding conscription loans exceeding 1,000 kronor are within the competence of the conscription loans board, subject to approval by the State Employment Commission. The duties of the latter have now been taken over by the Social Welfare Bureau for the Armed Forces.

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

Switzerland.

Although agreeing entirely with the measures provided for in the Recommendation as regards persons from the armed forces and assimilated services, the Government points out that the Recommendation does not concern Switzerland.

Turkey.

On account of economic difficulties, the Government is not in a position to give effect to the Recommendation.

Union of South Africa.

On discharge, each volunteer receives a gratuity (based on the length of service), civilian clothing, cash allowances, and pay in lieu of leave. It has not been possible to provide for contributions by the State to all soldiers during the war period, but the right to unemployment benefits acquired by soldiers prior to enlistment has been fully protected (Soldiers and War Workers Act, 1941, Unemployment Insurance Act, 1946).

Persons discharged from war employment who do not suffer from disability and were contributors under the Unemployment Benefit Act, 1937, during the whole period of their war employment, and who were not placed immediately in fresh employment, received unemployment benefits in terms of the Act. Soldiers were retained on military strength with the pay and allowance of rank until such a time as they returned to their pre-enlistment employment or were otherwise satisfactorily placed. With the coming into force of the Unemployment Insurance Act, the number of persons entitled to unemployment benefits has considerably increased since 1 January 1947. There is no general system of compulsory pension or sickness insurance in the Union.

United Kingdom.

Men and women of the armed forces who had rendered effective service of at least six months' duration within the period 3 September 1939 to 15 August 1946 were awarded a war gratuity, the amount of which was assessed according to duration

of service and rank. The gratuity was issued in a lump sum on termination of service in the case of those who left the services up to 31 December 1946. In the case of those who continued in the services after 31 December 1946, the award was made as soon as possible after that date. Regular members of His Majesty's Forces receive, on discharge, where eligible, either retired pay, pension or gratuity related to the length of service.

Under the National Insurance Scheme, which came into operation on 5 July 1948, members of the armed forces and assimilated services are insured persons and contributions are paid in respect of them. These contributions provide entitlement after discharge to all the benefits of the scheme, which are payable in the event of unemployment, invalidity, old age, death, sickness and maternity. Neither contributions nor benefits vary according to rate of remuneration. Medical services are available under the National Health Service irrespective of insurance. Assistance financed wholly from State funds is available to persons discharged from the armed forces, as to other unemployed persons, if they exhaust their right to unemployment benefit before suitable employment is offered to them.

The contributions payable by members of the armed forces are lower than those paid by civilians. This reduction takes account

of the absence of need for unemployment and sickness benefit during the period of service, but the reduced contribution does include elements related to the risk of unemployment and sickness after discharge. In practice, the employing authorities pay a part of the employee's contribution required by law, and the part which the member of the armed forces actually pays does not include any element relating to sickness or unemployment insurance. Present practice in this, as in other respects, is, therefore, in accordance with the provisions of the Recommendation, but legislation does not ensure that the practice will continue to be in accordance with paragraphs 2 and 6 (1) of the Recommendation.

The responsible authority is the Ministry of National Insurance. Employers' and employees' contributions in respect of members of the armed forces are paid by and through the Admiralty, the Army Council and the Air Council. Benefits due to persons discharged from the armed forces are paid through the local offices of the Ministry of National Insurance in the same way as benefit due to other insured persons.

Uruguay.

The country was not involved in the war. The members of the armed forces are under the provisions of the Act respecting military pensions.

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Austria.

Medical care is assured either under social insurance or by the public health service; up to the present, the legislation has not provided for co-operation between these two services.

Public services. The welfare associations in the provinces guarantee medical care to indigent persons who are not covered by sickness insurance. The municipalities are required by law to ensure that a sufficient number of doctors and midwives practise in their area; they must also recruit doctors to aid indigent persons on behalf of the welfare associations. Establishments subject to federal supervision are required, within reason, to accept any person in need of hospitalisation; the health of the patient must be the only element taken into consideration in prescribing the necessary treatment and diet. Finally, the State ensures medical care and the supply of medicaments, and the refund of expenses incurred, to indigent persons and in all cases where the public interest is concerned (infectious or social diseases).

Sickness insurance. Medical care under sickness insurance is administered by sickness insurance institutes, organised on a

regional basis, both for persons employed in industry and commerce and for persons engaged in agriculture. A number of undertakings have organised special sickness insurance funds; miners are covered by a special fund. Special bodies also exist for self-employed persons. Sickness insurance institutes must ensure adequate medical care to insured persons; for this purpose, they may set up hospitals, sanatoria, dispensaries, laboratories, etc. Benefits are mainly for curative purposes and cover the types of care mentioned under Point 21 of the Recommendation; the institutes may provide preventive treatment according to the means at their disposal. Medical care is free in the case of insured persons whose earnings do not exceed a specified maximum. Other insured persons are required to contribute to the cost of medical care according to fixed rates.

The relations between sickness insurance carriers and doctors, dentists, specialists, other practitioners and hospitals are regulated by private contracts ensuring the best medical care to insured persons and their dependants. The cost of this assistance is borne by insurance carriers. The following persons are compulsorily insured: all persons employed under contract of service, invalids, unemployed persons receiving bene-

fits, war invalids during their rehabilitation and retraining, and war widows.

Self-employed and assimilated persons are covered by a special insurance scheme. Employers and self-employed persons employing up to two persons, and dependants of these persons who are employed in the family undertaking without remuneration, may become members of a voluntary insurance scheme.

The minimum duration of medical care to insured persons is regulated by law, but can be extended according to the rules of the individual sickness insurance funds. The quality of medical care is guaranteed by provisions in collective agreements, by the close collaboration of the associations representing practitioners and by the inclusion of representatives of the insured persons in the various economic bodies for sickness insurance.

The working conditions of doctors and members of allied professions are determined by contracts laying down rules regarding their participation in the various services. The Federation of Social Insurance Institutes concludes basic contracts with the different national and professional organisations. On the basis of these contracts, the insurance institutes generally conclude collective agreements with regional organisations of doctors, dentists, etc.; the sickness insurance funds may conclude individual contracts with each practitioner working for them. However, these contracts must conform to the general provisions of national and professional contracts. They provide either for the payment of a fixed basic salary, plus fees for services rendered, or for the latter kind of remuneration only. The organisations also sign contracts of employment with doctors employed directly by them and entrusted with the supervision of the activities of medical practitioners working on behalf of the insurance scheme. Doctors participating in the various services are chosen by the local medical associations which submit their names to the sickness funds before any individual contract is concluded.

The cost of medical care is covered by the contributions of insured persons; equal contributions are paid by employer and worker. Voluntarily insured persons and self-employed persons pay their entire contribution. A special service for the control of medical prescriptions is administered jointly by the Federation of Social Insurance Institutes and by the individual funds. The procedure for hospitalisation and admission to sanatoria and other curative establishments is uniform for all types of sickness. The local medical organisations must be consulted before any new health centres are established under the sickness insurance scheme.

Since the present scheme of social insurance is transitory, it is impossible to suggest modifications which might be made to the Recommendation. The Minister of Social Welfare is the supreme supervisory authority

with regard to the social insurance scheme. His functions are delegated to the regional authorities in the different provinces. Employers' and workers' organisations are called upon to give their opinion on Government Bills concerning sickness insurance.

Belgium.

Existing legislation respecting compulsory sickness insurance follows very closely the principles of the Recommendation.

Insurance covers all workers, with the exception of domestic servants, self-employed persons, permanent officials employed by the State, provinces and communes. The extension of insurance to domestic workers is being examined by a committee. Benefits for medical assistance are extended to the wife of the insured person (or to an unpaid housekeeper who replaces her for at least six months), children under 14 years of age (or above this age in certain conditions) and dependent ascendants of the insured person if they are over 55 years of age. In the event of the death of the insured person, benefits are also payable to the widow and members of the family. Medical assistance is provided free of charge for insured persons who are eligible for primary incapacity, invalidity or maternity benefits, persons who are involuntarily unemployed and insured persons who have reached the statutory pensionable age. Contributions are reduced for invalids and pensioners who do not fulfil certain conditions laid down in the regulations. Benefits may be granted for curative or preventive reasons and are either in the form of general care, including domiciliary care by general medical practitioners or specialists, and pharmaceutical supplies, or in the form of special treatment, including, in particular, surgical operations, particularly difficult confinements due to anomalies, technical examinations by specialists, X-ray examinations, laboratory analyses, physiotherapy, hospitalisation, the supply of spectacles, hearing appliances, bandages, orthopaedic appliances and artificial limbs, retraining, the prevention and treatment of tuberculosis in all its forms, cancer and mental illnesses. Provision is also made for maternity assistance, including attendance by a doctor or a qualified midwife, and general dental treatment (including measures to conserve teeth) and special dental treatment (in particular, various extractions, dental appliances, the correction of dental irregularities).

The Ministry of Labour and Social Welfare, after consultations with representatives of the professions concerned, draws up the rates of fees for the various types of assistance. Fees paid by the person concerned to the practitioner are refunded on the basis of the medical insurance tariff, up to a maximum of three quarters of the amount.

Brazil.

The retirement and pensions funds grant medical benefits to their members. The

lack of uniformity regarding general benefits affects the degree of medical assistance granted.

The Ministry of Labour, Industry and Commerce has the power to direct and control the establishment and functioning of the medical services of the above funds.

A basic Bill on social welfare, which has been submitted for consideration to the national Congress, will take into account the generalisation of a uniform scheme for benefits and will provide for the equal distribution of medical care to the entire population.

Canada.

Responsibility for public health and medical care in Canada is divided between the Federal, provincial and local Governments; important contributions are made by private associations and organisations.

The Federal Government, in addition to its responsibility for international health agreements and national services such as public health engineering, quarantine, civil aviation medicine, promotion of medical research and regulation of the sale and distribution of food products and drugs, provides assistance to provincial health services and non-Government agencies and administers medical care programmes for certain groups of the population. The administration of health and medical care programmes is entrusted to the provinces which collaborate in this sphere with the local governments. No comprehensive medical and hospital care programme has yet emerged for Canada as a whole, though very substantial progress has been made by the different provinces in their public health schemes. The Conference on Reconstruction held in 1945, and which finally broke down, had envisaged a complete national scheme. The scheme has not been given up and the provincial programmes are expanded towards this end.

Over \$30 million annually is granted to the provinces by the National Health Grant Programme set up in May 1948. The programme is divided into three parts: (a) the health survey grant of \$625,000 designed to assist the provinces in surveying health services and facilities and in studying ways and means for their improvement; (b) the health grants, amounting to \$16 million, which are paid directly to the provinces in the form of grants for general public health, tuberculosis control, mental health, venereal disease control, crippled children, professional training, public health research and cancer control, and (c) the hospital construction grant of \$13 million to assist in the provision of adequate accommodation for hospital and health services. In addition, the Federal Government makes available grants for the development of physical fitness programmes in the provinces. Financial assistance is also extended to non-governmental organisations engaged in health work. The Department of National Health and Welfare carries on an active

programme of co-ordinating and consultative services for the provinces. The Federal Government also provides complete free medical and hospital services to invalid veterans together with allowances for any period under treatment in which the patient is unable to pursue gainful employment. A total of 10,144 persons was receiving hospital care and 845 were receiving out-patient services on 31 March 1948. Similar benefits are extended to members of the permanent armed forces, to officers and men of the reserves suffering from injury or illness resulting from peacetime service and to approximately 130,000 Indians and 8,000 Eskimos. Complete medical and hospital care, except for treatment for mental illness, is also provided for seamen for a period of up to one year of illness under a scheme financed by owners or operators of vessels. From 1938 to 1948, 2,943 seamen received 565,604 days' treatment in hospital, with a total of 201,268 receiving treatment, the cost of which was \$3.1 million, of which \$2.5 million was collected from shipowners. Inmates of federal penitentiaries (3,851 on 31 March 1948) are provided with complete medical services given by a special medical staff; cases of chronic illness such as tuberculosis and psychosis are transferred to sanatoria and mental hospitals. Immigration hospitals are maintained by the Government. Certain health services are organised for civil servants. Clinical and diagnostic services and immunisation for special duties are performed for about 30,000 employees in Ottawa. Review of medical certificates and similar work is also carried on for federal civil servants, numbering approximately 120,000.

Provincial Programmes

All provinces provide for tax-supported medical and hospital services in the case of indigency and for free diagnostic and treatment services for venereal diseases. Some provision for free treatment and hospital care for crippled children is being developed in all provinces. The provinces also all provide for free medical and hospital care to persons suffering from an illness or injury arising from covered employment; the worker is free to choose his own doctor but, in some cases and in some provinces, must submit to examination by a medical referee. Dental treatment and appliances are also provided for. Free medical supplies are ensured in all provinces with the exception of New Brunswick and Nova Scotia. British Columbia and Alberta participate in the expenses of treatment given away from the home of the beneficiary.

British Columbia.

Public health service. The province is divided into health units and public health nursing districts. A local health unit is usually staffed by a physician, public health nurses and a sanitary inspector. The public health nursing districts are staffed by one or more public health nurses. General public health services are operative through-

out the health units. Dental clinics operate in unorganised territory and provide their services to pre-school and lower-grade school children; stationary and mobile tuberculosis clinics provide free diagnostic and consultative service to all residents. Maternal and child health clinics, including immunisations and pre- and post-natal advice, are operated by public health nurses. Social workers aid discharged tuberculosis patients in finding suitable employment and also aid hospitalised patients and their families. Allowances are provided from the provincial treasury to dependants of persons hospitalised for tuberculosis. Drugs are provided to physicians throughout the local health units.

Public hospital care. (a) Hospital Insurance Scheme: public ward care in hospitals is available, under the Hospital Insurance Scheme, to all residents with the exception of subscribers to other hospital plans, persons in areas where hospital facilities are inadequate and Christian Scientists; these persons may, if they wish, join in the plan. Persons with chronic diseases may be hospitalised. The plan is financed by a premium of \$15 levied upon each single adult person, with a family maximum of \$30, and by provincial and municipal contributions. A maximum rate of \$6.50 per day per patient is paid to the hospital.

(b) Other institutional care: sanatoria are operated for all persons with pulmonary tuberculosis requiring treatment. Patients are required to pay for their care if possible. The medical superintendent of each mental hospital is authorised to fix a rate of payment which takes into consideration the average actual cost of maintaining the patient in the hospital and the ability of the patient to pay.

Public Medical Care. For social assistance recipients: under an agreement of March 1949 between the province and the College of Physicians and Surgeons, the College undertakes to provide without charge to the patient full medical, surgical and obstetrical care to recipients of old-age and blind pensions, to recipients of assistance under the Mothers' Allowance Act, the Social Assistance Act and the Protection of Children Act, and to the dependants of these persons. The province pays the College in monthly instalments an annual *per capita* fee of \$14.50 for each beneficiary; 20 per cent. of this cost is charged back to the municipality and 80 per cent. to the province. Services provided include full treatment for all conditions for which care is not otherwise provided by public authorities, and covers prescribed drugs and dental extractions.

Alberta.

Public health services. Medical care is provided by public health authorities at clinics dealing with mental health, child guidance and tuberculosis and by cancer clinics; dental services are provided in

institutions. Child hygiene and child welfare clinics are held within the different health districts. Public health services also include measures for the rehabilitation of poliomyelitis cases. The supply of drugs and laboratory services are available to doctors, boards of health and approved hospitals; the cost of the supply of drugs is met by the provincial Department of Health. Rehabilitation of tuberculosis cases is carried on through advice regarding employment and [through post-sanatorium care.

Public hospital care. Under the [Hospitals Act, all hospitals are subsidised by provincial *per diem* grants and one third of the population is provided with hospitalisation at a minimum charge. Public ward care is given to all maternity patients (a residence proviso requires that patients must have resided in Alberta for 12 months out of the previous two years); the doctor's fee and special prescriptions are not included. Hospitalisation is paid for cancer patients and for children and for all residents suffering from poliomyelitis or from its after-effects. The cost of hospitalisation in mental sanatoria is paid by the province in the case of indigents; hospitalisation in tuberculosis sanatoria is provided without charge, subject to residence requirements, to all persons.

Public medical care. Assistance and hospital treatment services are provided for old-age and blind pensioners, mothers' allowance recipients, and their dependants.

Saskatchewan.

Public health services. Public health nursing, dental care and clinical facilities are provided; diagnostic services and clinical facilities are available. There are four mental health clinics, regional stationary and travelling clinics for tuberculosis, poliomyelitis clinics operated in three cities at public expense, and clinics for cancer. An air ambulance service operates at a nominal charge of \$25 per flight.

Public hospital care. Under a special Act, pre-paid hospital care is provided throughout the province and includes public ward accommodation, operating and case-room facilities, certain drugs, surgical dressings, X-rays, etc. All hospitals of the province are eligible for participation in the plan. Hospital care is available to all persons who pay a register tax of \$10 per annum, with a maximum of \$30 per family, and who are not already provided with hospital care under a special programme. During 1948 the population covered by the plan averaged 776,478 persons, or more than 90 per cent. of the total population. The hospitalisation tax is paid by provincial or municipal governments in the following cases: old-age pensioners and blind pensioners with their dependants, wards of the Crown and recipients of social assistance. Mental hospital care and sanatorium care for

tuberculosis patients are provided without charge, including free ambulance transportation.

Public medical care. Seven "regions" have been organised in Saskatchewan. A comprehensive medical care scheme exists in Health Region No. 1, centring around Swift Current, embracing 87 municipalities and a predominantly rural population of 54,000 persons. The scheme includes the services of general practitioners and specialists, diagnostic and out-patient services, dental services for residents under 16 years of age, preventive services and health education. The supply of pharmaceuticals is not included. Hospitalisation is provided for in the manner described above. Financing of this scheme is through a personal tax, a property tax and a provincial grant. Physicians resident within the region participate in the scheme by individual uniform agreement. They undertake to provide medical and surgical care at the office, in the hospital or the home and are paid on a fee-for-service basis. Registered persons must present their cards and the doctor may reject a patient who, on his side, may freely choose his physician. The province provides medical and dental care for recipients of old-age and blind pensions, mothers entitled to allowances and the dependants of these groups.

Manitoba.

Public health services. The province is divided into health regions. The aim is to provide hospitalisation, pre-diagnostic and curative services, and dental care for children, to all within the area. Hospital districts and medical care districts have been established within these regions. Medical and nursing units with a maximum of 10 beds and an emergency operating room, a maternity case-room and special services are provided for persons outside their districts. The scheme is financed by the provincial government and by the municipalities through taxation. Diagnostic centres have been established in three towns. Clinical care is provided for mental cases, tuberculosis, cancer and for various child health services. Drugs are supplied to physicians. Provincial and federal financial aid has been made available for the adaptation of existing, and the erection of new, hospitals and for small nursing units in unorganised areas. The provincial government contributes a small *per diem* grant on behalf of all public ward patients. The municipality provides hospital care for indigents and the province pays the entire cost for indigents in unorganised areas. Hospitalisation costs of tuberculosis patients are paid jointly by the province and the municipalities. Patients of mental institutions are required to pay for treatment if in a financial position to do so. Recipients of social assistance may use medical care services where the public health department has organised such services.

Ontario.

Public health services are provided by 24 organised health units, covering a large part of the total area of the province and urban health departments under the supervision of the health province. One or more municipalities may combine to provide health services and certain forms of medical care within a combined territory; the costs of such services are borne by provincial contribution and/or property taxes. Services include tuberculosis clinics, with stationary and mobile units, travelling mental health clinics and railway dental clinic coaches which serve the isolated parts of the province. Expectant mothers are provided with one free medical examination. Hospitals are graded according to size and type and a maximum provincial and municipal *per diem* grant is paid for each grade. Patients of mental hospitals are required to pay for treatment according to their means, with the balance of cost being met by the province and municipality. The cost of medical care in provincial or private tuberculosis sanatoria is charged to patients according to ability to pay; the province pays a *per diem* fee. Limited medical services are provided for old-age pensioners and other recipients of social assistance.

Quebec.

There are 63 health units serving 74 of the province's 76 counties. The remaining unorganised territories are administered by the Medical Services to Settlers Division. The unit operates in co-operation with practising physicians in the area and with urban health departments. Preventive medical care is provided throughout the health units and includes three dental clinics for children, diagnoses and X-rays at anti-tuberculosis clinics, immunisation, child and maternal health clinics. Drugs provided include vaccines, sera, anti-toxins and streptomycin. The laboratory services include supervision of dairy products. A hospital is provided for indigent persons, with special provision for unmarried mothers, infants and crippled children. Persons financially able to pay are required to do so, but the larger percentage of cost is shared on a tripartite basis by the province, the municipality and the hospital, the latter aided by grants. Public mental institutions are operated by the provincial Health Department; private sanatoria are under the supervision of the Department. Patients are required to pay for treatment if in a financial position to do so. Tuberculosis sanatoria are operated chiefly under private and religious auspices; in 1948, more than 88 per cent. of the cost of treatment was paid in accordance with the terms of the Public Charities Act.

New Brunswick.

Sixteen public health districts with medical health officers and public health nurses employed by the provincial Department

of Health, provide a preventive medical programme of disease control, laboratory services; child and school hygiene, sanitation, immunisation and health education. Clinics within the health districts provide X-ray and diagnostic services for tuberculosis. Cancer diagnostic clinics are located at strategic areas in the province. Child health and pre-natal clinics are held in all areas in the province by public health nurses. Mental health and diabetic detection clinics are in their formative stages. After-care is provided for discharged tuberculosis patients and for physically disabled persons. Hospitalisation is provided from provincial revenue for poliomyelitis cases and for all tuberculosis cases. The one mental institution is administered by the province which pays the greater proportion of the hospitalisation cost, although a charge is made to patients in accordance with their ability to pay. Medical care provisions available to recipients of social assistance are thus available to the general public.

Nova Scotia.

Within the health districts, preventive medical care and minimal treatment are provided through clinics. A provincial cancer clinic gives free examination service for all hospitals and practising physicians. Free X-ray and radium services are provided for indigent cancer patients. A clinic for poliomyelitis treats acute infantile paralysis patients and provides follow-up services. A mental health clinic operates from Dalhousie University. Immunisation, maternal and child health clinics are operated by public health nurses. Dental trailers provide services to children, particularly those in isolated areas. Diagnostic clinics for tuberculosis are held regularly in each health district. Tuberculosis patients are treated in provincial sanatoria without charge, and mental patients in a Nova Scotia hospital. A charge is made for hospitalisation in other mental institutions. Provincial aid is given to all approved hospitals and the Health Department operates five hospitals, including one general hospital, three tuberculosis sanatoria and a mental hospital. No special provision is made on behalf of social assistance recipients.

Prince Edward Island.

The province is divided into five health districts with one public health nurse in each carrying on a generalised school health and health education and immunisation programme. Stationary and mobile tuberculosis clinics provide X-rays and diagnoses. Child health clinics provide advice and nursing services and immunisation for diphtheria and smallpox. Extra allowances and post-sanatorium treatment are provided for the rehabilitation of tuberculosis patients. Drugs and laboratory analyses are provided for the treatment of venereal diseases. Patients in the mental clinic and the tuberculosis sanatorium are required to pay for

their treatment if able to do so; free care is provided to others by the province. The care of crippled children is provided without charge to the patient.

Newfoundland.

Various difficulties have made it impossible as yet to develop a comprehensive public health service programme, although some immunisation and other preventive work is carried on. Considerable attention has, however, been concentrated on tuberculosis control. All cottage hospitals are equipped for X-ray, and extensive surveys are conducted throughout the province. A trained nutritionist directs public and education programmes in nutrition; various products are distributed to school children. Under the cottage hospital scheme, hospital and medical care are supplied on a prepaid basis. The head of each family pays \$10 and each single adult \$5 annually. A charge is made for medicines and a nominal fee is collected for dental extractions. A small fee is charged for transportation of the doctor for home visits. In districts not served by doctors, nursing services are provided on payment of a small annual fee. A charge is made for mental illness and tuberculosis treatment for those patients who are able to pay and who are not covered under the cottage hospital scheme.

Ceylon.

Under the Medical Ordinance (Cap. 90 of the Legislative Enactments of Ceylon), there is a State medical and general health service covering the whole island. There are provincial, district and cottage hospitals, as well as dispensaries and maternity homes distributed throughout the island. General treatment is provided in all hospitals and specialist and dental treatment are, in addition, available in the larger hospitals. It is proposed to improve progressively the medical and general health services. Under the existing scheme, no individual can fail to secure adequate medical care because of his inability to pay for it.

Maternity homes are provided by some of the larger local authorities; domiciliary midwifery care is provided by most local authorities through the services of field midwives. The Maternity Benefits Ordinance, introduced in 1941, provides benefit for women workers on all types of estates and also those employed in shops, mines and factories.

The Diseases (Labourers) Ordinance (Cap. 175 of the Legislative Enactments of Ceylon), ensures the control of major infectious diseases and the provision of adequate housing on plantations. All the inhabitants of the island are covered, therefore, by the medical and health services; there is no compulsory health insurance scheme. Co-operation between employers and workers is on a voluntary basis.

The Medical Wants Committee, set up under the Medical Wants Ordinance, is

composed of Government and non-Government officials. In actual practice, the Committee includes members who belong to workers' trade unions and employers' organisations. The implementation of a health insurance scheme, as recommended by the Social Services Commission and by an expert from the International Labour Office, is being considered by the Government.

Cuba.

The questions dealt with in the Recommendation have not been covered by legislative provisions. The Ministry of Health and Public Assistance and the municipalities are responsible for providing free medical and hospital care, as well as medicaments, to indigent persons. Sickness insurance, which is provided for by the national Constitution, has not yet been organised. The only scheme which has been organised on a national basis is that for maternity insurance, on which employers and workers are represented.

Denmark.

See under Recommendation No. 67.

Dominican Republic.

Act No. 637 of 16 June 1944, respecting the contract of employment, contains various provisions dealing with medical assistance for workers. The latter are obliged, at the request of the employer, to undergo a medical examination upon the termination of their contract, with a view to ascertaining whether they are suffering from a permanent disability or occupational disease which renders it impossible for them to perform their work, or from any infectious disease. In the event of an epidemic, the employer is obliged to provide for workers, free of charge, any preventive medicaments that may be ordered by the health services. He must also set up first-aid services, in agreement with the health authorities. Similar provisions are contained in the Labour Code. Provisions relating to the medical service for the benefit of workers are contained in Act No. 1896 respecting social insurance and in Regulation No. 5566.

Egypt.

There are no legislative provisions relating to the subject matter of the Convention, apart from § 34 of Act No. 41 of 1944 respecting the individual contract of employment. According to the provisions of this section of the Act, an employer having 100 or more workers under him is obliged, where necessary, to provide the required medical care and medicaments for such workers. However, a Bill respecting social insurance is now under consideration; this Bill deals very thoroughly with sickness insurance.

In order to ensure the application of the Recommendation in Egypt, it would be

desirable to amend it in certain respects and, for example, to limit the scope of its provisions to workers in industry and commerce, as well as to temporary employees in Government and semi-Government organisations. It would also be necessary to limit sickness insurance to the insured persons themselves, excluding their children.

France.

Apart from the special services provided for the armed services, there are no public health services and no general service organised by social security schemes for wage earners engaged in non-agricultural occupations. The insured person chooses his own medical practitioner, pays his fees and is refunded by the social security scheme; except in special cases, the refund is not complete and the insured person is charged with the remainder of the sum. Beneficiaries undergoing treatment in a public hospital or in a special establishment for public care are entitled to a refund of 80 per cent. of the cost of maintenance in hospital and of medical and surgical fees. Up to 100 per cent. of the expenses may be refunded in cases of surgical operations. Hospital expenses are reimbursed in accordance with an approved scale; social security funds may own and administer health establishments for the benefit of persons insured with them. These establishments (sanatoria, preventoria, dispensaries and rehabilitation centres for tubercular patients, nursing homes, rest homes, maternity homes, health homes for children, holiday camps, etc.) are still few in number. Some special schemes (miners, French National Railways) intend to set up services very similar to those recommended by the Recommendation.

Persons covered. The organisation of a national health service has not been considered necessary; in addition to social insurance, a public assistance service and private insurance institutions are in operation. Needy persons are entitled to free medical care and the claimants of insured persons are covered by the social security scheme which has recently been extended to students.

Administration of medical care and co-ordination with general health services. As mentioned above, the principles of the Recommendation are applied only to certain categories of persons.

Financing of medical care service. Legislation respecting social assistance legislation and care for persons receiving war pensions is financed by means of taxes; the cost of the installation of medical equipment is financed by taxes and by the special fund for health and social action of the different social security organisations.

Supervision and administration of medical care service. There is no uniform health service. However, the Ministry of Public Health is, as a rule, entrusted with the Government's health policy and draws up the plan for health and social activities for

social security organisations. All health organisations are administered on a democratic basis. The medical and allied professions collaborate in the health policy of the Government on a considerable number of committees.

Iceland.

The Social Security Act, 1946, lays down in § 3 that medical care shall be provided by specific health centres, hospitals and treatment centres. The Social Security Institute pays the expenses of insured persons at these institutions and also the cost of medical attendance and medicines. The above-mentioned section of the Act has not yet been made operative; in the meantime, the former Sickness Benefit Societies Act is applied. These societies operate in all towns and also in rural areas unless a negative vote decides otherwise. In communes where sickness benefit societies operate, membership is compulsory for all persons between the ages of 16 and 67 years who are legally domiciled in the commune. Each member is free to choose his family doctor from among the physicians under contract with the society.

The following minimum assistance is provided by the societies: payment in full for the cost of ordinary medical attendance given by an insurance doctor at a hospital or by the patient's family doctor during his working hours (but only three quarters of the cost if attendance is given by another doctor); medicines and dressings in hospital, as well as vitally essential medicines outside hospital (three quarters of the cost of other prescribed medicines); hospitalisation ordered by a doctor, as well as hospitalisation in the case of a confined woman if deemed necessary by the society's doctor. Only one third of the cost is paid in respect of X-ray photography and fluoroscopy. Individual societies may provide for more extensive assistance.

Ordinarily, a member does not acquire full rights until he has paid contributions to the society for six months. A member who has been transferred from one society to another is not subject to this condition.

The societies fix individually the amount of contributions payable by their members. In addition, the Treasury and the local municipal fund pay a subsidy amounting to 33 $\frac{1}{3}$ per cent. of the contributions paid, subject to a limit of 18 krónur for each member.

India.

Post-war development schemes, including adequate provisions to render medical relief to the masses, have been instituted by the provincial Governments. The central Government has agreed to meet 50 per cent. of the expenditure involved. These schemes include the improvement of the drinking water supply, drainage systems, etc.; the establishment of primary health centres and rural health organisations, mobile dispen-

saries and a malaria organisation; the upgrading of medical institutions in different parts of the country; and the training of personnel overseas in various medical branches (dentistry, nutrition, nursing, etc.).

At the Second Conference of Health Ministers in 1948, however, it was recognised that financial and other difficulties made it impossible to implement fully a rural health service. Consequently, a rural medical relief committee was constituted and has formulated certain recommendations. The Employees' State Insurance Act of 1948 provides benefits for insured workers in respect of sickness, maternity and employment injuries. Such workers are entitled to free reasonable medical, surgical and obstetrical treatment as well as to treatment in hospital or domiciliary treatment, and to benefits for a limited period. Appended to the report is a document containing rules relating to medical benefits, and outlining the various practical and financial difficulties likely to be encountered in various areas in applying the prescribed standard.

Luxembourg.

Insurance is compulsory for all wage earners, with the exception of officials and employees of the State, communes and public establishments, members of religious orders who only receive maintenance expenses and private employees whose annual earnings exceed 60,000 francs. This insurance is intended to cover relief and medical assistance in case of sickness and various indemnities. It includes, in particular, medical and dental care, the supply of pharmaceutical requirements and hospitalisation expenses.

Moreover, the funds may extend medical care to members of the insured person's family; as a rule, most of the funds make use of this right. The Government is preparing a general amendment of legislation which will greatly extend the scope of the present sickness insurance scheme. A Bill providing for the compulsory sickness insurance of public officials and employees was submitted to Parliament by the Government in 1948.

Netherlands.

Sick funds are responsible for providing medical care for the majority of the population. Insurance is compulsory for all employed persons whose fixed earnings in cash do not exceed 3,750 florins per year. The remainder of the population may become voluntary members of a sickness fund provided their income does not exceed a fixed limit. Netherlands regulations are based on several of the guiding principles contained in the Recommendation. The question of the system of sick funds and above all of their administration and management is being examined; the provisions of the Recommendation will serve as a useful guide in this connection.

Pakistan.

No medical care service as outlined in the Recommendation has been constituted; there is no special law or practice in regard to the matters dealt with in the Recommendation, the provisions of which are not likely to be implemented in Pakistan for some considerable time on account of the shortage of technical staff and other reasons, such as the expense involved.

Sweden.

Medical care and preventive health control are conducted largely under the supervision of the municipalities, county councils or the State; the professional activities of private medical practitioners and private medical care establishments are subject to State control.

Medical care. This is provided by public bodies for in-patient care as well as for out-patient care. In-patient medical care is usually administered and financed by the county councils, the municipalities or the State. In certain cases, the State pays subsidies which, however, are not payable in respect of adults suffering from acute diseases. Cripples, the deaf, deaf-mutes, etc., are cared for either by the State or by subsidised private bodies. Out-patient care is usually provided by private doctors; however, hospital doctors also give consultations. In rural districts, there exist State-employed district medical officers (county medical officers, etc.), and in urban or densely populated areas municipal medical officers are available. The Act respecting epidemic diseases provides that persons suffering from such diseases must be cared for in special hospitals which are free of charge. Thanks to a system of subsidies established in 1908, the country disposes of approximately 10,000 beds reserved for tubercular cases. Draft legislation has been introduced in Parliament providing free treatment in such institutions for persons suffering from chronic diseases or for persons with small, or without, private means. The Act of 1918 concerning venereal diseases provides for examinations, compulsory treatment until complete recovery, including medical supervision, and the supply of the necessary medicaments, all entirely free of charge. Special services directed by medical officers exist in all the towns and rural districts. Dental care is being organised as a public service under a decision taken by Parliament in 1939. The aim is to provide very extensive services at reasonable cost to the whole population, with possible reductions for persons with low incomes. As regards maternity, 90 per cent. of all confinements now take place in appropriate institutions. The number of beds available for this purpose in December 1947 was 3,342. In-patient care of the insane is in principle the responsibility of the State, though the three largest cities have undertaken, under special arrangements, to provide this service in their respective areas. There

are 25 mental hospitals with a total of 18,605 beds, and the expansion of the system is under examination. These hospitals also provide consultations for out-patients in mild cases. The State also cares for the mentally retarded and for epileptic women and children.

Costs of medical care. The institutions for the care of the sick charge only a small proportion of the expenses (5 to 10 per cent. according to their means), the balance being covered by the State, the county council or the municipality responsible for the administration of the institution. Specialised treatment which cannot be provided within the patient's medical zone usually entails higher fees, but the difference is generally refunded by the county council. In the case of tuberculosis, a State subsidy is granted both for the erection and the running of the institutions. The fees paid by tuberculosis patients are lower than those paid for general hospital care. Care given to persons suffering from epilepsy, and venereal cases in the infectious stage is entirely borne by the State. In all cases, persons with low incomes only pay reduced fees, while persons without means receive free treatment through social assistance. Persons affiliated with an approved sick benefit society are compensated for up to 65 per cent. of their expenses and, in certain cases, up to 100 per cent. The payment of fees to private medical practitioners is borne wholly by the patients. The services of medical officers are paid for according to a special scale. The cost of medicines provided by municipal institutions and the State is defrayed out of public funds. Prescriptions for out-patients are at the expense of the patients, except in certain cases such as venereal disease, etc. The State bears, to a large extent, the cost of medicines rich in vitamins and minerals when they are prescribed for infants and school children, as well as for pregnant women and nursing mothers. In certain cases, persons in the low-income groups may receive free medicines during the period of pregnancy. The cost of insulin is, to some extent, met from public funds. Public and municipal officials generally receive free medicines in case of sickness. When there is a threat of epidemics, all medical care is provided at State expense. It may be mentioned that the Riksdag, in voting on the General Sickness Benefit Reform Bill, decided in principle that medicines should be paid for from State funds. Certain sick benefit societies are already refunding major or minor portions of the costs of medicines. Nearly one half of the population of Sweden is covered by some form of voluntary sickness insurance, usually through membership in a State subsidised sick benefit society. Generally, this type of insurance covers also dependants of the insured as well as care in the case of non-occupational diseases and confinement. The Act of 3 August 1947 introduced compulsory

sickness insurance for the entire population, with the exception of a few limited categories; however, various difficulties have delayed the implementation of this Act. Compensation for industrial accidents and certain occupational diseases is provided for by a special insurance scheme covering both medical care and, to a certain extent, compensation for loss of the means of subsistence.

Preventive care is essentially the responsibility of the county councils, which must, however, conform with a plan approved by the Medical Council or the Government in order to receive State subsidies. The prevention of tuberculosis is assured by means of a free scheme of central and district dispensaries. Provision is also made for preventive care for mothers and children, general supervision of health (district infirmaries), mental care for children and young persons, prophylactic and dental treatment and the school hygiene service. As regards venereal and epidemic diseases, prophylaxis and therapy go hand in hand. The cost of curative care for in-patients is covered by the county councils, while the State bears the cost of out-patient care, epidemiological research, bacteriological and serological examinations and may also grant subsidies to persons suffering from chronic diseases, if the restrictions in their mode of life result in extra expenses or a serious reduction in income. The Workmen's Protection Board is responsible for the medical supervision of certain groups, such as adolescents from 14 to 18 years of age and workers exposed to special risks, pneumoconiosis, etc. The cost of periodical examinations is borne by the employers.

Scope. The health and medical care services cover all members of the community. As indicated above, the cost is borne by the individuals who may claim their expenses from the voluntary sick benefit society of which they are members. In accordance with a Resolution of Parliament, compulsory insurance will be introduced at a later date. Medical care in the case of epidemical and venereal diseases is provided from public funds; compulsory insurance will not bring about any changes in this respect. The preventive services of the State subsidised county councils are free of charge.

Administration. General supervision is exercised by a Medical Council. Attempts are being made to ensure general and special medical care in each health area (county council). There are also well-equipped rural and general hospitals; each administrative area possesses its own resources for the supervision of chronic epidemic diseases. Certain areas still lack specialised services, but the expansion of such services is being continued. National hospitals, attached to the medical faculties, have specialised services available to the entire population.

Every person has the right to consult the medical officer of the area in which he is

domiciled and to receive treatment at a low fee. When necessary, the medical officer refers the patient to a specialist, whose fees are met out of public funds under an approved scale. The free choice of a doctor is guaranteed in principle but, in practice, is limited in certain areas according to the number of practitioners available and the distance to be covered. On the other hand, treatment given in the hospitals of the area of residence is less costly than that in other institutions. The majority of medical practitioners are permanently affiliated with the medical care and public health service. They receive a salary, pensions, holidays, etc., in accordance with the scales fixed by the State and the local authorities after consultation with the occupational organisations. Any complaints regarding professional errors are investigated by a disciplinary board attached to the Medical Council, comprising legal experts, a representative of the public authorities and doctors attached to the Medical Council. In the event of disciplinary action, an appeal to the higher authorities is possible. The training of medical practitioners is organised by the State and the permit to practise is granted after examination by the Medical Council. Post-graduate courses are not compulsory for doctors. Such courses exist, however, on a voluntary basis. Certain central authorities are responsible for various other schemes (school hygiene and the health control of industrial workers). The practitioners employed by these authorities are also under the control of the Medical Council.

It may be pointed out that the health and medical care services in Sweden were, on the whole, already organised in accordance with the principles laid down in the Recommendation, which has not therefore influenced the development of these services.

Switzerland.

The legislation concerning sickness insurance, with regard both to curative and preventive measures, is being examined with a view to its revision. At present, the benefits of funds recognised by the Confederation cover curative treatment only. The Federal Act of 13 June 1911 relating to sickness and accident insurance defines the character and nature of these services. The Act provides in § 21 that at least medical and pharmaceutical insurance must be guaranteed. The funds are not required to pay the cost of care by a midwife, but an amendment of the Act on this point is being examined. In some circumstances, the insured person may select his own doctor and chemist. In practice, the funds may make the payment of their benefits subject to treatment in a public hospital or in a private institution with which an agreement has been made. The scheme is financed through contributions and through subsidies granted by the public authorities. To a limited extent, the cantons also have official free health services.

Forms of medical care service. There is no official health service covering the whole territory, since the Confederation does not possess the necessary powers to set up a service of this kind. The cantons, on the other hand, may set up such services; this is the case in the Tessin, where all the inhabitants are covered by a free health service. The medical service under the social insurance scheme must ensure benefits to affiliated persons, both in the case of hospitalisation and in the case of persons undergoing treatment but not confined to bed; treatment must be ensured during 180 days over a period of 360 consecutive days. Funds which require their members to participate in medico-pharmaceutical costs must pay benefits for at least 270 days in a period of 360 days. In several cantons and communes there are provisions for longer and unlimited periods of benefit. When benefit periods are extended for the treatment of tuberculosis, higher federal subsidies are granted. In order to assure treatment for their members, the funds may conclude agreements with doctors who have been practising regularly for one year within their territories. Indigent and non-insured persons receive medical care at the expense of the communal or cantonal public assistance schemes. As a rule, insurance is individual, but there are some family insurance schemes, particularly in certain undertakings; however, members of the insured person's family are not exempted from all contributions. Contributions are generally charged entirely to the insured person; the Confederation subsidises sickness insurance by grants for each insured person; although not compelled to do so, the cantons and communes may also participate in the financial responsibilities of sickness funds. Employers cannot be compelled to pay part of the contributions, but they may be made responsible for the collection of contributions from any of their employees subject to compulsory insurance.

Accident insurance is federal in character and is administered by an autonomous institution, the Swiss National Accident Insurance Fund; the provisions of the legislation which relate to sickness insurance are also applicable to cases of accident.

Extension of the service to the whole population. Sickness insurance is not compulsory, but the Confederation has the power to declare it compulsory. The cantons also have this right and may delegate it to the communes.

Distinction must be made between two categories: child insurance (children or school children) and general insurance (children and adults or adults only). Both systems may be subdivided according to whether the compulsory insurance is general or confined to the lower income groups. Child insurance is compulsory in the cantons of Fribourg, Geneva, Vaud, in most of the communes of Soleure and in some communes

in the Valais; it is limited in scope in some communes in Berne and Soleure. Compulsory general insurance is widespread in the Grisons and the Tessin; compulsory insurance confined to certain categories is practised in the rest of the country. The cantons have the right, which is exercised by some of them, to pay the contributions of certain classes of persons; the Confederation refunds up to one third of their expenses in this respect. Indigent and non-insured adults receive medical care benefits at the expense of the public assistance authorities. The principle of mutual insurance permits a small decrease in the contributions payable for children; however, total exemption from contributions is only granted in cases where the public authorities are entirely responsible for these payments, e.g., in Zurich. The Federal Act of 1911 provides that persons insured for daily benefits must not necessarily insure themselves for medical and pharmaceutical benefits. The funds are free either to ensure these benefits to their members or else to guarantee a daily allowance which may not be less than one franc in the case of total incapacity for work. With respect to compulsory insurance, the majority of cantonal and communal legislation requires that at least medico-pharmaceutical care should be ensured. The Accident Insurance Fund ensures medical care only to persons insured by them, in accordance with the legislation.

Range of service. Insurance funds deal solely with curative treatment. The extension of the legislation to preventive care is now under consideration; the only obstacle is the question of the expense involved. Every citizen may join a recognised fund, whatever his religion or political party. The funds may limit the periods during which benefits are paid. The legislation contains no provisions concerning the extent of benefits which, as a rule, cover treatment by qualified doctors, radiography and radioscopy required for a diagnosis and the supply of medicines according to lists and tariffs established by the funds. As a rule, medical assistance for compulsorily insured persons continues after hospitalisation, provided the treatment or sojourn has been recommended by a qualified doctor. The fund is not compelled to bear the costs of the maintenance and fees of a special nurse for a sick person. Dental treatment and the cost of midwifery are not included in medical assistance. However, maternity insurance is under consideration and a draft amendment to the Act of 1911 is now being considered. There are no provisions for compulsory benefits in the form of spectacles, artificial limbs, etc.

The members of a fund may choose their own doctors from among those practising within a reasonable distance of the place where they are staying, regardless of the place of residence of the insured person or the territory covered by the fund. They may also call in a specialist and, with the

authorisation of the committee, may change doctors. Although the funds are not compelled to pay expenses for board and lodging in hospital or for special treatment, they may undertake to pay all or part of these costs. The conditions of work of doctors, the setting up of health centres, etc., have not been regulated by legislation, since it would not be advisable in Switzerland to restrict the private initiative of the medical corps, or to restrict the cantons' authority in matters of public health. In thinly populated and mountainous districts, some financial assistance may be granted by the Confederation. There is no legal obligation regarding the costs of transport, but the funds may voluntarily undertake to cover such costs. The present legislation contains no provisions regarding collaboration between social insurance institutions for medical care and institutions of the official health service.

The funds may, on their own initiative or at the request of the responsible doctor, the insured person or his family, call in a second doctor for consultation; they may also engage the services of a consulting physician, entrusted particularly with the supervision of the medical service. As a rule, the fund ensuring the payment of benefits must grant assistance to any member undergoing treatment at a hospital, etc., provided this treatment is ordered by a qualified doctor; the latter's prescription may be referred for examination to the consulting physician of the fund. The insured person has the right to make his choice from among the hospitals and curative establishments within a reasonable distance of his home. However, a fund may restrict its benefits to medical assistance given in the public wards of public hospitals and in private institutions with which an agreement has been concluded.

Working conditions and status of doctors and members of allied professions. The cantonal authorities establish the medical and pharmaceutical tariffs, after consultation with representatives of the funds and of occupational organisations of doctors and chemists. These tariffs show the minimum and maximum fees and prices, due regard being given to local conditions and to the annual compensation which the funds may have undertaken to pay. In thinly populated and mountainous regions, public funds which have concluded an agreement with doctors by which they ensure them compensation have the right to oppose the adherence of other doctors to the agreement.

The ordinary courts are competent to deal with claims against medical practitioners. In the case of claims made by insured persons against their fund, the statutory provisions of the latter hold good or, in the absence of such provisions, the ordinary courts are competent. Cases of dispute between funds and medical practitioners are referred to a cantonal arbitration tribunal. The supervision of the medi-

cal staff is ensured by the cantons; its centralisation is in no way necessary.

Social insurance doctors must possess the federal diploma. There are no provisions concerning special training for such doctors; the cantons fix the requirements with regard to professional fitness for the auxiliary staff.

The legislation contains no provisions concerning the contributions of members, but lays down the amount of subsidies per insured person. The supervisory authority ensures that contributions are sufficiently high to maintain the financial stability of the funds. If the cantons and communes declare sickness insurance to be compulsory, and undertake responsibility for all or part of the contributions for insured needy persons, the Confederation grants them subsidies for an amount not exceeding one third of their expenditure. Employers may be made responsible for collecting contributions from any of their employees who are compulsorily insured with public funds. Several funds ensure a daily allowance in addition to medico-pharmaceutical assistance and only require a single contribution for the two branches of insurance. Recognised funds may only employ their resources for the purpose of insurance.

There are no special resources to defray accident insurance; the expenses are covered by employers in the case of occupational accidents and, in the case of non-occupational accidents, by the insured persons, assisted by the State. The National Fund administers the finances of each branch of insurance separately.

Insured persons who apply to the ordinary courts have the right of appeal through the normal appeal procedure. The arbitration tribunal for the settlement of disputes between funds and medical practitioners is, as a rule, a court of single instance.

Turkey.

The provisions of the Recommendation are met in part by the services supplied by free State hospitals and maternity clinics, as well as by private institutions, medical advisers and midwives, and by the provisions of the legislation and of regulations respecting public health, buildings, food, industrial hygiene and safety. However, the services provided and the measures taken are inadequate for the needs of the country. Financial difficulties and the insufficient number of doctors prevent the full implementation of the Recommendation. Nevertheless, the Government is preparing sickness insurance legislation to provide medical benefits for all workers covered by the Labour Law.

Union of South Africa.

The Government states that, since 1945, the developments in the field of health services have not been related to the principles enunciated in the Recommendation. Accordingly, it is not possible to furnish a

report precisely on the lines set out in the report form.

In an appendix, it is indicated that the State guarantees the services of medical care to persons who are unable to pay for such services, through the medium of district surgeons who are private practitioners on a part-time basis. Provincial hospitals treat patients irrespective of their ability to pay.

The Minister of Health is the chairman of the National Health Council, which comprises representatives of the profession.

There is no universal social insurance scheme.

United Kingdom.

The National Health Service, which came into force on 5 July 1948 and is defined in the National Health Service Act, 1946, and corresponding legislation in Scotland and Northern Ireland, provides a full range of services for the improvement of the physical and mental health of the people and for the prevention and treatment of illness. Medical care is available, free of charge, for every man, woman and child in the country. It is not an insurance scheme and there are no "waiting periods" or other conditions unrelated to the applicant's health. The cost of the services is defrayed by the National Exchequer out of general taxation, apart from an annual contribution from the National Insurance Fund and certain expenses which fall on local rates.

Organisation of practitioner services. Every member of the community may choose the doctor he wishes, provided only that the doctor is enrolled in the service and consents to attend him. The patient may change his doctor at any time and without any restriction. The doctor, under the principle and tradition of the "family doctor", is free to treat his patient exactly as he has treated him in the past and may call in a consultant and secure hospital treatment without any reference to any outside authority. Any doctor wishing to take up public practice must first obtain an official authorisation in order to ensure an even distribution of doctors in the country. Normally a doctor's main income is from capitation payments based on the number of patients who have registered with him. It is open to him to apply for a fixed annual payment of £300, which is only granted where reasonable justification exists. The main purpose of the grant is to assist a young doctor just starting in practice. Under a contributory superannuation scheme, pensions are payable to a doctor on his retirement and to his widow on his death.

Through the Pharmaceutical Service, everyone on a doctor's list is entitled to free drugs, medicines and minor appliances. Payment is made to chemists on terms comparable with the payment received for private dispensing.

Through the Dental Service, patients are provided free of charge with all forms of

treatment necessary for restoration of dental fitness, and all repairs and replacements not necessitated by carelessness. There is complete freedom of choice by patients of dentists and by dentists of patients. Dentists may also take private patients. All conservative dental treatment may be given without reference to any outside authorities, but extensive and prolonged treatment with special appliances and dental surgery require permission. Any patient wishing treatment or appliances that are more expensive than is clinically necessary will be able to have them if he pays the extra cost. Dentists are paid on a prescribed scale of fees.

Through the Eye Service, patients may have their eyes tested and be provided with glasses free of charge. Repair or replacement of glasses within two years of the original prescription is done without a further sight test; but will only be done free of charge where the loss or damage is not due to personal carelessness. Ophthalmic medical practitioners and ophthalmic opticians are paid on a prescribed scale of fees (professional services, the wholesale cost of the glasses and some addition to cover the risk of breakages).

Hospital and specialist services. These services provide all forms of hospital care and treatment, both in-patient and out-patient, in every kind of hospital, in maternity homes, tuberculosis sanatoria, infectious disease units, institutions for the chronic sick, convalescent homes and rehabilitation centres. They also provide specialist opinion and treatment, both in hospitals, institutions and clinics, and where this is medically necessary, at the homes of the patients. Specialists are employed full-time or part-time and are paid fixed salaries plus certain allowances.

All these services are available to every member of the public free of charge. Hospitals may put a number of pay-beds at the disposal of specialists taking part in the service for the use of patients who have decided not to take part in the scheme.

Particular attention is being paid to that part of the hospital and specialist service which provides care and treatment for what may be termed "socially significant" diseases, *e.g.*, tuberculosis, venereal disease, mental defectiveness, deafness, etc. Specialist ear clinics are being established and hearing aids have been distributed; these aids are serviced and maintained without charge.

Local health authorities services. The services provided by the major local authorities working through health committees include the following:

Maternity and child welfare. At the welfare centres, mothers can obtain ante- and post-natal care at the hands of specially trained doctors, midwives and nurses, as well as valuable medical advice for themselves and their children. Children are

regularly examined and some centres are the distribution points for food and vitamins for expectant mothers and for infants. Orthopaedic, ophthalmic, dental and sunlight treatment are also available for children in many centres.

Maternity care is provided either in maternity homes or in hospitals, or in the house of the patient; in the latter case, the patient may call upon the services of an obstetrician who may be her own family doctor, if he is willing. The doctor carries out certain ante- and post-natal examinations, and attends the confinement if he thinks it necessary. The routine ante-natal care, however, is provided by the midwife, who normally delivers the patient and continues in attendance for the first 14 days after birth. In many cases, midwives work in close conjunction with the Welfare Centres as regards ante- and post-natal care. Confinements in hospitals are reserved for special cases. Applications for admission to hospital are made through the doctor attending the case, or, where admission is required because of unsuitable home conditions, through the medical officer of health. The cost of articles supplied may be recovered from patients who can afford to pay. Dental care is provided for expectant and nursing mothers and young children. Vaccination and immunisation services ensure free vaccination against smallpox and immunisation against diphtheria.

Specially trained nurses give expert advice to mothers on such matters as breast feeding, general care of the baby, the nurture and management of children up to five years of age. They also advise on the care of the sick and on the necessary measures for preventing the spread of infection.

In order to reduce neo-natal mortality, special equipment is provided on loan for mothers whose premature babies can be nursed in their own homes. These babies are attended by midwives and health visitors. Domestic help is provided by the local health authority for households where it is required because of illness, because of a confinement, or where there are children or old people or mental defectives in the home. The cost may be recovered from patients who can afford to pay. Many of the day nurseries established during the war have been maintained to cater for the special needs of children whose mothers have to go out to work or whose home conditions are unsatisfactory.

Prevention of illness; care and after-care. The local health authorities, assisted by tuberculosis health visitors and nurses, are responsible for measures for the prevention of tuberculosis. Special measures are provided to help households in which the patients reside: supply of bed, the provision of nursing requisites, helping the family to find better accommodation, boarding out the children of infected parents, extra food and clothing. Great interest is taken in the rehabilitation of persons suffering from

tuberculosis; training for employment is carried out in conjunction with schemes of the Ministry of Labour. Care and after-care arrangements are also available for other types of illness, including mental illness or mental defectiveness.

Cripples, blind persons, deaf persons, and deaf-mutes also receive some assistance from local health authorities, mainly in the forms of grants-in-aid to voluntary organisations who concern themselves with people suffering from some physical handicap which prevents them from competing on equal terms with their fellows. Measures instituted by voluntary organisations in this connection include the setting up of special schools (for children under school age and not receiving treatment under the school health service), the establishment of residential training hostels, home teaching, special employment schemes, and general social welfare. A charge may be made for some of these services, if the person or persons wishing to make use of them can reasonably be expected to contribute towards their cost.

A home nursing service is also provided. Nurses working in this service are either employed directly by the local health authority concerned, or by a voluntary organisation acting as the agent of the authority. Ambulances and special cars are available for the conveyance of sick people to and from hospitals.

Health centres are being established by the local health authorities to afford the practitioner services, including family doctor service, the specialists' services and the local health authority clinic services and services for health education. A few premises are already being used as health centres and more have been planned for the next two or three years.

School health service. This service is in no way intended as a substitute for the National Health Service; parents of school children are as free as any other citizen to avail themselves, on behalf of their children, of all that the latter has to offer. At the same time, the State recognises that a school health service is the best means of providing medical care essential for growing children. Every child attending a public primary or secondary school undergoes a number of routine medical inspections during its school career, and during the two years after it has left school. Free treatment is provided at school clinics (or if necessary at hospital) for all minor ailments. In addition, the local education authorities are required to keep constant watch for all children (including "maladjusted" children) who may require special attention, and to provide suitable treatment for them. The direct medical care given to school children is supplemented by a school milk and meals scheme. The number of nursery schools catering for the needs of children under the compulsory school age is being increased, and child guidance clinics for the psychiatric

treatment of nervous, retarded or difficult children have also been established.

Administrative machinery. The Minister of Health assumes direct responsibility for the provision of all hospital and specialist services, the mental health functions, the conduct of research work in health matters, public health laboratory services and a blood transfusion service. He assumes indirect responsibility for the organisation and maintenance of health centres, general medical services and for the management of all other services. The Minister is advised by the Central Health Service Council, set up under the provisions of the National Health Services Act and by a number of advisory committees. The Council is predominantly medical in membership, but also includes dentists, pharmacists, midwives, nurses and non-professional members.

The Medical, Dental, Pharmaceutical and Ophthalmic Committees are professional in character, while the others include lay members and will review the whole scope of the services in their particular field. In addition, the Central Council has set up two committees, one of which deals particularly with health centres and the other with the administration and organisation of hospital services.

The channels through which the Minister discharges his responsibilities under the Act are the regional hospital boards (planning, organisation and supervision of the hospital and specialist services), the boards of governors in teaching hospitals (clinical teaching and technical experiment and innovation), hospital management com-

mittees (internal administration of hospitals, appointment of staff), the executive councils (administration and general management of the practitioner services) and the local health authorities (providing the services of maternity and child welfare, health visiting, vaccination and immunisation, etc.).

Appended to the report are notes indicating, in the case of England and Wales, how far each paragraph of the Recommendation is applicable and has been implemented in the National Health Service.

Scotland and Northern Ireland.

While there are some slight variations in the administrative structure both in Scotland and in Northern Ireland, the extent of the services provided under the National Health Service in those countries is similar to that described above. The responsible Minister in Scotland is the Secretary of State for Scotland, and in Northern Ireland the Minister of Health and Local Government.

A detailed report from the Government of Northern Ireland sets out the position of national law and practice in regard to the matters dealt with in the Recommendation.

Uruguay.

Medical assistance in the form of curative or preventive care is assured by a public medical service, financed by means of taxes on authorised gaming, certain luxury articles and special stamps affixed to documents by public administrative departments, as well as by taxes paid by non-indigent persons when they are obliged, in urgent cases, to have recourse to public assistance.

TWENTY-EIGHTH SESSION (SEATTLE, 1946)

Food and Catering (Ships' Crews) Convention, 1946: C. 68 ¹

Argentine Republic.

The provisions of the Convention are covered by the regulations issued in conformity with legislation adopted in 1947.

Australia.

Some of the matters which the Convention requires to be covered by regulations are left to negotiations between shipowners and the seamen's organisations and are not subject to fixed general rules (Article 2 (a)). As regards the other functions set out in Article 2, Commonwealth Law makes provision in respect of food and water supplies (Navigation Act, 1912-1942), inspection of supplies and the service of meals. There are no prescribed qualifications for members of the catering department as required by Article 6 (d).

In practice, effect is being given to the more important provisions of the Convention, but such practice lacks the support of national law or collective agreement, which is necessary before ratification might be undertaken.

The question of bringing both State (sea-going intra-State trade) and Commonwealth (other than sea-going intra-State trade) law into harmony with the requirements of the Convention before it may be ratified is kept under consideration.

Austria.

The Government has submitted the question to Parliament stating that, as the Convention is of a maritime nature, it is not applicable to Austria. Copies of the report have been communicated to the representative employers' and workers' organisations.

Belgium.

The report gives the following list of legislation: Royal Order of 8 June 1926 respecting the control of provisions on board Belgian merchant vessels; Ministerial Order of 22 November 1926 to fix rations on board ship; Royal Order of 8 November 1920 (§ 155) to lay down conditions required in connection with arrangements for the accommodation and cleanliness of rooms in which provisions are stored.

The provisions of the above-mentioned legislation are in conformity with the requirements of the Convention, except as regards the two following points: the

certification of such members of the catering department staff as are required to possess prescribed qualifications; research into, and educational propaganda work concerning methods of ensuring proper food supply and catering service.

From now on, the two State navigation schools each have a section in which young persons are trained as cooks. In addition, the Shipping Administration is at present contemplating, in co-operation with occupational organisations of shipowners and seamen, measures to ensure the complete application of the above-mentioned provisions of the Convention.

The Government will soon submit to Parliament a Bill for the ratification of the Convention.

Brazil.

Where the shipowner or master of a vessel is responsible for the provision of food, this must be supplied in accordance with schedules established by the Ministry of Marine. Fines are imposed for failure to comply with the regulations in this respect. Exceptions in cases of *force majeure* must be submitted to and approved by the port authorities.

For voyages of less than 24 hours and subject to agreement between the seamen and the shipowner, the latter may not be responsible for food supplies.

Canada.

The Canada Shipping Act was amended in 1948 to provide for the Governor in Council to make regulations to give effect to the Convention. These regulations are now being prepared with a view to the submission of the Convention to the Canadian Parliament for ratification.

Ceylon.

Ceylon has no merchant navy of its own as yet, therefore the Convention is not applicable. Ceylonese seamen serve chiefly on British ships.

Cuba.

A collective agreement covering practically all ships provides that the crew must be supplied with ample and healthy food

¹ This Convention was not in force on 31 December 1948; up to this date it had been ratified by Bulgaria and France.

of adequate nutritive content. The health regulations contain certain provisions concerning supplies of food and water on board.

The competent authorities are the customs offices and the port authorities. The organisations concerned have formulated no complaints or observations.

In accordance with the Constitution, the Executive Authority cannot ratify a treaty without the previous consent of the Senate, which has not yet taken any measures towards ratification of the Convention.

Denmark.

The provisions of the Convention are covered to a great extent by Regulation No. 142 of 11 May 1936, concerning catering for crews on Danish vessels, and § 2 of Order No. 501 of 21 September 1940 concerning medical supplies and sanitary conditions on board ship. Regulation No. 142 of 11 May 1936 was drawn up in consultation with shipowners' and seafarers' organisations. The matters covered by the Convention may be brought before the Joint Maritime Board, which includes representatives of these organisations. Compliance with the above-mentioned regulations is supervised by the staff of the Government service for the inspection of vessels.

Articles 8, 11, 12 and 13 are not reproduced in the existing legislation, which nevertheless covers the provisions of the Convention to a considerable extent.

As legislative amendments are being examined by the Maritime Commission set up in 1947, which has not yet submitted its report, the ratification of the Convention cannot be expected in the immediate future.

Egypt.

The existing legislation contains no provisions relating to the subject matter of the Convention. No collective agreements have been concluded between shipping companies and seafarers' organisations. A committee was set up in 1946 to examine the Conventions adopted at Seattle and was in favour of the ratification of Convention No. 68. Another committee, entrusted with drawing up amendments to the Commercial Shipping Code, was also in favour of ratification.

As soon as the necessary amendments have been made to the Code, the Government will ratify the Convention.

Finland.

Existing legislation is not in complete conformity with the provisions of the Convention. The Seamen's Act of 8 March 1924 stipulates in § 57 that the captain shall see that the rations of the crew are good and sufficient and shall be entitled to prescribe suitable changes in rations with due regard to climate and health. The captain may not contract for the feeding of the crew. Any reduction in rations must be mentioned in the ship's log.

The Order of 26 July 1938, which contains more detailed provisions regarding food

supplies and the catering services, stipulates the quality and amount of rations and lays down that food supplies must be of good quality and stored in a clean place. Meals must be as varied as possible; three hot meals, tea or coffee twice a day and a suitable diet for sick persons must be provided.

In § 43 the Shipping Act of 9 June 1939 lays down that the captain shall ensure that the vessel is seaworthy, properly equipped and provided with the necessary provisions.

The Council of Ministers instructed the Maritime Committee set up on 16 September 1948 to draw up proposals relating to the matters covered by the Convention; this work is now in hand. The principal obstacle to ratification lies in the lack of legislative provisions respecting regular methods of ensuring food supplies and catering service and training courses for catering department staff.

Greece.

The following legislation is in force: Act No. 4005 of 1929 respecting food supplies of vessels engaged in commercial shipping; Ministerial Order No. 30398-2178 of 28 September 1945, laying down rules for food supplies for crews of passenger vessels engaged in inland navigation; Ministerial Order No. 4751-489 of 26 January 1948, laying down rules respecting food supplies for crews on board vessels over 800 gross register tons.

The crews of vessels below 800 tons and yachts receive cash payments in lieu of food, according to prices fixed by a collective agreement or Ministerial Order. The owner is responsible for supplying food and the master for the necessary arrangements regarding its distribution to the crew. In the event of breaches of the legislation, penal and disciplinary sanctions are provided for the master and any other person who contravenes the legislation. In the event of a complaint lodged by at least three members of the crew, the port or consular authorities are required to open an enquiry regarding the merits of the case. Regulations regarding work on board provide for a food committee to be appointed each week by the master. This committee, which supervises the quality and quantity of food supplied to the ship's cook, keeps a special register which is controlled at every port of call by the port or consular authorities. Staff employed in the catering department are required to possess a certificate issued by the Maritime Labour Office after an examination, and also to have the required service at sea.

The authorities responsible for the application of the Act No. 4005 of 1925 are the port authorities in Greece and the consular authorities abroad. Supervisory officials are required to make a written report regarding the inspection of food supplies, the installation of kitchens, mess

rooms, etc. A special committee composed of shipowners' and seafarers' organisations is responsible for deciding on the amount of food to be supplied to merchant vessels over 800 gross tons. The decisions of this committee are approved by the Minister of Mercantile Marine.

There are no serious obstacles to the question of ratification, which is now under consideration.

Iceland.

The Regulations under the Shipping Inspection Act No. 68/1947, which are expected to be issued in the near future by the authorities concerned, will lay down rules regarding crews' quarters and storing rooms for provisions. Supervision of the safety and equipment of vessels is entrusted to the Inspector General of Shipping and special inspectors working under him.

While there are no specific regulations regarding inspection, visits may be made upon request from the owner, the master, the crew, the engineer or the representatives of local trade unions or seamen's organisations; the identity of the person making a request is not made known unless it is found by the inspector to lack reasonable grounds and to have involved loss to the shipowner. In addition, the Seamen's Act of 1930 prescribes that the master of a vessel shall make provision for the quantity and quality of food and ensure that cleanliness and hygiene are observed on board; failure to satisfy such requirements makes him liable to a fine or, in grave cases, to imprisonment.

India.

The Government has not as yet defined the classes of vessels to be regarded as "seagoing" vessels. The question of the necessary amendments to the Indian Merchant Shipping Act, 1923, is receiving consideration. The framing and enforcement of regulations concerning food and water supplies on board ship are covered by the relevant sections of the existing legislation. No detailed regulations at present exist regarding catering, construction, location, ventilation, etc., of catering department spaces, but the framing of suitable regulations to cover these items is receiving attention.

Food and water supplies on board are inspected by various officials in each port. Amendments to the Indian Merchant Shipping Act will take account of regulations for the inspection of accommodation, arrangement and equipment of catering department spaces and the storage, handling and preparation of food, and a staff of qualified persons including inspectors.

The tripartite Maritime Boards at Bombay and Calcutta have been requested by the Maritime Labour Advisory Committee to consider, in the first place, the organisation of courses of training for employment in the catering department of sea-going ships.

Ratification has been delayed because of inadequate legislative provisions to meet the requirements of the Convention. Further, in view of the fact that about 85 per cent. of seamen recruited at Indian ports find employment on ships belonging to other countries, mostly Great Britain, only about one tenth of Indian seamen would benefit by ratification by India; the remainder would not be covered until other countries employing Indian seamen had ratified. The Government also points out in this connection that owners of ships not on the Indian register would not compete on a basis of equality with owners of ships on the register.

Ireland.

The Minister of Industry and Commerce is empowered, under § 12 of the Merchant Shipping Act, 1947, to make regulations in relation to any of the matters recommended by any of the Conventions adopted at the Seattle Conference. However, before making any such regulations, the Minister considered it desirable to obtain the views of representatives of shipowners and seamen. Discussions for the establishment of a Maritime Board were therefore begun under the auspices of the Department and the Board came into being in October 1948. Since then much progress has been made towards reaching agreement and it is anticipated that regulations to give effect to the provisions of a number of the Conventions can be made before the end of 1949.

The master of every ship, except vessels of less than 80 tons engaged exclusively in the coastal trade, is required to furnish provisions for the crew in accordance with an approved scale laid down by the Merchant Shipping Act, 1906, Order, 1941. The Minister for Industry and Commerce is empowered, under the Merchant Shipping Act, 1894, to make rules concerning the inspection of food and water for the use of ships' crews. Provision is made for the lodging of complaints by members of the crews and for the enforcement of corrective decisions.

There is not, at present, any statutory requirement concerning the galley and other catering spaces on board ship, nor are the arrangements for handling and cooking food the subject of any official inspection. Certificates of competency in cooking are granted to applicants who pass a prescribed test.

Regulations to give effect to the provisions of the Convention are being prepared for discussion with the Maritime Board, and no difficulties have arisen in the consideration of the Convention.

Italy.

The national legislation ensures a very satisfactory standard of food supply for seafarers. Act No. 1045 of 16 July 1939, respecting crew accommodation on board ship, contains provisions relating to mess

rooms, storerooms, cold-storage rooms, galleys and bakeries, as well as to food and fresh and salt water. The harbourmasters ensure strict supervision of the application of these provisions; trade union organisations may also intervene in this respect.

There are no compulsory courses of training for the catering and galley departments; there are, however, refresher courses for persons employed in the catering department. Moreover, it would not be possible at present to set up such training courses, in view of the expenditure which this would involve and also because there is already a certain amount of unemployment among galley staff.

Ratification of the Convention has been delayed in view of the fact that Italy was not represented on international organisations for about 10 years. However, as there are now two schools for training hotel staff, and in view of the actual strength of galley staff and of the fact that the legislation in force covers all necessities, the Government is of the opinion that it has already taken a position as regards the procedure in connection with ratification.

Luxembourg.

The Convention cannot be effectively applied because of its exclusively maritime character.

Netherlands.

The subject matter covered by the Convention is dealt with in Chapter V of the Decree of 15 May 1937 respecting seamen. This Decree contains provisions which stipulate, in very general terms, that rations must be sufficient in quantity and in proper condition and that food shall be varied and of good quality. The Decree also contains provisions respecting the storage of food and water. While the provisions of the Decree are less detailed than those of the Convention, the purpose of both is identical. However, the Decree contains no mention of the following points: the issue of competency certificates (Article 2); co-operation with the organisations of shipowners and seafarers and with local or national authorities (Article 3); the arrangement and equipment of the catering department (Article 5); and the system of control and inspection (Article 6).

The competent authorities are dealing with the question of making the necessary amendments to the above-mentioned Decree. As soon as the amended Decree comes into force, the Queen will be able to make use of the right to ratify the Convention which was conferred upon her by the Act of 24 July 1948.

Norway.

The following legislation is in force: Act of 9 June 1903, § 52, respecting supervision of the seaworthiness of ships; Seafaring Act of 20 July 1923, § 26; Regulations of

15 October 1937 regarding food and catering on ships, and Regulations of 2 July 1948 (§ 14) regarding ships' berths, etc.

The provisions of the legislation are applicable to ships engaged in foreign trade and in whaling. For vessels in the home trade, fishing vessels and vessels employed in deep-sea fishing other than whaling, the general rule practised is that it shall be the duty of the shipowner and the master to ensure that the crew receive proper treatment. The control of ships' stores and catering on board ship is carried out by shipping expert surveyors and not as laid down in the Convention. There are no detailed regulations for the storing and preparing of ships' provisions, e.g., for cold-storage rooms.

The participation of shipowners and seafarers in the application of regulations is not prescribed by law but, in practice, such organisations are consulted before the regulations are laid down.

Most of the provisions of the Convention are covered by the existing legislation, and the necessary modifications are being considered to bring it into harmony with the Convention. It is anticipated that this work, which is being undertaken by the Government departments concerned and a tripartite committee, will be completed in the autumn, when the question of ratification may be considered.

Pakistan.

The provisions of the Convention are covered in part by the Merchant Shipping Act (No. XXI of 1923). The Seamen's Welfare Directorate of the Ministry of Labour, with the help of experts from the Ministry of Food, Agriculture and Health will make suitable arrangements in regard to Articles 2, 3, 4, 12; Article 11 will be implemented by the Vocational Training Section of the Department of Resettlement and Employment.

The implementation of the provisions of international maritime Conventions and Recommendations is dealt with at present by the Directorate of Seamen's Welfare in the Ministry of Law and Labour.

Although no serious difficulties are foreseen in ratifying the Convention on the basis of the existing legislation, the Government has made it clear that ratification will be subject to previous agreements for simultaneous ratifications of various Seattle Conventions among all countries recruiting Pakistan seamen, as otherwise the shipping industry would be placed in an unfavourable position.

Poland.

The national legislation contains no detailed regulations regarding the subject matter of the Convention. It is proposed to include such regulations in the Polish Act respecting sea service which is now being prepared.

The provisions of the Seamen's Code of 1902 are restricted to penal sanctions on a

master or shipowner who fails to comply with the regulations regarding appropriate food supplies, or on a shipping officer who fails to supervise food stocks and enter them in the ship's log. Provisions are also made authorising the shipping officer to take action in the event of a complaint from a ship's officer or from at least three seamen.

The Polish Mercantile Marine collective agreement of 1 November 1948 contains detailed provisions regarding rations, food supplements, the qualifications of members of the catering service, etc. The Polish "Normalisation Committee" and the Sub-Committee on Navigation (under the Committee on Industrial Hygiene and Safety) are now drawing up the necessary provisions regarding appropriate standards of accommodation for the crew and the catering department. The Sub-Committee hopes, before the end of 1949, to issue proposals regarding industrial hygiene and labour on board sea-going vessels. In the meantime, the Maritime Social Committee, recently appointed by the Minister of Navigation, has been entrusted with the task of drawing up constructive plans and technical specifications regarding the building and conversion of vessels, taking into account appropriate conditions of service and labour for the crew. This committee is composed of representatives of the Ministry of Navigation, the Maritime Office, the Trade Union of Transport Workers and a representative of the shipyards. The work of the committee has resulted in improved conditions in the accommodation for crews and catering departments on vessels already being built or in the course of conversion. Training courses have already been organised for stewards. The Ministry of Navigation and the offices attached to it and the maritime undertakings co-ordinate closely with the representative seamen's organisations in measures to deal with discrepancies in existing legislation.

Sweden.

Regulations concerning food and catering on board ship are contained in the Maritime Act, the Seafarers' Act, the Proclamation of 16 October 1925 concerning catering for crews and the Ordinance of 31 December 1914 concerning the inspection of vessels. No regular inspection takes place with regard to rations and food on board. The responsibility for compliance with the regulations lies with the master. The matters covered by the Convention are the subject of an enquiry which is expected, in the near future, to result in proposals designed to improve the living conditions of seamen in the respects referred to in the Convention. The Minister of Commerce has recommended, therefore, that the Convention should not be ratified for the time being, but that its provisions should be observed as far as possible in the meantime. The report has been communicated to the representative employers' and workers' organisations.

Switzerland.

Although Switzerland possesses a small sea-going fleet, it has no code of maritime navigation. Legislation relating to the subject matter of the Convention is now being drafted. While it is not possible to supply details regarding this legislation, it is likely that it will take account, as far as the special position of the country allows it, of the decisions of the International Labour Conference. Some of the provisions of other international labour Conventions relating to seamen are already covered by existing legislation.

Turkey.

A Bill for the ratification of the Convention has been submitted to the Grand National Assembly and discussed by the Labour Committee of the Assembly. However, the Committee was of the opinion that the ratification of the Convention would be inopportune until national legislation had been promulgated containing provisions similar to those contained in the Convention. The Government has therefore withdrawn the above-mentioned Bill, pending the submission to the Assembly of a Bill respecting maritime labour which is now being prepared by the Minister of Labour.

Union of South Africa.

The comprehensive Merchant Shipping Bill (No. 71 of 1947), which was introduced in Parliament last session, covers certain of the matters provided for in the Convention. However, a detailed analysis of the provisions of the Convention is being undertaken in order to determine the requirements of the Convention in relation to the provisions proposed in the above Bill. These requirements are being reviewed and, if considered advisable, the necessary and suitable amendments to the Bill will be introduced. It has not yet been possible to proceed with the second reading of the Bill. The Executive Council decided against ratification for the time being, and the matter will be reconsidered when the position is crystallised under the proposed Merchant Shipping Act.

United Kingdom.

The provisions of the Convention are for the most part covered by the provisions of the Merchant Shipping Acts, 1894-1948 and by National Maritime Board Agreements. In § 1, the Merchant Shipping Act, 1948, gives the Government power, after consultation with the representative organisations of shipowners and seamen, to make regulations on galleys and other catering department spaces for the purposes of the Convention; § 3 of the same Act provides for inspection in this connection.

Regulations on crew accommodation, including galleys and other catering department spaces to be made under § 1 of the Act of 1948, are in draft form. The National

Maritime Board are negotiating a draft collective agreement specifying the class of ship to which the Convention is to apply and providing for the inspection of food and water supplies. When the regulations and the agreement have been made, the Government will be able to ratify the Convention.

The report contains detailed information regarding the relation of law and practice in the United Kingdom to the provisions of the Convention. The responsible authorities for the administration of the relevant laws and agreements are the Ministry of Transport, the Ministry of Food and the National Maritime Board.

Uruguay.

It is only in recent years that Uruguay has begun the establishment of a sizable merchant navy. The Convention has been submitted to the competent maritime authorities for study. The regulations in force on Uruguayan vessels are in conformity with the provisions of the Convention.

As the ratifications from five countries with over one million gross register tons of shipping which are required before the Convention can come into force, have not yet been registered, the Government has not considered it necessary to expedite proposals regarding ratification.

Certification of Ships' Cooks Convention, 1946: C. 69¹

Argentine Republic.

In general, the provisions of the Convention are covered by legislation adopted in 1947.

Australia.

The certification of ships' cooks was contemplated when the Navigation Act, 1912-1942 (Commonwealth) was introduced, but the provisions of the relevant section of the Act (§ 121) have not been brought into operation. Such provisions would not, however, meet all the requirements of the Convention.

Consideration of ratification is being deferred pending the conclusion of discussions between the organisations concerned regarding a scheme for the shipboard training of cooks.

The provisions of the Convention are regarded by the Government as appropriate under its constitutional system for action by the States (intra-State trade) and for federal action (other than intra-State trade).

Austria.

See under Convention No. 68.

Belgium.

No certificate of qualification as ship's cook exists in Belgium. The Shipping Administration maintains two schools for cooks' apprentices, but the competency certificates which are issued to trainees after a course, lasting for one year, cannot be considered to comply with the requirements of Article 4 of the Convention. At present the ship's cook is chosen by the shipowner.

A tripartite committee (composed of seamen, shipowners and officials of the Shipping Administration) has recommended the introduction of an examination for the professional capacity of ships' cooks and the issue of a certificate of qualification in this connection. Refresher courses are being

organised and methods and curricula for instruction are under consideration. The Convention will shortly be submitted to Parliament for ratification.

Brazil.

There are as yet no official or private schools in the country for ships' cooks. The only type of certificate is one granted by the purser to a seaman who has completed at least one year of service on board and has shown that he possesses qualifications as a cook.

Canada.

See under Convention No. 68.

Ceylon.

See under Convention No. 68.

Cuba.

Neither the national law nor the existing collective agreement makes any provision for the certification of ships' cooks. The report states that there are no difficulties with regard to ratification, but that the Senate has not yet taken any measures in this respect.

Denmark.

There are no provisions in the legislation concerning the Convention, but a collective agreement covers Article 4. The question of giving effect to the provisions of the Convention has been referred to the Maritime Commission of 1947 for consideration, but the Commission has not yet reported on the matter.

Dominican Republic.

There is so far no legislation concerning the subjects covered by the Convention.

¹ This Convention was not in force on 31 December 1948; up to this date it had been ratified by Bulgaria, France and the United Kingdom.

Egypt.

Existing legislation contains no provisions relating to the subject matter of the Convention. A committee was set up in December 1946 to study the Seattle Conventions. When the Convention was submitted to it, the committee was in favour of ratification provided that the Seamen's Trade Union instituted, with Government assistance, a course for the training of ships' cooks. However, the committee responsible for the revision of the Commercial Shipping Code, which was also consulted, came to the conclusion that, as the conditions which would then be required of ships' cooks would limit their possibilities of being employed on board, ratification would not be possible at present.

Finland.

Existing legislation contains no provisions relating to the certification of ships' cooks.

A collective agreement was concluded on 2 April 1948 between the Union of Finnish Shipowners, the Aaland Island Union of Shipowners and the Finnish Seamen's Trade Union. Under this agreement, no person may be employed as first cook unless he has had at least 12 months' experience and holds either a certificate issued after an examination, or a certificate showing that he has held a similar post for at least 24 months on board a vessel. However, these conditions are not applicable to a person employed on board a foreign-going vessel. In addition, the master of a vessel has the right to engage any person who has some special qualifications, even if he does not fulfil the above-mentioned conditions.

The lack of relevant legislation has prevented ratification of the Convention. The Maritime Committee, set up on 16 September 1948, was requested by the Council of Ministers to draw up useful proposals regarding the Convention; these proposals are now in hand.

Greece.

No person may be engaged as a ship's cook without a second class cook's certificate; the qualifications required for obtaining such certificates include five years' service at sea and successful examinations at appropriate schools.

The organisations of shipowners and seafarers are represented on the committee which determines the crew on board ships. The port authorities and the consular officials abroad are responsible for ensuring compliance with the regulations.

The question of ratification is being considered.

Iceland.

Cooks on board merchant vessels must have followed a prescribed course of study at a technical school, in addition to serving a term of apprenticeship with a master cook and passing a trade examination.

India.

The Merchant Shipping Act, 1923, which is being reviewed, does not contain any provisions in regard to the holding of examinations, certification and employment of cooks, but certain modifications have already been recommended by the Maritime Labour Advisory Committee.

The absence of a legal basis for the holding of examinations for cooks and the recruitment of 90 per cent. of seamen on ships of other countries, the consequences of which the Government cannot overlook, have delayed ratification.

Ireland.

§ 27 of the Merchant Shipping Act, 1906, stipulates that foreign-going ships of a certain tonnage are required to carry a duly certified cook, and specifies the conditions in which certificates of competency in cooking are granted.

The Ministry of Industry and Commerce is responsible for enforcement of the relevant legislation.

Two cookery schools have been approved and courses are to be offered provided at least 8 trainees are available to attend; the main difficulty in organising courses for ships' cooks has been due to the small number of candidates.

No difficulties are anticipated in implementing the provisions of the Convention. Under § 12 of the Merchant Shipping Act, 1947, the Minister of Industry and Commerce is empowered to make regulations in relation to any of the matters covered by the Seattle Conventions. A Maritime Board, composed of shipowners and seafarers, was established in October 1948 to advise the Minister. It is anticipated that the required regulations will be issued before the end of 1949.

Italy.

Existing legislation contains no provisions requiring the possession of a certificate of qualification as a condition to engagement as ship's cook.

The ratification of the Convention has been delayed in view of the fact that Italy was not represented on international organisations for about 10 years, but the Government has already taken steps with regard to ratification.

Luxembourg.

See under Convention No. 68.

Netherlands.

The Act of 24 July 1948 conferred upon the Crown the right to ratify this Convention. The national legislation contains none of the regulations provided for in the Convention. The Government intends so to amend the Seamen's Decree of 15 May 1937 as to include the required regulations. As soon as the amended Decree comes into force, it will be possible to ratify the Convention.

Norway.

The provisions of the Act of 6 May 1949 respecting cooks and stewards are in conformity with the provisions of the Convention. A tripartite committee is preparing regulations for the administration of the Act. When this work is completed, the Act will take effect, and Norway will be in a position to ratify the Convention; the national legislature has already agreed to ratification. The report has been communicated to the representative employers' and workers' organisations.

Pakistan.

There is no provision in the national legislation concerning ships' cooks, but it is proposed to hold examinations in accordance with Article 4 of the Convention, after discussions with the Maritime Board which is expected to be set up in the near future.

The ratification of the Convention will depend upon the simultaneous ratification of the Seattle Conventions by all countries recruiting Pakistani seamen.

Poland.

The matters covered by the Convention are not regulated by the national legislation. However, regulations concerning the required qualifications of catering personnel will be included in the Seamen's Act which is now being drafted. The collective agreement between shipowners and the Polish Seamen's Union contains provisions concerning the experience, length of service, and qualifications required of cooks and concerning their engagement.

No difficulties are anticipated in the issuing of regulations to implement the provisions of the Convention, where such regulations are necessary.

Sweden.

There are no legislative provisions concerning the certification of ships' cooks. In 1946, the Government decided to establish training courses for seafarers, including ships' cooks. The matters covered by the Convention are the subject of an enquiry which is expected in the near future to result in proposals designed to improve the

living conditions of seamen in the respects referred to in the Convention. The Minister of Commerce has recommended, therefore, that the Convention should not be ratified for the time being, but that its provisions be observed as far as possible in the meantime. The report has been communicated to the representative employers' and workers' organisations.

Switzerland.

See under Convention No. 68.

Turkey.

See under Convention No. 68.

Union of South Africa.

See under Convention No. 68.

United Kingdom.

The Government already have the necessary powers for implementing the Convention under § 27 of the Merchant Shipping Act, 1906.

At present, the length of training courses for ships' cooks at approved schools of cooking is generally about three weeks. It is proposed, however, to introduce courses of six weeks. As soon as these new arrangements have been made in accordance with the requirements of the Convention, the Government intends to ratify the Convention. The enactment of new legislation is unnecessary.

Uruguay.

It is only in recent years that Uruguay has begun the establishment of a sizable merchant fleet. The Convention has been submitted to the competent maritime authorities for examination. Qualified cooks serving on board Uruguayan vessels are recognised as such by the trade unions. However, there are no courses or schools for training ships' cooks.

As the ratifications from five countries with over one million gross register tons of shipping, which are required before the Convention can come into force, have not yet been registered, the Government has not considered it necessary to expedite proposals regarding ratification.

Seafarers' Pensions Convention, 1946: C. 71 ¹*Argentine Republic.*

Decree No. 39204 of 23 December 1948 provides for the necessary supplements to adjust the amounts paid in annuities, pensions and retirement allowances, in conformity with the provisions of Act No. 13478 of 29 September 1948 (respecting supplements to cover changes in the cost of living).

Australia.

The report sets out the law and practice relating to each of the substantive Articles of the Convention. All workers, including seafarers, are covered by the existing age

¹ This Convention was not in force on 31 December 1948; up to this date it had been ratified by Bulgaria, France and Norway.

pensions scheme. Aliens are excluded and the granting of pensions to aboriginal Natives is restricted. Pensions are payable at the age of 65 years to persons who have continuously resided in Australia for at least 20 years and who satisfy a means test. The maximum pension is £110 10s. 0d. per annum, with graduated deductions in case of outside income. The scheme is non-contributory and financed entirely from taxation earmarked for a National Welfare Fund. In case of dispute, an appeal may be addressed to the Director-General of Social Services. No pensions are granted if the pensioner has directly or indirectly deprived himself of property or income in order to qualify.

The Australian pensions scheme fulfils the intention of the Convention, although on a different basis from the provisions of the latter. It is not proposed therefore to legislate specifically for seafarers' pensions. The provisions of the Convention are regarded as appropriate under the Australian constitutional system wholly for federal action.

Austria.

See under Convention No. 68.

Belgium.

Since 1844, seafarers have been covered by a special pensions scheme. The revision of the general pensions scheme after the war, necessitated the revision of the seafarers' scheme. In its new form, this scheme will be in entire conformity with the requirements of the Convention. Seamen will receive old-age pensions between 55 and 60 years of age; the scheme will grant survivors' pensions to widows and orphans; it will be financed by contributions amounting to approximately 15 per cent. of wages; seafarers will contribute one third of this amount, *i.e.*, 5 per cent. Acquired rights are always maintained if a seafarer changes his profession and, therefore, withdraws from the scheme. Provision is made for a seaman to appeal against any decision which appears to be in contradiction to the regulations. Seafarers and shipowners are represented on the governing body of the pensions scheme. The special scheme now being drafted will apply only to merchant seamen and not to fishermen, etc., but will include the crews of vessels of less than 200 gross tons.

It will be possible to submit the Convention to Parliament for ratification as soon as the new scheme has been completed.

Brazil.

The report contains a detailed list of the persons considered as "seafarers" and to whom pensions are payable as laid down in the Convention.

The Seamen's Retirement and Survivors' Pension Institution (I.A.P.M.) is responsible for the payment of pensions to seafarers on reaching the age of 60 years, at approxima-

tely 2.3 per cent. of the basic remuneration for each year of employment, or 3.2 per cent. in respect of each year of service at sea.

One third of the cost of these pensions is contributed by seafarers, the remaining two thirds being divided equally between the Government and the employers.

The right of appeal is provided for in case of dispute.

In the case of persons who are dismissed for serious misconduct or as the result of proceedings in a court of law, pensions are reduced by one half.

The administration of the Seamen's Retirement and Survivors' Pension Institution is entrusted to a chairman, appointed by the Government, and assisted by a governing body of four members (two employers' and two workers' trade union representatives).

Canada.

It is doubtful whether a system of pensions for seamen can be realised unless similar provisions are made available to other industries generally. Nevertheless, in the autumn of 1949 an interdepartmental committee will study the Convention with a view to its possible ratification or implementation. Effect could be given to the Convention either by the Canadian Parliament or pursuant to authority conferred by Parliament.

Ceylon.

See under Convention No. 68.

Cuba.

The Maritime Pensions Act of 3 September 1938 covers persons employed in the merchant navy, with the exception of higher management and personnel with general administrative powers. Seamen are entitled to a pension on reaching the age of 50 years after having contributed to the Maritime Retirement Fund during at least 20 years or, after 25 years of contribution, at any age. Seafarers' dependants receive pensions and compensation. The employer's contribution is equal to that of the worker's, varying between 3 and 5 per cent. of total wage payments. When contributions to the pension fund have been made for less than five years, the survivors' pension rights are maintained. A right of appeal exists against the decisions of the Maritime Retirement Directorate. This body is composed of representatives of the workers, the pensioners and the employers who contribute to the fund.

There is no fundamental discrepancy between the provisions in force in Cuba and those of the Convention. Ratification depends entirely upon previous approval by the Senate.

Denmark.

There is no legislation concerning a special pensions scheme for seafarers, but the latter will be covered by old-age pension legisla-

tion applying to the population in general. Collective agreements in force for mates, engineers and wireless operators contain provisions regarding old-age insurance. The premium generally amounts to 14 per cent. of pay (including seniority allowance): 8 per cent. to be paid by the shipowner and 6 per cent. by the ship's officers concerned. Copies of collective agreements in force are appended to the report.

No action is contemplated at present in respect of seafarers' pensions and ratification of the Convention cannot therefore be expected.

Dominican Republic.

The administrative regulations applying Act No. 1896 of 30 December 1948 concerning social insurance include "seamen and cabin boys" among the workers covered. The above Act provides for invalidity pensions subject to certain conditions as to length of contributions (§ 56) and for old-age pensions at the age of 60 (§ 57) or 65 years if the worker becomes insured after he reaches 45 years of age (§ 58). It has not yet been possible to establish a special scheme for seafarers, but the Government hopes to be able to do so at a future date.

Egypt.

As seamen are not engaged on a permanent basis, they do not receive any indemnity or pension at the end of their service. The Committee set up in December 1946 to examine the Seattle Conventions was of the opinion that it would be premature to ratify the Convention at present, as a Bill on social insurance which is under consideration provides for pensions for all workers who have reached a certain age, or who are victims of an industrial accident. This Bill could be applied to seafarers if the legislation and practice made possible their engagement for an unlimited period. The Committee entrusted with the revision of the Commercial Shipping Code concurred with this opinion.

Finland.

No special legislation exists regarding pensions for seamen. The general old-age and invalidity insurance scheme, established by the Act of 31 May 1937, provides for comparatively modest pensions which do not correspond to those called for in the Convention. The Council of Ministers instructed the Maritime Committee, set up on 16 September 1948, to prepare proposals concerning the questions covered by the Convention. These proposals are at present being drafted. Ratification of the Convention has been prevented by the absence of relevant legislation.

Greece.

The principle of insurance for seamen has been applied since 1861. A seamen's retirement fund set up at that time functions today under Act No. 2525-1940,

which provides for the compulsory insurance of all Greek seafarers employed on merchant ships, fishermen and independent shipowners and pilots. Benefits include old-age pensions, disability pensions in the case of sickness or accident, and survivors' insurance. Contributions are paid principally by the shipowners and seafarers. Provident funds also exist for merchant marine officers and ratings, to which contributions are paid exclusively by their members (Acts Nos. 4561 and 4675 of 1930). Since this system, which has been in existence for almost 90 years, differs somewhat from the provisions of the Convention, ratification appears difficult.

Iceland.

While seafarers are eligible as all citizens for old-age pensions at 67 years of age, there are no special statutory pensions for them. However, some of the largest shipping companies have established pension funds for the officers of their ships.

India.

The scope of the Convention is identical to that of the Indian Merchant Shipping Act, 1923. A social insurance scheme for Indian seamen provides for the payment of pensions at the age of 55 years and at the rate of 1½ per cent. of wages for each year of service.

The implementation of the scheme, as well as the ratification of the Convention, is being delayed because of excessive unemployment among seafarers and because of the fact that 85 per cent. of Indian seamen work on ships of non-Indian registry.

Ireland.

There are no statutory provisions for seafarers' pensions other than the old-age pensions scheme, under which a person who has been domiciled in the country for at least 30 years is entitled to an old-age pension on reaching the age of 70 years, subject to a means test based on current income. Pensions are paid on a regressive scale when income exceeds a certain figure, and are non-contributory. Seafarers are covered by the scheme. The scheme is administered by the Department of Social Welfare. A memorandum indicating the scope of the scheme is appended to the report. Consideration of the question of ratification is being deferred pending the completion of proposals for the introduction of a general scheme of social insurance now under examination in the Department of Social Welfare.

Italy.

All seamen working on vessels which have a register of the crew, and irrespective of their type, tonnage or destination, are automatically insured for pensions with the National Maritime Welfare Fund. This insurance covers all persons on the register as well as

those working on ships engaged in harbour service. The legislation provides for the payment of a pension on the basis of an average evaluation which is fixed according to an agreement and periodically reviewed; the amount of the pension must not be much below the actual remuneration. At present, pensioned seamen are affiliated with the General Social Insurance Fund (Legislative Decree No. 930 of 29 July 1947) and may thus benefit from all the improvements made in the compulsory old-age and invalidity insurance scheme.

Pensions are payable at the age of 60 years or 55 years for engine-room and radio personnel (Legislative Decree No. 1996 of 1919, as amended by Legislative Decree No. 1560 of 1938). The contribution at present paid for maritime pensioners is 10 per cent. of the total remuneration received by seamen. This percentage may easily be increased by the forthcoming revision of the maritime welfare system. The contribution payable by the seaman is less than half the total cost of the pension. Seamen who have not acquired pension rights are not entitled to the reimbursement of contributions. In case of dispute, the seaman may submit a claim against the National Maritime Welfare Fund to the judicial authorities. However, steps may be taken only after all means of administrative recourse have been exhausted. Shipowners, as well as seamen, participate in the administration of the National Maritime Welfare Fund.

Although in agreement with the general provisions of the Convention, the Government has not so far been able to ratify the Convention in view of the general reform of the pensions scheme at present under consideration and which will apply in particular to seamen's pensions.

Luxembourg.

See under Convention No. 68.

Netherlands.

In a Note submitted to the States-General on 5 February 1948, the Government informed Parliament of the formation of a special committee for the drafting of legislation concerning pensions for seafarers in the Netherlands merchant navy. It is intended that the State, shipowners and seafarers shall contribute to the cost of these pensions. The Committee has not as yet published its report.

Pakistan.

There is no provision in existing law and practice for the payment of retirement pensions to seamen. The Government holds the view that it will not be possible to ratify the Convention or to introduce schemes for seafarers under the present circumstances, since the large majority of Pakistani seamen are employed on foreign ships and engaged at foreign ports.

Poland.

The question of providing for a special supplementary pension for seafarers will be taken into consideration and eventually decided upon within the framework of the planned basic reform of the social insurance system. Pending a decision on this question, it is not intended to ratify the Convention. At present, social insurance for seafarers is covered by the general social insurance plan and is based on the principles of the Social Security (Seafarers) Convention (No. 70), 1946.

Sweden.

Seafarers' pensions are guaranteed partly under the legislation and partly in virtue of collective agreements. Act No. 516 of 30 June 1943 which is appended to the report, contains fundamental regulations for a compulsory pensions scheme for ordinary seamen on retirement from sea service, as well as a scheme for officers, designed to supplement existing pensions, based on a scheme governed by collective agreements between shipowners' and officers' organisations and covering officers serving on vessels affiliated to the Swedish Federation of Shipowners as well as on other sea-going vessels. Act No. 516 defines a "seafarer" as any person who is registered with a shipping employment office. Contributions are compulsory for seafarers who have signed on on Swedish foreign-going merchant vessels; those serving in inland navigation are usually exempted. Registration is not compulsory for persons employed on board ship but not as members of the crew proper. The service pension for ordinary seamen comprises benefits from the mercantile marine fund, based on the seaman's contribution of 6 per cent. of his pay and a supplementary pension based on length of service and financed from shipowners' and Government grants. The service pension is usually combined with the general old-age pension. On retirement from service, but not before the age of 55 years, a seafarer thus receives a pension payable in uniform annual amounts for the remainder of his life.

The Swedish pensions system differs in two respects from the provisions of the Convention: it applies solely to seamen in overseas navigation; and it makes partial provision for a private pension system. It has not been considered advisable to revise the Swedish pension system and, on the advice of the Government, the Riksdag decided not to ratify the Convention.

Switzerland.

See under Convention No. 68.

Turkey.

The ratification of the Convention can be envisaged only after the enactment of the Seamen's Labour Law which is at present being drafted.

Union of South Africa.

See under Convention No. 68.

United Kingdom.

Under the national insurance scheme, all seafarers are covered, with the exception of most of those not resident in the United Kingdom, and with the further exception of married women who may choose whether or not to be insured. Insured persons do not contribute more than one half of the cost of the pensions, their normal contribution being usually five twelfths. Right of appeal is provided in the event of dispute. No effect has been given to any part of the Convention except in so far as its provisions conform to the general system of national insurance.

The report specifies the principal diver-

gencies between the national law and the terms of the Convention. There is no special pension scheme for seafarers nor is one proposed, because of the existence of a comprehensive national insurance scheme; the retirement age is fixed at 65 instead of at 55 or 60 years; no special measures exist for maintaining acquired rights when a person ceases to be a seafarer; participation by shipowners and seafarers in the management of the scheme would not be appropriate.

Uruguay.

Merchant seamen are covered by the old-age pension legislation. As the Convention has not yet come into force and the merchant navy is in the process of formation, the question of ratification is now being studied by the maritime services.

Medical Examination (Seafarers) Convention, 1946 : C. 73 ¹*Argentine Republic.*

The provisions of the Convention are covered in general by §§ 1394/1408, Chapter XXXV of the Maritime and Fluvial Code, 1947.

Australia.

The Navigation Act, 1912-1942, § 123 (2) (Commonwealth), provides that, at the request of the owner or master or the superintendent of a mercantile marine office, a medical inspector of seamen shall examine any seaman applying for employment on board a vessel and submit a written report stating whether or not the seaman is in a fit state for duty at sea. Most of the examinations under the above-mentioned section of the Act are in cases where the seaman has become incapacitated whilst at sea. The medical examination of seafarers engaged in sea-going intra-State trade is at present the responsibility of the State Governments. The medical examination of all other seafarers is the responsibility of the Commonwealth Government. Recently, by administrative action, a scheme was introduced under which all persons, irrespective of age, must undergo a medical examination before proceeding to sea for the first time.

Consideration of the ratification of the Convention is being deferred until the effects of the scheme referred to above have been given further consideration.

Austria.

See under Convention No. 71.

Belgium.

The Act of 5 June 1928 (§ 21) concerning seamen's articles of agreement provides

that "a seaman shall not be entered in the ship's articles until it has been ascertained by a medical examination, made by the medical officer of the shipowner at the latter's expense, or in default thereof by a medical practitioner appointed by the maritime authority, that the embarkation of the seaman does not entail any danger to his health or that of the crew. A medical certificate shall be issued to the seaman by the medical practitioner who made the examination. In case of emergency, the maritime superintendent or consul may grant an exemption from such inspection".

Moreover, § 141 of the Royal Order of 8 November 1920, issued in application of the Act of 25 August 1920 respecting the safety of vessels, provides that, in cases where the granting of a diploma is conditional on the obtainment of a medical certificate attesting certain physical capacities, the maritime inspection service has the right to submit the holder of the medical certificate to a further examination. The inspection service must also ensure that seamen liable to lookout duties have a minimum standard of hearing and eyesight. The doctor of the inspection service may oppose the embarkation of any member of the ship's personnel whose state of health is likely to endanger the health of other persons on board.

This legislation is in harmony with the provisions of the Convention and the ratification of the Convention is being recommended to Parliament.

Brazil.

No person may be engaged for employment on board a vessel unless he presents

¹ This Convention was not in force on 31 December 1948; up to this date it had been ratified by Bulgaria and France.

a medical certificate. The prescribed form of certificate provides for a sight test, but no specific mention is made of colour vision or of hearing. The medical examination is not periodical; it is given when unfitness for work occurs during service.

Canada.

See under Convention No. 68.

Ceylon.

See under Convention No. 68.

Cuba.

In virtue of the provisions of § 1 of Legislative Decree No. 592 of 1934, the production of the medical certificate provided for in the Convention is required only in respect of young persons under 18 years of age. In addition, § 612 of the Commercial Code lays down that the master of a vessel is responsible for compliance with the laws and regulations regarding health. A Bill has been prepared to implement more fully and to amend the Industrial Health Regulations by extending their provisions to vessels, taking into account the provisions of the Convention. It is therefore still not possible to ratify the Convention.

Denmark.

Under existing regulations, no person under 18 years of age may be engaged to serve on board a Danish vessel unless he has undergone a medical examination. The continued employment of such young persons on board ship is conditional upon the satisfactory result of medical examinations at intervals of not more than 12 months. The expenses in connection with such examinations are borne by the Danish Treasury.

Moreover, all Danish seafarers, irrespective of age and position, must submit themselves to a tuberculosis examination once every 12 months; the costs of these examinations are also borne by the Treasury.

In addition, all ratings, before signing on on vessels belonging to shipowners who are members of the Danish Steamship Owners' Association, must undergo a medical examination at the cost of the shipowner concerned.

The Government is studying the Convention with regard to the effective application of its provisions; it draws attention to certain practical difficulties involved in adapting the present arrangements, particularly to the financial cost of a more comprehensive medical examination for seafarers.

Dominican Republic.

Act No. 1084 lays down that harbour masters must keep a seafarer's registration book which shall include particulars of the health certificates of persons exercising the occupation of seaman. The Act also lays down that no person of Dominican

or foreign nationality may serve in the Dominican mercantile marine unless he has been duly registered with the port authorities of his place of residence; before being registered, the applicant must submit a health certificate as well as other specified documents. No provisions concerning the medical examination of seafarers is contained in the Commercial Code, the draft Labour Code or the health legislation. The Standing Orders of the Seafarers' Union Statutes require the presentation of a medical certificate previous to a voyage by sea but do not state the period of validity of such a certificate.

The Department for the Supervision of the Application of Labour Laws, instituted by Act No. 1839 of 5 November 1948, is responsible for the application of the relevant legislation. It is assisted by a body of labour inspectors and by customs officials who have certain police powers under Act No. 457 of 9 May 1941, as amended by Act No. 1158 of 15 April 1946.

Egypt.

The Commercial Shipping Code contains no provisions concerning the medical examination of seafarers; a Bill on the subject is now being examined. At present, organised shipping companies subject seafarers engaged by them to a medical examination by their own doctors. There is no official control.

The ratification of the Convention was approved, both by the Committee set up in December 1946 to examine the Convention and composed of representatives from Government and national bodies, and by the Committee responsible for the revision of the Commercial Shipping Code. The Government intends to ratify the Convention as soon as the required amendments to the Code have been adopted.

Finland.

There are no regulations in Finland which correspond fully to the provisions of the Convention. The Decision (No. 385/37) of the Ministry of Commerce and Industry concerning the application of the Act of 19 November 1937 respecting the inspection and registration of seamen provides in § 1 that, at the time of engagement, the seaman must present a medical certificate. The certificate is valid for four years unless the inspection authorities insist on a shorter period; it must be signed by a medical expert and be in a form approved by the General Directorate of Navigation. In §§ 26 to 28, the Seamen's Act of 8 March 1924 contains provisions regarding medical attendance; these provisions, however, refer mainly to care during illness.

The application of the legislation is ensured by the authorities under the Directorate General of Navigation.

The Council of Ministers has instructed the Maritime Board set up on 16 September 1948 to make useful proposals regarding the

Convention; the proposals of the Board are now being drawn up. It has not yet been possible to ratify the Convention in view of the fact that the national law and practice are not in harmony with all the provisions of the Convention.

Greece.

There are no legislative provisions concerning the periodical medical examination of seafarers. However, the Legislative Decree of 11 August 1934 prescribes that seafarers going abroad should undergo a medical examination at the cost of the State, and Act No. 721 of 1949, respecting the registration of seamen, stipulates that a certificate may not be issued to any seaman unless he has been thoroughly examined by a radiologist, an oculist and a pathologist. A medical examination must be held previous to the issue of any certificate or diploma respecting special qualifications. Moreover, the shipowners require that any person seeking employment on board ship must undergo a medical examination; the costs of the examination are borne by the shipowners.

Special legislative prescriptions applying only to certificated seafarers over 55 years of age stipulate that such persons should undergo an examination every two years. Children and young persons employed at sea must also submit to an annual medical examination.

The application of these various provisions is entrusted to the harbour authorities, the "Seaman's House", the Ministry for the Merchant Marine and the employment office for seamen. All Acts, Decrees and Orders are submitted to the Advisory Council of the Ministry of the Merchant Marine, on which are represented the shipowners' and seafarers' organisations concerned.

The only obstacle to ratification is the provision of the Convention which stipulates that medical examinations must take place at two-yearly intervals. It is intended that the national legislation should establish the periodicity of examinations and the cases calling for medical examination.

Iceland.

The Seafarers' Act No. 68 of 1945 requires ships' officers to possess certificates attesting to their eyesight. Engineers must produce a medical certificate indicating their soundness of hearing.

The Seamen's Act, No. 41 of 1930 stipulates that seamen must undergo a medical examination if so required by the master of the vessel. The Act also provides for regulations requiring the medical examination of seamen; such regulations, however, have not been issued.

India.

The Indian Merchant Shipping Act, 1923, contains no provisions concerning the medical examination of persons over 18 years of age. However, in collaboration with the

shipping companies, the Government has prepared a system for the medical examination of seamen by Government doctors; this system is in harmony with the provisions of the Convention.

The main obstacle to the ratification of the Convention is the lack of suitable accommodation for the examination centres; every effort is being made to overcome this difficulty.

Ireland.

Under the Merchant Shipping Act, 1894 (§§ 203 and 204), the Minister of Industry and Commerce is empowered to appoint a medical inspector at any port and the owner of any ship may, on payment of an appropriate fee, apply to such an inspector to examine any seaman seeking employment. This power has not been exercised.

The Merchant Shipping (International Labour Conventions) Act, 1933 (§ 3), provides that no person under the age of 18 years may be employed in any capacity in any sea-going ship registered in Ireland except on production of a certificate granted by a duly qualified medical practitioner certifying that he is fit to be employed in that capacity.

A scheme operated by the shipowners' organisation provides that, prior to each voyage on any foreign-going vessel, ratings should undergo a medical examination by a doctor appointed and paid by the shipowners' organisation; crews of home-trade and coasting vessels are not examined. Results of the examinations, which include eyesight tests, are given to the master of the vessel charged with the selection of the crew. With the exception of young persons covered by the Merchant Shipping (International Labour Conventions) Act, 1933, the men undergoing examination do not receive a certificate, but have their engagement notes stamped by the doctor. The shipowners' organisation fixes the scope of medical examinations and the final decision regarding a certificate of fitness rests with the doctor appointed by the organisation. No provision is made in the scheme for the exemptions permitted under Article 3 (2) and Article 6 of the Convention.

Colour vision tests are carried out by the Department of Industry and Commerce in connection with the examinations for second mate, home-trade mates and efficient deck hands' certificates. This requirement may shortly be extended to A.B.'s. In addition, a good proportion of boys intending to go to sea now come up voluntarily for the Department's tests. Colour vision deficiency revealed at these tests is recorded in the Department and the boys are advised not to seek deck employment. These examinations, taken in conjunction with the periodic examination by the medical officers, should be sufficient to reveal any defect in the colour vision of the deck personnel, which is an important matter in the interests of safety.

The enforcement of the existing legislation is a function of the Minister for Industry

and Commerce. The operation of the present scheme for ratings enrolling on foreign-going vessels is carried out by the ship-owners' organisation; the seamen's organisations do not participate.

In order to give effect to the Convention, it would be necessary to extend existing practice to cover ships' officers and engine-room hands and to provide for appeals from an adverse report of the medical officer. Discussions are being initiated between the Departments of Industry and Commerce, Social Welfare, and Health and the Irish Maritime Board (see under Convention No. 68) with regard to proposals designed to give effect to the provisions of the Convention.

Italy.

The national legislation provides for compulsory medical examinations of seafarers. Legislative Decree No. 1773 of 14 December 1933 contains provisions respecting the physical fitness of able seamen. The harbour master is entrusted with the application of the legislation, but the employers' and workers' organisations may intervene in matters of interest to their organisations.

Although the Government was not represented on international organisations when the Convention was drawn up, it has already started to examine the possibilities of ratification.

Luxembourg.

See under Convention No. 68.

Netherlands.

Regulations concerning the medical examination of seamen are contained in Chapter IV of Decree No. 242 of 15 May 1937; these regulations stipulate that examinations must take place every year and shall be carried out at the expense of the ship-owners. Hearing and sight tests are regulated under Chapter VII of Decree No. 563 of 26 November 1932 concerning the manning of vessels; both sight and hearing are very thoroughly examined, but only four or five times in a seaman's career. The examinations are therefore at longer intervals than required by the Convention, but the Government considers that, in the light of past experience, there is no necessity for more frequent examinations, particularly as these are made at the seaman's expense. It will be possible, however, to extend the scope of the general medical examination to include sight and hearing tests to be carried out by the medical practitioner; the thorough examination required under Decree No. 563 of 1932 would still be maintained.

The national legislation will be in harmony with the provisions of the Convention when amendments have been made to the Decree concerning general medical examination; it will then be possible to ratify the Convention under the Act of 24 July 1948, which reserves to the Crown the right to ratify the Convention in due course.

Norway.

The Act of 8 July 1949, amending the Seamen's Act, authorises the Crown to issue regulations in conformity with the provisions of the Convention, which will be ratified as soon as the necessary regulations have been issued. The report has been communicated to the representative employers' and workers' organisations.

Pakistan.

The Merchant Shipping Act of 1923, provides no legal obligation either for the compulsory medical examination of seamen (above the age of 18 years) before engagement, or for the granting of health certificates. In practice, although shipowners invariably have crews examined at the time of recruitment, this system has not always operated satisfactorily in excluding unfit persons.

The Pakistan delegation at the meeting of the Subcommittee of the Joint Maritime Commission, held in December 1948, supported the Convention in principle, and the Government does not foresee any serious difficulty in the way of ratification. It has been made clear, however, that ratification by Pakistan will be subject to previous agreement for simultaneous ratification of certain Seattle Conventions between all countries which recruit Pakistani seamen.

Poland.

The provisions of the Convention are covered by the Order of 20 August 1936 concerning the medical examination of persons employed on board sea-going merchant vessels. This Order applies to every sea-going registered vessel engaged in trade, with the exception of ships of less than 50 cubic metres (Act of 29 May 1920); medical examinations are compulsory for masters, officers and all other persons engaged for duty on board ship. Medical certificates are also required, under the Order of the Ministers of Posts and Telegraphs of 2 July 1937, for radio-telegraph and radio-telephone operators.

The authority responsible for the engagement of seamen shall refuse to register, and shall request the discharge of, any member of the crew not holding a valid health certificate. The health certificate is issued, after a thorough examination, by the port doctor or his deputy. The examination must establish the general physical fitness of the candidate, his freedom from any infirmity or disease likely to impede him in his duties and from any disease likely to endanger the health of other persons on board. The medical statement shall take due account of the terms and conditions of service of the candidate; the doctor may call upon the authority responsible for engaging seamen for information in this connection.

The health certificate remains in force for three years, provided that service has not been interrupted for more than six months at a time; the certificate is valid for a period

of one year in the case of young persons under 18 years of age. The Order does not provide for employment without a certificate in urgent cases. A duplicate certificate may be issued by the competent doctor in the event of the loss of the original.

There is no provision for an appeal by persons who have been refused a certificate. The doctors attached to the Port Offices of Health are the sole authorities competent to conduct medical examinations of seafarers; the Port Offices are subject to the control of the Maritime Offices of Health, under the Minister of Health (Decree of 25 June 1946).

The Government intends to modify the relevant legislation in order to eliminate the divergencies between the national laws and regulations and the provisions of the Convention.

Sweden.

The Seamen's Act of 15 June 1922 (§ 26) provides that a seaman must submit to a medical examination when so required by the captain. Further, § 32 of the Maritime Code lays down that any person employed as lookout man or helmsman must hold a medical certificate, issued not more than four years before his engagement, attesting to his normal colour vision and adequate eyesight and hearing. A more detailed medical examination and a certificate, generally issued six months previously, are required for the purposes of registration for employment on board sea-going vessels. With the exception of certificates for young persons under 18 years of age (which must have been issued not more than one year before their engagement) and for lookout men and helmsmen, there are no provisions concerning the duration of validity of medical certificates. Special regulations lay down provisions concerning the medical examination and physical fitness of ships' officers.

The Board of Commerce and the Medical Council are studying the question of medical certificates for seafarers (Resolution of 15 June 1945); specific questions relating to the eyesight of certain categories of seafarers are being examined by a committee of experts appointed by the Ministry of Social Affairs under the Resolution of 8 February 1946.

The Riksdag has agreed that the ratification of the Convention should be postponed for the time being, since legislative measures concerning the medical examination of seafarers are now being prepared; it is intended that the principles embodied in the Convention should be observed as far as possible in the preparation of the legislation.

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

Switzerland.

See under Convention No. 68.

Turkey.

The Government refers to its report on Convention No. 68.

Union of South Africa.

See under Convention No. 68.

United Kingdom.

Medical examinations and inspections of officers and ratings are carried out in certain cases by individual shipowners and generally by the Merchant Navy Establishment Administration, representing shipowners as a whole, who are responsible, under the terms of the National Maritime Board Established Service Agreement, for approving all engagements on sea-going vessels of 200 gross tons and over opening articles of agreement in the United Kingdom.

All officers and ratings undergo a strict medical examination before being accepted for their first voyage. In the case of ratings, the examination is usually undertaken by the Merchant Navy Establishment Administration, while apprentices, cadets and officers may be examined either by the company concerned or by the Establishment Administration.

As a general rule, ratings sent forward for engagement by the Merchant Navy Establishment Administration are subject to a routine medical examination. This examination is not so strict as that for new entrants, but the man's general condition is checked.

Officers and ratings must pass a strict medical examination before they are granted two-year establishment contracts under the Merchant Navy Established Service Scheme. Contracts may be terminated if the officer or rating becomes medically unfit for sea service, either permanently or for the following six months, or after sickness continuing longer than six months.

New entrants are required by the Merchant Navy Establishment Administration or the individual company to pass a sight test. In addition, deck officers and ratings who enter the examinations for certificates of competency are required to pass an examination in form and colour vision conducted by the Ministry of Transport. Every candidate is required to have normal vision.

As indicated above, general medical examinations are carried out by the Merchant Navy Establishment Administration or by individual shipping companies, while sight tests are conducted by the Ministry of Transport in connection with navigating examinations.

The National Maritime Board have expressed the view that, unless the standard of examination were fixed so low as to be worthless, the scheme for two-yearly medical examinations would exclude from employment good and efficient seamen with some degree of disability or unfitness which does not in given circumstances render them unsuitable for their work. They would neither wish to see these men denied a sea

calling nor their employers the right to continue to employ them. They have asked that the Convention should not be ratified and the Government accordingly does not propose to ratify.

The principal divergencies between United Kingdom practice and the provisions of the Convention are as follows: (a) while new entrants and applicants for establishment contracts are subject to a strict medical examination, there is no regular system of periodic medical examination once a seafarer has been accepted by the Establishment Administration, although he is always liable to be examined on appointment to a ship, after sick leave or at any time that the Administration or the company consider necessary; (b) in particular, there is no regular testing of sight; the colour vision of deck officers and efficient deck hands is normally only tested once; (c) the present

system of medical examination in the United Kingdom, apart from the sight tests mentioned above, is controlled by the shipping industry. There are no arrangements for appeals to an outside medical body, as laid down in Article 8 of the Convention.

Uruguay.

Convention No. 73, together with 19 other Conventions, was submitted for ratification by the Government to the General Assembly on 2 December 1948. In view of the fact that Article 11 of the Convention states that it will only come into force six months after the date on which ratifications have been registered in respect of seven specified countries, the Government has not requested that urgent consideration be given to the report which it has submitted on the subject to the General Assembly.

Certification of Able Seamen Convention, 1946: C. 74¹

Argentine Republic.

The legislation concerning the Convention is contained in Chapter XXIV of the Maritime and Fluvial Code of 1947.

Australia.

Australian legislation bearing on the subject of certification of able seamen is contained in the Navigation Act, 1912-1942 (Commonwealth), administered by the Department of Shipping and Fuel.

The Navigation Act provides that a superintendent of a mercantile marine office shall refuse to enter a seaman in the articles of agreement as an able-bodied seaman unless the seaman gives satisfactory proof of his title to be so rated. It also provides that a seaman shall not be entitled to the rating of able-bodied seaman unless he has served at sea for at least three years before the mast, or as an apprentice, and is 18 years of age. To meet wartime requirements, however, this provision was superseded by an Order issued by the Maritime Industry Commission, under which a seaman 18 years of age, with not less than two years' service at sea before the mast, is entitled to the rating of able seaman. This Order is still in operation, but its repeal is contemplated and, until it ceases to have effect, it will be a barrier to the ratification of the Convention.

Certificates of qualification are not issued, and no examination in proficiency is required. The question of introducing examinations, and issuing certificates of qualification for able seamen, is under consideration. In this connection, a study is being made of the Imperial Merchant Shipping Act, 1948.

The provisions of the Convention are regarded as appropriate in part for action

by the States (intra-State shipping) and in part for federal action (other than intra-State shipping). However, as most seamen interchange, it is anticipated that a Commonwealth law would have the same practical effect as a number of separate State laws.

Austria.

See under Convention No. 68.

Belgium.

The national laws and regulations contain no provisions governing the certification of able seamen. Ratings and ship's boys are generally recruited from pupils leaving the State schools who have received at least one year's schooling either on land or on a training ship. Their training continues on board and they are only promoted to the status of able seamen when they reach a specified age (generally 21 years) and show themselves sufficiently qualified and when a suitable vacancy is available.

A tripartite committee has examined the possibility of ratifying the Convention; it recommended a scheme for the certification of able seamen to correspond exactly to the requirements of the Convention. The Maritime Administration is drawing up the required regulations and the Government has laid before Parliament a Bill for the ratification of the Convention.

Brazil.

The Regulations for Harbourmasters (Decree No. 5798 of 11 June 1940) prescribe the minimum age of 16 years for members of the crew serving in the deck department.

¹ This Convention was not in force on 31 December 1948; up to this date it had been ratified by France.

Training received during at least one year of service on board is considered as vocational training and a certificate is then issued. No other training schools exist and no other requirements have been laid down for the recognition of professional capacity in the Merchant Navy.

Canada.

See under Convention No. 68.

Ceylon.

See under Convention No. 68.

Cuba.

The relevant legislation is contained in the Regulations for Harbourmasters dated 1 May 1900 (§§ 42, 72, 73, 76, 83 and 84), as supplemented by Legislative Decrees Nos. 592, 659 and 600 of 1934, in Decree No. 2003 of 1925 and in Resolutions and Circulars issued in 1930.

The Convention, with others, is awaiting approval by the Senate of the Republic, which has not yet taken a decision in the matter. As will be seen from the legislative texts to which reference has been made, there would appear to be no difficulties with regard to ratification; however, under the 1940 Constitution, the approval of the Senate is required before the Convention can be ratified by the President of the Republic.

Denmark.

The national laws and regulations in force contain no provisions concerning certificates of qualification for able seamen, but only require that an able seaman should have reached a minimum age of 18 years and have served in the deck department of sea-going vessels for a minimum period of 36 months. The same requirements are embodied in the collective agreements in force, with the addition, however, that a minimum period of 12 months of the sea service shall have been served as ordinary seaman.

The question of making effective the provisions of the Convention has been referred to the "Maritime Commission of 1947", which has not yet submitted its report.

Dominican Republic.

There are no provisions in the present legislation or the draft Labour Code respecting the certification of able seamen. The Commercial Code states that the master of the vessel is responsible for the training and selection of crews; he must, however, act in consultation with the owners when he is in the place where they reside. Experience is determined in terms of the number of months served at sea.

The Department for the Supervision of the Application of Labour Laws, instituted by Act No. 1839 of 5 November 1948, is responsible for the application of the relevant legislation. It is assisted by a body of labour inspectors and by customs officials

who have certain police powers under Act No. 457 of 9 May 1941 as amended by Act No. 1158 of 15 April 1946.

Egypt.

The Commercial Shipping Code contains no provisions regarding the certification of seamen; a Bill covering this subject is being examined. The shipping companies choose their crews and classify seamen according to their previous service certificates and qualifications.

The ratification of the Convention was approved first by the Committee set up in December 1946 to study the Convention and composed of representatives from Government and national bodies, and later by the Committee responsible for the revision of the Commercial Shipping Code. The Government intends to ratify the Convention as soon as the necessary amendments to the Code have been adopted.

Finland.

With the exception of special regulations concerning the engagement of seamen, the legislation in force does not correspond to the provisions of the Convention. The Seamen's Act of 8 March 1924, as amended by the Act of 11 May 1928, provides in § 10 that boys under 14 years of age shall not be engaged as seamen. Moreover, Act No. 258 of 4 June 1937, as amended by the Act of 15 June 1945, and the Decision of the Ministry of Commerce and Industry (No. 385) of 19 November 1937, contain provisions which require the inspector at the time of engagement to take into consideration the ability of the candidate. The Decision of the Minister of Communications and Public Works, of 16 September 1946, provides in § 2 that employment offices for seamen shall place the applicant in the category desired by him, provided that it corresponds with his abilities and service as recorded in his service certificate.

In accordance with an agreement signed between shipowners' and seamen's organisations, applicants are offered suitable employment in the order of the date of their registration at the employment office; this permits a certain degree of supervision of their qualifications. The collective agreement of 2 April 1948 between the Finnish Shipowners' Union and the Aaland Shipowners' Union on the one hand, and the Finnish Seamen's Union on the other hand, provides that no person shall be employed as a rating unless he has had at least 36 months' experience in the deck department; exceptions are allowed in cases where the seaman has some special qualifications.

The Regulations respecting watermen, dated 11 September 1936, issued by the Directorate General of Navigation, contain the provisions required under Article 22 of the International Convention on Safety of Life at Sea, 1929.

The Council of Ministers has instructed the Maritime Committee, set up on 16 Septem-

ber 1948, to examine and make proposals regarding the Convention.

The Directorate General of Navigation, through the medium of its inspectors, is responsible for the application of the legislation.

It has not yet been possible to ratify the Convention in view of the fact that the national law and practice are not in harmony with its provisions.

Greece.

The legislative provisions concerning the manning of vessels specify the number of able seamen to be engaged on board ship, and lay down that every person engaged in this capacity must hold a certificate of qualification. No examination is required for this certificate, but the holder must be at least 17 years of age and have served two years at sea.

The application of the regulations is entrusted to the seamen's employment office, the port authorities, the consular authorities and the harbourmasters attached to the consulates. These authorities must require the dismissal of any seaman employed on board ship who does not hold the necessary certificate.

The shipowners' and seamen's organisations are represented on the advisory commissions which determine the strength of crews to be carried by merchant vessels.

It is difficult to ratify the Convention in view of the fact that the legislative provisions in force were enacted many years ago and are less favourable than the requirements of the Convention.

Iceland.

There is no legislation concerning the certification of able seamen. However, Act No. 68 of 1945, concerning employment at sea, provides that no person may be engaged as an able seaman in the merchant fleet unless his pay-book shows that he has served at sea in a vessel of over 100 tons for not less than 36 months; of this period, he must have served not more than six months as an apprentice and not less than 12 months as an ordinary seaman. He may also be engaged as an able seaman if he has served for a period of 12 months as an efficient deck hand in a ship over 60 gross tons and as an apprentice in a merchant or coast-guard vessel of more than 100 gross tons. No person may be engaged to serve at sea unless he is over 14 years of age.

India.

There is no provision in the national laws or regulations regarding the certification of able seamen. Promotion is granted on the basis of the number of voyages served and the past record of efficiency. The Merchant Navy Training Committee has been instructed to examine the Convention, and further action will be taken when its report has been submitted. The Maritime Labour Advisory Committee has studied

the Convention and recommends that no person should be engaged as an able seaman unless he is over 18 years of age and has served at least 36 months at sea.

The institution of a system of examination for the certification of seamen is held up by the acute shortage of qualified merchant navy officers; the position will improve, however, as facilities for the training of officers have been expanded.

Ireland.

The statutory requirement regarding the rating of able seaman is contained in § 126 of the Merchant Shipping Act, 1894, as amended by § 58 of the Merchant Shipping Act, 1906, which provides that a seaman shall not be entitled to the rating of able-bodied seaman unless he has served at sea for three years before the mast. Service as a fisherman in a decked fishing vessel may only count as sea service up to a period of two years; the rating of able seaman may only be granted after at least one year's further sea service in a trading vessel. Service may be proved by certificates of discharge, by a certificate of service from the Mercantile Marine Office, or by other satisfactory evidence. A seaman is required to have in his discharge book an entry by an officer of the Department of Industry and Commerce indicating that he has sufficient service to be rated as an able seaman, but he is not required to undergo any test. The enforcement of these provisions is a function of the Department of Industry and Commerce.

Draft regulations to give effect to the provisions of the Convention have been prepared and are under discussion with the Irish Maritime Board (see under Convention No. 68). The Maritime Board have suggested certain amendments and, as soon as final agreement is reached on the points raised, no further difficulty or delay is anticipated in giving full effect to the provisions of the Convention.

Italy.

The legislation contains no specific definition of able seaman. The Mercantile Marine Code lays down in § 21 that any person who is entered in the register of first-class seafarers and who has had 24 months' service at sea in the deck department passes into the class of "seaman". In practice, one half of this period of 24 months is served as cabin-boy and the other half as ordinary seaman.

The Government states that the present system has never given rise to any difficulties and that a revision of the legislation is not required. The occupational organisations are of the opinion that the ratification of the Convention is impossible, in view of the present position of the mercantile marine.

Luxembourg.

See under Convention No. 68.

Netherlands.

The Shipping Act of 1909, as amended by Act No. 526 of 31 December 1936, stipulates that in order to ensure safety, a vessel must carry a sufficiently large crew, well qualified and physically capable of carrying out the duties which they may be called upon to perform. These provisions have been further supplemented by Decree No. 563 of 26 November 1932 concerning the manning of vessels, as amended by the Decree of 7 June 1947. This Decree fixes the strength of the different departments of the crew, and lays down certain requirements regarding physical fitness. There are no regulations, however, specifying that only the holder of a certificate of qualification as an able seaman may be engaged as a rating.

The Government intends to amend the above-mentioned Decree and to introduce provisions concerning the organisation of examinations and the granting of certificates in accordance with the Convention.

The right to ratify the Convention in due course is reserved to the Crown under the Act of 24 July 1948.

Norway.

At present, no certificates are required from able seamen on Norwegian ships. However, on 26 June 1948, the Wages Board issued an award respecting the extension of an agreement between the Shipowners' Federation and the seamen's organisations. This award stipulated that able seamen employed on vessels engaged in foreign trade should be over 20 years of age and have served at least 36 months at sea; a minimum of 12 months of this period must have been spent as ordinary seaman.

The Committee for the Training of Seamen has been instructed to examine the questions arising out of the Convention. The report of this committee is due in the autumn of 1949, and until then the Government is unable to take any decision concerning the ratification of the Convention.

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

Pakistan.

There are at present no laws or regulations in Pakistan covering the certification of able seamen. However, a tripartite maritime meeting was held in October 1948 to examine the Conventions and Recommendations adopted at the 28th Session of the International Labour Conference.

The Government has approved the ratification of the Convention and is actively considering suitable steps to give effect to its provisions. It intends to set up a Maritime Board which will be entrusted with the arrangements for holding examinations and granting certificates. At present, there is insufficient technical personnel, but steps are being taken to remedy this shortage.

The Government also points out that its ratification will not be fully effective unless there is also ratification by other countries employing a large majority of Pakistani seamen.

Poland.

Under the Order of 24 November 1930, concerning the safety of sea-going vessels, the competent Minister is authorised to issue regulations respecting the qualifications of the crew. Although such regulations have not as yet been issued and certificates of able seamen are not issued, the qualifications of seamen are subject to control. This control is carried out by a tripartite permanent qualification commission at the State Employment Office for Seamen, which was appointed under the Regulation of the Minister of Navigation dated 18 June 1947. Since the employment office has the exclusive right of placing seamen, it follows that the commission exercises complete control over the qualifications of every seaman; it controls, in particular, the age of the candidate and the length of his previous sea-service in the deck department and subjects him to a short examination.

The Act of 24 July 1926 and the collective agreement concluded between the shipping companies, on the one hand, and the Central Management of the Trade Union of Transport Workers (Seafarers' Section) on the other, provide that an able seaman must be over 18 years of age and have had not less than 36 months' sea service.

The Ministry of Navigation is responsible for all questions relating to the employment of seamen and co-operates closely with the seafarers' organisation, the Trade Union of Transport Workers; the latter organisation also collaborates in the drawing up of regulations concerning the employment of seamen.

Sweden.

Schools for the training and certification of able seamen are being established. Up to the present, certificates are required only in respect of lifeboatmen serving on passenger vessels. The collective agreement provides, however, that seamen are required to have 36 months' service before they are entitled to the pay of able seaman.

No decision on the ratification of the Convention can be taken until the schools for training seafarers have been established and have operated for some time.

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

Switzerland.

See under Convention No. 68.

Turkey.

The Government refers to its report on Convention No. 68.

Union of South Africa.

See under Convention No. 68.

United Kingdom.

The Merchant Shipping Act, 1948 (§ 5), empowers the Minister of Transport to make regulations with respect to qualification for the rating of "able seaman" and provides that no person shall be rated on a ship's articles as able seaman unless he is duly qualified in accordance with the regulations. Draft regulations made under § 5 of the above Act are being agreed with the National Maritime Board. Paragraphs (1) and (2) of Article 2 of the Convention are covered by § 5. The Government proposes, by regulations made under this section of the Merchant Shipping Act, to empower the grant of able seamen's certificates to those who have completed three years' service in the deck department and who hold efficient deck hands' certificates. These regulations will require a candidate for the efficient deck hand's examination to be at least 19 years of age and to have performed at least 18 months' sea service in the deck department. [At present, a candidate for the efficient deck hand's examination must be 18 years of age and have served 12 months in the deck department.] Under the regulations, time spent at a recognised pre-sea training course will count in full up to a maximum of six months. The revised and extended syllabus for the efficient deck

hand's examination which will come into force with the regulations, will include the test required for a lifeboatman's certificate and items appropriate to the rating of able seaman.

The proviso in § 5 of the Merchant Shipping Act, 1948, gives the Minister the power to issue able seamen's certificates to all men who have passed the present efficient deck hand's examination and have served three years at sea or who can show that they were entitled to be rated as able seamen before the regulations came into force; the regulations will also provide for the issue of certificates. Provision is made in the Merchant Shipping Act for the recognition of able seamen's certificates issued in any part of His Majesty's Dominions outside the United Kingdom.

The Ministry of Transport is responsible for the administration of § 5 of the Merchant Shipping Act, 1948 and any regulations made thereunder.

The Government intends to ratify the Convention when the necessary regulations have been made under § 5 of the Merchant Shipping Act, 1948.

Uruguay.

The maritime authorities are responsible for the supervision of the qualifications of crews enrolling on board ship. The said authorities have been requested to study the provisions of the Convention.

Vocational Training (Seafarers) Recommendation, 1946: R. 77

Australia.

The national law and practice is not in conformity with the requirements of the Recommendation.

As matters connected with education come within the scope of the powers of the States, there are difficulties in the way of full adoption of the Recommendation by the Commonwealth. It is not easy to arrive at uniformity amongst the States in order to ensure compliance with the provisions of the Recommendation. The matter will be reviewed, from time to time, in the light of the experience of other countries. There are a few private organisations which set out to give pre-sea training for boys. Facilities for tuition for examination for certificates of competency as deck or engineer officers are provided in some States by the State education authorities, but private schools also exist for this purpose.

For some years past, the number of boys wishing to go to sea has greatly exceeded the number required. In order to ensure that boys who have already commenced a sea career should be given every opportunity to complete the sea service necessary for promotion to higher ratings, new boys

are not allowed to engage if boys who have already served at sea are available and willing to take employment. Under a scheme to assist deck ratings who wish to go ashore to study, introduced by the Maritime Commission during the war and still in operation, accepted candidates receive a maintenance allowance for an approved period of study.

Austria.

In view of the fact that the Recommendation cannot be applied in practice, the Government has not requested Parliament to take any measures with regard to its ratification or approval.

Belgium.

The Shipping Administration is entirely responsible for the training of navigating and engineering officers and also of deck and catering department ratings. This training corresponds, in its main features, to the principles of the Recommendation and is given on board a training ship or in schools on shore, of which there are two, one at Antwerp for officers engaged in foreign trade and the other at Ostend for officers engaged in coastal trade. Engineering offi-

cers are trained in both schools, which also comprise additional sections where able seamen and cooks' mates of the mercantile marine are trained.

Admission to the above-mentioned schools is determined according to the staff requirements of all grades of the shipping industry, as well as by selection based on the physical and intellectual aptitude of the candidates. Entrants to schools are chosen from candidates, irrespective of the social position of the parents; education at all stages is free; board expenses for resident students are fixed at a modest rate and a system of scholarships enables entrants of limited means to receive free training.

The organisation of vocational training for seamen does not correspond entirely to all the measures contained in the Recommendation, particularly as regards the organisation of correspondence courses and the broadcasting of special programmes; the basic structure of maritime education does not lend itself to these branches of education. Nevertheless, and in conformity with a recommendation from seamen and ship-owners, the Shipping Administration is endeavouring to arrive at an improvement in this connection.

Brazil.

There are two kinds of courses of training for seafarers: one for officers and one for ratings. The course for officers conforms to the requirements of the Officers' Competency Certificates Convention, 1936.

As regards ratings, on 15 November 1944 the Government instituted the Merchant Navy Vocational School, which was supervised by the Merchant Navy Committee. Provisional courses were then started to prepare crews for the new vessels belonging to the chief Brazilian company (Brazilian Lloyd); and other emergency courses were organised during the war.

On account of the difficulty of finding employment for groups coming from the Merchant Navy Vocational School, its activities were suspended in 1948; however, the representative trade unions and organisations are now studying the possibility of resuming these activities.

Canada.

The implementation of the Recommendation by Canada would require the establishment of pre-sea and other training centres; there is no existing legislation under which such centres may be established. The interdepartmental committee which has been studying all the decisions of the Seattle Conference reported favourably on the organisation in Canada of the proposed pre-sea training centres, but it considered that Canada was not in a position at present to implement the Recommendation. This matter will come up again at the interdepartmental meeting to be held in the autumn.

Ceylon.

There is as yet no merchant navy and consequently the Recommendation is not applicable. Ceylonese seamen serve chiefly on British ships and are therefore covered by United Kingdom rules.

So far, only one facility for training for sea service has been utilised: under an agreement made in 1934 between the Governments of Ceylon and India, the Indian Government agreed to admit one Ceylonese boy between 13 and 16 years of age every alternate year to the Indian Mercantile Training Ship "Dufferin". The contribution towards the expenses of training varies from year to year and is paid by the Ceylon Government.

If a boy is placed as an apprentice when he has obtained a high certificate from the "Dufferin", scholarship is awarded by the Ceylon Government under certain conditions.

Cuba.

The Government refers to Circular No. 269 of 15 June 1904, Decree No. 2003 of 18 December 1929 to establish nautical schools for the mercantile marine, and to Resolution No. 24 of March 1930. This legislation was enacted prior to the adoption of the Recommendation.

Denmark.

The question of the organisation of training for sea service was dealt with exhaustively by the Maritime Commission of 1947. In April 1948, this Commission submitted its report, together with a Bill dealing with the introduction of legislation on the matter. The Bill was passed with some amendments in March 1949.

Under the new Act (No. 106 of 23 March 1949), the Ministry of Commerce, Industry and Shipping may establish and direct pre-sea training schools with the object of affording to young persons who intend to make seafaring their occupation general education and training in the elements of practical and theoretical seamanship. The Act also provides for the recognition of private schools; in pursuance of the Act, it is intended to establish training schools in Sonderborg-Sesbjerg and Frederikshavn. It is anticipated that these schools will be opened during the current year. The following conditions are required before a young person is signed on in a Danish port for service on a Danish sailing vessel or an auxiliary sailing vessel of 60 tons gross tonnage or more or any other vessel of 20 tons gross tonnage or more: he must have completed a course either at one of the Government training schools or at a training school recognised by the Minister for Commerce, Industry and Shipping; and he must have served for a minimum period of three months on board a recognised training vessel, or, after having completed his fifteenth year, for a minimum period of 12 months as deck rating on a Danish sailing

vessel or an auxiliary sailing vessel of between 20 and 60 tons gross tonnage (with the exception of fishing vessels).

The Merchant Navy Welfare Board, established in 1948 in accordance with the Recommendation concerning seamen's welfare in ports, adopted in 1936, will be responsible for ensuring compliance with the provisions of Point 8 of the Recommendation. The organisation of refresher courses, provided for in Points 5 (1) and (2) of the Recommendation, has not yet been contemplated. In application of the above-mentioned Act on training for sea service, the Joint Maritime Board, on which shipowners, seafarers and the administration are represented, acts in an advisory capacity in all matters relating to the adaptability of training to the interests of the shipping industry.

Egypt.

The legislation in force (Code of Commercial Shipping) contains no provisions dealing with the subject matter of the Recommendation. However, the provisions of the Recommendation are applied to a large extent in Egypt. The fathers and sons of the inhabitants of certain districts are all seafarers. At Alexandria, a naval school has been organised and is recognised by the Ministry of Education for the training of seamen. On the completion of their service, seamen in the State Navy are invited by the shipping companies to serve on board merchant vessels.

Finland.

There is no general legislation relating to the organisation of vocational training for sea service. The regulations concerning vocational training for officers are contained in Act No. 435 of 28 May 1943, respecting nautical instruction establishments (revised by the Ordinance No. 666 of 29 August 1947) and in Ordinance No. 43 of 21 January 1944 respecting the application of the Ordinance respecting nautical instruction establishments. Order No. 1018 of 17 May 1943 relates to examinations for engagement as shipping master.

In certain cases, private courses for vocational training have been organised and are subsidised in part by the State. The Council of Ministers requested the Shipping Committee, set up on 16 September 1948, to draw up useful proposals regarding the subject matter of the Recommendation; the Committee is now preparing these proposals.

France.

The organisation of maritime apprenticeship, which provides training for sailors on board merchant or fishing vessels, was laid down in a Circular of 1 September 1943 respecting the organisation and functioning of maritime apprenticeship schools. These schools are financed under the budget of the Merchant Navy and administered by the Association for the Management of

Maritime Apprenticeship Schools. The Regulations of 29 July 1948 lay down rules for the administration of the above-mentioned schools, for the organisation and functioning of which credits are allotted each year under the Finance Act.

Maritime education is given in the national schools of the merchant marine, which provide training for the careers of deck and engine-room officers.

Conditions regarding the duties to be performed by deck and engine-room officers are contained in the Act of 21 July 1856 (§ 12), in two Decrees of 14 August 1938, issuing public administrative regulations regarding the duties to be performed by masters, chief officers, mates, chief engineers, chief and assistant officers of the watch of merchant vessels, fishing vessels and pleasure craft, and in two Decrees of 16 November 1948 issuing public administrative regulations respecting the certificates, etc., required of masters, chief officers, mates, chief engineers, chief and assistant officers of the watch of merchant vessels, fishing vessels and pleasure craft.

The authority to whom the enforcement of the relevant provisions is entrusted, is the Ministry of Merchant Marine, assisted by regional and local directors of maritime recruitment.

The keeping up to date and the remodelling of the texts of relevant regulations is undertaken by the Administration, after consultation with the employers' and workers' organisations, either by correspondence or by means of advisory bodies.

Greece.

There is only one official school for the mercantile marine, with a limited number of students who must be under 17 years of age and have attended a secondary school. The length of the course is four years. A new Act, which is under consideration to amend existing legislation, will authorise the admission of young persons up to 19 years of age. The length of the courses will be three years (Decree of 7 August 1948).

Under Act No. 907 of 1937, young persons who have completed their studies at the school for the mercantile marine and have had two years' service at sea as apprentice officers on board a vessel of not more than 2,000 tons, receive a third-class master's certificate.

Three private schools for wireless telegraphists have so far been recognised by the State. Young persons holding certificates for having completed their studies at a secondary school are admitted to these schools. The length of the course is one year. Young persons who have completed their studies and hold a certificate from one of the above-mentioned schools are eligible for an examination in order to obtain an official temporary certificate as second-class telegraphist (Act No. 907 of 1937).

Five private schools for engineers, recog-

nised by the State, are at present functioning in Athens and the Piraeus. Young persons who hold a certificate for primary studies and have passed the required test are admitted to these schools. Graduates from these schools who have completed four years in a workshop where power machines are made or repaired and who have had 18 months' service at sea as engineer apprentices are eligible for an examination in order to obtain a third-class engineer's diploma (Act No. 907 of 1937).

The majority of the provisions contained in the Recommendation are in force in Greece. Attempts are being made to expand the official school in such a way that occupational training for seamen will cover all officers of the mercantile marine. This will ensure, not only co-ordination, but also better nautical instruction and the implementing of any provisions of the Recommendation which are not yet applied.

Iceland.

The vocational training of seamen takes place entirely on board ship. The only schools are those for ships' officers who are required to pass specific examinations.

India.

Until recently, the only institution affording training for sea service was the Training Ship "Dufferin", which provided pre-sea training to boys for the executive and engineering branches. With the increase in tonnage of Indian shipping, it was found that the output of this training ship was not adequate. In fact, during the past few years there has been a serious shortage of qualified merchant navy officers. In addition, facilities for the training of ratings were inadequate. The Government felt that the problem required thorough investigation, and for this purpose appointed a Merchant Navy Training Committee. On the basis of the interim reports of this committee, the system of pre-sea training for service in the merchant navy as officers has been thoroughly reorganised; the "Dufferin" will now train only executive officers and the number of such officers to be trained annually has been increased from 25 to 80. An entirely new scheme has been prepared, and is being implemented, for training in the engineering branches; under this scheme, 80 boys will also be trained each year.

A post-sea nautical and engineering college has been set up by the Government to provide advanced technical instruction to candidates preparing for the merchant navy professional examinations. This college started functioning in October 1948 and has already shown encouraging results. The Merchant Navy Training Committee is now examining the question of training for ratings, and further action in this connection will be taken when the report of the committee has been submitted to the Government.

In the organisation of training facilities for service at sea, the Government has kept in mind the suggestions contained in the Recommendation.

Ireland.

The provisions of the Recommendation are not covered by legislation. New entrants to sea service on both home-trade and foreign-going vessels are relatively few in number. In view of the fact that there are comparatively few openings for employment, the development of special training facilities is necessarily restricted. Courses are available at one Nautical College in Dublin for seafarers who wish to take out masters' or mates' certificates of competency. An annual State grant is made to the College, which is inspected periodically by the Department of Education.

Pre-sea training is provided at another school in Dublin for boys under 16½ years of age who intend to take up seafaring as a career. Entry to this school is limited, but suitable entrants are not debarred by any financial disabilities. Pre-sea service training is also available on the western seaboard, and facilities for study and instruction are also provided for those who, having completed their qualifying period of sea service, intend sitting for examination for a certificate of competency as master or mate.

There are three schools approved for the purpose of instructing candidates who wish to qualify as ships' engineers. Time spent at classes in these schools may be reckoned towards part of the qualifying workshop time which must be served before a candidate sits for an engineer's certificate of competency.

A scholarship scheme was sponsored by the principal Irish shipping company for the training of deck officers in 1942 but was discontinued in 1945 owing to the fact that a large proportion of the scholarship trainees failed to enter the company's service. An apprenticeship scheme for boys anxious to train as marine engineers was begun in 1943 but has now been discontinued.

There are a number of seamen's welfare centres at the principal ports catering for the social, cultural and moral requirements of the seafarer. Amenities are provided for the seamen while in port, and all ships engaged in deep-sea trade are provided with supplies of books by arrangement with the ship-owners. The welfare institutions, which are almost wholly dependent on voluntary subscriptions, also endeavour to meet the many requests received from seafarers for nautical text-books required for the purpose of studying for advancement to a higher grade or rank.

Luxembourg.

In view of the fact that the Recommendation deals exclusively with a maritime subject, it cannot be applied in practice in the Grand Duchy.

Netherlands.

The question of implementing any of the principles of the Recommendation which have not already been applied is under consideration. The Government intends to set up a committee responsible for making proposals regarding the application of the measures laid down in the Recommendation.

At present, vocational training for service with the mercantile marine covers, in the first place, first officers, engineers and wireless-operators (wireless-telegraphists and wireless-telephonists); in addition, training courses have been started recently for the training of deck and catering department ratings. Where training for these groups is met by a State subsidy, the Act *Nijverheidsonderwijswet* is applicable. The Act also provides that persons who receive the above-mentioned training are eligible for a State grant which enables all young persons, even if their parents are of limited means, to benefit from the courses.

An attempt was made in 1948 to establish ships' libraries, which are now in operation on several vessels.

Norway.

The questions arising in connection with the Recommendation have been submitted to the Committee on Training for Seafaring, appointed by the Ministry of Industry and Shipping. The recommendations of this Committee will not be available until the autumn of 1949. The Government is, therefore, not in a position to take a decision regarding the principles contained in the Recommendation.

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

Pakistan.

There are no institutions at present which provide vocational training for seafarers. After the Partition (15 August 1947), an arrangement was made with the Government of India, whereby it was agreed to admit annually six Pakistani cadets each in the executive and engineering branches in the Training Ship "Dufferin" for a period of three years, to be extended to five years by mutual agreement. In the interim, it was intended that the Government would be in a position to establish training schools under its own auspices. However, technical difficulties have made it necessary to postpone for a year or two any schemes in this connection. Proposals are now being examined with a view to sending Pakistani cadets to recognised training institutions in the United Kingdom after the arrangements for the "Dufferin" come to an end.

Up to the present, there have been no institutions affording pre-sea training for ratings. Proposals are, however, under active consideration for the establishment of a residential school near Chittagong for the sons of seamen killed during the last war.

A tripartite meeting of representatives of the Government, shipowners and seafarers was held on 26 and 27 October 1948 to examine the Conventions and Recommendations adopted at the 29th Session of the International Labour Conference.

Poland.

The Ministry of Shipping, in agreement with the Ministry of Education, is responsible for training for sea service. A comprehensive system of training has been instituted, which includes schools for seamen and officers in the deck and engine-room departments, schools for young persons in the deck and engine-room departments and refresher courses for seamen with a long period of service. The education given in these schools is in accordance with the general system of education, and enables graduates from the schools for officers to be admitted to higher schools. The schools provide technical instruction and general education, and the programmes take due account of the cultural and moral requirements of the seafarer.

The number of trained specialists corresponds to the labour requirements of the shipping industry, due account being taken of changes in technique and methods of organisation of work and of the development of the labour market. The development of a planned maritime economy is part of the general national economic plan and, therefore, takes account of the economic and social interests of the community. The general and district State authorities, the shipowners and the Trade Union of Seafarers are responsible for the establishment and development of the plan for maritime economy and for matters arising out of the Recommendation.

A three-year training course is provided for at the Yung secondary school, which has an engineering and a navigation section. The curriculum at secondary schools for officers provides for training on a schoolship and for practical experience on ships of the Polish merchant navy. Training at school-ships is always combined with theoretical instruction ashore, both for officers and seamen. All students on these ships must be boarders. The age of admission to the above-mentioned schools corresponds not only with the age fixed for schools in Poland but also with the age laid down in the social legislation respecting engine-room and deck crews. Candidates for the navigation section of schools for officers must have completed seven years' basic education and be between 14 and 15 years of age. Candidates for the engineering section must, in addition, have had workshop experience and have reached 17 years of age. A considerable part of the programme is devoted to general education. Candidates must comply with specific health conditions and arrangements are made to supervise the physical training and health of the students. Refresher courses are organised to improve the techni-

cal skill and knowledge of candidates and to enable them to qualify for promotion.

Correspondence courses have not been organised up to the present, but the matter is under consideration. Persons already serving at sea are granted leave to cover the period of instruction.

The State is responsible for ensuring that the necessary instruction is afforded to candidates, irrespective of their financial circumstances. Training and boarding free of charge are provided for by the above-mentioned schools. Scholarships and leave with pay are granted to adult trainees, and all essential facilities are granted to students.

Trade unions supply adult workers in the shipping industry with information regarding possibilities and conditions of training for sea service. Provision is also made for vocational guidance.

There are no private institutions for maritime instruction; all training institutions and vocational courses are under State management.

The provision of ships' libraries, cinema films of technical and recreational value and the broadcasting of special radio programmes is ensured by trade unions and various social bodies.

Sweden.

The requisite basis for the development of vocational training for seafarers was laid down in Resolutions adopted in 1946 by the Government and Riksdag concerning the establishment of training courses for seamen (schools for seamen) and the provision of Government grants for these courses. These Resolutions are contained in Proclamation No. 419 of 14 June 1946. The communes are responsible for taking the initiative in the establishment of the above-mentioned schools, as in the case of vocational schools in general.

Training for sea service is arranged by means of Government grants at institutions in the various communes for vocational instruction or at central workshop schools. State co-operation is assured in advance for the establishment of every school which, with the sanction of the Government, may be opened for the practical and theoretical vocational training of seamen. The term "seamen" covers deck hands, engine-room hands and galley personnel. For each of these three groups, there are lower and advanced courses of training, both designed primarily for seamen who have already served at sea. In addition, a special beginners' course may be arranged for the training of galley personnel.

Unless otherwise decreed by the Government, training is free. Subject to a decision by the Government in each individual case, State subsidies may be granted where it is found necessary to board pupils at schools for seamen. Scholarships and allowances for travelling expenses may also be granted to pupils of schools for seamen. The amount representing State grants towards the initial

outlay on these schools (apart from expenses for boarders) will be approximately 1,540,000 kronor. Government grants towards the cost of running four complete schools have been estimated at 223,000 kronor per year. Only one school, at Göteborg, has been established so far.

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

Switzerland.

The report states that it is too early to supply information regarding future legislation and the national policy regarding the subject covered by the Recommendation. Although Switzerland possesses a small sea-going fleet flying the Swiss flag, it has no code of maritime legislation. Legislation is now being drafted; it is likely that this new legislation will take account of the decisions of the International Labour Conference. Some of these decisions relating to seamen are already applied in Switzerland. As soon as the legislation mentioned above comes into force, a more detailed report will be supplied.

Turkey.

The Government is in agreement with the principles and standards contained in the Recommendation and has decided to apply these by stages.

Union of South Africa.

The comprehensive Merchant Shipping Bill (No. 71 of 1947), which was introduced in Parliament last session, covers some of the matters provided for in the Recommendation. However, a detailed analysis of the provisions of the Recommendation is being undertaken in order to determine the requirements of the Recommendation in relation to the provisions proposed in the above Bill. These requirements are being reviewed and, if considered advisable, the necessary and suitable amendments to the Bill will be introduced. It has not yet been possible to proceed with the second reading of the Bill. The question of acceptance of the Recommendation must remain in abeyance until the position is crystallised under the proposed Merchant Shipping Act.

United Kingdom.

Training arrangements for seafarers in the United Kingdom conform to the standards laid down in the Recommendation.

Point 4. Boys who wish to become deck officers in the United Kingdom merchant navy usually begin their sea career as apprentices or cadets. Pre-sea training is not essential, but the large majority of boys attend a course either in a training ship or at a junior nautical technical school. Boys start courses on training ships before they reach the normal school-leaving age (15 years) and are provided with a good general

education in addition to receiving nautical training. The approved course of pre-sea training in training ships lasts two years. At the junior nautical technical schools, boys usually start courses at 16 years of age and are required to have reached the standard of the school-leaving certificate or its equivalent. These courses usually last one year and are generally limited to nautical instruction. There are five principal training ships and residential training ships for apprentices and cadets. Non-residential junior nautical technical schools are established at a number of principal ports and are conducted by the local education authorities.

The Ministry of Transport inspects and approves the courses of certain training ships and nautical schools, and boys attending these approved institutions receive a reduction in the time served at sea before they can qualify to sit the examination for second mate's certificate.

A course of pre-sea training is essential for all boys wishing to join the merchant navy as deck or catering ratings. Courses are provided by certain private organisations and local education authorities, but the large majority of boys receive their training at the National Sea Training School at Gravesend and the Sea School at Sharpness. These schools are conducted by the Shipping Federation on behalf of shipowners. The course of training, board and accommodation are free, and the Shipping Federation receive an educational grant from the Government towards the cost of running the schools, and bear the remainder of the cost themselves. The course of training lasts from 10 to 12 weeks, and boys must be between 16 and 17 years of age. They receive practical training fitting them for their future work in the merchant navy. The curriculum does not include subjects of general educational value as provided in Point 4 (2) of the Recommendation but, since the boys attending the course are past the normal school-leaving age (15 years) and are considered to have finished their general education, it is not thought necessary to alter the scope of training.

Junior engineers receive their fundamental training by serving an apprenticeship of not less than four years in workshops ashore. Not less than two of these four years must be devoted to fitting, erecting or repairing machinery; the remaining two years may be spent either on work of this nature or work in other branches of the trade, or at approved day or evening classes in mechanical engineering. Technical schools which conduct classes in mechanical engineering are established in many towns in the United Kingdom. An apprentice in the engineering industry receives wages from his employers. He pays his own fees while attending classes in engineering at a technical school during his apprenticeship.

The Merchant Navy Training Board was set up in 1942 to consider and make recommendations concerning the training of the

various classes of men and boys who enter the different departments in the merchant navy. The Board comprises representatives of shipowners, officers' and men's societies, the Government departments concerned, pre-sea training establishments, the Association of Education Committees and the Association of Navigation Schools. It rests with the shipping industry itself and the appropriate Government departments to decide whether any particular recommendation should be adopted. Outline plans have been issued by the Board on the training of deck officers and ratings, engine-room officers and ratings and catering department personnel.

Points 5 and 6. Courses of study lasting from three to four months are available at schools of navigation for candidates studying for their certificates of competency as master or mate. These are professional courses and the candidate pays the school fees himself; if he is serving on a two-year contract with the Merchant Navy Establishment Administration, he is given up to two months' study leave on pay while attending courses. If he is serving on a company contract he receives similar benefits. Other seafarers are eligible to receive unemployment benefit while they are attending an approved course.

Similar courses are also available at schools of engineering for candidates working for their engineer certificates. These are also professional courses and the candidate pays his own fees; if he is serving on a company establishment contract, he receives benefits similar to those given to masters and mates. Other engineers are eligible for unemployment benefit while attending an approved course.

Correspondence courses are provided by some nautical schools for apprentices and cadets who are preparing for their second mate's examination. Several of the nautical schools and the Marine Engineering Institutions run correspondence courses for those serving at sea when studying for higher certificates of competency.

The cost of pre-sea training is borne by the parents or guardians of the boys. However, numerous scholarships are granted by various shipping companies, Lloyds, welfare societies, individual donors and the schools themselves. During their apprenticeship, the boys receive wages from the shipowners.

Point 7. A Notice has been issued by the Ministry of Transport setting out conditions of entry and the training facilities available for boys who wish to join the Merchant Navy. Copies of this Notice are distributed to Ministry of Labour employment exchanges, mercantile marine offices, education institutions, shipping companies and other interested bodies.

Point 8. General education facilities for seafarers are provided, mainly by the Seafarers' Education Service in the form of libraries for the use of seafarers on shore and

in ships and non-vocational courses. This Service, which incorporates the College of the Sea, is a voluntary society governed by representatives of the shipowners, officers' and men's associations, by representatives of most of the voluntary societies connected with the sea, and by distinguished men and women interested in further education. Up-to-date libraries are supplied to the crews of 1,400 ships owned by 150 different companies. Libraries are installed on the order of shipowners, who pay for the service. A library service is provided free of charge by the British Sailors' Society. Through the College of the Sea and with the co-operation of 1,200 voluntary tutors, the Seafarers' Education Service gives help and tutorial guidance to any British seafarer in non-vocational subjects of study and hobbies of all kinds.

Films are shown in some ships, principally in the large liners, where suitable space exists. A special "Shipmates Ashore" programme is broadcast weekly by the British Broadcasting Corporation in their overseas service. In addition, a regular "Ship's Newspaper" is broadcast which gives seafarers information on matters of current interest in the seafaring world; seafarers also have the opportunity of listening to other broadcasts of wider interest.

The Ministry of Transport moulds adult courses for certificates of competency in accordance with regulations based to a great extent on the recommendations of a committee representing both sides of the industry, the schools and the Government departments concerned. Any proposed changes in the examination syllabuses are discussed with the navigation or nautical schools, shipowners and the appropriate seafarers' union. Pre-sea training for apprentices and cadets is mainly in the hands of the schools, most of which are inspected by the Ministry of Education. Many of these schools are run by a local education authority. Pre-sea training for ratings is entrusted to the Ministry of Education which gives grants to certain schools, local education authorities, the Shipping Federation representing shipowners, and various private organisations. General educational facilities for seafarers are provided entirely by voluntary societies.

Uruguay.

The Naval School, the School for Seamen and the School for Naval Engineers are responsible for vocational training for service at sea.

CORRIGENDA

**Income Security Recommendation,
1944: R. 67***Austria.*

Page 21, second column.

Under "*Maternity*". The second half of the first sentence to read: "this latter period is extended to eight or even twelve weeks when the mother is nursing".

Under "*Invalidity*". The last sentence to read: "Miners (workers and employees) are entitled to an invalidity pension under the same conditions as workers and are entitled to a smaller invalidity pension if they are unable to continue working in the mining industry".

Page 22, first column.

Under "*Employment injuries*". Add to the last sentence: "and particularly relating to the pensions granted to the widow and children under 18 years of age, as well as to widows and parents in the case of a fatal industrial accident".

Under "*Persons covered*". The second sentence to read: "The dependants of insured persons are entitled to maternity benefits as well as to benefits provided in the case of the death of the breadwinner due to any cause or resulting from an industrial accident." Add the following sentence after the second sentence: "Some categories of self-employed workers are compulsorily covered against the contingency of maternity and voluntarily against the contingency of sickness." In the last sentence, replace the words "a nursing allowance" by the words "maternity benefits and a nursing allowance".

Under "*Self-employed persons*". Add the following sentence: "Some categories of self-employed workers are compulsorily covered against the contingency of maternity and voluntarily against the contingency of sickness."

Under "*Benefit rates*". At the end of the first sentence, add the words "subject to a fixed ceiling".

Page 22, second column.

First paragraph. The last sentence to read: "The maternity benefit payable to wives of insured persons is fixed at a lump sum which may be equal to half the sickness benefit".

Third paragraph, third sentence. Replace the words "regular pension" by the words "pension at a reduced rate".

Fifth paragraph. Replace the words "sickness benefit" by the words "sickness and maternity benefits".

Under "*Contribution Conditions*". First paragraph. The last sentence to read: "In the case of maternity benefits for employees a qualifying period is prescribed only for special cases, although such a period is laid down for maternity and sickness benefits in the case of self-employed persons".

Page 23, first column.

First paragraph, sixth line. Delete the words "and survivors".

Delete the last sentence.

Under "*Distribution of Cost*". Add at the end of the third sentence the words "subject to a fixed ceiling".

Under "*Administration*". Add after the words "social insurance" in the first sentence, the words "with the exception of unemployment insurance which is administered by public administration institutes,".

**Social Security (Armed Forces)
Recommendation, 1944: R. 68***Austria.*

Page 64.

Under "*Sickness Insurance*". The third sentence to read: "Students who are over 24 years of age but whose studies have been interrupted by their military service or internment are insured provided they are members of an insured person's family and are dependent upon the latter".

Second paragraph, first sentence. Add the following after the word "discharge": "if he falls sick within the three weeks following these two weeks, benefits are granted to him for 26 weeks;".

At the end of the second paragraph add the following: "The cost of benefits in favour of persons depending upon the insured person is borne by the State. The scheme described above is no longer in force".

Medical Care Recommendation, 1944: R. 69*Austria.*

Page 71, first column.

Under "*Sickness Insurance*". The first sentence to begin: "Medical care under sickness insurance is generally administered".

Page 71, second column, sixteenth line.

Insert after the words "at their disposal." the following sentence: "There are special provisions for cases of industrial accidents, in conformity with the social security scheme against industrial accidents and occupational diseases."

INTERNATIONAL LABOUR CONFERENCE

THIRTY-THIRD SESSION

GENEVA, 1950

**SUMMARY OF INFORMATION
CONCERNING THE SUBMISSION TO THE COMPETENT AUTHOR-
ITIES OF THE CONVENTIONS AND RECOMMENDATION
ADOPTED BY THE 31st SESSION OF THE INTERNATIONAL
LABOUR CONFERENCE (SAN FRANCISCO, 1948)
(ARTICLE 19 OF THE CONSTITUTION)**

Third Item on the Agenda



INTERNATIONAL LABOUR OFFICE

GENEVA, 1950

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INTRODUCTION

Article 19 of the Constitution of the International Labour Organisation prescribes under paragraphs 5, 6 and 7 that States Members will bring the Conventions and Recommendations adopted by the Conference before the competent authorities within a stipulated period.

This period is one year from the closing of the session ; in exceptional circumstances this period may in no case exceed eighteen months from the closing of the session of the Conference.

These rules also apply in federal States in respect of Conventions and Recommendations for which federal action is appropriate. In respect of Conventions and Recommendations regarded, in whole or in part, as more appropriate for action by the constituent States, provinces or cantons than for federal action, the Constitution provides that the Government shall make effective arrangements for the reference of such Conventions and Recommendations not later than eighteen months after the closing of the session of the Conference to the appropriate federal, State, provincial or cantonal authorities for the enactment of legislative or other action.

Article 19 of the Constitution also provides that Members shall inform the Director-General of the International Labour Office of the measures taken to bring such Conventions and Recommendations before the competent authorities with particulars of the authorities regarded as appropriate and of the action taken by them.

The Report of the Conference Delegation on Constitutional Questions (29th Session, Montreal 1946) which afforded the basis for the 1946 revision of the Constitution, stated that it had not been considered " necessary to clarify the obligation imposed by Article 19, paragraph 5, of the Constitution in order to leave no doubt that the ' authority or authorities ' to which Conventions and Recommendations must be submitted shall be the national Parliament

or other competent legislative authority in each country ".

In accordance with Article 23 of the Constitution, a summary of the information communicated in pursuance of these provisions will be submitted to the Conference.

Since the amended Constitution came into force on 20 April 1948, the provisions regarding submission to the competent authorities apply to the decisions of the 31st Session of the Conference held at San Francisco from 17 June to 10 July 1948.

The decisions adopted by the Conference are as follows :

1. Convention concerning Freedom of Association and Protection of the Right to Organise (No. 87).
2. Convention concerning the Organisation of the Employment Service (No. 88).
3. Convention concerning Night Work of Women Employed in Industry (Revised 1948) (No. 89).
4. Convention concerning the Night Work of Young Persons Employed in Industry (Revised 1948) (No. 90).
5. Recommendation concerning the Organisation of the Employment Service (No. 83).

As the closing date of the 31st Session of the Conference was 10 July 1948, the period of one year provided under Article 19 of the Constitution came to an end on 10 July 1949 and the period of eighteen months on 10 January 1950.

At the time of the 31st Session of the Conference, there were 57 States Members of the Organisation—not including one Member which withdrew before the end of the period prescribed for submission to the competent authorities—and, up to 20 March 1950, 38 Governments had supplied

answers covering more or less fully the substance of the question. On the other hand, no information had been received up to that date from the following 19 States : Afghanistan, Bolivia, China, Costa Rica, Cuba, Ecuador, Ethiopia, Greece, Guatemala, Hungary, Iraq, Liberia, Panama, Poland, Salvador, Thailand, Turkey, Uruguay and Venezuela.

The present report contains a summary of the information received from Governments up to 20 March 1950, the date of the meeting of the Committee of Experts on the Application of Conventions and Recommendations which examined the replies of the Governments on this subject, as stated in its report (see Report III, Part IV).

NON-FEDERAL STATES

Belgium. The Freedom of Association and Protection of the Right to Organise Convention (No. 87) and the Night Work (Women) (Revised) Convention (No. 89) have been submitted to Parliament. A Bill to approve these Conventions has already been signed by the Prince Regent.

The Employment Service Convention (No. 88) is still being studied by the competent services of the Ministry of Labour.

The Night Work of Young Persons (Industry) (Revised) Convention (No. 90) gives rise to some difficulties and, as the national legislation now stands, its ratification would appear impossible.

In Belgium, the Parliament is the authority competent for the transformation of Conventions into legislation.

Burma. The question of ratifying the Freedom of Association and Protection of the Right to Organise Convention (No. 87), and other Conventions adopted by the 31st Session of the Conference, is being examined by the Government.

Bulgaria. Bulgaria has ratified the Employment Service Convention (No. 88).

Ceylon. The Freedom of Association and Protection of the Right to Organise Convention (No. 87) was submitted to the Minister of Labour and Social Services, who decided that it was not possible to ratify the Convention at present.

The Night Work (Women) (Revised) Convention (No. 89) and the Night Work of Young Persons (Industry) (Revised) Convention (No. 90) are being submitted to the competent authorities.

Chile. There are some difficulties which prevent the immediate ratification of the Freedom of Association and Protection of the Right to Organise Convention (No. 87).

Colombia. The Government submitted to the National Congress, in the course of its ordinary sessions in 1948, a Bill to approve Conventions adopted by the Conference, particularly those adopted during the 31st Session.

Czechoslovakia. The decisions of the 31st Session of the Conference were submitted to the competent authorities on 10 January 1950.

The Government approved the Employment Service Convention (No. 88), the Night Work (Women) (Revised) Convention

(No. 89), the Night Work of Young Persons (Industry) (Revised) Convention (No. 90) and the Employment Service Recommendation (No. 83). It decided not to propose the ratification of the Freedom of Association and Protection of the Right to Organise Convention (No. 87).

Parliament approved the ratification of the Night Work of Young Persons (Industry) (Revised) Convention (No. 90).

The ratification of the Employment Service Convention (No. 88) and the Night Work (Women) (Revised) Convention (No. 89) does not require the approval of Parliament since it would not be necessary to amend the legislation in force.

The Employment Service Convention (No. 88), the Night Work (Women) (Revised) Convention (No. 89) and the Night Work of Young Persons (Industry) (Revised) Convention (No. 90) will be submitted to the President of the Republic with a view to their ratification.

Denmark. The Danish delegation to the 31st Session of the Conference submitted a report to Parliament containing the texts of the adopted Conventions and Recommendation.

Dominican Republic. The State Labour Secretariat has recommended the ratification of the Freedom of Association and Protection of the Right to Organise Convention (No. 87).

The Government has postponed examining the ratification of the Employment Service Convention (No. 88) until the employment service has developed.

The President of the Republic has agreed to the ratification of the Night Work (Women) (Revised) Convention (No. 89) and the Night Work of Young Persons (Industry) (Revised) Convention (No. 90).

The Government states that the State Labour Secretariat is the competent authority.

Egypt. The Government is not at present in a position to ratify the Freedom of Association and Protection of the Right to Organise Convention (No. 87).

Finland. The Government proposed on 6 May 1949 that Parliament should adopt the Freedom of Association and Protection of the Right to Organise Convention (No. 87). This Convention has been ratified by Finland.

France. The Council of State has expressed itself in favour of the ratification of the Freedom of Association and Protection of the Right to Organise Convention (No. 87). The Government, however, thought it advisable to present this Convention jointly with the Right to Organise and Collective Bargaining Convention (No. 98) adopted in 1949. The procedure started for the ratification of the Freedom of Association and Protection of the Right to Organise Convention (No. 87) has thus been temporarily interrupted until the Right to Organise and Collective Bargaining Convention (No. 98) can also be submitted for ratification.

The Council of State and the Council of Ministers have expressed a favourable opinion with regard to the ratification of the Employment Service Convention (No. 88). The Bill concerning ratification and also concerning the Employment Service Recommendation (No. 83) were to be submitted to Parliament when it opened at the end of 1949. The ratification of the Night Work (Women) (Revised) Convention (No. 89) will also be proposed to Parliament shortly.

The ratification of the Night Work of Young Persons (Industry) (Revised) Convention (No. 90) does not appear possible at the present time.

Haiti. The Government is at present studying whether the position of its internal legislation would allow the ratification of the Freedom of Association and Protection of the Right to Organise Convention (No. 87).

Iceland. The Conventions and Recommendation adopted by the 31st Session have been translated and will shortly be submitted to the Althing. The Althing, the Icelandic legislative assembly, must be considered the competent authority.

Iran. The ratification of the Freedom of Association and Protection of the Right to Organise Convention (No. 87) will be considered after the passing of the Labour Act.

Ireland. The Conventions and Recommendation adopted at the 31st Session of the Conference were laid before the Oireachtas on 10 August 1949.

The ratification of the Employment Service Convention (No. 88) and the application of the Employment Service Recommendation (No. 83) does not appear suitable for Ireland at the present time.

Italy. The Conventions and Recommendation adopted by the 31st Session are at present being examined by the authorities concerned. The principles contained in the Freedom of Association and Protection of the Right to Organise Convention (No. 87) are included in the Constitution but the Government intends to take certain appropriate measures on this subject. The question of the ratification of the Convention may be considered when these measures have been taken.

The Night Work of Young Persons (Industry) (Revised) Convention (No. 90) has been referred for ratification to the competent authorities.

Luxembourg. The texts of the Conventions and Recommendation adopted by the 31st Session of the Conference have been laid before the Chamber of Deputies and the Council of State.

Netherlands. On 6 September 1949 Bills were laid before the second Chamber of the States General concerning the approval of ratification of the Freedom of Association and Protection of the Right to Organise Convention (No. 87) and concerning the right reserved to the Crown to ratify the Night Work (Women) (Revised) Convention (No. 89) and the Night Work of Young Persons (Industry) (Revised) Convention (No. 90).

On 20 September 1949 a Bill was laid before the second Chamber of the States General concerning the approval of the ratification of the Employment Service Convention (No. 88).

The Employment Service Recommendation (No. 83) was shortly to be communicated to the second Chamber.

The above-named Bills have been adopted.

The Freedom of Association and Protection of the Right to Organise Convention (No. 87) and the Employment Service Convention (No. 88) have been ratified.

New Zealand. The Conventions and Recommendation adopted by the 31st Session of the Conference were submitted to the House of Representatives on 12 October 1949 and to the Legislative Council on 13 October 1949.

The Employment Service Convention (No. 88) has been ratified.

Norway. The Conventions and Recommendation adopted by the 31st Session were submitted to the Storting by Bill No. 24 of 25 February 1949. The Government proposed the ratification of the Freedom of Association and Protection of the Right to Organise Convention (No. 87) and the Employment Service Convention (No. 88) and the acceptance of the Employment Service Recommendation (No. 83) (with the exception, for the time being, of the provisions under Article 12). The Freedom of Association and Protection of the Right to Organise Convention (No. 87) and the Employment Service Convention (No. 88) have been ratified by Norway.

With regard to the Night Work of Young Persons (Industry) (Revised) Convention (No. 90), the Government intends to refer it to the Committee for the revision of protection of labour in order that it may examine the possibility of bringing the legislation into conformity with this Convention.

Peru. The decisions adopted by the 31st Session of the Conference have been studied by the Ministry of Labour and a

report will be submitted to the legislative authorities; the latter meet on 28 July 1950 and are the competent authorities with respect to the approval of international treaties.

Philippines. On 16 May 1949, in a speech addressed to Congress, the President submitted the text of the Conventions and Recommendation adopted by the 31st Session of the Conference.

The President has also submitted a Bill in conformity with the Employment Service Convention (No. 88).

Portugal. The Freedom of Association and Protection of the Right to Organise Convention (No. 87) does not correspond with the fundamental rules of the Portuguese trade union law and cannot be ratified.

The questions relating to employment service are being examined; the possibility of ratifying the Employment Service Convention (No. 88) will be examined when this study is at an end and when an employment service has been organised or is being considered. There does not appear to be any obstacle to the ratification of the Night Work (Women) (Revised) Convention (No. 89).

The Night Work of Young Persons (Industry) (Revised) Convention (No. 90) would also appear to be applicable.

Due account will be taken of the Employment Service Recommendation (No. 83) in the course of the study now being undertaken of the organisation of the employment service.

Sweden. The decisions of the 31st Session were submitted to the Riksdag on 4 March 1949. The Government proposed the ratification of the Freedom of Association and Protection of the Right to Organise Convention (No. 87) and the Employment Service Convention (No. 88) and stated that the provisions of the Employment Service Recommendation (No. 83) would be respected in the preparation of new regulations relating to the employment service. The Freedom of Association and Protection of the Right to Organise Convention (No. 87) and the Employment Service Convention (No. 88) have been ratified.

Syria. It is not possible to ratify at present the Freedom of Association and Protection of the Right to Organise Convention (No. 87).

The Employment Service Convention (No. 88) and the Night Work of Young Persons (Industry) (Revised) Convention (No. 90)

were submitted in September 1949 to the Council of Ministers in view of their ratification.

The Night Work (Women) (Revised) Convention (No. 89) has been ratified.

Union of South Africa. The decisions of the 31st Session of the Conference were submitted to the House of Assembly on 26 January 1949 and to the Senate on 15 February 1949.

The Freedom of Association and Protection of the Right to Organise Convention (No. 87) was laid before the Executive Council and the latter expressed itself against ratification on 30 November 1948.

The Employment Service Convention (No. 88) was submitted to the Executive Council on 24 June 1949 and the latter expressed itself against ratification.

The Night Work (Women) (Revised) Convention (No. 89) was submitted to the Executive Council on 13 December 1949 and its ratification was approved by the latter on 31 January 1950. This Convention has been ratified.

The Night Work of Young Persons (Industry) (Revised) Convention (No. 90) was laid before the Executive Council on 13 December 1949 and the latter expressed itself against ratification.

The Employment Service Recommendation (No. 83) was submitted to the Executive Council and the latter decided on 24 June 1949 that the Government should express itself in agreement with this Recommendation (with the exception of Article 12, subparagraph (a)) and should consider measures to bring it into effect.

The Government states that the Executive Council is the competent authority in the Union of South Africa.

United Kingdom. The Conventions and Recommendation adopted by the 31st Session of the Conference were laid before Parliament in February 1949.

The Freedom of Association and Protection of the Right to Organise Convention (No. 87) and the Employment Service Convention (No. 88) have been ratified.

No decisions were taken with regard to the Night Work (Women) (Revised) Convention (No. 89) or the Night Work of Young Persons (Industry) (Revised) Convention (No. 90).

Command Paper No. 7703, submitted to Parliament in May 1949, contained a proposal relating to the acceptance of the Employment Service Recommendation (No. 83), with a reserve respecting Article 12.

FEDERAL STATES

Argentine Republic. The decisions of the 31st Session of the Conference will shortly be submitted to the National Congress with a view to their ratification.

Australia. The Government considers that the Freedom of Association and Protection of the Right to Organise Convention (No. 87) calls in part for action by the States. The Night Work (Women) (Revised) Convention (No. 89) and the Night Work of Young Persons (Industry) (Revised) Convention (No. 90) are considered as being within the competence of the States. The texts of these three Conventions have been forwarded to the Ministry of Labour in each State. The States were requested to give their opinion on the ratification of these Conventions by the Commonwealth Government.

Some States have replied that they are in favour of ratification and other States are still studying the question.

The Employment Service Convention (No. 88) has been ratified.

Austria. The Government has proposed the ratification of the Night Work (Women) (Revised) Convention (No. 89) to the President of the Federation and has asked for the approval of the National Council. The Government decided not to adopt the other decisions of the Conference. A report has been submitted to the National Council.

Brazil. In July and August 1949, the President of the Republic submitted two messages for study by the National Congress, containing the texts of the Freedom of Association and Protection of the Right to Organise Convention (No. 87) and the Employment Service Convention (No. 88).

Canada. The text of the Conventions and Recommendation adopted by the 31st Session of the Conference was laid before Parliament on 27 January 1949.

With the exception of the North-West Territories and the Yukon, the provincial Parliaments are the competent authorities in respect of the Freedom of Association and the Protection of the Right to Organise Convention (No. 87), the Night Work (Women) (Revised) Convention (No. 89) and the Night Work of Young Persons (Industry) (Revised) Convention (No. 90).

In respect of the Employment Service Convention (No. 88) and Recommendation (No. 83), the competent authority is the federal Parliament.

The texts of the decisions of the 31st Session of the Conference have been communicated to the Governors of the provinces and the attention of the provincial Ministers of Labour has been drawn to this question. Some provincial Governments

have already supplied information concerning their legislation in the field covered by the Freedom of Association and Protection of the Right to Organise Convention (No. 87).

India. The decisions of the 31st Session of the Conference were submitted on 24 December 1949 to the Constituent Assembly (Legislative), together with a declaration relating to the action in this respect proposed by the Government.

The Night Work (Women) (Revised) Convention (No. 89) and the Night Work of Young Persons (Industry) (Revised) Convention (No. 90) have been ratified.

Mexico. The Conventions and Recommendation adopted by the 31st Session of the Conference are being studied by the competent authorities.

The Freedom of Association and Protection of the Right to Organise Convention (No. 87) was communicated to the Senate of the Congress and approved by it in December 1949.

Pakistan. The question of submission to the competent authorities is being studied by the Government.

The decisions of the 31st Session of the Conference were submitted to the Government on 21 March and 25 July 1949. Their provisions are at present being examined in consultation with the provincial Governments.

The Government states that the Constituent Assembly (legislative body) is the competent authority.

Switzerland. The Federal Council's report on the 31st Session of the Conference was submitted to the Federal Assembly on 5 January 1950.

United States. The Government considers that the Freedom of Association and Protection of the Right to Organise Convention (No. 87) is appropriate for federal action and, on 27 August 1949, it was submitted by the President to the Senate with a view to obtaining its advice and consent to ratification.

With regard to the Night Work (Women) (Revised) Convention (No. 89) and the Night Work of Young Persons (Industry) (Revised) Convention (No. 90), the Government considers them to be appropriate in part for action by the constituent States; the Conventions have been submitted to the Governors of the 48 States for the enactment of legislation or other action.

The Government considers the Employment Service Convention (No. 88) and Recommendation (No. 83) to be appropriate for federal action; further steps are at present being taken.

REPORT III
(PART IV)

INTERNATIONAL LABOUR CONFERENCE

THIRTY-THIRD SESSION

GENEVA, 1950

**REPORT OF THE COMMITTEE OF EXPERTS
ON THE APPLICATION
OF CONVENTIONS AND RECOMMENDATIONS
(ARTICLES 19 AND 22 OF THE CONSTITUTION)**

Third Item on the Agenda

INTERNATIONAL LABOUR OFFICE

GENEVA, 1950

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Report of the Committee of Experts on the Application of Conventions and Recommendations

GENERAL REPORT

I. 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 20 March to 1 April 1950 and held its 20th Session.

Since the last meeting of the Committee, the Governing Body, at its 110th Session (December 1949-January 1950) has appointed as a member of the Committee Mr. Helio LOBO (Brazil) whose mandate had come to an end in June 1948 and had not been renewed at that time at Mr. Lobo's request.

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 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 ; Chairman of the Governing Body of the International Labour Office, 1938-1939 ;

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 ; Chairman of the Governing Body of the International Labour Office, 1932-1933 ; 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. Helio LOBO (Brazil),

Doctor of Law, Member of Brazilian Academy of Letters ; Chief of the Permanent Delegation of Brazil in Geneva ; Representative of the Brazilian Government on the Governing Body of the International Labour Office ;

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 thirteen members, the following were present :

Mr. Grantley ADAMS,
Baron Frederik 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 and Mr. LOBO were unable to attend the Session. Mr. H. WIESCHHOFF, Trusteeship Department, and Mr. L. GROS, Social Affairs Department, attended the Session as Observers on behalf of the United Nations. The Committee welcomed their presence.

The Committee elected Mr. TSCHOFFEN as Chairman and Mr. KIRKALDY as Reporter of the Committee. Baron VAN ASBECK and Mr. ADAMS acted as Reporters on questions affecting non-metropolitan territories. Mr. SCELLE acted as Reporter on the measures taken by States Members to submit Conference decisions to the competent authorities.

II. THE WORK OF THE COMMITTEE

This year for the first time the amendments made to the Constitution of the International Labour Organisation and the consequent extension of the terms of reference of the Committee were reflected in the tasks which the Committee is now called upon to perform. The matters before the Committee this year were as follows :

1. Reports from Governments under Article 22 of the Constitution on the Conventions which they have ratified.

2. Reports from Governments under Article 22 of the Constitution on the application in non-metropolitan territories of the Conventions which they have ratified.

3. Information from Governments under Article 19 of the Constitution on the measures taken by them to bring Conventions and Recommendations before the competent authorities for the enactment of legislation or other action.

4. Reports from Governments under Article 19 of the Constitution on unratified Conventions and on Recommendations.

Each of these matters is dealt with in detail in later sections of this Report. At this stage, however, the Committee would wish to submit certain observations of a general nature regarding the supervision of the application of Conference decisions, with particular reference to the part which the Committee is called upon to play in that task.

The new procedure provides, in the first place, a full programme of supervision designed to test the extent of formal compliance by States with their legal obligations in regard to Conventions and Recommendations adopted by the International Labour Conference. Secondly, the new procedure will provide, it is hoped, some fuller indications than in the past of the influence which Conventions, whether ratified or not, and Recommendations have had on national law and practice. Thirdly, it is hoped that the new procedure will bring to light some of the causes which have prevented more widespread ratification of Conventions and application of Recommendations. To the extent that this is the result of defects in these instruments themselves, it may

well result in providing a guide to the International Labour Organisation as to its future legislative programme and decisions.

The success of the new procedure, however, depends on two factors. On the one hand, the procedure will fail to achieve its objects if Governments fail to submit the reports called for under Articles 19 and 22 of the Constitution. On the other hand, the procedure will prove unavailing if the material supplied is not presented in such form and in such time as to enable it to be assimilated by the Office and examined in detail by the various organs which are charged with the duty of supervision of Conference decisions. The Committee attaches the greatest importance to the reports in question being supplied in all cases not later than the dates requested. The Committee's task in examining the great and increasing number of reports with which it is called upon to deal would be much facilitated if these reports were received by the Office in sufficient time to enable it to perform all the necessary preliminary work before the date on which the Committee holds its annual meeting and to circulate them well in advance to the members of the Committee, together with all the necessary documentation.

The Committee has noted with satisfaction the terms of the resolution adopted by the Regional Conference of American States Members held in Montevideo, Uruguay, in April-May 1949. That resolution calls the attention of the Governments of those States to the importance of strict and timely observance of the obligations which they have undertaken in regard to the compliance with the Constitution, application of Conventions and Recommendations and the submission of reports thereon. The procedure for the international supervision of the application of Conference decisions has now many aspects and stages. Its successful operation calls for the good will and collaboration of all the Governments and every organ associated with the work of the Organisation and the Committee is particularly grateful for the action of the Montevideo Conference.

The part which the Committee itself can play in furthering these ends is limited; the Committee must rely for its material mainly on the reports submitted

by the Governments. The nature of these reports has in the past inevitably meant that the Committee has concentrated its work mainly on the extent of conformity of national legislation with ratified Conventions, and has not had the material to deal as fully as it would have desired with the equally important question of practical application of these Conventions. There are a number of factors, however, which give the Committee reason to hope that it may in future be able to deal more adequately within the time at its disposal with this latter question. The Committee is pleased to note that, at least so far as concerns reports under Article 22, the great majority of Governments have fulfilled their obligation to supply copies of these reports to the representative organisations of employers and workers in their country. The Committee would wish, however, that all Governments would reply specifically to the question which invites them to state whether any observations have been received from these organisations on the practical application of the Conventions in question. No doubt in the great majority of cases no such observations have been received by Governments from the representative organisations, and several Governments so state expressly in their reports. The Committee has assumed in such cases that the representative organisations are satisfied with the practical application of the Convention in question, but it would provide an additional assurance if the representative organisations were to express their views and the Governments were to transmit that information in their annual reports.

The Committee is pleased to note that a number of States have been able to ratify the Labour Inspection Convention, 1947 (No. 81), and that the Convention will shortly come into force. The Committee hopes that the information which Governments will be under obligation to supply in accordance with the terms of that Convention will be of material assistance in judging as to the adequacy of practical application of ratified Conventions.

The Committee's task is to supervise both legislative conformity and, so far as it is able to do so, practical application; this task is a non-political and quasi-judicial one. The Committee regards that as the main value of its work and

in so doing hopes that it has correctly interpreted the functions entrusted to it by the Governing Body. It has not regarded it as any part of its duty to pronounce on the substance or merits of the provisions of Conventions and Recommendations or to conduct propaganda or to attempt pressure to secure their ratification or acceptance. Such a view of its functions has, of course, not deterred it from drawing attention to ambiguities or obscurities in the texts themselves or to difficulties in the texts which Governments have adduced as reasons for their inability to give full practical effect to their ratifications.

The nature of the functions of the Committee has acquired a new importance in view of its new duty to report to the Governing Body, and through it to the Conference, on unratified Conventions and on Recommendations. The manner in which it has interpreted its functions in this regard will be seen from later passages in this Report. It may be stated here that it has not felt that it would be either desirable or possible for it to make any departure from its previous interpretation of the essential nature of the Committee's functions.

III. REPORTS SUBMITTED BY GOVERNMENTS ON RATIFIED CONVENTIONS

(a) *Supply of Annual Reports*

The Committee, at its 1948 Session, suggested to the Governing Body a revision of the timetable for the submission by Governments of their reports on ratified Conventions. The previous procedure was that the reports related to the period ending 30 September and that Governments were requested to supply them to the Office by 30 November. The Committee proposed that in future the period to which reports related should be the period ending 30 June in each year and that Governments should be requested to supply these reports to the Office by 15 October. The object of this proposal was to allow the Governments an additional month and a half in which to prepare their reports after the end of the period to which they relate, and also to allow the Office a similar additional period after the receipt of the reports in which to prepare more adequately the

material necessary for the meeting of the Committee and of the International Labour Conference. The Governing Body agreed to this suggestion and altered the timetable accordingly to operate for the first time in regard to the reports which came before the Committee at its meeting this year.

For this year, therefore, the reports which came before the Committee related to a period of nine months only (1 October 1948-30 June 1949) as a consequence of the transition from the old timetable to the new. For the period in question the Governments were called upon to supply a total of 806 annual reports in respect of 55 Conventions in force at the beginning of that period. No reports were requested for a certain number of ratifications where legal and constitutional questions arose as to whether the reports are, in fact, due. Up to 30 March 1950 the Office had received 666 reports (*i.e.*, 82.6 per cent. of those asked for). A list showing the reports received, classified according to countries and Conventions, is given in Appendix II. There is also attached hereto (Appendix III) a table showing for each year since 1933 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 and by the date of the opening of the Conference.

The Committee has noted with particular satisfaction the marked increase in the percentage of reports received this year before the close of the meeting of the Committee. It hopes that this improvement will be maintained and even exceeded in future years as a result of the additional time now available to Governments to prepare their reports after the end of the period to which they relate. At the same time, the Committee cannot fail to register its disappointment that only 134 of the reports (as compared with 153 last year) were received by the date they were requested, and would point out that the value of the new procedure will be considerably diminished if Governments fail to supply the reports within the additional time now available to them.

Of the 45 countries called upon to supply reports, 36 have submitted all the reports requested. On the other hand, no reports at all have so far been received from Bulgaria, China, Colombia, Hungary,

Liberia, Nicaragua and Yugoslavia. Nicaragua withdrew from membership of the Organisation in 1938 but undertook to continue to supply reports on ratified Conventions. The withdrawal of Yugoslavia from membership of the Organisation became effective in June 1949 and, while no specific undertaking to supply reports was given by this country, reports on ratified Conventions continue to be due in virtue of Article 1(5) of the Constitution. With regard to Colombia and Liberia, the Committee regrets to note that these countries have again failed to carry out their international obligations to report on ratified Conventions despite repeated reminders addressed to them by this Committee and by the Conference.

First reports due since ratification were received from Egypt (Convention No. 19), France (No. 24), Italy (Nos. 35, 36, 37 and 38), Pakistan (No. 32) and Poland (Nos. 24 and 25).

Voluntary reports (reports on Conventions which are not yet 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, 61 and 88). The Anglo-Egyptian Sudan has also again submitted a voluntary report on Convention No. 29. The Committee expresses its appreciation of the action of the Governments concerned in supplying these voluntary reports.

(b) Examination of Reports by the Committee

Despite the other tasks now assigned to it, the Committee continues to regard the detailed examination of the annual reports submitted by Governments on ratified Conventions as constituting its main task. The greater length of time allocated for this year's meeting of the Committee enabled it to undertake this duty as fully as possible, notwithstanding the additional work assigned to it under the amended Constitution.

The constantly increasing number of reports due and supplied each year on ratified Conventions renders it, however, more and more difficult for the Committee to perform adequately its function of examining the extent of conformity of national law with ratified Conventions, and it is still unable to deal adequately with the no less important question of

practical application. As the Committee pointed out last year, it then adopted for the first time a new procedure under which it gave special attention to the reports on ratified Conventions submitted by Governments on the first occasion after ratification. The Committee continued that practice at its present session and had before it nine such first reports. The Committee considers that this procedure might well be continued and developed in future, with advantage to the Governments concerned and in the interests of the more adequate discharge by the Committee of its functions. What the Committee contemplates is that Governments might be asked on the first occasion on which they supply an annual report after having ratified a Convention to make that report particularly complete and detailed and that, in future years and so long as there is no fundamental change in the legislation relating to the Convention, the report each year, so far as it deals with legislative provisions, could be of a much more summary nature. When, however, any alteration in legislation is made Governments would be expected again to supply a detailed report comparable with a first report. Each year, in addition, the Governments would be expected to reply fully to the questions in the form of annual report which call for a general appreciation of the application of the Convention, for statistics and judicial decisions, for the names of the representative organisations to which the report has been communicated and for the observations received from these organisations. If this procedure were followed, the close examination which the Committee could give to the first reports might 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. The procedure will also, it is hoped, facilitate the work of the Committee which will, in the absence of amending legislation, be called upon each year to examine reports relating mainly to the application in practice of legislation which has in previous years been examined in detail.

The Committee is concerned at the number of cases affecting certain countries where it has had to make year after year

the same observation in regard to lack of conformity between national legislation and ratified Conventions. The Committee has noted the procedure adopted by the Conference Committee under which Government representatives are invited to come before the Conference Committee and offer explanations in regard to observations made by the Committee of Experts or by the Conference Committee itself. In some cases such explanations are satisfactory and dispose of the matter which gave rise to the observations. The same result is sometimes achieved as a result of explanations supplied by letter by the Government concerned. Even when the matter in question has been satisfactorily cleared up in this way, it would tend towards clarity if the Governments concerned would include in their subsequent annual reports the explanation given.

There are other cases, however, where the explanations given by Governments before the Conference Committee or by correspondence consist merely of a promise of reform to which subsequent effect is not in fact given. The Committee would therefore suggest to the Governing Body that it should consider the question of a more effective follow-up of the observations which are made by the Committee of Experts and by the Conference Committee and of the discussions which take place and the assurances which are given in the Conference Committee. This might possibly be done by incorporating a special question in the form of an annual report asking Governments to reply to any observations made by the Committee of Experts or by the Conference Committee and to state what action had subsequently been taken to deal with the point in question.

The Committee would draw the attention of the Governing Body to the fact that no Government has so far made use of the facilities under which Governments have been free to submit orally to the Committee of Experts any additional information which in their view would contribute to a clearer understanding of their reports.

The forms of annual report relating to a considerable number of Conventions (Nos. 1, 3, 4, 5, 6, 14, 30, 41, 52, 59 and 60) call upon Governments to specify the line of division which, in their legislation dealing with the subject matter of the

Convention, separates industry from commerce and from agriculture. Many Governments fail to supply this information. The Committee would be glad if in future they would endeavour to do so.

In connection with a number of Conventions (Nos. 17, 24, 25, 35, 36, 37, 38, 39 and 40), the question has arisen from the examination of the Governments' reports under Article 22 of the extent to which the Conventions in question are applicable to persons employed in public administrations, etc. The language used in the different Conventions varies. For example, in Convention No. 17 reference is made to "workmen, employees and apprentices employed by any enterprise, undertaking or establishment of whatsoever nature, whether public or private". In Convention No. 35, on the other hand, reference is made to "manual and non-manual workers, including apprentices, employed in industrial or commercial undertakings or in the liberal professions, and to outworkers and domestic servants". In both cases, there seems to be little doubt that the intention was to include persons employed in nationalised industries, but the point arises as to whether the Conventions are applicable to persons employed in public administration and who are normally described as "civil servants" and to the other categories of public servants.

The texts in question are capable of differing interpretations in accordance with the rules of legal construction in different countries and the Committee does not feel able to express a definite opinion regarding their meaning when employed in an international instrument. The Committee feels that further consideration should be given to the matter whenever revision of such texts is under consideration or when any appropriate occasion for securing their interpretation occurs.

As a final general observation resulting from the detailed examination of the reports submitted by Governments on ratified Conventions, the Committee would state that, while it appreciates the greater number of reports submitted this year, it has failed to observe any marked improvement in their quality. Many reports, as in the past, are adequate and clear; some of them are even more detailed than in the past, but others fail entirely to afford a basis on which to form any

judgment at all either of legislative conformity or practical application. This type of report is fortunately a small minority, but the Committee would emphasise that the number of reports received cannot be regarded as the sole criterion of the extent of compliance with the obligation of Governments to conform to Article 22 of the Constitution.

In making its detailed examination of the reports submitted by Governments on ratified Conventions, the Committee continued its previous practice under which such of the 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 I.

IV. APPLICATION OF CONVENTIONS IN NON-METROPOLITAN TERRITORIES

- Introduction

At its last session, the Committee requested for the report year 1948-1949 the submission of detailed self-contained reports on the application of Conventions to non-metropolitan territories, for the purpose of ascertaining clearly the present position as regards such application. At the same time, in order to assist Governments to provide reports of a comparable character, a number of suggestions were made as to the contents of the reports. Although all the Governments concerned have not been able to provide full reports in time for the Committee's meeting this year, notable progress has been registered in the number of reports provided and in the character of the information they contain. The Committee wishes to record its appreciation of the co-operation afforded it in this respect by the Governments.

Supply of Reports for the Year 1948-1949

The Governments from which reports on the application of Conventions to their non-metropolitan territories are due are *Australia, Belgium, France, Netherlands,*

New Zealand, Portugal, Union of South Africa, United Kingdom and United States. Of these, only South Africa has furnished no reports for the report year under review; an explanation of this has been provided and the undertaking given that reports will be forthcoming for the report year 1949-1950. Australia, France and New Zealand have submitted reports on a few only of the Conventions ratified by them. Belgium, the Netherlands, Portugal, the United Kingdom and the United States have provided either complete or nearly complete sets of reports on their territories. The detailed observations made by the Committee contain reference to the specific cases in regard to which further information is desired from the Governments. In order to reduce the reporting burden on the Governments which have supplied full reports for the report year 1948-1949, and to emphasise the importance which it attaches to the receipt of reports on Conventions and on territories omitted in the reports supplied for the report year under consideration, the Committee proposes that Governments which have supplied full reports for the present session supply only supplementary information for the report years 1949-1953, and that the Governments which have supplied incomplete information and reports for the last report year endeavour to make good by full reports for the year 1949-1950 the gaps in their 1948-1949 reports to which the Committee is drawing attention in its detailed observations.

Content of Reports

Attention has clearly been given in respect of a number of territories to the suggestions of a general character made by the Committee at its last session in regard to means by which reports might be made more informative. Nevertheless, a considerable number of reports have not been prepared in conformity with these suggestions. The Committee, after consideration of the reports received, considers it desirable to draw the attention of the Governments once again to these suggestions.

1. Information on the Application in Practice of Conventions.

As the Committee emphasised at its previous session, the measure of applica-

tion given a Convention cannot be assessed solely from the terms of existing legislation. A number of reports are still limited to citing legislation and the Committee therefore again expresses its hope of last year, namely, that for the future the questions in the standard report form covering practical application will be answered in detail and that, wherever possible, relevant statistical information will be included. The Committee also requests Governments to adopt the general principle of providing copies of legislation to which reference is made in their reports, unless copies have already been submitted with earlier reports.

2. *Statements on Reasons for Modified or Partial Application or Non-Application of Conventions.*

The Committee notes that, in a number of cases, the description of the relevant local conditions which preclude the application or full application of a Convention to a non-metropolitan territory is too vague and perfunctory to enable the Committee to appreciate the exact character of the local conditions to which reference is made. The Committee wishes to repeat the view taken at its previous sessions, namely, that in view of the explicit character of the constitutional obligation under Article 35 to apply ratified Conventions to non-metropolitan territories, the nature of the local conditions affecting such application need to be very clearly explained. It therefore draws attention to the passages in its Report at its 1949 meeting regarding the need for a precise description of such local conditions and regarding the terms in which such a description might be framed so as to enable the Committee to have an exact appreciation of the situation.

3. *Communication of Reports to Organisations of Employers and Workers.*

The Committee is pleased to note that a number of Governments have taken steps to give further effect to its recommendation last year that, where sufficiently representative organisations exist, it would be very desirable that copies of reports be submitted to the organisations of employers and workers in the territories concerned. It further considers that communication of the reports to local

tripartite bodies, such as the Labour Advisory Boards in certain British territories, serves, where sufficiently representative local organisations do not exist, a similar and most useful purpose. It notes with satisfaction that such action has been taken in a number of cases. Generally, it wishes to draw the attention of Governments which have not taken action along the two lines noted above to the desirability of such action as a means of giving effect to the purposes underlying Article 23 (2) of the Constitution.

Labour Inspection and the Application of Conventions to Non-Metropolitan Territories

The Committee has in the past laid emphasis on the value of adequate national labour inspection services as a means both of ensuring satisfactory standards of enforcement of legislation giving effect to international labour Conventions and of securing the material on the practical application of Conventions necessary for enabling Governments to provide the fullest possible information in that regard. It considers that the views which it has expressed on this subject in regard to States Members apply with at least equal force to conditions in non-metropolitan territories.

In a number of the reports submitted for the year under review, no mention is made of the machinery utilised for the enforcement of labour legislation in non-metropolitan territories, while it is clear from other reports that no specialised local labour inspection or supervision service exists and that enforcement is entrusted to other public authorities, such as the police.

The Committee is sure that all Governments are fully aware of the positive value of adequate specialised labour supervision services. Nevertheless, even while recognising that in some non-metropolitan territories the small number of wage earners may not require the establishment of complicated machinery for labour inspection, the Committee believes that it would be most desirable for Governments responsible for non-metropolitan territories to give further serious consideration to the introduction in all such territories of labour inspectorates along the lines laid down in the Labour Inspectorates (Non-Metropolitan Territories)

Convention, 1947. It has noted with great interest the fact that the United Kingdom Government has just ratified this Convention.

Present Position of Application

The Committee last year stated its intention of reviewing at the present session the general situation in regard to the application of Conventions to non-metropolitan territories. Because of the considerable number of reports which have not been received and the gaps in many of the reports received, it has not been possible to do this adequately. Nevertheless, the Committee considers that enough material has been provided it to permit comment of a general character.¹ In addition, its detailed observations concerning non-metropolitan territories are preceded by a brief analysis of certain aspects of the present position in regard to application.

The principal point on which the Committee wishes to comment in this respect is the extreme unevenness in application on which it has remarked in previous years. The Committee is aware that the social structure, economic circumstances and administrative organisation of many non-metropolitan territories are extremely different from that of most metropolitan countries and give rise to serious difficulties in some instances in the application to the former of Conventions framed primarily with the conditions of the latter in mind. In regard to a number of Conventions which have had a considerable measure of application in some non-metropolitan territories a rather different view is necessary, and the Committee has met with the greatest difficulty in appreciating, in such cases, the reasons for the very wide variations in application which exist. It therefore ventures to draw again to the attention of the Governments the view it has put forward at previous meetings as to the desirability of their reviewing periodically the conditions which they have stated to be the grounds for non-application.

Efforts towards the Application of Conventions in Non-Metropolitan Territories

The Committee has noted with special interest the development of a regional

labour conference system for African territories. It believes that the common study of labour questions by the different administrations will serve to draw attention to the differences in existing standards, partly revealed by the unevenness of application of international labour Conventions.

In its Report last year, the Committee drew the attention of the Governments responsible for non-metropolitan territories to the possibility of utilising the expert and specialised knowledge of the International Labour Office to assist them in the preparation of legislation or the establishment of administrative services designed to give fuller effect in such territories to the provisions of international labour Conventions ratified by those Governments.

The Committee, in connection with the broader question of wider application of international labour Conventions in non-metropolitan territories, also notes with interest that the four Brussels Treaty Powers with responsibilities for non-metropolitan territories—Belgium, France, the Netherlands and the United Kingdom—announced in a statement dated 19 January 1950, in regard to the five 1947 Conventions dealing with non-metropolitan territories, that they “accept in principle the ideas underlying these Conventions; they intend to consult together informally on points of difficulty raised by them; and it is expected that a number of ratifications will be deposited shortly”. The Committee welcomes this evidence of international co-operation to further the progress of international labour legislation and ventures to suggest that such informal consultations might perhaps be extended to cover examination of further application to the territories of Conventions already ratified. It further suggests to the Governments that informal meetings of this kind might find great practical convenience in securing the collaboration of the International Labour Office for the examination of points of difficulty arising from envisaged ratification or further application.

Action Promised by Governments Regarding the Application of Conventions to Non-Metropolitan Territories

The Committee, while referring in its detailed observations to specific aspects of this question, wishes in general terms

¹ This comment is given in Appendix I, Part C.

to draw attention to the fact that, in a number of reports before it regarding the application of Conventions to non-metropolitan territories, Governments have stated for several consecutive years that a particular question is under consideration; or have undertaken, either in a previous report or communication or at a Session of the International Labour Conference, to reply to observations of the Committee or to furnish reports which had not been submitted in the previous year; or have failed, despite several requests from the Committee, to provide additional information or clarification. The Committee considers that substantial differences of practice as between different Governments in this respect is very undesirable and therefore particularly requests the Governments who have neglected to comply with their obligations in respect of non-metropolitan territories to make every effort in respect of the report year 1949-1950 to provide the missing reports and the supplementary information requested.

V. SUBMISSION TO THE COMPETENT AUTHORITIES OF THE CONVENTIONS AND THE RECOMMENDATION ADOPTED BY THE 31ST SESSION OF THE INTERNATIONAL LABOUR CONFERENCE (SAN FRANCISCO, 1948)

The Committee of Experts is called upon this year to study for the first time, in accordance with its terms of reference, the information communicated by Governments in pursuance of Article 19, paragraphs 5 (c), 6 (c), 7 (a) and (b) (ii) of the amended Constitution, regarding the submission of Conventions and Recommendations to the competent authorities.

Much information is still lacking, as only 38 Governments out of 57 had replied by 20 March 1950, the date of the meeting of the Committee. It should be noted, however, that at the time of drawing up this Report only some two months have elapsed since the expiry of the period allowed for sending in information. Many Governments fulfilled their obligations under the Constitution before this final date. The information received shows, on the other hand, that some Governments had not yet, by the time this information was sent, submitted to the competent authorities any of the

decisions taken by the Conference (Argentine Republic, Burma, Ceylon, Chile, Egypt, France, Haiti, Iceland, Iran, Italy, Pakistan, Peru and Portugal). Full particulars, if punctually supplied, would constitute a basic element in gauging the intentions of Governments in respect of Conventions which they have not ratified and in respect of Recommendations. They would be extremely useful to the Committee when examining future reports concerning texts adopted since 1948.

The Committee therefore expresses the wish that Governments which have not replied, or have sent inadequate replies, shall be urged in future to comply strictly with the obligations of Article 19, paragraphs 5, 6 and 7, of the Constitution.

The information furnished seldom includes particulars of the authorities regarded as "competent", although these particulars are expressly required under Article 19 of the Constitution. This information may not appear entirely necessary in the case of countries whose constitutional position is clear and where it is the rule to submit Conventions and Recommendations to Parliament, but it would, on the other hand, be very useful in a number of other cases.

Article 19 of the Constitution requires that Governments shall "within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months from the closing of the session of the Conference, bring the Convention (or the Recommendation) before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action".

In this connection, the Conference Delegation on Constitutional Questions (29th Session, Montreal 1946) had indicated in its Report which afforded the basis for the 1946 revision of the Constitution, that it had not considered it necessary to clarify the obligation imposed by Article 19, paragraph 5, of the Constitution in order to leave no doubt that the "authority" or "authorities" to which Conventions and Recommendations must be submitted shall be the national Parliament or other competent legislative authority in each country. It did not

consider that any doubt in regard to the matter exists and it would have seen serious disadvantages in modifying the language of so fundamental a provision of the Constitution of the Organisation which has given rise to the development of a large body of national constitutional practice and which represents a great advance upon the practice of other international organisations.¹

The Committee draws attention to the obligation accepted by Governments under Article 19 of the Constitution to communicate to the Director-General particulars of the action taken in regard to Conventions and Recommendations by the authorities within whose competence the matter lies for the enactment of legislation and other action.

The Committee has noted with satisfaction that the following 16 States report that they have submitted to the competent authorities all the decisions adopted by the 31st Session of the Conference: Austria, Colombia, Czechoslovakia, Denmark, India, Ireland, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Philippine Republic, Sweden, Switzerland, Union of South Africa and United Kingdom. In addition, Canada has laid before the Federal Parliament all the decisions of the Conference.

On the other hand, the information furnished by seven States (Belgium, Brazil, Bulgaria, Dominican Republic, Finland, Syria and United States of America) indicates that these Governments have submitted to the competent authorities only one or some of the decisions of the Conference, not all. Other States give no information whatever concerning some of these decisions.

The Committee repeats in this connection what it has said above concerning the desirability of having fuller particulars.

Some States merely indicate their present legislative situation in regard to Conference decisions, without giving any indication as to whether or not they intend to submit them to the competent authority. Others appear to have such submission still in view, but have passed

the time limit allowed by the Constitution. On this point, likewise, Governments should be reminded of their obligations.

Finally, some States appear to be under the impression that submission to the competent authorities is only required when ratification of the Convention is feasible, whereas the Constitution provides for such submission in all cases.

Among the federal States, some (Australia, Canada and United States of America) have initiated exchanges of views with the constituent States or Provinces, with the object of taking a decision regarding the Conventions and the Recommendation adopted by the Conference. Some States mention the replies received from Governments of the constituent States, but none indicates submission to the competent authorities of the constituent States or Provinces within the prescribed period. On this point also details should be requested.

No information has been given by the Governments concerning the communication to representative employers' and workers' organisations of information relating to submission to the competent authorities in pursuance of Article 23 of the Constitution. On this point, as well, details should be requested.

VI. REPORTS SUBMITTED BY GOVERNMENTS ON UNRATIFIED CONVENTIONS AND ON RECOMMENDATIONS

(a) *Supply by Governments of Reports*

This year is the first occasion on which the Committee has been called upon, as a result of the amendment of the Constitution and the consequent extension by the Governing Body of the Committee's terms of reference, to examine reports submitted by Governments on unratified Conventions and on Recommendations.

The reports which the Governments were asked by the Governing Body to supply related to the following Conventions and Recommendations:

Forced Labour Convention, 1930
(No. 29).

Forced Labour (Indirect Compulsion)
Recommendation, 1930 (No. 35).

Forced Labour (Regulation) Recommendation, 1930 (No. 36).

¹ On this question reference may be made to the memorandum on the nature of the competent authority contemplated by Article 19 of the Constitution, appended to Report I to the 26th Session of the International Labour Conference (Philadelphia, 1944) on the future policy, programme and status of the International Labour Organisation.

Income Security Recommendation, 1944 (No. 67).

Social Security (Armed Forces) Recommendation, 1944 (No. 68).

Medical Care Recommendation, 1944 (No. 69).

Food and Catering (Ships' Crews) Convention, 1946 (No. 68).

Certification of Ships' Cooks Convention, 1946 (No. 69).

Seafarers' Pensions Convention, 1946 (No. 71).

Medical Examination (Seafarers) Convention, 1946 (No. 73).

Certification of Able Seamen Convention, 1946 (No. 74).

Vocational Training (Seafarers) Recommendation, 1946 (No. 77).

The total number of reports called for was in the neighbourhood of 700, but the number received was only 326. A statement showing in detail the number of reports supplied by the various Governments will be found in Appendix V. Although there are various reasons which can be advanced in explanation of less than half the reports having thus been submitted, the Committee cannot regard this result as satisfactory. The reports were requested as long ago as December 1948 and Governments were allowed a period of six months, ending 1 July 1949, in which to supply them. Only 119 of the reports were received by the date specified, and many of them did not arrive before the beginning of 1950. This delay in submission of reports is particularly unfortunate as the date was purposely chosen so as not to coincide with the date by which reports under Article 22 were called for and so to permit the staggering of the work involved for the Governments in the preparation of the reports and for the Office in their detailed examination and preparation for submission to the Committee.

Reports were called for from all States Members without exception, including States which have recently been admitted to the Organisation and were not in membership at the time when the Conventions and Recommendations in question were adopted. They were also asked from all countries, whatever the nature of the subject matter of the Convention or Recommendation and whether or not it seemed to be one which directly affected

the country in question. The Committee agrees that the only practicable course was thus to ask for the reports from all States without distinction, and it is pleased to note that a number of States which might well have considered that for various reasons there was no useful purpose in their replying have, nevertheless, sent in complete reports. Several new States which have only recently acquired independence are making great efforts to harmonise their legislation with the standards contained in international labour legislation, and preparation and examination of the present reports has afforded an opportunity to all concerned of considering the level now achieved. Although certain States have failed to supply reports, the Committee considers nevertheless that, whatever may be the stage of development of their country, all States Members should in future supply these reports when requested, and should endeavour to do so within the time limit specified. The information contained in such reports is of considerable importance for the purpose of guiding the International Labour Organisation in its future decisions and in its consideration of the necessity for revising past decisions.

One reason which may have discouraged certain Governments may be found in the nature of the actual form of report itself. The Committee has noted that the report form issued is the same for all the Conventions and Recommendations in question. The Committee considers that the Governing Body might examine again whether this procedure is appropriate for the very different texts in question. The standard question asked in all cases is that Governments should indicate *in detail* the position of national law and practice in regard to the matters dealt with in the Convention or Recommendation, and the effect given or proposed to be given to *each provision* by legislation, administrative action, collective agreement or other means. While such a request may be reasonable in the case of all Conventions and some Recommendations (particularly those such as the Forced Labour Recommendations which are complementary to a Convention), the task which it involves for the Government service concerned in preparing a report on a text such as that of Recommendation No. 67 (Income Security), which contains some 140 separate

provisions, may well have deterred some Governments from supplying any information at all.

In its consideration of the desirability of all Governments supplying information as requested on unratified Conventions and on Recommendations, the Committee had its attention specially drawn to the position of certain States (ten in number) who have supplied none of the reports requested this year under Article 19 and who have not so far ratified any of the international labour Conventions. This failure to reply to the present request for information regarding unratified Conventions and Recommendations has deprived the International Labour Organisation of the opportunity of considering the reasons which have hindered them from giving any effect at all in their national legislation to the decisions of the Conference. Certain of these States seem to have misunderstood the new obligations under Article 19 of the amended Constitution and to have thought that the request for reports under this Article did not concern them. Others have referred to administrative difficulties in supplying the information requested. The Committee would draw the attention of the Governments concerned to the binding character of the obligations under Article 19 of the Constitution. It would further remind them that information supplied by them in accordance with that Article would be of the greatest assistance to the Organisation in dealing with such difficulties as they have experienced and in taking them into account in the preparation of international labour legislation in the future.

(b) *Examination of Reports by the Committee*

As in the case of the reports submitted by Governments under Article 22 on ratified Conventions, such of the reports on unratified Conventions and on Recommendations 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 individual observations on reports resulting from this procedure were examined and approved by the Committee as a whole and will be found in Appendix IV. Before considering, however, these detailed observations, the Committee held

a general discussion in regard to the part which it could usefully play in the examination of these reports.

In the first place, the Committee noted that the number of reports called for on unratified Conventions and on Recommendations was nearly as great as the number of reports on ratified Conventions. In the case of some of the Recommendations, particularly those dealing with measures of social security, the texts in question are exceedingly detailed and presented the Committee with considerable difficulty in examining and reporting adequately on the information received. It will be noted, for example, from the detailed observations above referred to (Appendix IV) that it has not been possible for the Committee to adopt a uniform system in dealing with the various texts. In some cases it has been possible to refer in some detail to points brought out with reference to particular countries in the reports. In other cases it has only been possible to refer in general terms to the various tendencies in regard to social legislation which the reports indicate. It should be noted moreover that the reports deal, so far as Conventions are concerned, with instruments which have so far received few ratifications and some of which have not yet even come into force. The Committee therefore had little in the way of standards resulting from its previous work to guide it in dealing with the texts in question. It was thus unable in general to express opinions on the merits of the legislation and practice disclosed by the individual reports which came before it. The time at the disposal of the Committee would not have permitted it to adopt such a course in regard to the 326 reports which came before it, nor would it have been appropriate for such an opinion to be expressed on reports supplied by Governments in relation to texts which the Governments concerned are under no obligation to apply. In particular, it did not seem to be appropriate for the Committee to express precise judgments on the extent of the conformity of the existing legislation with the texts of the Conventions and Recommendations in question; nor were the reports in many cases in such a form as to enable the Committee to have done so. Moreover, the Governments themselves were requested to present such judgments in

their reports, and the reports have been summarised by the Office in a Report which will be before the International Labour Conference (Report III (Part II)). Although the Committee has not yet reached finality in regard to the best procedure for it to adopt in consideration of these reports, it considered at this stage that it could do no more than confine itself to general considerations which might contribute to the better presentation of these reports in future and to a certain examination of the general situation as revealed by the reports themselves. The Committee hopes that these reports and the others which will be supplied in future years will, together with the Committee's observations, be of assistance to the Organisation and provide for it a guide in its future legislative activities.

The Committee feels that the decision to limit the number of Conventions and Recommendations on which for this year these reports were called for was a wise one, and also that the precedent of grouping together similar subjects under a limited number of headings is one which could with advantage be followed in future. In this way the task of the Governments in preparing the reports is facilitated. Moreover, it is easier for those who are called upon to examine the reports to obtain an over-all picture of the situation which exists on these matters in the different countries.

As in the case of the reports under Article 22 on ratified Conventions, the reports supplied on unratified Conventions and on Recommendations exhibit a marked degree of difference in quality. Some countries have supplied reports which are very complete and in accordance with the questions asked in the forms of report. Other countries have limited themselves to very general considerations which have not permitted any clear idea to be obtained either of the situation in the countries concerned or of the intentions of these countries towards ratification of the Conventions or acceptance of the Recommendations. Very few, moreover, give any indication of modifications in the existing texts which would be required to render them acceptable to the States concerned. The absence of information on these points is of all the more importance in that the intention which the Committee under-

stands was at the root of the new provisions in Article 19 of the Constitution was not only to learn the existing position in the countries concerned, but to obtain precise information on the possibility of the ratification of Conventions or application of Recommendations. At the same time, more complete reports might have gone some way towards affording an explanation of the divergence between the number of Conventions voted for by Governments and the number ratified by them as disclosed in Table B appended to the Report of the 1949 Conference Committee on the application of Conventions and Recommendations, which was before the Committee and which it noted with interest.

* * *

The Committee is grateful to the Members of the International Labour Organisation who have supplied the information to enable the Committee to carry out its task in the international supervision of the application of Conference decisions. The Committee realises the burden which the preparation of a large number of reports, covering in some cases not merely a single political or administrative unit but often large numbers of separate States, provinces and territories, must entail for the Government services responsible. The Committee trusts that a growing realisation of the importance of the submission and examination of these reports in the advancement of the aims for which the International Labour Organisation was founded will encourage Governments to redouble their efforts in this respect.

The Committee also desires to express its very sincere thanks to the members of the staff of the International Labour Office for their devoted services in preparing the material for the work of the Committee, for the guidance and assistance they have afforded the Committee in its work and for the facilities they have placed at the Committee's disposal. The services of the staff have proved most valuable. Without them the Committee's work could not have been performed.

Geneva, 1 April 1950.

(Signed) PAUL TSCHOFFEN,
Chairman.

H. S. KIRKALDY,
Reporter.

APPENDICES

APPENDIX I

OBSERVATIONS AND REQUESTS FOR SUPPLEMENTARY INFORMATION CONCERNING ANNUAL REPORTS ON RATIFIED CONVENTIONS (ARTICLE 22 OF THE CONSTITUTION)

OBSERVATIONS AND REQUESTS FOR INFORMATION CLASSIFIED BY COUNTRIES

Afghanistan :

Part B.—Conv. Nos. 4, 13, 14, 41, 45.

Argentine Republic :

Part B.—Conv. Nos. 4, 6, 9, 15.

Austria :

Part B.—Conv. Nos. 4, 5, 17, 19, 33.

Australia :

Part C.

Belgium :

Part B.—Conv. Nos. 41, 53, 58.

Part C.

Brazil :

Part B.—Conv. Nos. 3, 5, 6, 16, 41, 42, 45, 58.

Burma :

Part B.—Conv. No. 27.

Canada :

Part B.—Conv. Nos. 1, 14.

Chile :

Part B.—Conv. Nos. 2, 3, 4, 6, 11, 17, 24, 25.

Cuba :

Part B.—Conv. Nos. 8, 26, 33.

Czechoslovakia :

Part B.—Conv. Nos. 4, 24, 25, 43.

Denmark :

Part B.—Conv. Nos. 12, 63.

Dominican Republic :

Part B.—Conv. Nos. 5, 7, 10.

Egypt :

Part B.—Conv. Nos. 19, 41, 53, 63.

Finland :

Part B.—Conv. Nos. 53, 62, 63.

France :

Part B.—Conv. Nos. 4, 12, 14, 19, 24, 33, 35, 36,
37, 38, 43, 49.

Part C.

Greece :

Part B.—Conv. Nos. 3, 41.

India :

Part B.—Conv. Nos. 27, 32.

Ireland :

Part B.—Conv. No. 28.

Italy :

Part B.—Conv. Nos. 4, 6, 26, 35, 36, 37, 38.

Luxembourg :

Part A.

Mexico :

Part A.

Part B.—Conv. Nos. 8, 9, 13, 17, 22, 32, 43, 52,
55, 62, 63.

Netherlands :

Part B.—Conv. Nos. 17, 19, 26.

Part C.

New Zealand :

Part B.—Conv. Nos. 17, 41, 44, 59, 60.

Part C.

Norway :

Part B.—Conv. Nos. 26, 63.

Pakistan :

Part B.—Conv. No. 32.

Peru :

Part B.—Conv. Nos. 4, 24, 35, 37, 39, 41.

Poland :

Part B.—Conv. Nos. 10, 17, 24, 25, 48.

Portugal :

Part B.—Conv. No. 17.

Part C.

Sweden :

Part B.—Conv. Nos. 12, 17, 19, 63.

Switzerland :

Part B.—Conv. Nos. 6, 29, 41, 62.

Turkey :

Part B.—Conv. Nos. 14, 34.

Union of South Africa :

Part B.—Conv. No. 63.

Part C.

United Kingdom :

Part C.

United States of America :

Part C.

Uruguay :

Part A.

Part B.—Conv. Nos. 2, 3, 4, 5, 6, 10, 13, 15, 17,
20, 24, 25, 26.

Venezuela :

Part B.—Conv. Nos. 2, 3, 14, 26, 41.

A. General Observations on the Reports Supplied by Certain Governments

Luxembourg. The Committee would be grateful if the Government would supply, in reply to Point V of the form for the annual reports, general information concerning the manner in which the Conventions ratified by Luxembourg are applied, including, for instance, extracts from inspection service reports and, if the present statistics permit it, detailed information concerning the number of workers protected by the legislation, the number and nature of breaches reported, etc.

Mexico. The Committee notes that the Government states in its reports submitted with regard to a certain number of Conventions, particularly Conventions Nos. 17 and 55, that under § 133 of the Constitution, the persons concerned may claim before legal tribunals all advantages required by ratified Conventions. Moreover, the Government states in its reports that the internal legislation has not yet been brought into conformity with the provisions of the Convention.

The Committee notes the contradiction, or apparent contradiction, in the explanation supplied. It would be glad to know precisely whether, by the simple act of ratification, all the provisions of the Convention have the force of law and, if such is the case, what action is taken to bring into force those provisions of the Conventions which necessitate legislative measures in order to ensure their application.

Uruguay. The Committee takes note that, in reply to the general observations submitted

by the Committee in 1949 in respect of the reports to be supplied by the Government, the Government delegation of Uruguay informed the Conference Committee that reports were being prepared for the next period. The Committee notes with regret that the reports submitted for the period 1948-1949 reproduce the texts of previous reports and, as a rule, contain neither the information concerning the practical application of the Conventions provided for in the report forms, nor replies to the observations submitted by the Committee in 1949.

The Committee notes, in this respect, that the Government delegation of Uruguay had also informed the Conference Committee that the Executive had submitted to Parliament the question of the lack of conformity between the legislation and a certain number of ratified Conventions and had stated that Parliament had appointed a Committee entrusted with submitting a report to it within 40 days in order to ensure full compliance with the obligations undertaken by Uruguay. The Committee would be glad if the Government would indicate what progress has been made on this subject and would like to call attention to the importance of this subject since, as was pointed out in 1949 in the case of several Conventions, particularly Conventions Nos. 24 and 25 concerning sickness insurance in industry and agriculture, no effect whatever has been given to Conventions ratified more than 16 years ago.

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 : 17.

Reports missing : *Bulgaria, Colombia, Nicaragua.*

General Observation

The Committee believes it is right in assuming from several reports that some Governments consider that the recourse to collective agreements and the penalties imposed for additional hours constitutes a sufficient guarantee against the abuse of overtime.

The Committee points out that the strict application of the Convention and the enactment of its provisions are compulsory in this case and considers that recourse to substitute methods, however well intentioned, cannot be regarded as equivalent to conformity between the national legislation and the Convention.

Canada (ratification : 21.3.1935). It will be recalled that the Act giving effect to the Convention was declared by the Privy Council to be *ultra vires* of the Federal Parliament of Canada : the situation is the same as regards Conventions Nos. 14 and 26.

The Committee was informed of the statement made by a representative of the Government to the Conference Committee of the 32nd Session of the International Labour Conference with regard to the application in Canada of this Convention ; the statement drew attention to the progress already made but stressed the fact that, under Canadian constitutional practice, the Provinces were fully autonomous in regard to hours of work and that the power of the Federal Government was necessarily limited.

The Committee has also examined the Canadian report for the period 1948-1949 and expresses its appreciation for the information supplied concerning hours of work in general and the legislation and practice in various provinces and industries. This information indicates that, whilst full compliance with the provisions of the Convention has by no means been attained, considerable progress has been made in its application in some provinces.

The Committee would be grateful if the Government would continue to keep it informed of any steps taken by the provincial authorities to ensure a wider application of the provisions of the Convention, and expresses its appreciation for the measures taken by the Federal Government in order to bring about a progressively fuller application.

Convention No. 2: Unemployment, 1919.

Number of reports requested : 27.

Number of reports received : 22.

Reports missing : *Bulgaria, Colombia, Hungary, Nicaragua, Yugoslavia.*

Chile (ratification : 31.5.1933). The Committee would be glad if the Government would supply information regarding the maintenance of advisory committees, including representatives of employers' and workers' organisations, as provided for under Article 2 of the Convention.

The Committee would also be glad to be informed whether equality of treatment exists for foreign workers in respect of unemployment benefit rates.

Uruguay (ratification : 6.6.1933). See under "A. General Observations".

Venezuela (ratification : 20.11.1944). The Committee refers to previous observations on this subject and would be glad to know : (1) whether any steps are being taken to set up regional employment offices throughout the country ; (2) if so, whether any joint advisory committees have been set up as required under the Convention ; and (3) if any steps have been taken to co-ordinate on a national scale the operations of public and private free employment agencies.

Convention No. 3: Maternity Protection, 1919.

Number of reports requested : 13.

Number of reports received : 8.

Reports missing : *Bulgaria, Colombia, Hungary, Nicaragua, Yugoslavia.*

Brazil (ratification : 26.4.1934). As the report states that no change has taken place in the legislation relating to maternity protection, the Committee is obliged to refer to the observations made by it in previous years and also by the Conference Committee during its last session and again expresses the earnest hope that the Government will be good enough, at an early date, to take the necessary steps to bring its legislation into conformity with the Convention on the following points :

(1) payment of benefits during maternity leave, either out of public funds or by means of a system of insurance ;

(2) extension of the benefit period in the event of a mistake in the presumed date of confinement ;

(3) free attendance by a doctor or certified midwife ;

(4) the inclusion of employees in public undertakings in the scope of the provisions of the Labour Code.

Chile (ratification : 15.9.1925). In reply to the observations made by the Committee of Experts in 1948, the report states that the Government has already submitted to the National Congress for approval a Bill for the revision of Act No. 4054 of 8 September 1924 respecting insurance against sickness and invalidity. This Bill provides that maternity benefits will be paid entirely out of social insurance funds, in conformity with Article 3 (c) of the Convention.

As regards Article 3 (d) (nursing periods), the report indicates that as soon as it is

possible to undertake a general revision of the Labour Code, consideration will be given to the amendments which are necessary to ensure harmony between the national legislation and the Convention as regards women employed by private undertakings who are not at present allowed nursing periods.

The Committee takes note of this information with interest and hopes that, at an early date, the Government will take the necessary steps to bring its legislation into complete harmony with the provisions of the Convention.

Greece (ratification : 19.11.1920). With reference to the observations made last year by the Committee, the report states that, with a view to extending the social insurance system to the whole country, the Government, under Ministerial Orders, has set up offices of the social insurance institution in approximately ten towns and that this action has resulted in a considerable reduction in the number of women not in receipt of maternity benefit.

The Committee takes due note of this information. However, it is not clear from the report whether the advantages of the social insurance scheme are extended to all women workers throughout the country as is intended in the Convention. The Committee would be glad, therefore, to have further information as to the regions in which maternity benefit is not paid at present.

In response to the observations made in previous years regarding the payment of maternity benefits to women insured with special funds, the report indicates by way of example the allowances received by women insured with the funds for workers in the tobacco industry and for employees of the Agricultural Bank. The Committee takes note of this information with interest. With regard to the Agricultural Bank, however, the Committee would be glad to know if the amount of the allowances is fixed by the competent authority and if these allowances are sufficient for the full and healthy maintenance of the woman and her child, as provided in Article 3 (c) of the Convention.

Uruguay (ratification : 6.6.1933). See under "A. General Observations".

Venezuela (ratification : 20.11.1944). The Committee notes from the report for the period under review that social insurance has been extended to an additional territory and hopes that further progress will soon be made in this connection.

Convention No. 4: Night Work (Women), 1919.

Number of reports requested : 19.

Number of reports received : 15.

Reports missing : *Bulgaria, Colombia, Nicaragua, Yugoslavia.*

Afghanistan (ratification : 12.6.1939). The Committee notes that women are generally not employed in industrial undertakings but they are employed in handicrafts which come under the industrial undertakings (with the exception of family undertakings) covered by Article 3 of the Convention. However, no legislative or other measures appear to have been taken to give effect to the provisions

of the Convention. The Committee therefore draws the attention of the Government to the obligations for each State Member to take such steps in respect of the Conventions which it ratifies and hopes that the necessary action will be taken.

Argentine Republic (ratification : 30.11.1933). The Committee was informed of the statement made last year by a Government representative to the Committee on the Application of Conventions, to the effect that, although a discrepancy appears to exist between the Convention and the national legislation as regards the consecutive period of 11 hours' night rest, Act No. 11544 of 12 September 1929 limits hours of work to eight a day and ensures a period of rest at least equal to that provided for by the Convention.

The Committee feels that, if in practice the terms of the Convention were followed, nothing should prevent the rapid elimination of discrepancies of a legislative nature and hopes that the necessary action will be taken in this connection.

Austria (ratification : 12.6.1924). With reference to the observations made last year, the Committee takes note of the fact that progress has been made with the preparation of new legislation of hours of work and that the Government hoped to be in a position in the late autumn of 1949 to submit to Parliament a Bill on hours of work which would give full effect to the provisions of the Convention. The Committee hopes that the Government will soon be in a position to enact the new legislation.

Chile (ratification : 8.10.1931). The Committee takes note of the information supplied in the report for this year, in response to the observations made by the Conference Committee on the Application of Conventions in 1949, to the effect that the General Directorate of Labour had pointed out the necessity for the ratification of Convention No. 41 and the denunciation of Convention No. 4. The Committee notes that the National Congress has not yet approved the ratification of the revised Convention and that consequently no action has been taken to denounce Convention No. 4.

The Committee draws the attention of the Government to the importance of an early solution to this question which will make possible the strict application of one or the other of these Conventions.

Czechoslovakia (ratification : 24.8.1921). In reply to the observations made last year, the Government states that as there was an adequate supply of electricity during the winter season 1948-1949, Notification No. 2609 of 1948 (replacing Notification No. 1191 of 1947) has not been applied. The Committee hopes that, as soon as circumstances permit, the Government will revoke the 1948 Notification.

The Committee points out that the exceptions provided for under § 9, paragraph 3, of the Eight-Hour Day Act of 1918 (authorising the employment of women over 18 years of age on comparatively light work during the night, where this is necessary out of special consideration for the public interest), do not appear to be in conformity with the provisions of the Convention. The Committee also notes that the power to grant exceptions

under the above Act has been transferred from the Ministry of Labour and Social Welfare to regional national Committees. The Committee would like to be informed whether the recent transfer of the right to grant permits from one authority to another has in fact resulted in the utilisation of this right.

France (ratification : 14.5.1925). In reply to the observations made last year, a Government member informed the Committee on the Application of Conventions in 1949 that the Legislative Decree of 21 April 1939 (exceptions for work carried on in connection with the national defence), which was issued at a time of acute international crisis, still formed part of the Labour Code but was no longer applied in practice.

In view of this statement, the Committee hopes that § 22 (a) of the Labour Code, which was introduced under the above-mentioned Decree, will be repealed in order to bring the national legislation into complete harmony with the Convention.

Italy (ratification : 10.4.1923). The Committee takes note of the statement contained in the report for this year, in reply to the observations made in 1949, to the effect that the Government has submitted to the Council of Ministers, a Bill to clarify the interpretation of § 13 of Act No. 653 of 1934 as regards the definition of night work in bakeries, in conformity with the provisions of the Convention.

In reply to a request made by the Committee in 1949, the report also gives information regarding the number of undertakings in which exceptions are authorised to the prohibition of the night work of women, the number of women employed by these undertakings and the number of hours of night work performed by them. The Committee notes with interest that the necessary instructions have been issued to the labour inspection services regarding the authorisation of exceptions granted in addition to those provided for in paragraph (a) of Article 4 of the Convention, because of increased production, seasonal work and the shortage of electric power. In view of the fact that the Convention does not provide for exceptions in the case of increased production, the Committee would like to have further information regarding the exceptions authorised in this connection.

The Committee would also like to know under which Article of the Convention exceptions were granted for work of a seasonal nature other than those authorised under Article 4 (b) (perishable goods), in view of the fact that the report states that no use has been made of Article 6 of the Convention (reduction of the night period in industrial undertakings influenced by the seasons). The Committee also hopes that the exceptions authorised because of the shortage of electricity will be discontinued as soon as circumstances permit. Finally, the Committee would be glad to have a copy of the decision given by a court of law regarding conditions constituting the case of *force majeure* mentioned in the report.

Peru (ratification : 8.11.1945). The report refers to § 10 of Act No. 2851 of 25 November 1931, according to which women may be employed, if this is justified by the necessity of the undertaking, for not more than 60 days in each year nor for more than 10 hours in

each day, including both day and night. Article 6 of the Convention provides that, in all cases where exceptional circumstances demand it, the night period may be reduced to 10 hours on 60 days of the year. The Committee points out that the above-mentioned provision of the Peruvian legislation would appear to indicate that the night and day periods of employment overlap. If this is the case, the Committee hopes that the Government will take the necessary steps to eliminate this discrepancy between the national legislation and the provisions of the Convention.

Uruguay (ratification : 6.6.1933). See under "A. General Observations".

Convention No. 5 : Minimum Age (Industry), 1919.

Number of reports requested : 24.

Number of reports received : 20.

Reports missing : *Bulgaria, Colombia, Nicaragua, Yugoslavia.*

Austria (ratification : 26.2.1936). In reply to the observations made last year, the Government stated in a letter dated 3 June 1949 and in this year's report, that the minor discrepancy between the legislation and the provisions of the Convention as regards the keeping of registers of young persons would be removed by an amendment to the legislation which the Government proposed to submit to Parliament in the late autumn of 1949.

The Committee takes note of this information and hopes that this new legislation will soon be enacted.

Brazil (ratification : 26.4.1934). The report for this year does not indicate if any change has taken place in the legislation relating to the minimum age for admission to industrial employment. The Committee therefore associates itself with the observations made in 1949 by the Conference Committee in which it pointed out that Decree No. 5452 of 1 May 1943, which applies the Convention, seems to exclude from its scope public undertakings, whereas the Convention covers work in public and private industrial undertakings. The Committee is of the opinion that there would appear to be no difficulty in ensuring conformity between the legislation and the Convention, in view of the fact that the report for 1947-1948 stated that the State does not exploit any undertaking, properly speaking, i.e., for commercial purposes, and that where it operates such undertakings as arsenals, etc., the work of juveniles is subject to the same provisions as those governing private industry.

The report for this year also states that § 433 of the Labour Act of 1943 provides that employers are obliged to send every year to the competent services of the Ministry of Labour, Industry and Commerce, a list of all young persons employed by them, according to a model form drawn up by the Ministry. The Committee would like to know if the form in question has already been drawn up and, if so, whether it provides for the inclusion of the dates of birth of young persons, in accordance with Article 4 of the Convention.

Dominican Republic (ratification : 4.2.1933). The Committee takes note of the statement made by the Government member to the

Conference Committee in 1949, to the effect that the Secretariat of Labour had authorised the employment of young persons between 13 and 14 years of age as an exceptional measure only, provided the education of such children did not suffer and that the consent of employers' and workers' organisations had been obtained.

The Committee also takes note of the information supplied by the Government in its letter of 29 June 1949 in reply to the observation made by the Committee last year, to the effect that the coming into force of the Labour Act has been delayed because it has been considered advisable to adapt the Code to the special needs of the workers and employers of the country.

The Committee hopes that the Labour Act will be applied at an early date and that these discrepancies between existing legislation and the Convention will soon be removed.

Uruguay (ratification : 6.6.1933). See under "A. General Observations".

Convention No. 6 : Night Work of Young Persons (Industry), 1919.

Number of reports requested : 26.

Number of reports received : 21.

Reports missing : *Bulgaria, Hungary, Mexico, Nicaragua, Yugoslavia.*

Argentine Republic (ratification : 30.11.1933). See under Convention No. 4.

Brazil (ratification : 26.4.1934). As the report does not indicate that any change has taken place in the legislation relating to the night work of young persons, the Committee, which was unable to examine last year's report, as it arrived too late, refers to the observations made in 1949 by the Conference Committee on the Application of Conventions and points out that Decree No. 5452 of 1 May 1943, which is designed to apply the Convention, appears to exclude public undertakings from its scope, whereas the Convention covers both public and private undertakings.

On the other hand, in its report for 1947-1948, the Government stated that Legislative Decree No. 6688 of 13 July 1944 authorises the night work of young persons over 16 years of age in the textile industry. The Conference Committee on the Application of Conventions pointed out that this measure did not appear to be in conformity with Articles 4 and 7 of the Convention.

The Committee associates itself with this view. It hopes that the Government will soon be in a position to supply information on the above-mentioned points, in particular, as to whether the regulations respecting night work in the textile industry are still in force and, if so, the number of young persons covered.

Chile (ratification : 15.9.1925). As regards the exceptions provided for under Articles 2, 3 and 4 of the Convention, the report refers to information previously supplied. According to this information only two types of exceptions are authorised under the national legislation, namely those authorised under Article 2, paragraph 2, of the Convention for work in connection with continuous processes (and applied in virtue of Decree No. 655 (\$228) of 25 November 1940) and paragraph 3, Article 3 (baking industry). The Committee

would appreciate it if, in its future reports, the Government would be good enough to supply more detailed information regarding the nature of the exceptions authorised.

Italy (ratification : 10.4.1931). The Committee notes that, owing to the electricity shortage, permits were granted to three undertakings to employ 22 children at night. Further, only a very small number of children is employed in bakeries at night and they are members of the families of owners of undertakings. In this connection, the Committee points out that the Convention provides for exceptions only in respect of undertakings in which only members of the same family are employed.

The Committee refers to the observations which it made last year and would be glad to know if the instructions (referred to by the Government in its letter of 18 June 1949) have been given to the labour inspection service to resume the strict application of the Convention.

The Committee takes note of the fact that, in the opinion of the Government, special circumstances have necessitated exceptions which are not in conformity with the provisions of the Convention, and hopes that the Government will soon be in a position to abolish these exceptions.

Switzerland (ratification : 9.10.1922). The Committee takes note of the difficulties experienced by Switzerland in applying the Convention to bakeries and of the fact that the Federal Office of Industry, Arts and Crafts and Labour is devoting serious attention to the examination of this problem. The Committee hopes that it will soon be possible for the Government to bring its law and practice into conformity with the provisions of the Convention.

Uruguay (ratification : 26.2.1936). See under "A. General Observations".

Convention No. 7 : Minimum Age (Sea), 1920.

Number of reports requested : 27.

Number of reports received : 20.

Reports missing : *Bulgaria, China, Colombia, Hungary, Mexico, Nicaragua, Yugoslavia.*

Dominican Republic (ratification : 4.2.1933). The Committee takes note with interest of the remarks made by the Government member of the Dominican Republic to the Committee on the Application of Conventions and Recommendations of the 32nd Session of the International Labour Conference, that seamen are covered by the general provisions of the labour legislation and that, under the Harbour Masters Act, the master of a vessel is obliged to keep a register mentioning, in particular, the age of seamen.

The Committee, however, notes once more that the report of the Dominican Republic does not contain any information on the practical application of the Convention, and would like to call the Government's attention to the importance of next year's report containing detailed information of this kind.

Convention No. 8 : Unemployment Indemnity (Shipwreck), 1920.

Number of reports requested : 23.

Number of reports received : 19.

Reports missing : *Bulgaria, Colombia, Nicaragua, Yugoslavia.*

Cuba (ratification : 6.8.1928). The Committee is gratified to note that the President has sent a message to the Senate with regard to the recommendations concerning the amendments required to bring Cuban legislation into harmony with the provisions of the Convention, and hopes that early action will be taken to bring these changes into effect.

Mexico (ratification : 20.5.1937). The Committee would be glad to be informed what steps have been taken by the Government of Mexico to give effect to Article 2 of the Convention in every case, and not only when the ship is insured and the insurance paid.

Convention No. 9 : Placing of Seamen, 1920.

Number of reports requested : 22.

Number of reports received : 18.

Reports missing : *Bulgaria, Colombia, Nicaragua, Yugoslavia.*

Argentine Republic (ratification : 30.11.1933). The Committee notes with regret that, despite the assurance given by a Government representative of the Argentine Republic at the 32nd Session of the Conference, no statistical or other information has been supplied, as is required by Article 10 of the Convention. The Committee expresses the hope that such information will be forthcoming in next year's report.

Mexico (ratification : 1.9.1939). The Committee would be glad to know what action has been taken by the Directorate of Social Welfare concerning the provisions of Article 5 of the Convention.

Convention No. 10 : Minimum Age (Agriculture), 1921.

Number of reports requested : 17.

Number of reports received : 14.

Reports missing : *Bulgaria, Hungary, Nicaragua.*

Dominican Republic (ratification : 4.2.1933). The Committee notes with interest the Government's statement in reply to the Committee's questions last year. It also notes that as soon as the draft Labour Code has become law the Act No. 637 of 1944 will be repealed. As, however, no reference is made as to the application of the draft Code, which excludes young persons engaged in agricultural work from the provisions relating to children (Articles 222-232), the Committee would be glad to know if the Government intends to introduce in the above-mentioned draft Labour Code the necessary

provisions to bring it into harmony with the terms of the Convention.

Poland (ratification : 21.6.1924). The Committee took note with interest of the information submitted by the Government Member during the last session of the Conference but, as the report for the period under review does not refer to this information, the Committee would be glad if the Government would be good enough, in its next report, to supply not only this information but also more details regarding the practical application of the Convention.

Uruguay (ratification : 6.6.1933). The Committee notes that again no mention is made in the report regarding the practical application of the Convention. The Committee would appreciate it if in the next report the necessary information could be supplied.

See under "A. General Observations".

Convention No. 11: Right of Association (Agriculture), 1921.

Number of reports requested : 31.

Number of reports received : 26.

Reports missing : *Bulgaria, China, Colombia, Nicaragua, Yugoslavia.*

Chile (ratification : 15.9.1925). In reply to the observation made by the Conference Committee in 1949, the Government states that consideration is being given to the possibility of securing from the National Congress the amendment of Article 14 of Act No. 8811 (introduced into the Labour Code as Article 431) which prohibits the amalgamation or federation of agricultural unions.

The Committee takes note of this declaration and looks forward with interest to receiving in due course further information on the progress of the envisaged revision.

The report also explains that Article 53 of the Act (Article 470 of the Labour Code), which prohibits statements of demands by agricultural workers during the sowing and harvesting periods and limits the submission of such statements to once a year, was adopted with the sole intention of avoiding during such periods any stoppages or interference in agricultural work which would cause irreparable damage and endanger the public welfare.

The Committee finds it difficult to accept this explanation, which presupposes a differentiation in the treatment and rights of agricultural workers, since the Convention was specifically designed to secure to them "the same rights . . . as to industrial workers" (Art. 1). The Committee expresses therefore the earnest hope that, in considering the amendment of Act No. 8811, the Government will find it possible as well to propose to the Congress the revision of Article 53.

Convention No. 12: Workmen's Compensation (Agriculture), 1921.

Number of reports requested : 19.

Number of reports received : 16.

Reports missing : *Bulgaria, Colombia, Nicaragua.*

Denmark (ratification : 26.2.1923). The Committee would be grateful if the Government would supply, in reply to Point V of

the form for the annual reports, general information concerning the manner in which the Convention is applied, including, for instance, extracts from inspection service reports and, if the present statistics permit it, detailed information concerning the number of workers protected by the legislation, the number and nature of breaches reported, etc.

France (ratification : 4.4.1928). Same observation as for Denmark.

Sweden (ratification : 27.11.1923). Same observation as for Denmark.

Convention No. 13: White Lead (Painting), 1921.

Number of reports requested : 22.

Number of reports received : 18.

Reports missing : *Bulgaria, Colombia, Nicaragua, Yugoslavia.*

Afghanistan (ratification : 12.6.1939). The Committee wishes to express its appreciation to the Government of Afghanistan for the information regarding the application of the Convention. It notes that the labour inspection services have no record of the use of white lead paint and that only general regulations concerning the protection of health service exist.

The Committee draws the attention of the Government to the advisability of laying down regulations relating to the prohibition of the use of white lead in accordance with the provisions of the Convention.

Mexico (ratification : 7.1.1938). The Committee notes that the text of the new industrial hygiene regulations is now being studied by the Secretariat of Labour, and again expresses the earnest hope that these regulations will come into force at an early date.

Uruguay (ratification : 6.6.1933). The Committee refers again to its observations for 1949 and notes with interest that a new Bill covering the provisions of this Convention is at present being studied.

The Committee expresses the hope that the new legislation will be enacted at an early date.

Convention No. 14: Weekly Rest (Industry), 1921.

Number of reports requested : 32.

Number of reports received : 27.

Reports missing : *Bulgaria, China, Colombia, Nicaragua, Yugoslavia.*

Afghanistan (ratification : 12.6.1939). The Committee took note with interest of the report communicated by the Government and would be glad if the Government could supply in its next report information concerning the application of the Convention, and not merely summarise the legislation.

In particular, the Committee would be interested to know what definition is given to the term industrial establishment, whether the exceptions mentioned in the legislation are the only ones authorised and whether the Government intends to take any measures with regard to the posting of notices and establishment of a roster.

Canada (ratification : 21.3.1935). The Committee takes note with satisfaction of the information supplied in the Government's report regarding the working of the Convention and recent progress made in its application. It expresses the hope that the next annual report may contain the detailed analysis of legislation on weekly rest referred to in the report for 1948-1949.

France (ratification : 3.9.1926). The Committee would be glad if the French Government would include in its next report information concerning the application of the legislation respecting weekly rest, as it promised to do in its report for the period 1946-1947.

Turkey (ratification : 8.7.1946). The observation made by the Committee in 1948 is still valid since the Turkish Government states that the measures provided for in Article 7 of the Convention with regard to the posting of notices and keeping of rosters have not yet been implemented. The observation concerning statistical information on breaches of the Convention and the organisation of the inspection service also remains valid.

Venezuela (ratification : 20.11.1944). The Committee notes that the Government's report contains no information concerning consultation between employers' and workers' organisations under Article 4 of the Convention or concerning the number of workers covered by the legislation and would be glad if the Government would communicate this information in its next report.

Convention No. 15 : Minimum Age (Trimmers and Stokers), 1921.

Number of reports requested : 28.

Number of reports received : 22.

Reports missing : *Bulgaria, China, Colombia, Hungary, Nicaragua, Yugoslavia.*

Argentine Republic (ratification : 26.5.1936). The Committee refers to its observations of 1949 and to the statement made by the representative of the Government that the existing discrepancies would be eliminated in the near future.

The Committee regrets to note that the discrepancies still exist, and expresses the hope that next year the Government will be able to ensure full application of the Convention.

Uruguay (ratification : 6.6.1933). The Committee regrets to note once again that no legislative measures have been taken to ensure the application of this Convention, which was ratified more than 16 years ago.

The Committee considers that such a situation is very regrettable and expresses the hope that the measures to be taken by the Government will lead in the near future to the full application of the Convention.

Convention No. 16 : Medical Examination of Young Persons (Sea), 1921.

Number of reports requested : 29.

Number of reports received : 23.

Reports missing : *Bulgaria, China, Colombia, Hungary, Nicaragua, Yugoslavia.*

Brazil (ratification : 8.6.1936). The Committee would like to know whether the perio-

dical medical examinations for persons employed in "unhealthy or dangerous occupations", prescribed by § 189 of the Legislative Decree dated 1 May 1943, apply in practice to seamen.

Convention No. 17 : Workmen's Compensation (Accidents), 1925.

Number of reports requested : 18.

Number of reports received : 13.

Reports missing : *Bulgaria, Colombia, Hungary, Nicaragua, Yugoslavia.*

General Observation

The Committee has noted that the annual reports concerning systems of accident compensation contain very little information with regard to public officials; it is therefore not possible to know in what measure such persons are protected in case of accident. Associating itself with the desire expressed by the Conference Committee, the Committee asks the Governments to supply in their next reports precise information concerning the compensation of industrial accidents occurring to public officials.

Austria (ratification : 21.8.1936). The Committee takes note that the report indicates that some categories of workers, particularly officials, are not covered by compulsory insurance. It notes with satisfaction that in some cases such employees are protected against employment accidents. However, the Committee would be glad to know whether, as matters now stand, public officials benefit from an industrial accident insurance scheme equivalent to that provided under the Convention.

The Committee would also be grateful if the Government would supply, in reply to Point V of the form for the annual reports, general information concerning the manner in which the Convention is applied, including, for instance, extracts from inspection service reports and, if the present statistics permit it, detailed information concerning the number of workers protected by the legislation, the number and nature of breaches reported, etc.

Chile (ratification : 8.10.1931). The Committee takes note with interest of the detailed information supplied by the Government respecting the practical application of the Convention, decisions given by courts of law, the scope of the national legislation, the amount paid in benefits and the number and nature of accidents reported.

The Committee ventures to draw attention to the information contained in the report submitted by the Government in 1947, with regard to amendments then under consideration of the industrial accident legislation. The Committee would be grateful if information concerning progress in this field could be communicated and is particularly interested to know whether the amendments under consideration include a modification of the provisions of the national legislation prescribing the payment of a pension in case of death or total incapacity, but only the payment of twelve monthly indemnities in the case of permanent partial incapacity. The Convention makes no distinction between the two forms of permanent incapacity.

Mexico (ratification : 12.5.1934). The Committee notes with interest the information contained in the Government's report in reply to the observation made by the Committee in 1949 with regard to certain discrepancies which still existed between the provisions of the legislation and those of the Convention. The Committee also notes that under § 133 of the Mexican Constitution, the national legislation is automatically amended by the Convention ; all workers are therefore entitled to demand the application of the provisions of the Convention concerning additional compensation for injured workmen who must have the constant help of another person (Article 7) and concerning the renewal of artificial limbs and surgical appliances (Article 10).

The Committee refers in this connection to the General Observation made under "A" above. It expresses the hope that the next reports of the Government will include information both on these matters and on the extension of the social insurance legislation to the whole territory of the Republic.

Netherlands (ratification : 13.9.1927). The Committee takes note with interest of the much more detailed report submitted for the period 1948-1949 by the Government with regard to the application of this Convention as also with regard to the other Conventions ratified by the Netherlands.

The Committee notes that the report indicates that the Act concerning accident insurance does not apply to public officials or employees engaged on special terms but that special regulations have been drawn up to cover compensation for accidents occurring in this category of workers. The Committee would be glad to know whether the protection guaranteed by this special system may be considered as at least equivalent to that provided for under the Convention.

New Zealand (ratification : 29.3.1938). The Committee enquired in 1949 whether the additional compensation to an injured workman requiring the constant help of another person (Article 7) was payable without any means test.

The Committee has noted the information supplied by the Government to the Conference Committee (32nd Session) from which it appears that the payment is subject to a means test, but on a liberal basis.

The Committee would however point out that the Convention contains no provision authorising a means test in such case.

Poland (ratification : 3.11.1937). The Committee notes that the report shows that certain categories of workers, particularly public officials and employees of State undertakings, institutions and establishments considered as public corporations, are not subjected to compulsory insurance. The Committee would be glad to know whether these categories of workers are covered by a system of compensation for industrial accident and, if so, whether this system may be considered as at least equivalent to that provided for under the Convention.

Portugal (ratification : 27.3.1929). The Committee takes note of the information supplied to the Conference Committee in 1949 by a delegate of the Government of Portugal ; according to this information, public officials proper are not subject to the

same regulations as other workers in respect of industrial accidents, although workers employed by the State are covered by these regulations.

The Committee would be glad to know whether, in such circumstances, the legislation relating to compensation for industrial accidents covers all workers "employed by any enterprise, undertaking or establishment of whatever nature, whether public or private", in accordance with Article 2, paragraph 1, of the Convention.

Moreover, the Committee notes with interest that the Government delegate stated that the committee entrusted with the revision of the Portuguese legislation concerning the compensation of industrial accidents would probably finish its task by the end of 1949. The Committee would be grateful if the Government would be so good as to indicate the conclusions reached in this connection, and so enable the Committee to know whether the observations which were made last year as regards Article 7 of the Convention are now dealt with.

Sweden (ratification : 8.9.1926). The Committee notes that in certain cases the compensation may be paid in the form of a lump sum. The Committee would be glad to know what measures are taken to ensure in such cases that the compensation will be properly utilised (Article 5 of the Convention).

Uruguay (ratification : 6.6.1933). The Committee notes that it is indicated in the report that the national legislation contains no provisions to protect the injured person or his survivors in the event of the insolvency of the employer or insurer in accordance with Article 11 of the Convention. It would be appreciated if the Government would state what measures it intends taking in order to eliminate this discrepancy.

See also under "A. General Observations".

Convention No. 18 : Workmen's Compensation (Occupational Diseases), 1925.

Number of reports requested : 24.

Number of reports received : 19.

Reports missing : *Bulgaria, Colombia, Hungary, Nicaragua, Yugoslavia.*

No observations.

Convention No. 19 : Equality of Treatment (Accident Compensation), 1925.

Number of reports requested : 35.

Number of reports received : 29.

Reports missing : *Bulgaria, China, Colombia, Hungary, Nicaragua, Yugoslavia.*

General Observation

The Committee noted that, subsequent to the General Observations which it made last year regarding the question of the application of the provision contained in Article 1, paragraph 2, of the Convention, guaranteeing equality of treatment to foreign workers without any condition as to residence, the Conference Committee expressed the opinion that this difficulty could be examined at the time of the study of the Conventions relating to social insurance, to be undertaken by the Social Security Committee.

The Committee has been informed that the above-mentioned Committee, to which the question was referred during its Meeting in New Zealand in February 1950, was of the opinion, apart from any legal opinion which would not be within its competence, that in any case the purpose which must be achieved was to guarantee to any victim of an industrial accident the maintenance of his rights in any country to which he might go after his accident. The Social Security Committee was also of the opinion that the question of the revision of Convention No. 19 might be included in the general programme for the revision of Conventions relating to social security, which was the subject matter of its discussions. The Committee expressed the hope that, in the meantime, bilateral agreements would be concluded and would make it possible to arrive at the same result. The Governing Body had decided that the proposal put forward by the Social Security Committee would be communicated to Governments.

The Committee is glad to know that the divergencies regarding interpretation to which it had drawn attention are already being examined by the competent organs of the International Labour Office and will follow with interest the progress made in this connection.

Austria (ratification : 29.9.1928). The Committee notes with satisfaction the information communicated by the Government concerning the amendments made to the Federal Act of 16 December 1948 which established full equality of treatment with regard to the payment of compensation to beneficiaries residing abroad, whether Austrian workers or nationals of countries which have ratified the Convention. The Committee notes, however, that the payment of compensation to beneficiaries residing abroad is only granted if the insurer has authorised these beneficiaries to live abroad. The Committee would be glad to know whether this condition is applied to both Austrian workers and foreigners.

Egypt (ratification : 29.11.1948). The Committee thanks the Government for having supplied a report on the application of this Convention which only came into force for Egypt on 29 November 1948. It notes with interest that the provisions of the national legislation relating to compensation for industrial accidents makes no discrimination between foreign and Egyptian workers.

The Committee would be glad if the Government could indicate what regulations are applied when the beneficiary resides abroad, both with regard to Egyptian workers and to their survivors and to foreign workers and to their survivors.

The Committee would also be glad if the Government could supply, in so far as such statistics are available, detailed information concerning the approximate number, the nationality, and the occupational distribution of foreign workers in the national territory, and on the number and nature of accidents incurred by such workers.

France (ratification : 4.4.1928). The Committee takes note with interest of the statement made in 1949 by the representative of the Government before the Conference Committee with regard to the payment of compensation to foreigners benefiting from acci-

dent compensation when they are residing abroad. The Committee also thanks the Government for having supplied detailed information on this question in the very full report submitted on the application of this Convention for the period 1948-1949. The Committee also notes with satisfaction that though the periodical payments may be compulsorily paid in the form of a lump sum equal to three annuities to foreign beneficiaries leaving French territory, this rule only applies to the nationals of countries which have not concluded a bilateral treaty with France or have not ratified the Convention.

Netherlands (ratification : 13.9.1927). The Committee notes that the report shows that the national legislation concerning compensation for industrial accidents applies as a rule to foreign workers as well as to Dutch workers ; however, in the particular case of workers residing abroad, working in an undertaking whose head office is abroad and which is carrying on business in the Netherlands, such workers may in certain cases be excluded from the scope of the Netherlands legislation.

The Committee would be glad to know whether there are many foreigners in this category and whether it may result from these provisions that a foreign worker employed in the Netherlands under such conditions may be unprotected in case of industrial accident.

Sweden (ratification : 8.9.1926). The Committee notes that the report shows that foreign workers suffering from an industrial accident and their foreign survivors do not benefit from the same indemnities as Swedish workers if they live abroad ; this is the case particularly for compensation in the form of periodical payments and for funeral expenses and payments in the case of death. The Committee notes with satisfaction that the Government has granted equality of treatment to the nationals of a considerable number of countries on the basis of reciprocity. However, the Committee ventures to draw attention to the fact that under Article 1 of the Convention this equality of treatment with regard to compensation for accidents should be granted to the nationals of all States who have ratified the Convention.

Convention No. 20 : Night Work (Bakeries), 1925.

Number of reports requested : 10.

Number of reports received : 7.

Reports missing : *Bulgaria, Colombia, Nicaragua.*

Uruguay (ratification : 6.6.1933). The Committee notes with satisfaction that the Government has re-established the legislation applying the Convention.

Convention No. 21 : Inspection of Emigrants, 1926.

Number of reports requested : 19.

Number of reports received : 14.

Reports missing : *Bulgaria, Colombia, Hungary, Nicaragua, Venezuela.*

No observations.

Convention No. 22: Seamen's Articles of Agreement, 1926.

Number of reports requested: 26.

Number of reports received: 21.

Reports missing: *Bulgaria, China, Colombia, Nicaragua, Yugoslavia.*

Mexico (ratification: 12.5.1934). Despite the statement made by the Mexican Government delegate at the 1947 Session of the Conference and the statement in the report of the Mexican Government that the Navy Department has been urged to ensure fuller co-ordination between Mexican law and the Convention, the Committee again notes that no progress seems to have been made in this direction and would urge that the discrepancies between the provisions of Mexican law and those of the Convention be removed as soon as possible.

Convention No. 23: Repatriation of Seamen, 1926.

Number of reports requested: 15.

Number of reports received: 10.

Reports missing: *Bulgaria, China, Colombia, Nicaragua, Yugoslavia.*

No observations.

Convention No. 24: Sickness Insurance (Industry), 1927.

Number of reports requested: 14.

Number of reports received: 9.

Reports missing: *Bulgaria, Colombia, Hungary, Nicaragua, Yugoslavia.*

Chile (ratification: 8.10.1931). The Committee noted with interest that the proposed amendments to the legislation now in force have been submitted to the National Congress and that the Government will do its utmost to ensure their adoption. The Committee would be glad if the Government would be good enough to supply the text of the proposed amendments, in particular, as regards the length of the waiting period (Article 3 of the Convention), as well as the decisions taken by the National Congress in this connection.

Czechoslovakia (ratification: 17.1.1929). The Committee notes that sickness benefit is withheld in cases where the insured person has become incapacitated for work by reason of avoidable participation in a riot or as the immediate consequence of drunkenness. The Committee appreciates that, in such cases, the members of the family of an insured person may be granted benefits at the rate of one half of the benefit. It can however be asked whether Czechoslovak legislation is in conformity with the Convention since the Conference in adopting it provided that sickness benefits may be reduced or refused only in the case of sickness caused by the insured persons wilful misconduct.

The Committee also notes that the national legislation stipulates that contributions shall be borne exclusively by the employer but that provisionally insured persons and their employers share in providing the financial resources of the insurance scheme, as

provided for in the Convention (Article 7). The Committee would be glad to be informed of the date on which the proposed amendment comes into force.

France (ratification: 17.5.1948). The Committee takes note with interest of the first report submitted by the French Government on the application of the Convention. It thanks the Government for the detailed information supplied with regard to each provision of the Convention and for the statistical information concerning the scope, benefits and resources of the sickness insurance scheme. The Committee notes with satisfaction that compulsory sickness insurance under the general scheme in force in France and, in particular, the insurance known as "long sickness insurance", makes it possible in certain cases to ensure the payment of benefits for a period considerably longer than the minimum period provided for in the Convention (Article 3).

However, the Committee would like to have some additional information regarding the rules applicable to certain categories of workers benefiting from special schemes and as to whether such persons are entitled to advantages at least equivalent, on the whole, to those provided for in the Convention, in accordance with Article 2, paragraph 3.

The Committee would also be glad if the Government would be good enough to indicate whether the granting of medical benefits provided for in Article 4 of the Convention is not subject to a qualifying period.

Finally, the Committee notes that benefits in kind are granted during a period of six months as from the date of the first medical diagnosis, whereas the Convention (Article 4, paragraph 1) lays down that these benefits must be granted until the period prescribed for the grant of sickness benefit expires which, according to the national legislation, is six months as from the fourth day on which incapacity for work begins.

Peru (ratification: 8.11.1945). The Committee thanks the Government for the very detailed information contained in its report and in the appendices to this report.

However, it draws attention to the fact that the national legislation only provides for voluntary insurance in the case of domestic servants, whereas the Convention (Article 2, paragraph 1) stipulates that such persons shall be covered by the compulsory insurance system. The Committee also notes that compulsory insurance is not extended to the beneficiaries of an invalidity or old-age pension, whereas the Convention does not provide for an exception of this nature.

The Committee also notes that benefits in kind (medical treatment, supply of medicines, etc.) are granted during the period provided for the grant of cash benefits, subject to compliance with a waiting period and on the expiry of the waiting period. The Committee points out that the Convention does not provide for such conditions with regard to medical benefit.

Poland (ratification: 20.9.1948). The Committee takes note with much interest of the detailed information contained in the first report from the Polish Government. It notes with satisfaction that, as regards a certain number of points and, in particular, the period for the payment of benefits (Articles 3 and 4 of the Convention), the

national legislation relating to compulsory sickness insurance is such as to ensure a wider degree of protection than is laid down in the minimum requirements provided for in the Convention.

The Committee notes, however, that the national legislation provides that the payment of benefits may be withheld if the illness is due to the fact that the insured person has voluntarily taken part in a riot or in acts of violence. In this connection, it can be asked whether Polish legislation is in conformity with the Convention since the Conference in adopting it provided that sickness benefits may be reduced or refused only in the case of sickness caused by the insured person's wilful misconduct.

Uruguay (ratification : 6.6.1933). See under "A. General Observations".

Convention No. 25 : Sickness Insurance (Agriculture), 1927.

Number of reports requested : 10.

Number of reports received : 7.

Reports missing : *Bulgaria, Colombia, Nicaragua.*

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

Czechoslovakia (ratification : 17.1.1929). See under Convention No. 24.

Poland (ratification : 29.9.1948). See under Convention No. 24.

Uruguay (ratification : 6.6.1933). See under "A. General Observations".

Convention No. 26 : Minimum Wage-Fixing Machinery, 1928.

Number of reports requested : 22.

Number of reports received : 17.

Reports missing : *Bulgaria, China, Colombia, Hungary, Nicaragua.*

Cuba (ratification : 24.2.1936). The Committee thanks the Government for having included in its report certain statistical information showing the number of workers subject to the minimum wage regulations adopted during the period covered by the report. The Committee would be grateful if the Government could supply in its next report the information requested in 1949 by the Conference Committee with regard to the approximate number of workers subject to all the relevant legislation now in force (Article 5 of the Convention). The Committee would also be grateful if the Government would be good enough to supply the information on the organisation and functioning of the inspection services which was requested by the Committee in 1948 and by the Conference Committee in 1949.

Italy (ratification : 9.9.1930). The Committee would be grateful if the Government would be good enough to supply in its next report more detailed information concerning wage-fixing machinery for workers who are not covered by collective agreements estab-

lishing minimum wages. In particular, the Committee would like to have information on the methods of application of the rule in Italian legislation according to which the State convenes representatives of the persons concerned and consults them in cases where, for special reasons, it becomes necessary to fix minimum wages for categories of workers which have not as yet been covered by minimum wage regulations.

The Committee would also like to have information concerning the legislative measures proposed to give effect to the principle contained in Article 36 of the Italian Constitution providing for the establishment of minimum wages for all workers.

Finally, the Committee would be glad if the Government could supply in its next report the information mentioned under Article 5 of the Convention, particularly with regard to the number of workers covered by various collective agreements establishing minimum wages and concerning the number of workers covered by the decisions of the Government establishing such minimum wages in particular cases.

Netherlands (ratification : 10.11.1936). The Committee takes note with interest of the information supplied by the Government, in answer to the request made in 1949, in its letter of 22 June 1949 and in the report for the period 1948-1949. The Committee would be glad if the Government could supplement the information supplied with regard to the application of the Convention in the Netherlands by a general statement giving a list of the trades or parts of trades in which the minimum wage-fixing machinery has been applied, indicating the methods as well as the results of the application of the machinery and, in summary form, the approximate numbers of workers covered, the minimum rates of wages fixed, and the more important of the other conditions, if any, established relevant to the minimum rates (Article 5 of the Convention).

The Committee would also be glad if the Government could supply information on the organisation and functioning of inspection services and concerning the system of penalties in force.

Norway (ratification : 7.7.1933). The Committee was pleased to find that in its first annual report for the period 1947-1948 the Government supplied information concerning the number of workers covered by minimum wage rate legislation and concerning the minimum wage rates established for different categories of workers. It notes that the report supplied for the period 1948-1949 does not contain any such information. The Committee would be glad if the Government would supply, as it has already done at the request of the Committee, information on these points in each annual report in so far as this data may change from one year to the next.

Uruguay (ratification : 6.6.1933). The Committee takes note of the information supplied in accordance with the request made in 1949 concerning the number of decisions given with regard to minimum wages and concerning visits of inspection carried out and penalties imposed in 1948. The Committee would be grateful if the Government

would include in its next report the further information requested in 1949.

Venezuela (ratification : 20.11.1944). The Committee notes that the report contains no information in reply to the observation made by the Conference Committee in 1949, particularly with regard to the representation of workers and employers on equal terms, in accordance with Article 3 of the Convention, in the committees entrusted with the establishment of minimum wage rates. The Committee would be glad if the Government could supply this information in future.

Convention No. 27 : Marking of Weight (Packages Transported by Vessels), 1929.

Number of reports requested : 29.

Number of reports received : 24.

Reports missing : *Bulgaria, China, Hungary, Nicaragua, Yugoslavia.*

General Observation

Two countries, France and the Netherlands, relate in their reports the results of special surveys concerning the application of the Convention. Such surveys are particularly valuable in the case of this text, the application and enforcement of which may at times raise questions of a technical character. The experience gained by other ratifying States would be most helpful in overcoming problems of this type and it is to be hoped therefore that other annual reports will, in future, contain statements similar to those included in the two above-mentioned reports.

It would be especially interesting to know in this connection to what extent the infractions noted by the national inspection services were committed by senders residing in the country or by those of other ratifying countries and whether such infractions are of a general nature or relate to cases of neglect concerning a special type of goods or concerning shipments from certain sources.

Burma (ratification : 7.9.1931). The Committee notes the Government's statement that there is no stipulation yet requiring the consignors to show the weight of heavy packages shipped. The Committee assumes therefore that the previous Regulations applying to the Port of Rangoon, and mentioned in previous reports, are perhaps no longer in force, and would therefore be glad to be informed what new measures will be taken to implement Article 1 of the Convention calling for "any package or object of 1,000 kilogrammes . . . (to have) its gross weight plainly and durably marked upon it on the outside before it is loaded on a ship or vessel".

India (ratification : 7.9.1931). The Committee takes note with satisfaction of the Government's statement that it is considering the enactment of central legislation for enforcing the provisions of the Convention in all the Provinces and States of India while up to now there existed only specific by-laws applying in certain ports. The Committee looks forward with interest to receiving further information in due course on the enactment of such legislation.

Convention No. 28 : Protection against Accidents (Dockers), 1929.

Number of reports requested : 3.

Number of reports received : 2.

Report missing : *Nicaragua.*

Ireland (ratification : 5.7.1930). The Committee notes the Government's statement that the fulfilment of the requirements of Article 9, paragraphs 1 and 3 of the Convention, still presents difficulties and that the possibility of adapting the system in operation to the requirements of this Article continues to be explored.

Since consideration of these difficulties dates back to 1936, the Committee would like to be informed what progress has been achieved in arriving at a solution.

Convention No. 29 : Forced Labour, 1930.

Number of reports requested : 20.

Number of reports received : 16.

Reports missing : *Bulgaria, Liberia, Nicaragua, Yugoslavia.*

General Observation

The Committee wishes to thank the Governments who, on the basis of the new report form adopted by the Governing Body, supplied this year very detailed information concerning the application of this Convention. The reports thus drawn up, whether they concern the metropolitan territory of the States Members or the non-metropolitan territories under their administration, enabled the Committee to form a more exact idea of the situation with regard to forced or compulsory labour.

However, the Committee wishes to draw the attention of the Governments to one point. Although the provisions of Convention No. 29 are mainly intended for non-metropolitan territories, the object of the Convention is not limited to these territories ; Article 2, in particular, is of general concern. The Committee would therefore be grateful if all Governments would supply, with regard to this Article, detailed information concerning the legislation and the practice in the metropolitan territories.

Switzerland (ratification : 23.5.1940). The Committee wishes to thank the Government for the full and detailed report communicated and particularly for the precise information supplied with regard to Article 2 of the Convention.

It is very clear from this information that there is no form of compulsory labour within the territory of the Confederation. However, the Committee would like to draw the attention of the Government to one point. Article 2 defines as forced or compulsory labour "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily". A further clause under Article 2 provides that "Nevertheless, for the purposes of this Convention, the term 'forced or compulsory' labour shall not include :

(c) any work or service exacted from any person as a consequence of a conviction

in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations ; ”.

The report states, with regard to the application of this Article, that “ persons condemned to solitary confinement, internment, or confinement in an educational or labour establishment (§§ 37, 42 and 43 of the Swiss Penal Code) may be constrained to forced labour in execution of a penal sentence. This internment or confinement may also be brought about in virtue of an administrative decision taken as a temporary measure for purposes of education. The cantonal authorities are responsible for the organisation of such labour and the setting up of establishments where it is to be effected ”.

Although there can be no doubt that the labour required of persons undergoing a judicial sentence is in full conformity with the provisions of the Convention, there appears to be some doubt in the case of persons interned or confined by virtue of an administrative decision.

See also under Appendix I, Part C (Application of Conventions in Non-Metropolitan Territories).

Convention No. 30 : Hours of Work (Commerce and Offices), 1930.

Number of report requested : 8.

Number of reports received : 6.

Reports missing : *Bulgaria, Nicaragua.*

No observations.

Convention No. 32 : Protection against Accidents (Dockers) (Revised), 1932.

Number of reports requested : 11.

Number of reports received : 10.

Report missing : *China.*

India (ratification : 10.2.1947). The Committee wishes to thank the Government for its explanations concerning the application of the Convention to only the five major ports of India. Note is also taken with satisfaction of the Government's intention to amend the Dock Labourers' Regulations, 1948, to bring them in line with Article 5, paragraph 5, Article 6, paragraph 2 and Article 14 of the Convention. As regards the last-named Article, it would appear that it is actually applied through the penalties of Article 9, paragraphs (b) and (c) of the Indian Dock Labourers' Act, 1934.

Mexico (ratification : 12.5.1934). The Committee takes note of the efforts of the Secretariat of Labour with a view to incorporating the provisions of the Convention in the Industrial Accident Prevention Regulations as well as in the Act concerning General Means of Communication. Last year already the Committee expressed the hope that a legislative basis will soon be provided for the application of the Convention. It cannot but reiterate this hope.

Pakistan (ratification : 10.2.1947). The Committee wishes to express its appreciation of the detailed first report. A comparative analysis of the legislation seems to indicate that the Dock Labourers' Regulations, 1948, do not cover inland navigation (Article 1, paragraph 1 of the Convention), that there is no provision as regards use of ladders in the hold of a vessel which is not decked (Article 5, paragraph 5), nor as regards protective measures for dangerous openings in a deck (Article 6, paragraph 2). The Committee would be glad to know how it is intended to give effect to the above-mentioned provisions of the Convention.

Convention No. 33 : Minimum Age (Non-Industrial Employment), 1932.

Number of reports requested : 6.

Number of reports received : 6.

Austria (ratification : 26.2.1936). The Committee notes, from the information supplied by the Government in reply to the observations made last year, that § 4 (2) of the Act of 1 July 1948, which provides that “ the employment of children exclusively for the purpose of instruction or training shall not be considered as child labour ”, does not apply to work done in technical and professional schools, to which (according to the provisions regarding school attendance) children under 14 years of age are not admitted, but only to the employment of children in connection with other instruction (*e.g.*, music, languages, sports, etc.). The Committee would be glad if the Government would elucidate this latter point.

The Committee also notes that the amendment of the Act of 1948 (referred to in the Report on Convention No. 5), which is now being prepared, will ensure absolute conformity between the legislation and the provisions of the Convention as regards the employment of children in domestic work. The Committee hopes that the new legislation will soon be enacted and will ensure the full application of the Convention.

Cuba (ratification : 24.2.1936). The Committee notes that the Government has prepared a Decree stipulating that young persons under 16 years of age may not be employed in any dangerous or unhealthy occupations determined by the Directorate General of Health and Social Welfare.

The Committee hopes that this Decree will soon be put into effect and that the list of types of employment which are prohibited for young persons under 16 years of age will soon be drawn up in conformity with Articles 5 and 8 (b) of the Convention.

France (ratification : 29.4.1939). The Committee takes note with interest of the statement made by the French Government member during the last session of the Conference, to the effect that although § 59 of Book II of the Labour Code lays down that the employment of children under 14 years of age in places of entertainment may be authorised by way of exception, in a circular of 3 January 1949 the Minister of Labour and Social Security insisted on the necessity of granting exceptions only with the greatest discretion.

The Committee also notes that circulars were issued by the Minister of Education on 16 March 1933 and 3 January 1948 regarding the general application of the conditions provided for in Article 4, paragraph 2, of the Convention and, in particular, the continuation of the education of the children and the protection of their morals. The Committee would be glad to know if the regulations in question cover all the strict safeguards provided for in Article 4, paragraph 2, of the Convention, in particular, the prohibition regarding the employment of children in dangerous work or after midnight, which does not appear to be covered by the legislative texts appended to the report.

In addition, the Committee notes that § 60 of Book II of the Labour Code authorises mothers or fathers practising the occupation of acrobat, tumbler and similar occupations to employ in their performances their own children over 12 years of age. The Committee points out that the Convention only permits exceptions in the case of employment in establishments in which only members of the employer's family are employed, and then only if the employment is neither harmful, prejudicial nor dangerous, such as employment in circuses, variety shows or cabarets.

In these circumstances, the Committee hopes that the Government will soon be in a position to undertake the legislative amendments which will ensure the full application of the Convention.

Convention No. 34 : Fee-Charging Employment Agencies, 1933.

Number of reports requested : 5.

Number of reports received : 5.

Turkey (ratification : 27.12.1946). The Committee notes that no information has been supplied by the Government on the question put by the Conference Committee in 1949 regarding the application of Article 4 (c) concerning the prohibition of placing and recruiting abroad by fee-charging employment agencies not conducted with a view to profit; the same observation concerns the application of Article 3, paragraph 4 (d) of the Convention.

The Committee would appreciate it if, in the next report, the necessary information on these points could be supplied.

Convention No. 35 : Old-Age Insurance (Industry, etc.), 1933.

Number of reports requested : 5.

Number of reports received : 5.

France (ratification : 23.8.1939). The Committee takes note of the statement made to the Conference Committee in 1949 by the representative of the Government with regard to the provisions of this Convention and of Conventions Nos. 36, 37 and 38 providing for the contribution by the public authorities to the financial resources of the insurance scheme. In reply to the observation made by the Committee in 1949, to the effect that this provision is not applied in France, the Government representative stated that the contribution by the public authorities to the insurance resources had been justified at a

time when the insurance scheme was still rudimentary and insufficient, but nowadays this scheme had become outdated and workers' and employers' contributions ensured the functioning of insurance.

The Committee feels that it is not for it to express an opinion as to the merits of the texts adopted by the Conference. However, it might be assumed that, generally speaking, the provision concerning the contribution by the public authorities to the financial resources of the insurance scheme has not yet become outdated although, in certain countries, perhaps, the insurance scheme might function without this contribution. The Committee is given to understand that this question will be examined at the time of the revision of the Conventions relating to social insurance but, in the meantime, it can only draw attention to the discrepancy which exists on this point between the French legislation and the express provisions of the Convention.

Italy (ratification : 22.10.1947). The Committee takes note with deep interest of the first report submitted by the Italian Government on the application of the Convention, which came into force for Italy on 22 October 1948. It thanks the Government for the information supplied with regard to each Article of the Convention and will be glad to have some additional information.

The Committee notes that, as from April 1948, the State ceased to contribute to insurance benefits and that this measure is in contradiction to the provisions of Article 9, paragraph 4, of the Convention, which provides that public authorities shall contribute to the financial resources of the insurance scheme.

The Committee would be glad to know if there have been any changes in the provisions of the national legislation as regards the representation of employers and workers on a basis of equality in the management of the insurance institution.

Finally, the Committee would be glad, when the required statistics are available, if the Government would supply information concerning the number of insured persons and pensioners, as well as the total expenditure and receipts of the insurance scheme.

Peru (ratification : 8.11.1945). The Committee thanks the Government for the very detailed information contained in its report.

The Committee would like, however, to draw attention to the fact that the national legislation does not apply to salaried employees and, in the case of domestic servants, provides for voluntary insurance although the Convention (Article 2, paragraph 1) prescribes that these categories of workers should be covered by compulsory insurance. Similarly, compulsory insurance in Peru only applies to the employees of industrial and commercial undertakings and does not cover the liberal professions as is provided under the Convention.

Moreover, the Committee notes that, on the one hand, the national legislation provides that the right to a pension is conditional, as is provided for in Article 5 of the Convention, upon the completion of a qualifying period involving a minimum number of contributions and, on the other hand, it notes that the amount of the periodical payments varies according to the number and size of contributions paid, although the Convention (Art-

icle 7, paragraph 2) provides that where the pension varies with the time spent in insurance and its award is made conditional upon the completion by the insured person of a qualifying period, the pension shall, unless a minimum rate is guaranteed, include a fixed sum not dependent on the time spent in insurance.

Convention No. 36 : Old-Age Insurance (Agriculture), 1933.

Number of reports requested : 4.

Number of reports received : 4.

France (ratification : 23.8.1939). See under Convention No. 35.

Italy (ratification : 22.10.1947). See under Convention No. 35.

Convention No. 37 : Invalidity Insurance (Industry, etc.), 1933.

Number of reports requested : 5.

Number of reports received : 5.

France (ratification : 23.8.1939). See under Convention No. 35.

Italy (ratification : 22.10.1947). As regards this Convention, and, in particular, Article 10 thereof, which relates to the contribution by the public authorities to the financial resources of the insurance scheme, the Committee feels bound to make the same general observation which it made with regard to Convention No. 35.

Peru (ratification : 8.11.1945). As regards this Convention, the Committee feels bound to make the same observations which it made with regard to Convention No. 5.

Moreover, the Committee notes that the pension is suspended if the insured person refuses to comply with the doctor's orders, whereas the Convention (Article 9, paragraph 2 (b)) does not provide for the suspension of the pension unless the refusal of the insured person is not based on a valid reason.

Convention No. 38 : Invalidity Insurance (Agriculture), 1933.

Number of reports requested : 4.

Number of reports received : 4.

France (ratification : 23.8.1939). See under Convention No. 35.

Italy (ratification : 22.10.1947). See under Convention No. 37.

Convention No. 39 : Survivors' Insurance (Industry, etc.), 1933.

Number of reports requested : 2.

Number of reports received : 2.

Peru (ratification : 8.11.1945). The Committee thanks the Government for the very detailed information contained in its report.

It notes that the national legislation only provides voluntary insurance in the case of

domestic servants, although the Convention (Article 2, paragraph 1) prescribes that these persons should be covered by compulsory insurance.

The Committee draws attention in particular to the fact that the national legislation only provides for the payment of a lump sum at the death of the insured person, whilst the Convention lays down the fundamental principle of the payment of a pension, the consequence of the various provisions and particularly of Article 9. The Committee considers that this is a fundamental discrepancy between the provisions of the national legislation and those of the Convention. It notes that the Government refers in this respect to the provisions of a resolution adopted on 13 January 1936 by the Regional Conference of the American States Members of the International Labour Organisation in which it was provided that in the event of the death of an insured person a lump sum payment might be made instead of a pension. However, the Committee considers that this general resolution does not exempt States having ratified Convention No. 39 from the application of its provisions.

Convention No. 41 : Night Work (Women) (Revised), 1934.

Number of reports requested : 18.

Number of reports received : 17.

Report missing : *Hungary*.

Afghanistan (ratification : 12.6.1939). See under Convention No. 4.

Belgium (ratification : 8.6.1937). The Committee notes that the Royal Order of 26 August 1939 authorises the Minister of Labour in the event of the expansion or mobilisation of the army, to allow exceptions to the prohibition of the night work of women, irrespective of their age, and would be glad to be informed if this Order still remains in force.

Brazil (ratification : 8.6.1936). The Committee refers to previous observations and points out that Legislative Decree No. 5452 of 1 May 1943 appears to exclude from its scope women employed by public undertakings, whereas such women are expressly covered by the Convention.

The Committee would also be glad to know if Decree No. 6688 of 13 July 1944 (introduced during the war period and authorising certain exceptions in respect of night work in the textile industry) is still in force.

Egypt (ratification : 11.7.1947). With reference to the observations made last year, the Committee notes that the permits for night work granted on the occasion of festivals only apply to commercial undertakings not covered by the Convention and that, in no case, have permits been granted for night work in industrial establishments.

The Committee would be glad, if in its next report, the Government would be good enough to supply more detailed information regarding the manner in which the Convention is applied.

Greece (ratification : 30.5.1936). The Committee notes that no statistical data are available which would enable the Govern-

ment to supply precise information regarding the number of women covered by the Convention. The Committee would appreciate it if the Government would supply the required data. The Committee would also be glad if, in its next report, the Government would supply information regarding the exceptions provided for under Article 4 (b) of the Convention which, in its last report, the Government stated must be approved by the labour inspection service.

New Zealand (ratification : 29.3.1938). With reference to the observations which it made last year, the Committee notes with satisfaction that, according to this year's report, the Woollen Mills Labour Legislation Suspension Order, permitting the night work of women, was revoked as from 1 July 1949.

Peru (ratification : 8.11.1945). See under Convention No. 4.

Switzerland (ratification : 4.6.1936). In reply to the observations made by the Committee in 1949, the Government states that the provisions of § 2, paragraph 5 (b) of the Order of 22 June 1948 (which regulates the adjustment of hours of work in factories in order to meet restrictions in the consumption of electricity) may be considered to be in conformity with Article 2, paragraph 2, and Article 4 of the Convention. This Order provides that the night rest of women over 18 years of age in the undertakings in question shall be at least ten consecutive hours, including the interval between 11 p.m. and 5 a.m. However, the Committee points out that the above-mentioned Order is not in complete conformity with Article 2, paragraph 2 of the Convention, which provides that in exceptional circumstances in a particular industry or area the interval between 11 p.m. and 6 a.m. may be substituted for the interval between 10 p.m. and 5 a.m., and does not provide for the reduction of the rest period of 11 consecutive hours.

In view of the fact that the Government states that this provision has only been applied exceptionally and that it has never happened that a woman who was working until 11 p.m. was forced to start work again the following morning, the Committee feels that it would be comparatively easy for the text of the Order in question to be amended so as to bring it into conformity with the Convention.

On the other hand, Article 4 (a) of the Convention is applicable only in cases of *force majeure* when there occurs an interruption of work which it was impossible to foresee and which is not of a recurring character.

While appreciating the exceptional circumstances to which the Government refers and taking into account the fact that the above-mentioned exception to the provisions of the Conventions is applied only during brief periods, the Committee hopes that as soon as circumstances permit the necessary measures will be taken to resume the normal standards.

Venezuela (ratification : 20.11.1944). The Committee refers to former observations made regarding the Resolution of the Federal Executive of 6 May 1939 (authorising the employment of women up to 10 p.m. on such work as public exhibitions at national fairs on behalf of certain industrial and commercial undertakings or scientific and cultural

institutions), and points out that the women in question would not enjoy a rest period of 11 consecutive hours as laid down in the Convention.

As the report for this year does not indicate that the above-mentioned Resolution has been repealed, the Committee again calls the attention of the Government to this discrepancy between the legislation and the provisions of the Convention.

The Committee would also be glad if, in its next report, the Government would supply general information regarding the manner in which the Convention is applied.

Convention No. 42 : Workmen's Compensation (Occupational Diseases) (Revised), 1934.

Number of reports requested : 14.

Number of reports received : 13.

Report missing : *Hungary*.

Brazil (ratification : 8.6.1936). The Committee noted that Section 2 (Schedule of Occupational Diseases) of Decree 7036 of 10 November 1944, of essential importance, was not attached to the report. The Committee therefore expresses the hope that the next report will include the above-mentioned Schedule, and will give information concerning the practical application of the Convention.

Convention No. 43 : Sheet-Glass Works, 1934.

Number of reports requested : 7.

Number of reports received : 7.

Czechoslovakia (ratification : 19.9.1938). The Committee learned of the statement made by the Government Member at the 32nd Session of the Conference, informing the Conference Committee that the present manpower situation still prevented the complete application of the Convention.

The Committee does not consider as sufficient this explanation given for several years. It expresses the hope that the situation will improve at an early date so that application of the Convention could be resumed.

France (ratification : 21.2.1938). The Committee takes note with interest, from the information supplied in reply to the observation made last year, that local and regional agreements provide for a higher rate of pay for overtime worked in accordance with Article 3 of the Convention. It hopes that national uniformity in this respect may soon be achieved by means of a collective agreement under the Act of 25 December 1946 and suggests that the provisions of the Decree of 13 February 1937, which authorise the exceptions provided under Article 3 of the Convention, should be amended to provide for suitable payment for overtime work.

The Committee would be glad if the Government were able to supply statistical data in its next report.

Mexico (ratification : 9.3.1938). The Government repeats its statement that the Monterey Glassworks is the largest in the country but gives no information concerning the application of the Convention in any other glassworks in the country.

Convention No. 44 : Unemployment Provision, 1934.

Number of reports requested : 4.

Number of reports received : 4.

New Zealand (ratification : 29.3.1938). The Committee of Experts on the Application of Conventions had ventured to suggest in 1948 that it would make for clarity if the Government were to refer in future reports to the system as one of unemployment allowances and not of unemployment benefit since the latter term is reserved exclusively by the Convention for systems which are not subject to a means test. This change in terminology was made in the report submitted for the period 1947-1948 but, the term "benefit" has again been used in the 1948-1949 report.

Convention No. 45 : Underground Work (Women), 1935.

Number of reports requested : 26.

Number of reports received : 24.

Reports missing : *China, Hungary.*

Afghanistan (ratification : 14.5.1937). The Committee notes that the Government has stated on several occasions that the employment of women in underground work does not exist in Afghanistan. It regrets, however, that the Government does not appear to have complied with its obligations in virtue of the ratification of the Convention to enact the necessary legislation. The Committee would therefore be glad to know if the Government intends to introduce legislative provisions stipulating that the employment of women in underground work is prohibited.

Brazil (ratification : 22.9.1948). The Committee refers to the observations made in previous years, to the effect that Legislative Decree No. 5452 of 1 May 1943, which applies the Convention, appears to exclude public undertakings from its scope, whereas the Convention includes both public and private industrial undertakings.

The Committee therefore again expresses the hope that the Government will expedite measures to bring its legislation on this point into complete harmony with the provisions of the Convention.

Convention No. 48 : Maintenance of Migrants' Pension Rights, 1935.

Number of reports requested : 4.

Number of reports received : 2.

Reports missing : *Hungary, Yugoslavia.*

Poland (ratification : 21.6.1938). The Committee notes that the Government states in its report that the Convention is not yet applied with regard to the relations between Poland and other countries having ratified the Convention since agreements have not yet been concluded between Poland and these countries. The Committee draws attention to the fact that the Convention lays down that the maintenance of the rights under invalidity, old-age and widows' and orphans' insurance should bind all countries having ratified the Convention, and does not provide that the

establishment of this international scheme should be subject to the conclusion of bilateral agreements between these States.

Convention No. 49 : Production of Hours of Work (Glass-Bottle Works), 1935.

Number of reports requested : 6.

Number of reports received : 6.

France (ratification : 25.1.1938). See under Convention No. 43.

Convention No. 50 : Recruiting of Indigenous Workers, 1936.

Number of reports requested : 3.

Number of reports received : 3.

See under Appendix I, Part C.

Convention No. 52 : Holidays with Pay, 1936.

Number of reports requested : 4.

Number of reports received : 4.

Mexico (ratification : 9.3.1938). The Committee expresses its appreciation of the attention given by the Government to the elimination of the discrepancies between the national legislation and Article 2 of the Convention and of the action taken to this effect. The Committee renews the hope that these discrepancies may shortly be rectified.

Convention No. 53 : Officers' Competency Certificates, 1936.

Number of reports requested : 10.

Number of reports received : 10.

Belgium (ratification : 11.4.1938). The Committee notes that the report is based on the analysis of older legal texts (Law of 25 August 1920, Royal Decree of 8 November 1920), without mention of the text studied in last year's report (Royal Decree of 18 November 1929).

The Committee notes with satisfaction that the shortage caused by the war in the number of certified officers is gradually being remedied.

Egypt (ratification : 20.5.1939). The Committee notes with pleasure that the engagement of uncertified officers is now taking place only in a small percentage of cases. It ventures to express the hope that the Convention will be fully enforced in future.

Finland (ratification : 8.4.1947). The Committee notes that the Central Shipping Directorate is not able to furnish information on the inspection reports, or on the contraventions reported and the action which was taken. It expresses the hope that the Government will be able to include this information in its next report.

Convention No. 55 : Shipowners' Liability (Sick and Injured Seamen), 1936.

Number of reports requested : 4.

Number of reports received : 4.

Mexico (ratification : 15.9.1939). See under "A. General Observations".

Convention No. 58: Minimum Age (Sea) (Revised), 1936.

Number of reports requested : 8.

Number of reports received : 8.

Belgium (ratification : 11.4.1938). The Committee notes with interest the Government's information supplied in reply to the observations made last year, that maritime authorities have received instructions not to permit the engagement on board of young persons under the age of 15 years. The Committee would, however, be glad if the Belgian Government could state in its next report when the necessary amendments will be made.

Brazil (ratification : 12.10.1938). The Committee draws the attention of the Government to the fact that information concerning the determination of classes of vessels for the purpose of the Convention, as provided for in Article 1, and details relating to the practical application of the Convention, referred to in the report form, have not been supplied.

The Committee would be glad if the Government would be good enough to supply this information in its next report.

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). With reference to last year's observations concerning the possible employment of young persons under 15 years of age who are exempted from school enrolment, the Committee notes that the proposed measure to ensure the full implementation of the Convention has not yet been introduced. The Committee hopes that the Government will soon be in a position to bring the legislation into complete harmony with the Convention.

Convention No. 60: Minimum Age (Non-Industrial Employment) (Revised), 1937.

Not yet in force.

New Zealand (ratification : 8.7.1947). The Committee notes with appreciation that a voluntary report has again been supplied by the Government and takes note with satisfaction of the Government's statement that the proposed Bill will cover non-industrial as well as industrial employment and will fully implement the protective provisions specified in the Convention.

Convention No. 62: Safety Provisions (Building), 1937.

Number of reports requested : 3.

Number of reports received : 3.

Finland (ratification : 8.4.1947). The Committee takes note of the statement in this year's report that the committee set up for the purpose of revising the relevant legislation has not yet completed its work. It

sincerely hopes that it will be possible for the Government to make the necessary changes at an early date and that the various discrepancies enumerated in the Committee's observation of 1949 will thus be eliminated.

Mexico (ratification : 4.7.1941). The Committee notes that the discussions undertaken by the Secretariat of Labour with the authorities of the Federal District and with the Governors of the various States have not so far resulted in any changes in the legislation or regulations applying the Convention. It cannot, therefore, but insist once more on the importance of early concrete steps to ensure full implementation of the Convention.

Switzerland (ratification : 23.5.1940). The Committee is glad to note that an Order of 27 May 1949 contains provisions concerning hoisting appliances for suspended scaffolds. It also learned with interest from the Government's reply to its observations made in 1949 that the drafting of regulations concerning all hoisting appliances will be completed towards the middle of 1950.

Convention No. 63: Convention concerning Statistics of Wages and Hours of Work, 1938.

Number of reports requested : 14.

Number of reports received : 14.

Denmark (ratification : 22.6.1939). The Committee notes that the statistics supplied do not include all cash payments and bonuses received from employers as required by Article 6 (a) of the Convention. It finds also that no statistics of hours actually worked are available (Articles 9 and 10) and that index numbers showing the general movement of earnings per hour, day, week or other customary period do not exist (Article 12).

The Committee would be glad to know whether it is intended to compile such data in future.

Egypt (ratification : 5.10.1940). The Committee notes with appreciation that a committee of technical experts will shortly deal with the calculation of index numbers of earnings required under Article 12 of the Convention and looks forward to the Government's further reports on the decisions taken in this matter.

It would also be appreciated if the results of semi-annual enquiries could be published within six months following the date of the enquiry as provided for in Article 1 (b) of the Convention.

Finland (ratification : 8.4.1947). The Committee wishes to express its sincere appreciation of the Government's detailed report. It finds, however, that Finnish statistics do not as yet give data on average earnings and hours of work in the building and construction industries, as required by Article 5 of the Convention. The Committee would be glad if the Government could indicate whether the compilation of these statistics is contemplated.

Mexico (ratification : 16.7.1942). The Committee notes that there has been no appreciable change in the position as regards the compilation and publication of all the statistics required by the Convention.

It cannot but repeat, therefore, its observation made in 1949 concerning, in particular, statistics of average earnings and of hours actually worked in mining and manufacturing industries (Articles 5-12 of the Convention) as well as statistics of time rates of wages and of normal hours of work in the same fields (Articles 13-21). The Committee expresses the sincere hope that the Government will be able to indicate at an early date what further steps it has taken or intends to take to achieve fuller application of the Convention.

It is also noted that the situation as regards statistics of wages and hours of work in agriculture remains unchanged.

Norway (ratification : 29.3.1940). The Committee notes that there is no current information available on hours of work in mining and manufacturing industries, including building and construction, as required by Article 5, paragraph 1, of the Convention. It would be appreciated if the Government could indicate when it intends to resume the publication of such figures.

Sweden (ratification : 21.6.1939). The Committee finds that data on hours of work are not published for the building and construction industries as provided for in Article 5, paragraph 1, of the Convention. It would be

appreciated if the Government could indicate whether it intends to compile these figures.

Union of South Africa (ratification : 8.8.1939). The Committee finds that the reports for the last several years have stated as regards Article 21 of the Convention that the method of calculating the index of nominal wage rates is now being revised and that the necessary figures will be forwarded as soon as they are available. The Committee would be glad to know when the computation of such index numbers will be resumed.

Convention No. 64 : Contracts of Employment (Indigenous Workers), 1939.

Number of reports requested : 2.

Number of reports received : 2.

See under Appendix I, Part C.

Convention No. 65 : Penal Sanctions (Indigenous Workers), 1939.

Number of reports requested : 2.

Number of reports received : 2.

See under Appendix I, Part C.

C. Observations and Requests for Supplementary Information on the Application of Conventions in Non-Metropolitan Territories

This Part is divided into three sub-headings :

1. Extent of application of international labour Conventions to non-metropolitan territories.

2. Observations concerning certain countries (*Australia, Belgium, France, Netherlands, New Zealand, Portugal, Union of South Africa, United Kingdom, United States of America*).

3. Observations concerning Conventions No. 29 : Forced Labour, 1930 ; No. 50 : Recruiting of Indigenous Workers, 1936 ; No. 64 : Contracts of Employment (Indigenous Workers), 1939 ; No. 65 : Penal Sanctions (Indigenous Workers), 1939.

1. EXTENT OF APPLICATION OF INTERNATIONAL LABOUR CONVENTIONS TO NON-METROPOLITAN TERRITORIES

In accordance with a programme of work drawn up at its 18th Session, the Committee has this year devoted special attention to this subject and has tried to give a general picture of the extent to and the manner in which Conventions are applied to non-metropolitan territories. The starting point in such an examination must always be Article 35 of the Constitution. The basic obligation of the Members of the International Labour Organisation under this Article is to apply the Conventions which they ratify to those non-metropolitan territories for whose international relations they are responsible. That obligation, however, may be, owing to local conditions in the territory concerned, restricted to application with modifications. Its execution may, because of local conditions, even be impracticable. The main ques-

tion, therefore, which arises in regard to non-metropolitan territories is related to the local conditions whose existence results in Conventions being applied to them with modifications or which prevents their application at all. In studying this question, the Committee has left out of account those Conventions which are permanently inapplicable owing to geographical circumstances (maritime Conventions for inland countries), or which for the time being cannot be applied because the specific industry with which the Convention deals does not exist, *e.g.*, automatic sheet glass works.

Apart from these types of Conventions, modified application or non-application may be explained and can be justified only in the special social conditions prevailing in the non-metropolitan territories.

The Committee has tried to get a clear view of the actual position as regards the "local conditions" referred to, in order to formulate its views on the problem of the application of international labour Conventions in non-metropolitan countries. On the basis of the abundant material contained in last year's and this year's reports, it would describe the distinctive "local conditions" prevailing in broad general terms in most of the territories with a social structure as follows :

The populations are mainly agriculturalists, some being still nomadic or semi-nomadic pastoralists. Industry is in its infancy and, as far as it exists, is mainly in the hands of non-indigenous inhabitants, mostly Europeans. Modern western phenomena related to a highly industrialised society, such as unemployment, do not exist generally nor do the social evils of modern industrial society which some of the Conventions seek to combat.

The indigenous populations for the most part still live within the strong bonds of a tribal, clan or family system which governs and protects them and into which they are entirely integrated. Labour is in the first place family labour, especially where agriculture is based on peasant proprietorship. The system is still largely that of a material or barter economy. Modern institutions of industrialised society, such as social insurance, for example, have no useful job to perform in such a communal society nor can we expect any understanding of their value within the great mass of native society since the communal system stands ready to absorb possible unemployed members.

Nevertheless, in most territories, even the least advanced generally, groups of the population have become or are becoming urbanised; industries are being created or are being expanded. Regular wage-earning employment has become for many a feature of life. Within territories otherwise still largely agricultural, industrialised pockets are appearing. Add to this the changes brought about by the second world war, during which many indigenous people saw new countries and customs and returned with new skills, new wants and new ideas based on western democracy. For none of these elements have tribal customs now any great validity nor does the communal system offer them adequate help in time of need. What is more, they need the protection of the reasonable conditions of work which some of the international labour Conventions specify.

Lastly, there is the compelling fact of the weak financial position of many non-metropolitan territories. Even if their exchequers could provide the necessary funds for the servicing of western social standards, there is also an extreme scarcity of personnel, a scarcity rendered worse by the vastness of some of the territories concerned and the many competing administrative and social tasks to be performed.

This last point is equally valid for most territories, including those with an essentially westernised social structure, such as the Caribbean and Mediterranean territories and some of the territories in the Far East.

The Committee is fully conscious of the great difficulties which face the various Governments in their study of the questions connected with the execution of the main obligation under Article 35 of the Constitution of the I.L.O. On the other hand, it attaches the greatest importance to the fulfilment of this constitutional obligation, for the reason also that as many workers as possible must enjoy the protection and security offered by the labour Conventions.

The Committee has during the last few years been struck in many cases by the readiness with which some reports describe Conventions as "not applicable", without convincing signs appearing that all the possibilities of partial or modified application have in fact been thoroughly studied. Such a thorough study seems to the Committee the essential prerequisite for a well-founded decision concerning the application of the Conventions to non-metropolitan territories.

The Committee recalls the distinction it has drawn between the sophisticated, westernised groups, including the industrialised sections, and the great mass of the populations. It has asked itself how the application of labour Conventions having in mind the

provisions of Article 35 could best be furthered.

As regards the former, the Committee more than once got the impression that the interests of this often numerically rather small, though socially and politically very important, group have been allowed to recede into the background, attention being wholly focused on the great mass of the population. Perhaps some solution of the need for protection of this group might be found along the line of applying suitable Conventions wholly or partly to some sections of the population, while excluding, wholly or partly, from their terms those elements still operating under predominantly traditional conditions. It seems to the Committee rather an arbitrary method of fulfilling the main international obligation in this field to declare a Convention "not applicable" before having examined the possibility of applying it to those more developed and industrialised parts of the population who are as much entitled to the protection and security offered by the Convention as are the workers of industrialised metropolitan countries. By this device of "partial application", the final end, envisaged by Article 35, might perhaps be achieved by stages.

On the other hand, as regards the great mass of the agricultural population, a steady advance towards improvement of labour conditions and legislation within their respective spheres of competence is a necessary obligation both on Governments and on employers, in order that standards of life may be bettered and security enhanced. The difficulties encountered in the field of application of Conventions to the great mass of the population might be lessened, if to a larger extent than actually seems to be the case, the possibilities of "modified application" of those Conventions were fully explored.

The Committee, while envisaging these procedures as being more particularly suited to conditions in the less advanced territories, commends them for consideration in respect of all non-metropolitan territories. It fully realises that their adoption may impose a heavier burden on the administrations of these territories, but it is convinced that no means should be overlooked which might further extend the operation of the protection afforded by international labour Conventions. The Committee would be most grateful if the responsible administrations would give them full consideration as a line of approach towards a broader and fuller application of Conventions.

2. OBSERVATIONS CONCERNING CERTAIN COUNTRIES

Australia

General Observations.

The Government has provided reports on only three of the Conventions which it has ratified. As this is essentially the same situation as for the report year 1947-1948, the Committee wishes to address a special request to the Government to supply for the coming report year, and in time for examination by the Committee, a set of complete reports covering the application to its terri-

tories of all ratified Conventions and taking into account the observations made by the Committee at its two previous meetings.

The Committee has taken note of the statement made on behalf of the Australian Government at the last session of the Conference to the effect that a reply to previous observations of the Committee was being prepared and that consideration was being given to the application to New Guinea of all the Conventions ratified by Australia except Convention No. 9. The Committee hopes that the Government's undertaking will be implemented at an early date.

In regard to Convention No. 8 (Unemployment Indemnity (Shipwreck), 1920), the Committee notes that the Government is taking steps to repeal the provisions excluding native seamen from the coverage of existing legislation in Papua and New Guinea, and will follow with interest the progress made in this direction.

Belgium (Belgian Congo—Ruanda Urundi)

With the exception of Conventions Nos. 17, 29 and 41, for which special reports were supplied, the reports communicated for the other Conventions fail to give the indications corresponding to each Article of the Conventions as requested in the report forms. Frequently the reports only state that the legislation is in conformity with the Convention and fail to give any further details. It follows that it is impossible for the Committee to evaluate the position.

The Government is requested to be good enough to supply in future the detailed information which would enable the Committee to communicate to the Conference a full report on the application of Conventions in the territories administered by Belgium.

France

General Observations.

The French Government member made a statement before the Conference Committee, at the 32nd Session, concerning the meaning of the term "extra-metropolitan territory" as used in France. According to this statement "the term 'extra-metropolitan territories' was equivalent to the word 'non-metropolitan' under Article 35 of the Constitution. This term applied to three categories of French territories: (a) the territories of the Republic itself, i.e., the overseas departments and territories; (b) the associated territories such as the territories under trusteeship; (c) the associated States. Article 35 thus applied to all territories outside metropolitan France."

It must be added that the Office has received, in accordance with Article 22 of the Constitution of the International Labour Organisation, a number of reports concerning the application of the Convention in the French overseas territories and the territories under trusteeship. A very small number of reports was received with regard to French overseas departments. No reports were received with regard to the application of the Convention in the "associated States" and in the Protectorates.

The reports received with regard to French overseas territories deal with the application of Conventions Nos. 6, 13, 29 and 41. No reports were supplied concerning the application in these territories of Conventions

Nos. 2, 5, 8, 9, 11, 12, 14, 15, 16, 17, 18, 19, 22, 23, 24, 26, 27, 33, 35, 36, 37, 38, 43, 45, 49, 52, 53 and 55, although these Conventions have been ratified by France.

It has not been reported that these Conventions are inapplicable in these territories owing to local conditions, or that they could be applied subject to such modifications as might be necessary to adapt them to local conditions. Finally, it was not indicated that the questions covered by these Conventions were within the competence of the authorities of these territories.

The Committee therefore would be grateful if the Government would be so good as to supply, for every non-metropolitan territory, reports on the application of every Convention ratified by France. The Committee draws the attention of the Government to the procedure established by the Governing Body at its 105th Session in June 1948 concerning the drawing up of these reports; it was decided that the latter should be drawn up on the basis of the standard report form approved for metropolitan territories in pursuance of Article 22 of the Constitution and should contain a certain number of supplementary indications, particularly with regard to any modifications regarded as necessary owing to local conditions and to the conditions which might have motivated a decision not to apply the Convention.

Netherlands (Indonesia¹, Netherland West Indies and Surinam)

Reports have been received from the Government covering the application of all the Conventions it has ratified to the territories for which the Government of the Netherlands was responsible during the period under review.

In regard to Indonesia, the only substantial difference from the previous reports is the raising of the minimum age of admission to employment in industrial and agricultural undertakings and for night work, from 12 to 14 years. In this respect, the Committee notes with appreciation that action has been taken along the lines of the observations made on this point in its report of last year.

In regard to Surinam and the Netherland West Indies, the Committee draws attention to the observations made in its 1948 report on the possibility of application of a number of Conventions to these territories.

The Committee would also like to draw attention to the remarks it made last year on the desirability, where sufficiently representative organisations exist, of submitting reports to local organisations of employers and workers. The reports for the Netherland West Indies do not make clear the position on this point. The Committee draws the attention of the Government to the fact that submission of reports in this way is designed to make the report itself known and to provide the opportunity for the organisations concerned to make observations on the reports. The procedure is not designed, as the Government appears to consider, to make the Conventions and the legislation of the territory known to the organisations.

The reports for the Netherland West Indies reveal that Conventions Nos. 6, 15, 16, 27 and 50 are already applied in practice but that no

¹ Indonesia became independent after the end of the report year.

legislation has been enacted. The Committee would be grateful for further clarification on this question, since it is not clear why the situation in practice has not received confirmation in a legal provision, as in the case of Convention No. 26.

The reports on the application of Conventions to Surinam remain incomplete and the Committee must once more stress the desirability of receiving substantial and complete information drawn up in conformity with the standard report forms laid down by the Governing Body. The reports submitted do not comply either with the request of the Governing Body at its 105th Session nor with that of the Committee at its previous meeting for the submission of complete reports.

Some Conventions seem to be applied in practice administratively to Surinam. The Committee would be grateful for further clarification, such as has been requested in respect of the Netherland West Indies, in regard to the reasons for the non-existence of legal provisions.

Most of the reports fail to indicate how the supervision of execution of the Convention is effected. The Committee stresses the desirability of information being provided on this point.

The Committee notes that in a number of instances the reports have failed to make clear the precise character of the local conditions which have led the Government to consider a Convention inapplicable to Surinam. The Committee hopes that the Government will see its way to providing further information on this point in respect of the cases in which such information is lacking.

New Zealand

General Observations.

The Government has provided reports for the period on only four of the Conventions it has ratified; the reports on these Conventions, Nos. 29, 50, 64 and 65, are elsewhere examined.

The Committee therefore draws to the Government's earnest attention the general observations contained in the Committee's report last year, particularly as regards the Conventions on which no report was furnished during the report year 1947-1948 and the Conventions the application of which was under consideration. It hopes that in the light of last year's observations regarding the form of the reports supplied by New Zealand steps will be taken to provide, in time for the Committee's meeting next year, a full set of reports which cover practice as well as legislation, in accordance with the procedure laid down by the 105th Session of the Governing Body.

Portugal

General Observations.

The Government has supplied a virtually complete set of reports for the report year 1948-1949 on the application of the Conventions it has ratified to the non-metropolitan territories. The Committee wishes to thank the Government for the notable effort made, in view of the onerous task involved in providing such reports for the first time.

Several reports have indicated that the short period of time available for their preparation has resulted in gaps in the informa-

tion supplied, particularly in regard to practical application; in some cases, the Government has promised that deficiencies will be remedied in the reports for the year 1949-1950. The Committee hopes that its observations this year will be of assistance to the Government by indicating the points on which supplementary information would be particularly helpful to the Committee.

In this spirit, the Committee wishes to draw the attention of the Government to four points of a general character having relevance to a considerable number of the reports submitted.

(a) *Information on practical application of Conventions.* A high proportion of the reports are confined to a statement of the legislative position and contain no replies or only incomplete replies to the questions in the standard form in respect of practical application. The Committee therefore wishes to draw the attention of the Government to the general observations it has made in regard to this question in its report.

(b) *Explanations given in regard to the non-application of Conventions.* In a number of instances, the reports have failed to make clear the precise character of the local conditions which have led the Government to consider a Convention inapplicable to a given territory. The Committee hopes that the Government will see its way to providing further information on this point in respect of the cases which it is noting in its observations.

(c) *Communication of reports to organisations of employers and workers.* The Committee has noted that, in a number of reports, reference is made to the fact that the reports have not been communicated to such organisations because no representative local organisations exist. It would be glad to be informed whether the reports on the application of Conventions to the Portuguese territories have been communicated to the representative employers' and workers' organisations in the metropolitan country.

(d) *Labour inspection.* In view of the absence in a number of reports of any information regarding local labour inspection services and the information provided in other reports on the enforcement machinery existing, the Committee ventures to draw the attention of the Government to the general observations it has made on this subject in its report.

In respect of points (a) and (b) above, the Committee hopes that the Government will be able, in its reports for the year 1949-1950, to provide more adequate data on the application of the following Conventions to the following territories:

- (a) *Angola* — Conventions Nos. 1, 4, 6, 14, 17, 18, 19.
- Cape Verde* — Conventions Nos. 14, 17, 18, 19, 27.
- Guinea* — Convention No. 17.
- Mozambique* — Conventions Nos. 4, 6, 17, 19.
- St. Thome and Principe* — Conventions Nos. 6, 17.
- (b) *Angola* — Convention No. 27.
- Cape Verde* — Conventions Nos. 4, 6, 45.
- India* — Conventions Nos. 1, 4, 6, 14, 19, 27, 45.
- Maçao* — Conventions Nos. 14, 27.
- Mozambique* — Conventions Nos. 27, 45.

The attention of the Government is drawn to the fact that no report has been received in respect of Convention No. 18 for Portuguese India.

Reports on some Conventions, for example, those concerning the night work of women and young persons, state that the forms of employment which these Conventions are designed to prohibit do not exist in the territories concerned. The Committee, as it has done before in similar instances, suggests that, as a precautionary measure, the Government might bear in mind the possibility of enacting simple legislation covering the provisions of such Conventions, when a suitable opportunity occurs.

Guinea. The legislation of the territory in regard to Article 3 of Convention No. 1, Hours of Work (Industry), 1919, provides for exceptions in case of emergency or *force majeure*. The Committee would appreciate further information from the Government as to the circumstances in which such exceptions are permitted and as to the authority competent to authorise such exceptions.

Maçao. The report refers to the special conditions relating to navigation in the territory as rendering application of the Convention No. 27 impracticable. The Committee would welcome a fuller statement as to the nature of these conditions.

Mozambique. Reference is made in the report on Convention No. 1, Hours of Work (Industry), 1919 (Article 2), to exemptions which may be permitted in respect of the maximum hours of work normally authorised by law. The Committee would welcome fuller information as regards the conditions under which such exemptions are permitted and the extent to which recourse is had in practice to such exemptions.

St. Thome and Principe. The report on Convention No. 17, Workmen's Compensation (Accidents), 1925, refers to the fact that native workers from other colonies are compensated for injury incurred in the territory, while the report on Convention No. 19, Equality of Treatment (Accident Compensation), 1925, states that there are no foreign workers or employees in the territory. The Committee would welcome clarification in regard to these apparently conflicting statements, which it has assumed to mean that the workers to whom reference is made in the report on Convention No. 17 are solely from other Portuguese territories.

Union of South Africa

General Observations.

No reports have been received from the Government for the report year 1948-1949 on the application to South-West Africa of the Conventions it has ratified. In a communication of 11 June 1949, the Government stated that, after investigation and with the agreement of the South-West Africa Administration, the Government accepted on behalf of the territory the obligations of Conventions Nos. 19 and 45. In regard to the four other Conventions ratified by the Government of the Union, the reasons which led the Government to regard them as inapplicable were stated. In a subsequent communication, the Government intimated that, since the application of Conventions Nos. 19 and 45 became

effective only as from 11 June 1949 and the report year covered the period 1 October 1948 to 30 June 1949, it would not be possible to furnish reports on that period. The Government, however, undertook to furnish reports on the application of Conventions Nos. 19 and 45 for the report year 1949-1950.

The Committee will look forward with interest to receiving these reports and draws the attention of the Government to the suggestions it has made in its reports this year and last year in regard to the form which reports might take in the light of the Governing Body's request at its 105th Session on this subject.

In order to enable the Committee to have a clearer picture of the situation, the Committee would also be obliged if the Government would at the same time provide it with information on the reasons for non-application to the territory of Conventions Nos. 26 and 41 supplementary to the information contained in the Government's communication of 11 June 1949. In regard to Convention No. 26, the Committee would consider it helpful if the Government could provide statistics on the number of wage earners in the territory and the number of shop assistants for whom minimum wage rates are in force and any information which will serve to indicate whether any methods of wage regulation exist applicable to other categories of workers. In regard to Convention No. 41, Night Work (Women), the Committee would be glad to be informed as to the extent of employment of women on night work in the territory, since the qualification "for all practical purposes" which the Government has found it necessary to add to its statement that women are not employed on night work in the territory might be construed to mean that some women are in fact so employed.

United Kingdom

General Observations.

Reports have been received from the Government covering the application of all the Conventions it has ratified to all the British non-metropolitan territories except the Bahamas, Bermuda, Jamaica and the Leeward Islands. The Committee notes with appreciation the full and complete character of most of the reports received and also the fact that the reports show that the Government has taken account in their preparation of the Committee's observations of last year.

In order to assist the Government to complete, in respect of certain territories, the very full information it has provided on application of Conventions to British territories for the Committee's examination at its last and present sessions, the Committee ventures to draw the Government's attention to the following points.

Incomplete character of some reports. The reports for some territories contain very little detail particularly on practical application. The Committee has noted that the reports for the Falkland Islands, Dominica and Grenada are particularly sparse and cannot be regarded as complying with the procedure established by the Governing Body at its 105th Session and the request of the Committee at its last meeting for complete reports indicating the situation in law and practice where a Convention is applied in whole or in part, and a precise description of the

character of local conditions where these render a Convention inapplicable. The Committee hopes that adequate reports for these territories will be available in respect of the report year 1949-1950.

Provision of statistical information regarding the practical application of Conventions. The statistical information provided in a number of reports, particularly in regard to Conventions Nos. 2 and 26, has been much fuller in the reports for the year 1948-1949 than in previous reports. The Committee notes with satisfaction the attention which has been given to its previous comments on this point and hopes that even fuller information and from a wider range of territories will be available in future. Where full information has been provided this year, only supplementary information need be supplied in the report years 1949-1953. Since, however, statistical information may be expected to vary from year to year, the Committee hopes that it will form part of the relevant reports in each year.

Communication of reports to organisations of employers and workers. The Committee notes that its suggestion last year that, where sufficiently representative local employers' and workers' organisations exist, reports on the application of Conventions should be submitted to them, has resulted in a notable extension of this practice and that such reports have also been communicated where such a procedure seemed appropriate, to Labour Advisory Boards. In commending the action taken by the Government in this direction, the Committee has nevertheless noted a few instances, for example, the reports on British Guiana, where no mention is made either of the fact of communication to local organisations or of the non-existence of sufficiently representative organisations and repeats the view it expressed last year that uniformity in respect of communication to local organisations appears highly desirable.

Differences as between areas with comparable local conditions. The Committee last year drew the attention of the Government to the widely varying degree of application of certain Conventions as between territories apparently at the same stage of social development and in which social conditions do not appear to be widely different. The application of Convention No. 5, Minimum Age (Industry), 1919, offers a notable example of such differences. In such cases, the Committee is very anxious to be informed as to those differences in local conditions of which it may not be aware and hopes that the Government may be able to enlighten it on this point or indicate what progress is being made in the direction of establishing comparable degrees of application.

Labour inspection. The Committee thanks the Government for the fuller information it has provided this year on machinery for the enforcement of labour legislation, in response to the Committee's request of last year. Since in a few cases, however, the specialised labour supervision services seem to require the assistance of the police for enforcement purposes, the Committee ventures to draw attention to the remarks it has made on this subject in its present report. The recent ratification by the Government of the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947, will undoubtedly enable

the Government to give effect to the principles recommended in those remarks.

Action envisaged to apply Conventions. The Committee notes that, in a few cases, the application of a given Convention has been under consideration, according to the reports received, for some time. It hopes that the Government will endeavour to resolve the difficulties which result in apparently unduly long periods of consideration of this kind.

The Committee has noted with interest the development of employment exchange arrangements in territories in which wage earning is gradually becoming a significant aspect of the economy. It regards this as an important development in the light of the rapid rate at which contact with the western world is altering the social patterns of non-western communities.

Very full information has been provided for some territories indicating the extent to which the minimum wage fixing machinery established is in practice utilised. The reports on Bechuanaland and Swaziland, however, while indicating that the competent authority is empowered to fix minimum rates of wages, state that no minimum wage rates have, in practice, been laid down. The Committee would be grateful if the Government would be good enough to explain the reasons for which it has not considered it desirable to apply these powers.

United States of America

The reports submitted by the United States in respect of the three Conventions for which reports were due reveal that these Conventions are applied in the same way to United States territories and possessions as to the continental United States. The Committee therefore has no observations to make on the application of these Conventions to United States non-metropolitan territories.

In an earlier report, however, the Government had stated that it was giving consideration to the question of applying these Conventions to the Trust Territory of the Pacific Islands. The Committee, in view of the fact that the reports for the year under review contain no reference to this question, expresses its continued interest in any developments in regard to this question and would be obliged if the Government would indicate whether any steps have been taken to this effect.

3. OBSERVATIONS CONCERNING CONVENTIONS Nos. 29, 50, 64 AND 65

General Observations

Detailed reports have been supplied this year for the first time with regard to the application of Convention No. 50, concerning the regulation of certain special systems of recruiting workers, Convention No. 64, concerning the regulation of written contracts of employment of indigenous workers, and Convention No. 65, concerning penal sanctions for breaches of contracts of employment by indigenous workers. For the first time also reports have been supplied on the basis of the new report form prepared for Convention No. 29, concerning forced or compulsory labour. Many of these reports contain new or more detailed information from which several general conclusions may be drawn.

With regard to the application of Convention No. 29, the Committee was already able, last year, thanks to the very detailed reports supplied for many British territories, to furnish a general review of the cases of forced labour occurring in these territories. This year the Committee has been able to examine the reports of nearly all the Governments of non-metropolitan territories and is thus in a position to confirm its previous conclusion that "the measures taken tend to the reduction or even to the abolition of forced or compulsory labour".

In the case of territories of the French Union, the Act of 11 April 1946 provides for the absolute and full prohibition of recourse to forced labour. However, the Committee wishes to ask for further information on the application of this Act; this forms the subject of a separate observation. In Indonesia, forced labour had already ceased to exist before the Japanese invasion, except in the case of private estates (*particuliere landerijen*). This last form of compulsory service has now also been abolished. In Basutoland, the Committee notes the suppression of the form of labour named "matsema". In the Belgian Congo, forced labour is being reduced and remains mainly in the form of compulsory cultivation effected for educational reasons. This form of compulsory labour is not authorised under the Convention, but was the object of a reserve made at the time of ratifying the Convention. In some of the Antilles, forced labour has been abolished and in others it has never existed. Finally, it appears that in the majority of British territories the cases of forced labour exacted in the course of the year 1948-1949 were less numerous and of less importance than those exacted during the previous period.

In places where forced labour is still to be found, it is mainly in the form of portage, customary services, and compulsory cultivation. In Papua the cultivation of land is required for educational reasons, but here also compulsory labour appears to be on the decrease.

A good many reports also give indications concerning the methods employed in one territory or another to encourage the decrease or suppression of forced labour. These methods are as follows:

Portage (which is frequently the most arduous type of compulsory labour) is disappearing with the improvement of communications and the extension of mechanical transport.

Services for the benefit of customary chiefs are decreasing owing to the better payment of these chiefs.

In Papua, recourse to compulsory cultivation is less frequent because of the activity of co-operative productive societies which are undertaking an increasing responsibility for this cultivation.

In some territories customary services have been replaced by taxation.

The Governments of some territories have stated the reasons for which labour was exacted and have defined the character of this labour. In this respect the Committee wishes to thank the Governments of Kenya, Tanganyika and Zanzibar for the explanations supplied in reply to the observations made by the Committee.

The Committee hopes that the experiments made in the territories which have decreased or abolished the recourse to forced labour

will assist other territories whose social and economic development is similar, and will permit them to bring about reforms for the suppression, at the earliest possible date, of forced or compulsory labour.

With regard to the application of Conventions Nos. 50 and 64, it must be noted that the reports supplied are as a rule very exact and detailed. In the majority of the non-metropolitan territories in Asia these Conventions are only applied on a limited scale since the shortness of contracts of employment means that they are frequently oral in character and concluded without previous recruiting. Thus, recruiting followed by a written contract of employment rarely occurs in these territories, except in the case where the worker is to be employed in another territory. In this latter case, guarantees must be given to ensure his repatriation and to avoid all danger of fraud or error. It must also be noted that the employment of professional recruiters tends to decrease in African non-metropolitan territories. Recruitings are generally effected either through agents of the employer or by means of large organisations disposing of a permanent paid staff.

The Government of Tanganyika states, in this respect, that it has encouraged the activity of large organisations of employers in preference to organisations of native recruiters.

Special attention must be given to the agreement concluded between the Governments of Northern Rhodesia, Southern Rhodesia and Nyasaland with regard to the migration of workers. These workers are frequently recruited workers and it is interesting to note that some Governments have come to an agreement so that their journey to their place of employment and the return to their homes should be effected under more favourable conditions.

It should be pointed out that it has not yet been possible to ensure the complete application of Convention No. 65. In a number of territories, penal sanctions are still applied. This is particularly the case in Basutoland, Bechuanaland, British Guiana, British Honduras, Brunei, Gambia, Gilbert and Ellice Islands, the Gold Coast, Kenya, North Borneo, Northern Rhodesia, Sierra Leone, Singapore, Southern Rhodesia, Solomon Islands, Swaziland, Tanganyika, Uganda, Zanzibar and the territories of New Zealand. As regards the Federation of Malaya, the report does not make any clear statement regarding the application of penal sanctions.

In several territories, the abolition of penal sanctions is either under consideration or in course of preparation. This is particularly the case in the territories administered by New Zealand and in Basutoland, British Honduras, North Borneo and Sierra Leone. As regards the other territories, the reports indicate that the provisions of Acts and Ordinances relating to penal sanctions are only very seldom applied.

An examination of the reports from territories where penal sanctions are still applied shows that there are serious discrepancies of interpretation as to the meaning of the "penal sanctions" prohibited by the Convention. It is necessary to state precisely what this term means in order to appreciate to what extent the Convention is applied.

The Convention does not require the abolition of all penal sanctions, of whatever nature, imposed on indigenous workers; it does not cover sanctions imposed on persons responsible for breaking a common law; the only sanctions covered by the Convention are those for breaches of the contract of employment, strictly speaking. It follows, therefore, that the provisions applicable to persons who cause wilful damage or who neglect persons who are handicapped or in need, or are guilty of fraud as regards advances of wages, are not necessarily in contradiction with the terms of the Convention.

The Convention deals solely with sanctions for breaches of the contract of employment and enumerates these breaches.

The reports received show that two methods, *inter alia*, have been employed with a view to reducing or abolishing penal sanctions: (1) increasing the age limit as regards workers who are authorised to take up work according to a written contract; certain Governments have fixed this limit at 18 years; (2) the institution of a procedure of arbitration for the settlement of cases in which the contract of employment has been terminated.

Mention might also be made of a measure which does not cover the breaking of a contract of employment, strictly speaking—the reduction of the amount of advances on authorised wages.

The Committee would be glad to receive, in future reports, information regarding the possibility of applying one or the other of these methods in the territories concerned.

The administrative authorities of five territories state clearly that they are in favour, for an extended period, of the maintenance of penal sanctions for desertion and other breaches of the contract of employment enumerated in Article 1, paragraph 2, of Convention No. 65. These territories are, on the one hand, the Solomon Islands and, on the other, Gambia, Southern Rhodesia, Tanganyika and Uganda. The report from the first of these five territories states that penal sanctions covering breaches of the labour contract are not put into effect in the territory, but nevertheless states that it is essential for them to be maintained. The Committee would be glad to be informed of the reasons for the maintenance of sanctions and also whether they are based on the desire to ensure public order.

The report for Gambia merely indicates that the Convention is "inapplicable in the present state of progress and development of the territory". In view of this very general statement, the Committee feels bound to ask the Government concerned to be good enough, in its next report, to develop the arguments on which it is based.

The Government of Southern Rhodesia has accepted the Convention but states that the maintenance of penal sanctions is indispensable and that, owing to the mentality of the African worker, civil sanctions must be regarded as ineffective. It states that the abolition of penal sanctions would be "likely not only to affect labour stability but to increase lawlessness".

The Governments of Tanganyika and Uganda develop similar themes, but in a more detailed way and put forward more substantial arguments.

The question of penal sanctions constitutes a problem of long standing. Reference may

be made here to the work of the Committee of Experts on Native Labour, which finds expression in the report submitted by the Office to the Conference at its 24th Session, 1937 (Report II: Regulation of Contracts of Employment of Indigenous Workers).

This Committee explained very clearly the difficulties represented by the abolition of penal sanctions in a society where civil sanctions are likely to be ineffective. It specified that the best way of ensuring a stable labour supply without the necessity of recourse to penal sanctions would be to provide satisfactory labour conditions for this labour supply. However, the Committee admitted that this method would be inadequate in a society where applications for labour exceeded vacancies or where workers receive many offers and where the employment service is not organised. In the opinion of this Committee such a situation seemed rather to call for a general reform than for the application of penal sanctions. In such a case, penal sanctions could only constitute an inadequate and artificial palliative. Above all, the social evils caused by the application of penal sanctions would be far greater than the instability of labour put forward by some Governments as a reason for applying such sanctions. The Committee of Experts on Native Labour, moreover, admitted that penal sanctions should only be abolished progressively, a proposal which was embodied in the text of the Convention.

If this work, undertaken some time ago, is borne in mind in this connection, it is because it is appropriate to refer to the detailed observations put forward by the Governments of Southern Rhodesia, Tanganyika and Uganda. Without wishing to enter into a discussion as to the merits of the question, the Committee of Experts on the Application of Conventions is aware of the relations which exist between customs and institutions, the social situation and the mentality of indigenous workers, on the one hand, and the maintenance of penal sanctions as regards the contract of employment, on the other. However, it is necessary to recall that other Governments are confronted with similar difficulties and have been able to solve them. In this connection, the Committee is pleased to draw special attention to the case of Indonesia. According to the report supplied for Indonesia on the application of Convention No. 29 during the period 1948-1949, the Government, in collaboration with the important estates, had found it possible even before the war to find a means of restricting the application of penal sanctions in such a way that the number of workers liable to these sanctions fell from approximately 22,000 in 1931 to only 60 in 1940 and to none in 1942.

In Africa, some Governments have abolished penal sanctions or have limited them to the case of desertion on the part of the worker.

The Committee requests the Governments concerned to devote serious attention to the question of the reduction or abolition of penal sanctions covered by the Convention. Moreover, it draws the attention of Governments in territories in which penal sanctions are applied to the necessity of inserting in their annual reports precise information regarding the measures taken or the discussions followed in order to abolish penal sanctions. It would also be essential for this information to include the number of penal sanctions of

all kinds which are imposed, so that the Committee might be in a position to estimate the progress achieved.

Convention No. 29 : Forced Labour, 1930

France.

General observations on French overseas territories. The report transmitted last year by the French Government with regard to the application of Convention No. 29 in the French overseas territories simply stated that the Act of 11 April 1946 respecting the suppression of forced labour in the overseas territories was applicable in all territories of Overseas France.

This year the reports concerning every overseas territory mention for the first time the promulgation in the local legislation of the text of the Act of 11 April 1946; they add that, as a result, the prohibition of forced or compulsory labour has become general and absolute for the whole territory.

In this respect it would appear indicated to recall that the Act of 11 April 1946 also contains the following provision: "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 penalties".

However, according to the reports received, this repressive legislation has not yet been published; at the most, the report concerning Togoland states that a similar text appears in the draft Labour Code submitted to the National Assembly.

The Committee therefore notes that the repressive text concerning penalties especially provided for under the Act of 11 April 1946 and which was intended to ensure the suppression of forced labour has not yet been adopted. In these circumstances, the Committee would be glad if the Government would be so good as to supply detailed information on the measures which are now being envisaged to ensure the execution of the Act of 11 April 1946 in the overseas territories.

Moreover, the reports concerning the French overseas territories point out that the prohibition of forced or compulsory labour under the Act of 11 April 1946 goes further than the prohibition contained in the text of Convention No. 29 and applies to all possible forms of direct or indirect compulsion. Since it is not clear whether the exceptions provided for in the text of the Convention and, particularly, those contained in Article 2, are also considered under the Act of 11 April 1946 as cases of forced labour covered by the general prohibition, the Committee would be glad to have further information on this point.

The report of the Committee of Experts in 1949 referred to two forms of compulsory labour with regard to which the Committee had asked for clarification. These concerned compulsory cultivation and the employment of the second portion of the military establishment for the execution of labour of general interest.

The reports for the overseas territories for the period 1948-1949 state that compulsory cultivation has been suppressed.

With regard to the employment of a part of the military establishment, the Committee takes note of the statement made by the French Government representative to the

Conference during its 32nd Session (Geneva, 1949). According to this statement, the employment of this part of the establishment for public works has now fallen practically into disuse and the Minister of Overseas France has decided to propose to the Government and Parliament the eventual revocation of the reservation formerly made by France, with regard to the application of the provision of the Convention which deals with this question. In this respect the report of the Government on the application of the Convention in French West Africa contains the following information: "The utilisation of certain portions of the second military contingent for work of general interest necessary for the development of the territory constituted a method of rendering military service. However, the utilisation of these contingents could be considered as approximating the compulsion to labour and the progressive abolition of this form of work has been carried forward during the period 1948-1949." The report also states that "the full and final abolition of the use of the second contingent becomes effective on 31 August 1949 through the release of the remaining workers". On the other hand, reports from other territories contain no information on this point.

Moreover, at the 32nd Session of the Conference, the French Government representative referred to the fact that during the rebellion in Madagascar the employment of civilian manpower by the military authority had been rendered necessary by reasons of *force majeure*. This employment had been dictated by the absolute necessity to supply military posts by portage and also to re-establish or improve essential communications. It may be noted in this respect that the report this year indicates with regard to Madagascar that the military authorities established in the regions where the rebellion had occurred had no difficulty in finding the voluntary workers which were needed and employed them under the supervision and according to the special instructions of the civilian authorities in accordance with the labour regulations in force.

Finally, several reports, particularly those of French Equatorial Africa and New Caledonia, refer to the compulsory labour required in time of war. They state, however, that these obligations ceased with the end of hostilities.

New Caledonia. The Committee feels that it would be expedient to draw the Government's attention to Articles 47 and 49 of Order No. 1195 of 18 November 1941 which issues regulations for the service of local penitentiary administration. The text reads as follows:

Article 47. No convict may remain in idleness. The head of the service nominates the convicts who are to be employed for house duties or as house boys. The head warden distributes the others for different types of work.

Prisoners condemned to solitary confinement may not leave the precincts of the penitentiary.

Article 49. Penal labour may only be made over to private persons by virtue of a special Order of the Governor establishing the conditions and price of the concession. Convicts employed by the public services shall receive the sum of one franc for each day's work, of which one half is laid aside to be handed to him on discharge (reserve sum) and the other half is made available to him for use in the canteen (available sum). This wage is paid by the employing service.

This Order has not been repealed. There is, however, a later Order the provisions of which are quite different. Thus, §1 of Order No. 444 of 26 March 1948 to establish the conditions of employment for penal labour in the centres of the interior provides as follows :

As from 1 April 1948 convicts of all categories—European, Asiatic and native (with the exception of women, and persons considered as too dangerous for employment outside the precincts of the disciplinary settlement) who are held at a police station, shall be placed at the disposal of the head of the public works service in order that they may be employed in works of public interest.

This Order, which applies particularly to condemned prisoners held at police stations, does not appear to apply to penitentiary convicts.

Moreover, the report contains the following passage :

No use has ever been made of exceptions provided under §49, first paragraph, of the local Order No. 1195 of 18 November 1941, which envisages the concession of penal labour to private employers.

The Committee takes note of this information ; it would like, however, to point out that this is only the factual position since the local legislation does not prohibit the concession of penal labour to private individuals and even provides for this possibility in certain conditions, which is contrary to the provisions of paragraph 2 (c) of Article 2 of the Convention.

The Committee would be glad to find further information on this point in the next report.

United Kingdom.

Bechuanaland. According to the report, the Native Authorities may issue orders under §25 of the Native Administration Proclamation No. 32 of 1943 requiring any able-bodied male native, who is otherwise unable to provide food for himself or his dependants, to work on any public works, relief works or any such other employment and for such period as may be approved by the Resident Commissioner. This may not be defined as personal service rendered to the chief.

Article 10 of the Convention provides that forced or compulsory labour exacted for work of public interest by chiefs who exercise administrative functions should be progressively abolished.

Meanwhile, where forced or compulsory labour is exacted as a tax, and where recourse is had to forced or compulsory labour for the execution of public works by chiefs who exercise administrative functions, the authority concerned shall first satisfy itself —

(a) that the work to be done or the service to be rendered is of important direct interest for the community called upon to do the work or render the service ;

(b) that the work or the service is of present or imminent necessity ;

(c) that the work or service will not lay too heavy a burden upon the present population having regard to the labour available and its capacity to undertake the work ;

(d) that the work or service will not entail the removal of the workers from their place of habitual residence ;

(e) that the execution of the work or the rendering of the service will be directed in accord-

ance with the exigencies of religion, social life and agriculture.

The report does not indicate in any way whether these guarantees are respected by the Native Authorities and, particularly, whether the service to be rendered or work to be done is of important direct interest to the community or of present or imminent necessity.

It should be noted, moreover, that §25 of the Proclamation applies to employment other than public works, since mention is made of employment approved by the Resident Commissioner. It would be interesting to know what is meant by such work.

The same report also refers to compulsory cultivation exacted by the Native Authority "to such reasonable extent as this Authority may direct". A distinction is made between this work and work done in cases of *force majeure* and personal services rendered to the chief, which are dealt with under §33 of the Proclamation, whilst the cultivation of land is required in virtue of §25. The report does not state that such cultivation is required solely as a precaution against famine, as is required under Article 19 of the Convention.

It does not appear, therefore, that such work can be effected in conformity with the text of the Convention, and the Committee would be glad to have further information on this subject.

Gambia. The Government was kind enough to reply with full details to the request for further information made last year by the Committee. These indications dispel any uncertainty with regard to rendering of minor communal services. The Committee wishes to thank the Government for the information supplied.

However, the report contains no information with regard to Articles 8, 15, 20, 21, 22, 23, 24 and 25 of the Convention ; the Committee would be glad to find in the next report information regarding the application of these Articles.

Convention No. 50 : Recruiting of Indigenous Workers, 1936

United Kingdom.

Bechuanaland and Swaziland. According to the reports received for these two territories a decision concerning the application of Convention No. 50 has been postponed. The reports for last year contained the same information.

The Committee would like to receive, for these two territories, reports drawn up in accordance with the procedure established by the Governing Body on the basis of the standard report form drawn up for metropolitan territories in pursuance of Article 22 of the Constitution. The Committee would be glad in particular to know what local legislation exists with regard to the questions covered by the Convention and with regard to the number of recruitments effected in these territories. Such information would be particularly useful since it would supplement the very detailed indications supplied with regard to the other territories and would enable the Committee to submit a general report to the Conference.

*Convention No. 64 : Contracts of Employment
(Indigenous Workers), 1939*

United Kingdom.

Bechuanaland. The report contains little information regarding the application of the Convention to the territory. No information whatever is given, in particular, regarding the application of Article 7 of the Convention, which covers the medical examination of workers; Article 8, which covers the engagement of non-adult persons; Article 12, which covers the termination of contracts; Article 16, which covers the re-engagement of workers; Article 19, etc.

The Committee would be glad if the Government would be good enough to supply additional information on the application of the Convention.

*Convention No. 65 : Penal Sanctions
(Indigenous Workers), 1939*

United Kingdom.

Bechuanaland. The report contains no information regarding the application of the Convention in the territory.

The Committee would be glad if the Government would be good enough to supply information in this connection.

APPENDIX II

ANNUAL REPORTS FOR 1948-1949 (ARTICLE 22)

Received or Still Due by 20 March 1950

Total requested : 806 — Reports received : 666 — Reports still due : 140

Country	Reports received		Reports still due	
	Number received	Conventions Nos.	Number due	Conventions Nos.
Afghanistan	5	4, 13, 14, 41, 45	0	—
Argentine Republic.....	16	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16	0	—
Australia.....	11	7, 8, 9, 15, 16, 21, 22, 26, 27, 29, 63	0	—
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.....	11	3, 5, 6, 7, 16, 41, 42, 45, 52, 53, 58	0	—
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	14	1, 2, 4, 6, 11, 14, 15, 16, 18, 19, 21, 22, 27, 41	0	—
Canada	11	1, 7, 8, 14, 15, 16, 22, 26, 27, 32, 63	0	—
Chile.....	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	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	—
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	—

Application of Conventions and Recommendations

Country	Reports received		Reports still due	
	Number received	Conventions Nos.	Number due	Conventions Nos.
Dominican Republic....	4	1, 5, 7, 10	0	—
Egypt	5	19, 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	33	2, 4, 5, 6, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 26, 27, 29, 33, 35, 36, 37, 38, 41, 43, 45, 49, 52, 53, 55	0	—
Greece	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	27	2, 5, 6, 7, 8, 10, 11, 12, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 41, 42, 43, 44, 45, 49, 63	0	—
Italy	24	2, 4, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 18, 19, 22, 23, 26, 27, 29, 32, 35, 36, 37, 38	0	—
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	27	8, 9, 11, 12, 13, 14, 16, 17, 19, 21, 22, 23, 26, 27, 29, 30, 32, 34, 42, 43, 45, 49, 52, 53, 55, 62, 63	2	6, 7
Netherlands	25	2, 5, 6, 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
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	15	1, 4, 6, 11, 14, 15, 16, 18, 19, 21, 22, 27, 32, 41, 45	0	—

Country	Reports received		Reports still due	
	Number received	Conventions Nos.	Number due	Conventions Nos.
Peru.....	11	1, 4, 11, 14, 19, 24, 35, 37, 39, 41, 45	0	—
Poland.....	22	2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 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	4	14, 34, 42, 45	0	—
Union of South Africa .	6	2, 19, 26, 41, 45, 63	0	—
United Kingdom.....	28	2, 5, 7, 8, 11, 12, 15, 16, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 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	16	1, 2, 3, 5, 6, 7, 11, 13, 14, 19, 22, 26, 27, 29, 41, 45	1	21
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 1948-1949 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 This 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 III

NUMBER AND PERCENTAGE OF ANNUAL REPORTS RECEIVED (ARTICLE 22)

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 (90.8)	423 (94.6)
1932-1933	522	435 (83.3)	453 (86.7)
1933-1934	601	508 (84.5)	544 (90.5)
1934-1935	630	584 (92.7)	620 (98.4)
1935-1936	662	577 (87.2)	604 (91.2)
1936-1937	702	580 (82.6)	634 (90.3)
1937-1938	748	616 (82.4)	635 (84.9)
1938-1939	766	588 (76.8)	The Conference did not meet in 1940.
1943-1944	583	251 (43.1)	314 (53.9)
1944-1945	725	351 (48.4)	523 (72.2)
1945-1946	731	370 (50.6)	578 (79.1)
1946-1947	763	581 (76.1)	666 (87.3)
1947-1948	799	521 (65.2)	648 (81.1)
1948-1949	806	666 (82.6)	—

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 IV

GENERAL REMARKS CONCERNING REPORTS ON UNRATIFIED CONVENTIONS AND ON RECOMMENDATIONS (ARTICLE 19 OF THE CONSTITUTION)

FORCED LABOUR CONVENTION, 1930 (No. 29)

This Convention has received 22 ratifications. Although it does not apply exclusively to non-metropolitan territories, most of its provisions are designed to regulate certain forms of forced or compulsory labour still authorised in these territories. With the exception of the United States of America, whose report has not yet been received, of Portugal and of the Union of South Africa, the reports requested under Article 19 of the Constitution related exclusively to countries which do not administer non-metropolitan territories, as the other Members responsible for the administration of non-metropolitan territories (Australia, Belgium, Denmark, France, Italy, the Netherlands, New Zealand and the United Kingdom) have ratified the Convention. Generally, the reports received indicate that the questions covered by the Convention have no practical importance for the country.

The 17 reports received on 20 March 1950 are from the following countries : *Argentine Republic*¹, *Austria*, *Brazil*, *Canada*, *Ceylon*, *Cuba*, *Dominican Republic*, *Egypt*, *Greece*, *Iceland*, *India*, *Luxembourg*, *Pakistan*, *Portugal*, *Turkey*, *Union of South Africa* and *Uruguay*.

With the exception of India, Pakistan and to a certain extent Turkey and the Union of South Africa, the reports indicate that generally the law and practice are in conformity with the Convention. The remarks of the other countries on those forms of compulsory labour still authorised relate essentially to coping with public calamities which under Article 2 of the Convention are not considered as "forced or compulsory labour". The countries which have indicated the existence of legislative provisions or regulations authorising this type of work are the following : *Argentine Republic* (locust control), *Brazil*, *Egypt* (flood waters of the Nile and similar circumstances), *Greece* (war, calamity, threatened calamity, fire, floods, famine, epidemics, epizootic diseases, etc., rat and locust control), *Turkey* (exceptional circumstances when the national interest requires it). Two countries provide in addition for a system of compulsory cultivation : *Egypt* (where a portion of the land must

be planted in wheat and in barley) and *Greece* (emergency laws on intensive cultivation, on the cultivation of rice and on the building of forestry roads). It seems that in the two cases the measures in question are dictated by the circumstances and could not strictly speaking be considered as contrary to the provisions of the Convention.

The very complete report of India indicates that various forms of forced labour still exist in the country. They are, however, relics of the past, since §17 of the draft Constitution of India (now Article 23 of the Constitution) provides that "traffic in human beings and 'begar' and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law". Moreover, a non-official Bill for the prevention of forced or compulsory labour has, pursuant to a motion by the Constituent Assembly, been circulated for eliciting public opinion thereon before 30 June 1949.

The forced or compulsory labour still remaining in India may be divided into two categories : (a) labour provided for and regulated in accordance with the terms of the Convention (such as portage and transport services on behalf of public officials and troops, road maintenance work, maintenance and drainage of canals, dykes, etc.); and (b) compulsory labour which cannot be said to be covered by the provisions of the Convention (in some remote areas portage for private travellers). Several provincial Governments are prepared to take or to consider steps to repeal the relevant Acts.

The Government states, moreover, that indirect compulsion to labour is still practised by certain chiefs, landed proprietors and influential persons in the most remote and economically backward areas of the country.

Further, some provincial Governments have the power under the Criminal Tribes Act to declare as such vagrant and wandering tribes with criminal propensities the members of which are then segregated in settlements where efforts are made to train them in pursuits enabling them to become useful citizens.

In Pakistan, the Criminal Tribes Act contains provisions similar to those mentioned for India. In addition the report indicates that land legislation still authorises in certain cases the use of forced labour.

The two countries for which the reports indicate that there exist legislative provisions not in conformity with those of the Conven-

¹ The ratification of this Convention by the Argentine Republic was registered on 14 March 1950.

tion are Turkey and the Union of South Africa. For Turkey it is stated that certain categories of convicts are forced to work on the roads, in the mines and in agriculture and that the conditions and duration of their work are agreed upon between the Administration of Prisons and the employers who may also be private individuals. Although the report specifies that convicts are not put unconditionally at the disposal of these individuals it would appear that there exists a discrepancy in regard to Article 2, paragraph 2 (c), of the Convention which provides that a convict "is not hired to or placed at the disposal of private individuals, companies or associations".

In the Union of South Africa convict labour is in certain cases hired to private bodies and individuals.

In conclusion, it appears from the reports that the situation concerning the ratification of the Convention is as follows :

Countries having signified their intention to ratify :

Ceylon: The Ministry of Labour has decided that the Convention can be ratified.

Greece: It has been decided to ratify the Convention shortly; the delay is the result of procedural questions.

Turkey: The Ministry of Labour has decided to prepare a Bill for the ratification of the Convention. It must be noted, however, that there is a present discrepancy between the Turkish legislation and Article 2 (c) of the Convention (the employment of convicts).

Countries where ratification appears possible :

Argentine Republic¹, Austria, Brazil, Canada, Cuba (the report mentions that the preliminary approval of the Senate must be obtained), Dominican Republic, Egypt, Iceland, Luxembourg and Uruguay. Austria, Egypt, Luxembourg and Uruguay state that they do not consider ratification necessary since the question is of no practical interest in their countries.

Possibility of ratification under examination :

Portugal.

Countries where ratification is not possible without amendment to legislation and practice :

India, Pakistan, Union of South Africa.

The information supplied in the reports calls for the following observations. It would appear that there is a difference in point of view in the case of several Governments with regard to the ratification of this Convention, which for some of them is of no practical interest. Thus some Governments refrain from ratifying while others have done so or are taking measures for ratification. Some of these latter States have no form of forced labour and intend that their ratification of the Convention should act as a moral support for the struggle against forced labour. The Committee can see no reason why the absence of forced labour in any particular country need in any way debar a country from considering the question of ratification.

One Government (Egypt) states that it does not intend to ratify since there is no forced labour within its territory and since it has no colonies. The Committee noted, however, that recourse is sometimes had to compulsory services in the case of calamities, such, for example, as flood waters of the Nile. No observations can be made in this respect since this is a service required in cases of *force majeure* and recognised as such by the Convention. However, the Committee would like to draw attention to the fact that ratification of the Forced Labour Convention cannot be considered as unnecessary for the simple reason that the country has no non-metropolitan territories. The Convention makes no distinction between metropolitan and non-metropolitan territories, and several countries which do not administer any non-metropolitan territory have decided to ratify the Convention.

The Committee expresses its gratitude to the Indian and Pakistani Governments for the reports which enabled it to have a better understanding of the present situation. The Committee would be particularly glad if the Governments concerned would inform it at the earliest possible moment of further developments.

FORCED LABOUR (INDIRECT COMPULSION) RECOMMENDATION, 1930 (No. 35), AND FORCED LABOUR (REGULATION) RECOMMENDATION, 1930 (No. 36)

Supplementing the Forced Labour Convention, 1930 (No. 29), these two Recommendations have the special characteristic of relating essentially to "territories in a primitive stage of development" and of containing special provisions concerning "natives". For each of these instruments the present note treats the reports on metropolitan territories and the reports on non-metropolitan territories separately.

On 20 March 1950 the following States Members had submitted the reports on these two Recommendations requested under Article 19 of the Constitution :

(a) For metropolitan territories: *Austria, Brazil, Canada, Ceylon, Chile, Cuba, Dominican Republic, Egypt, Finland, Greece, Iceland, India, Italy, Luxembourg, Norway, Pakistan, Switzerland, Turkey, United Kingdom and Uruguay;*

(b) For non-metropolitan territories: *Belgium, Denmark, France, Netherlands, Portugal and United Kingdom.*

The remarks called for by a study of these reports are given below.

Forced Labour (Indirect Compulsion) Recommendation, 1930 (No. 35)

Reports concerning Metropolitan Territories.

The reports indicate generally that the questions covered by the Recommendation are without practical importance since the countries do not belong to the category of "territories in a primitive stage of development" to which the Recommendation applies. Special note should be taken, however, of the case of India which, with a view to the economic and social development of aboriginal and backward tribes, has adopted special legislation and regulations for these com-

¹ Ratification registered on 14 March 1950.

munities which contain in fact numerous safeguards supplemented in several cases by plans for the economic, social and educational development of the tribes.

Reports concerning Non-Metropolitan Territories.

The reports received come from *Belgium, Denmark, France, Netherlands, and United Kingdom*, which countries have ratified the Forced Labour Convention, 1930, as well as from *Portugal* which has not ratified the Convention. They relate to the following territories: *Belgium* (Belgian Congo and Ruanda Urundi), *Denmark* (Greenland), *France* (French Equatorial Africa, French West Africa, Cameroon, French Establishments in India, French Establishments in Oceania, Madagascar, New Caledonia, French Somaliland, St. Pierre and Miquelon Islands, Togo), *Netherlands* (Indonesia), *United Kingdom* (Basutoland, Bechuanaland, North Borneo, Kenya, Nigeria, Nyasaland, Uganda, Southern Rhodesia, Sarawak, Sierra Leone, Swaziland, Tanganyika). Portugal submitted a general report.

These reports indicate that the provisions of the Recommendation are applied either within the framework of the general policies of the Governments of the territories concerned or, in certain cases, through specific legislation and regulations. The increase in the number and size of undertakings, the settlement of non-indigenous elements and the granting of forestry and other concessions as a monopoly, are supervised in most cases and sometimes even prohibited in certain areas, of variable size, considered as "native reservations" or "tribal territories". The reports indicate that taxation is moderate and that free cultivation is protected either on a customary basis or through the creation of native reservations or through the granting of land to natives, and that the only restrictive measures in existence relate to soil conservation.

The situation appears less clear as regards the free flow of labour. The Recommendation, in so far as it authorises restrictions in the freedom of this flow when they "are considered necessary in the interests of the population or of the workers concerned", leaves a large latitude of interpretation to the authorities concerned. This is perhaps the reason why the majority of the reports indicate that freedom of movement of manpower is generally guaranteed, while the system of "pass laws" or "travel permits", which still prevails in a certain number of African territories, implies necessarily a restriction in the free flow of labour which may result indirectly in inducing the workers—if not compelling them—to find employment in given industries or areas. It should be noted in this respect that for two territories, Nigeria and Sierra Leone, it is indicated that restrictions have been laid down to the movement of natives in order to prevent the flow of population to the urban centres. The reports on the Unemployment Convention, 1919 (No. 2), give in fact more detailed information on the reasons for these measures, which cannot be considered as being completely at variance with Point III of the Recommendation since they are mainly intended to protect the persons concerned against poverty, which might result from a big flow of population towards the large urban centres; this risk is

all the more serious since it may give rise to social unrest. However, restrictions of this kind must be applied with great care in order to prevent, by means of the misuse of power, the indirect constraint which Recommendation No. 35 aims at preventing.

Forced Labour (Regulation) Recommendation, 1930 (No. 36)

Reports concerning Metropolitan Territories.

Since the use of forced or compulsory labour is in general unknown in these countries, the reports indicate simply, with one exception, either that the question does not apply or that the provisions of the Recommendation are fully applied. India, which mentions that forced labour is not prevalent and occurs only occasionally, indicates that in mountainous regions the transport by porters is so far as possible being replaced by animal transport or by mechanical means.

Reports concerning Non-Metropolitan Territories.

The reports come from the same countries and relate to the same territories as for Recommendation No. 35; however, no report has been received for French West Africa or for Greenland.

A certain number of points covered by this Recommendation (regulation of the recourse to forced labour so as not to imperil the food supply of the community, measures tending to avoid the illegal recourse to forced labour of women and children, recourse to forced labour for transport) supplement in fact various articles of Convention No. 29; consequently the information given for the latter is to a certain extent valid for the Recommendation.

All the reports indicate that recourse to forced labour in no case imperils the food supply of the communities concerned, that no recourse is had to the labour of women and children, and that the workers are not exposed to the temptation of making excessive use of alcoholic beverages. In conclusion, it would appear that one form of forced labour which is still used fairly generally is portage in cases where it is impossible to use volunteer labour or other means of transport; this confirms the remarks made as regards Convention No. 29.

Only one difficulty appears to exist: the Recommendation provides for the printing in the native languages of the texts concerning forced or compulsory labour. It is indicated for a certain number of territories (e.g., for those administered by Belgium, as well as for Tanganyika, North Borneo, Madagascar) that the existence of a large number of native dialects, in addition to the fact that the population is sometimes illiterate, would make it impossible or illusory to attempt the publicity required by the Recommendation. In these cases it seems that the problem was solved through the customary forms of publicity, i.e., oral explanations to the indigenous population.

The examination of these two Recommendations does not appear to give rise to the same difficulties as was the case for other Recommendations. In fact these Recommendations are related to the Forced Labour Convention of which they are the complement. Thus, on a great number of points, the information supplied by the Governments

is the same as that furnished in the reports communicated in pursuance of Article 22 of the Forced Labour Convention. However, the reports concerning these Recommendations contain much information permitting a better appreciation of some elements of the forced labour problem and give a clear picture of the situation in this matter, particularly when they contain detailed information concerning the general framework of institutions, such, for example, as is supplied in the reports for French Equatorial Africa and Uganda.

INCOME SECURITY RECOMMENDATION, 1944 (No. 67)

The Recommendation concerning income security (No. 67) covers a very wide field, since it includes not only the general principles on which income security should be based, but also suggestions for their practical application. The provisions which it contains are particularly numerous and detailed, and the information communicated by the Governments on these various provisions will be of the greatest use, particularly in view of the contemplated revision of Conventions and Recommendations dealing with social security. The information supplied on the subject of the different systems of income security in force in the various countries will certainly yield most valuable material for the purpose of establishing international standards of social insurance.

At the date of the meeting of the Committee, the number of reports received on the subject of this Recommendation was 30.

Reports have been received from the following countries :

Australia, Austria, Belgium, Brazil, Canada, Ceylon, Chile, Cuba, Denmark, Dominican Republic, Egypt, Finland, France, Greece, Iceland, India, Italy, Luxembourg, Netherlands, New Zealand, Norway, Pakistan, Poland, Portugal, Sweden, Switzerland, Turkey, Union of South Africa, United Kingdom and Uruguay.

The reports supplied by the various Governments differ considerably in content. Some of them include complete information and deal with all the various provisions of the Recommendation, both as regards guiding principles and suggestions for their application. Other reports, coming from Governments which have ratified a large number of Conventions dealing with social security, contain merely a statement of points on which their national legislation is not in accordance with the terms of the Recommendation. It is a matter for regret, however, that the reports sent by certain Governments are not sufficiently detailed to permit a full picture of income security schemes existing in these countries, with a view to drawing a parallel between the provisions of the Recommendation and those contained in national legislation.

The Recommendation provides that income security should be achieved in the first place by means of social insurance, and secondly by means of social assistance.

The reports show that most countries which have supplied them have to a greater or lesser degree the system of compulsory *social insurance* provided for in the Recommendation.

In certain cases, however, the system of income security falls short of, or goes beyond, the system in question.

Thus, in certain countries, insurance has not yet been introduced to cover all contingencies since compensation for injuries received during employment remains, to a variable extent, the personal responsibility of the employer concerned.

In other cases a system of insurance has indeed been introduced, but is not compulsory, at any rate for certain contingencies, such as sickness. Nevertheless, in such cases the law lays down conditions on which private insurance funds may obtain subsidies from the public authorities. It may be noted that voluntary insurance is very highly developed in certain countries.

A certain number of countries would seem to have passed the stage of compulsory social insurance which has been replaced by the idea of social security. The sphere of application of the system of income security thus covers the whole of the population, but the right to benefit does not always depend on the payment of contributions, and the rate of benefits is uniform and not in proportion to contributions paid or to previous earnings. In such a case the general system of social security tends to become more and more distinct from the system of compensation for injuries resulting from employment, both as regards the categories of persons admitted to benefit and as regards the calculation of the rate of benefits and the distribution of cost.

The contingencies covered by the various national legislations in respect of social insurance, as described in the various reports, differ enormously as between one country and another.

In some cases, national legislation, with small detailed differences in each country, covers the contingencies mentioned in the Recommendation, *i.e.*, sickness, maternity, invalidity, old age, death of breadwinner, unemployment, emergency expenses and employment injuries (accidents or diseases).

Nevertheless, in certain cases, *unemployment* is not included among the contingencies covered by insurance but is, for the most part, dealt with by ordinary assistance measures. This contingency is also excluded from new legislative drafts concerned with social insurance, whereas in other cases, it has been covered by recently introduced legislation. Elsewhere, unemployment insurance is not yet organised on any but an optional basis, its further development being under consideration. In one country where unemployment is not on a large scale, the funds received under this heading are used for improving conditions of employment.

There are countries in which *old age* is excluded from the contingencies covered by insurance whereas in certain cases where it is included among such contingencies, the benefit is granted only at an older age than that provided for in the Recommendation. In other cases, on the other hand, benefit is granted at an earlier age.

In certain other countries, the following contingencies are not covered by compulsory insurance : *sickness, maternity, invalidity, death of breadwinner.*

In some cases the reason for which the contingency of sickness is not provided for in compulsory insurance is that the risk in question is covered by mutual benefit and public assistance. In other countries, the

establishment of a system of maternity assistance is at the present moment under consideration, whereas, in the case of the other contingencies, the organisation of sickness insurance and of invalidity insurance is at the present moment under consideration. The contingency of the death of the breadwinner would also seem to be, in certain cases, covered by insurance but at a later date.

In some cases, compulsory sickness insurance has just been introduced.

Among legislative systems which provide for the contingency of maternity, the rest period and benefit period are sometimes longer and sometimes shorter than those provided for in the Recommendation.

In another case the period allowed for absence from work is four weeks before and eight weeks after childbirth, and not six weeks before and six weeks after childbirth, as provided for in the Recommendation.

It has already been stated that compensation for *employment injuries* is, in certain countries, regulated on bases different from those contained in the general system of income security. For this reason, one Government has thought it preferable not to consider this question within the framework of the general report.

Benefits for *emergency expenses* are, in some countries, granted within the framework of sickness or maternity insurance, or are covered by social assistance, whereas in some cases this contingency is not provided for at all.

In certain cases, the number of contingencies covered by national legislation is very small and merely includes maternity and industrial accidents.

In connection with the principle laid down by the Recommendation as regards *range of persons to be covered*, according to which social insurance should afford protection to all employed and self-employed persons, the reports show a certain number of very distinct tendencies.

In a certain number of cases, it may be seen that many States lag behind this principle and admit to insurance only employed persons and not self-employed persons. Sometimes, even, the categories admitted are yet more limited and only include certain well-determined groups of employed persons, or employed persons in certain undertakings or categories of undertakings expressly mentioned in the legislation, or employed persons in the urban districts of the country, or employed persons working in factories of a certain size and whose wage is not higher than a certain amount. It should be noted that when the sphere of application of national legislation is as limited as this, the Governments sometimes expressly reserve the possibility of extending the scope to other categories of employed persons.

Among countries which, generally speaking, admit only employed persons to the benefits of insurance, it may happen that the rules to be applied vary according as the employed person is a salaried employee, a worker or a mine worker.

It may happen, however, that self-employed persons are covered against certain contingencies provided in the system of insurance, such as those of old age, and of death of the breadwinner, in the case of which the security guarantee extends to the whole of the population. In other countries, self-employed persons benefit by family allowances, and

may take part in voluntary insurance. Sometimes only certain groups of self-employed persons are admitted to compulsory insurance.

Consideration of the reports shows also that there are a very limited number of cases in which national legislation would seem to be in agreement with the provisions of the Recommendation, and to cover self-employed persons to the same degree as employed persons.

On the other hand, a certain number of States go beyond the insurance system provided for in the Recommendation since the income security scheme includes the whole of the population.

It should be noted that, in such a case, the system of compensation for employment injuries and the system of unemployment insurance cover a more limited field than the general system, since they apply only to employed persons.

According to the Recommendation, the *rate of benefits* derived from insurance should be proportionate to previous earnings on the basis of which the employed person paid his contribution. In this connection, a study of the reports shows a certain number of distinct tendencies. In some cases, the rate of benefits is calculated differently according to the contingencies covered.

In certain countries, the rules in force are similar to those of private insurance, the rates of unemployment benefit, invalidity benefit or old-age and survivors' insurance varying according to contributions paid. Sometimes, however, a cost-of-living allowance is added to the basic benefits thus calculated. On the other hand, it may happen that the basic rate is uniform and the supplementary payments vary according to contributions paid.

In other countries the rate of benefits is calculated according to earnings of the worker and on systems which vary between one country and another.

Finally, a marked tendency may be noted in a certain number of countries to pay benefits at a flat rate depending neither on contributions paid nor on previous earnings, but calculated solely on the basis of the cost of living.

In some of these cases, however, the right to benefit depends on a means test. The amount of benefits is reduced, or benefits are suppressed altogether, when the income of the person concerned exceeds a certain sum.

Although, however, for these countries as a whole, the amount of benefits is independent of the amount of contributions—except sometimes in the case of compensation for employment injuries—the actual right itself to benefit depends in certain cases on the payment of a minimum number of contributions over a certain period, whereas in other cases no such condition is imposed.

Plans for the revision of the system of social security in certain countries also provide for the adoption of a system of flat rate benefits, independent both of previous earnings and of contributions paid.

In accordance with the terms of the Recommendation, the reports show that it frequently happens that the *distribution of cost* is made between the insured person and the employer, and that public authorities also take part. The participation of the authorities may take various forms: either the contribution comes from the State itself or the pay-

ments are made by local authorities, such as cantons or municipalities or from special taxes raised by the State which are added to the resources of the insurance funds.

Under certain systems, the participation of the State is provided for only in certain contingencies, whereas elsewhere the authorities take no part at all in building up the resources of insurance funds.

In the case of countries and systems which admit the whole of the population to insurance, the resources of the fund come from taxation, either general or official.

On the other hand, insurance against employment accidents is generally covered solely by the contributions of the employers whereas elsewhere the employer is made to pay benefits not only for employment accidents but also for sickness insurance.

The *administration* of social insurance is unified in a certain number of countries, whereas in others the unification is not yet complete, and in others again the administration is divided between various organisations.

In some cases the administrative organisation concerned is autonomous, but it often happens that administration is entrusted to Government services, generally to one or more distinct ministries. The unification of the administration of social insurance is at the moment under consideration in several countries.

The reports contain information, sometimes in great detail, on systems of *social assistance* in force in each country. Certain reports show that the development of social security legislation has considerably reduced the number of indigent persons, the effect of which is to make social insurance more efficient. In the case of other countries, it is stated that the expansion of the system of insurance, or rather of social security, has, generally speaking, considerably reduced the sphere of social assistance.

As regards the method of granting social assistance, certain reports show that in the matter of social assistance it is difficult to apply uniform criteria which make it possible to meet all requirements, whereas in other cases the conditions on which social assistance is granted have recently been laid down in detail by legislation.

In most countries, family allowances are granted as from the first child, the second child or the fourth child. These allowances are in some cases granted in principle to all families, and it is explained in certain reports that the system of family allowances is not meant to satisfy the principle of assistance, but is aimed rather at organising a system of equalisation of family charges throughout the population as a whole.

In federal countries, the federal authority is often fully competent only for a certain limited number of contingencies (*e.g.*, unemployment), whereas in other cases (maternity, employment injuries, social assistance) measures are taken by the provincial authorities as well as by the federal authorities.

In other countries, the central authority is competent for the major part of social security or social insurance.

The report form drawn up for reports concerning the Recommendation contained a special question (I (b)), by which Governments were asked to add what modifications they had thought it necessary to make in the provisions of the Recommendation in order to adopt them or apply them. Only

one country replied in detail to this question. The report of the Government shows that in that country the right to benefits is not established in consideration of contributions paid, as is provided for in principle 2 of the Recommendation, but rather in consideration of the period of insurance coverage. The reply also shows that the absence from work provided for in the case of maternity is, according to national legislation, four weeks before and eight weeks after childbirth, a solution which the Government considers preferable to that provided for in the Recommendation, which is six weeks before and six weeks after childbirth (principle 10). The Government also raises a certain number of objections to the extension of social insurance to self-employed workers, as provided for in principles 17 and 21 of the Recommendation. Finally, as regards the rate of benefits, it thinks it preferable to make a distinction between short-term and long-term benefits.

The Committee has noted with interest these suggestions, to which the attention may reasonably be drawn of the organs entrusted with the revision of Conventions and Recommendations dealing with social security.

Certain conclusions may be drawn from the foregoing statements.

In all countries which have submitted reports on Recommendation No. 67, there exist provisions concerning income security, mainly through insurance. There is, however, considerable diversity among the systems in force in the different countries: the persons included under the insurance scheme, the risks provided, the benefits granted, the administration of the insurance scheme, the method of calculating contributions, etc., differ from one country to another. It may even be noted that in no country is income security guaranteed from all points of view in the manner laid down in the Recommendation. In some cases, the persons covered are those envisaged in the Recommendation, but the scheme does not cover all the risks set out therein; in other cases, benefits are not granted in the manner prescribed in the Recommendation, etc.

This is, however, not surprising. Before the last war, most countries, including those which are least developed, had introduced certain branches of social insurance (accident insurance, sickness insurance, insurance against invalidity, old age and death). These insurance schemes have developed in conformity with the social, economic and other conditions existing in each country. Recommendation No. 67, adopted on 12 May 1944, that is to say, when the end of hostilities was already within sight, bears the mark of the circumstances in which it was adopted. As stated in the preamble to this Recommendation, the Conference considered that "it is now desirable to take further steps towards the attainment of income security by the unification or co-ordination of social insurance schemes, the extension of such schemes to all workers and their families, including rural populations and the self-employed, and the elimination of inequitable anomalies". Under the inspiration of the highest motives, the Recommendation contains guiding principles so ideal that they have not, up to the present, been able to be incorporated in national legislation. After the war, social security (an expression which is more and more employed instead of social insurance) has been very closely studied in a good many

countries. Its development, however, has been pursued in accordance with the social, political and economic situation of each country. Nevertheless, several Governments have found the Recommendation a most useful guide when drawing up or amending their social insurance schemes.

In the meantime, a new element has entered the sphere of social security. The Governing Body has accordingly decided to include in the agenda of the 34th Session of the Conference (1951) the question of the objectives and minimum standards of social security. The revision of the various Conventions concerning social insurance will therefore be considered.

This decision had not been taken when it was decided to request Governments to furnish reports concerning Recommendation No. 67. These reports contain information which will be very useful to the Office, especially its technical services, in the preparation of the reports which it will submit to the Conference regarding the revision of the social insurance Conventions. Furthermore, the information concerning Recommendation No. 67 will be useful to Governments when replying to the questionnaire which will be sent to them by the Office with a view to the revision of the Conventions concerning social insurance.

The foregoing are the conclusions which the Committee feels may, in the present circumstances, be drawn from the information contained in the reports supplied by the Governments.

SOCIAL SECURITY (ARMED FORCES) RECOMMENDATION, 1944 (No. 68)

The reports submitted by the Governments on this Recommendation show that its terms have been differently interpreted. Some Governments appear to take the view that the Recommendation applies only to the period of the late war. Others regard it as applying more widely and covering persons engaged in the armed forces in peace time. The circumstances under which the Recommendation was adopted and certain of its terms, *e.g.*, references to "war employment", would seem to lend support to the former interpretation. In other respects the terms of the Recommendation seem to favour the latter interpretation. This difference of interpretation makes it difficult to offer any general appreciation on a uniform basis of the extent to which effect has been given in legislation and practice to its terms.

At the date of the meeting of the Committee only the following 27 countries had submitted reports :

Austria, Belgium, Brazil, Canada, Ceylon, Chile, Cuba, Denmark, Dominican Republic, Egypt, Finland, France, Iceland, India, Luxembourg, Netherlands, New Zealand, Norway, Pakistan, Poland, Portugal, Sweden, Switzerland, Turkey, Union of South Africa, United Kingdom and Uruguay.

Some among them (Denmark, Iceland, Switzerland) state that the Recommendation does not concern the country. No doubt this is the reason why a considerable number of States have not sent in their reports. It is necessary to point out, however, that this is not the case as regards certain countries which have not sent in reports but whose

participation in the war was complete ; perhaps they have considered the Recommendation to have lost its value since the re-integration of the members of the armed forces in civilian life has been completed.

Besides the three reports already mentioned, five others do not give detailed information (Cuba, Dominican Republic, Egypt, Netherlands, Uruguay), only stating, in a general way, the provisions of their legislations, or the proposed ones. Only one report (Turkey) states that economic difficulties have prevented the application of the Recommendation.

The Recommendation concerns three different questions : (1) mustering out grants for military personnel not having continued to receive at least a part of their remuneration during the time spent in the armed forces ; (2) unemployment insurance and assistance, contributions for both of which should, during service, be borne by the State ; (3) pensions and sickness insurance, periods of service during which should be considered as contribution periods for the purpose of determining the conditions of these benefits.

With regard to the first point, while the provisions made differ from country to country, the majority of the reports reply affirmatively (Belgium, Canada, Ceylon, Finland, France, India, Norway, New Zealand, Netherlands, Pakistan, Sweden, United Kingdom, Union of South Africa). Some reports state that the discharge gratuity is replaced by a part of the remuneration which is paid by the employer during the time of enlistment (Brazil) or by other more restricted advantages (Austria).

The second and third parts of the Recommendation concerning unemployment insurance and assistance and pensions and sickness insurance are more difficult to judge. Thus, a country having no unemployment insurance, as foreseen in the Recommendation, has retained its military personnel in service in case of unemployment or until the end of hostilities (Egypt). Three countries, however (Canada, New Zealand, United Kingdom), conform very closely with the principles set out in the Recommendation, and two others are in fairly close conformity (Austria, Sweden) ; some others (Belgium, Finland, France, India, Norway, Pakistan) mention that they have no unemployment insurance systems for demobilised personnel, the problem of unemployment having been dealt with by other means, *e.g.*, by a right to reinstatement in the jobs held before enlistment.

The systems of pension and sickness insurance in which periods of service are reckoned as contribution periods vary according to the legislation. Some reports show that the provisions of the Recommendation are entirely applied, but such cases are a minority. A partial application, chiefly when the insurance contract was in force before the war, is, however, observed in many countries.

MEDICAL CARE RECOMMENDATION, 1944 (No. 69)

At the date of the meeting of the Committee of Experts 23 countries (*Austria, Belgium, Brazil, Canada, Ceylon, Chile, Cuba, Dominican Republic, Egypt, France, Iceland, India, Luxembourg, Netherlands, New Zealand, Pakistan, Poland, Sweden, Switzerland,*

Turkey, Union of South Africa, United Kingdom and Uruguay) had sent reports concerning the Recommendation. Denmark referred to the section dealing with health insurance included in its memorandum concerning Recommendation No. 67.

The Committee would like to thank the countries which fulfilled this requirement of the Constitution and particularly those that sent full and complete information. It regrets at the same time that several reports, although containing positive information, were too brief in form to permit an exact appraisal of the situation prevailing in the countries concerned.

Wide divergences may be noted among the reports received due to different interpretations of the principles and basic concepts of the Recommendation. The Recommendation, when it states that "a medical care service should meet the need of the individual for care by members of the medical and allied professions and for such other facilities as are provided at medical institutions", seems to have in mind an organic whole composed of services carried out under the more or less direct protection of the State for the objectives indicated. Many Governments, on the other hand, interpreted the term "service" in a much broader sense or, in some cases, as restricted to special activities. For one reason or another, several of the reports, although containing a wealth of information and details, departed from the line indicated by the Recommendation, thereby making difficult comparison in which the text of the Recommendation would serve as a central guide.

From a general point of view the countries from which reports have been received seem to fall into three main categories:

- (1) countries which state clearly that they have no medical care services within the sense of the Recommendation (Egypt and Pakistan);
- (2) countries which refer to certain special activities in the nature of public health work organised by the public authorities in their respective territories. Included in this group appear to be Brazil, Ceylon, Cuba, the Dominican Republic, India, Turkey (although its report points out that, due to certain difficulties, it is not possible to organise a medical care service as provided for by the Recommendation) and the Union of South Africa;
- (3) countries having to a greater or lesser degree services comparable to those provided for by the Recommendation. This group includes Austria, Belgium, Canada, Chile, Denmark, France, Iceland, Luxembourg, Netherlands, Poland, Sweden, Switzerland and United Kingdom.

The two countries included in the first group allege the same reasons for the non-existence of medical services in their territories: lack of financial means and a scarcity of members of the medical profession. While Egypt shows a willingness to apply the Recommendation in the future, although restricted to certain categories, the Government of Pakistan states that it cannot expect to apply the Recommendation for some time.

The countries included in the second group have indicated in their reports the existence of certain governmental activities in the field of medical social assistance. In other

instances, certain general activities in the field of public health and other medical care services are provided within a limited scope by some institutions.

The countries included in the third group are those which lend themselves principally to the objectives of this study; the Committee gave special attention to the study of this last group. In certain countries insurance institutions furnish medical care service. In others, such care is furnished under the form of a public service organised as a direct function of the State.

A. *Medical Care Services Organised under Insurance Institutions*

This group includes Austria, Belgium, Chile, Denmark, France, Iceland, Luxembourg, Netherlands, Poland, Sweden and Switzerland.

Most of these countries, according to their reports, have set up compulsory health insurance systems which vary only as to the number of categories covered. Among the countries which have given the fullest extent to compulsory insurance may be mentioned Denmark, where health insurance is compulsory for everyone, whether as an active or a passive member of the numerous insurance funds (1,500) existing in the national territory; Iceland, where the establishment of a society of health benefits in a given area must depend on a previous vote by the population concerned, which, if affirmative, results in all the residents of the area between the ages of 16 and 67 becoming compulsorily insured in the new society; Austria, which has established compulsory insurance for all workers, including independent workers, and for certain small employers; and Poland, where insurance is compulsory for all employed persons. There are compulsory public health insurance schemes in Belgium, France and Luxembourg for employed persons, with the exception of certain categories of occupations. In Chile all workers under 65 years of age, whether employed or independent, are compulsorily insured. In the Netherlands, on the other hand, insurance is compulsory for all employed persons only up to a certain maximum age, regardless of occupation. In Sweden health insurance, which is very widespread, has maintained its voluntary character up to the present. In Switzerland insurance is in principle not compulsory, although according to the Constitution the Federal Government has the right—delegated to the cantonal governments—to declare insurance compulsory for certain categories. This has been done upon certain occasions with respect only to children, and on other occasions to the whole of the population or to parts of it, depending on the cantons.

The Recommendation stresses the principle that medical care should be extended to dependants of the insured person without an increase in contribution. Although the reports do not say definitely whether such an extension is made with or without a change in contribution, Austria, Belgium, Denmark and France declare that this principle is applied in their respective territories. Luxembourg and Sweden take the position that such an extension is within the competence of the individual health insurance funds. Canada, in the provinces where assistance allied to health insurance systems prevails, indicates a compromise position:

benefits are extended to members of the family of an insured person upon payment of an increase in the contributions which, however, has a maximum limit which may not be extended even though the number of persons benefiting under the extension increases considerably. On the other hand Switzerland is of the opinion that national health insurance is based strictly on the principle of mutuality and that the extension advocated by the Recommendation would be contradictory to the legal basis of such insurance.

The reports make it possible to distinguish those countries in which health insurance covers only the refund of the expenses incurred as a result of medical care, leaving the obtaining of medical care itself to the free relationships between patients and members of the medical profession, from those countries in which insurance institutions seem to take a greater part in the organisation of medical care, employing members of the medical profession, seeing to their equitable distribution throughout the territory, establishing agencies for fee fixing and supervision and directly organising hospitals, health centres and similar institutions.

It may be pointed out that the division according to this criterion is not absolute in every case, since sometimes characteristics of both systems exist in the same country. The first group seems to include Belgium, Denmark, France and Sweden, the second includes clearly Austria, Iceland and Poland. Luxembourg does not clarify this point in its report while Switzerland seems to have a system under which insured persons may call on independent members of the medical profession as well as on those who work under a contract with the insurance organisation. In the countries falling under the first category the insured patient may call on the medical practitioner of his own choice or members of allied professions and pay the cost of medical care, for which he is later reimbursed by the insurance organisation, generally only partially. This freedom of choice does not prevent, as in the case of Belgium, insurance institutions from fixing rates for medical fees in consultation with representative medical organisations. In the case of Austria, as in that of Iceland and also to a certain extent of Switzerland, the insurance institutions conclude contracts with medical practitioners assigning them a certain fixed field of activity; in Austria the insurance institutions pay the medical practitioners directly, either on a basis of a fixed salary with additional fees for services rendered, or only on the basis of fees for services rendered. In Switzerland the rates serving as a basis for reimbursement of medical fees are fixed by the cantonal governments in consultation with the representatives of insurance funds and medical associations. The State shares in financing medical care benefits, in most cases in this group, by subsidising the insurance funds to a greater or lesser extent. Social assistance agencies are responsible for furnishing medical care services to the needy. State action is also exercised, to a varying extent, by means of the activities of public health authorities, which in many cases, working with the assistance of advisory councils in which medical associations take part, decide the health policy of the country and maintain necessary supervision.

B. Organisation of Medical Care under a Public Service

In the United Kingdom of Great Britain and Northern Ireland and in New Zealand, medical care is furnished through public services financed by public funds and organised on a basis of voluntary participation by members of the medical profession in the different branches of medicine. A wide range of services, financed from public funds, is put within the reach of all the ordinary residents of the countries without direct charge, although in certain cases the possibility remains of recovering from persons capable of doing so the reimbursement of certain expenses. Under a central authority which carries out the work of organisation, co-ordination and supervision, the members of the medical profession have complete independence within a certain limit. It is intended to maintain the freedom on the part of the patients to choose the medical practitioners who are to treat them. Without derogation from the principle of centralisation, most activities are carried out by local health authorities and a health service. Medical associations are represented in many advisory and administrative bodies.

It may be seen that the two general groups included in this study have respected (with some slight restrictions due on occasions to difficulties of a geographical nature) the freedom which in the spirit of the Recommendation should be characteristic of the relationships between medical practitioners and patients and between medical practitioners and State insurance institutions or services.

The right to present complaints or claims against a medical practitioner who has caused damage through the improper performance of his duties exists in all the countries, although not always before special arbitration bodies as the Recommendation provides.

In general, the reports indicate that the influence of the Recommendation seems to have been particularly marked in the case of countries which after the last war have undertaken a reorganisation of their medical care services. In other countries, the Recommendation has not had so great an effect since there already existed in those countries systems incorporated in custom and tradition. However, several countries declare that they intend very soon to revise their respective systems and state emphatically that the principles of the Recommendation will serve as a basis for such a task.

FOOD AND CATERING (SHIPS' CREWS) CONVENTION, 1946 (No. 68)

This Convention, which has so far received only two ratifications, will not come into force until its ratification by five States, including the most important maritime countries, fulfilling certain conditions as regards tonnage.

For this reason, some States which have submitted reports but which do not fulfil the above-mentioned conditions have already indicated that they do not see the urgency of ratifying the Convention and prefer to await the decisions of the important maritime countries.

At the time of the meeting of the Committee 29 reports had been received from the

following countries : *Argentine Republic, Australia, Austria, Belgium, Brazil, Canada, Ceylon, Chile, Cuba, Denmark, Egypt, Finland, Greece, Iceland, India, Ireland, Italy, Luxembourg, Netherlands, Norway, Pakistan, Poland, Portugal, Sweden, Switzerland, Turkey, Union of South Africa, United Kingdom and Uruguay*. It should be noted, however, that four of these States have replied that they are not in a position to comply with the Convention : Austria and Luxembourg because they have no maritime frontiers, Ceylon because this country has no merchant navy, and Switzerland, which has not yet any special legislation in this field but is giving consideration to the question.

The Convention is both simple in its principles—which are to ensure the welfare of ships' crews with regard to food and catering services—and complex as concerns the number of questions involved in its practical application which the general terms of the reports often do not bring out in sufficient detail. In most cases legislation is not as yet completely in accordance with the different Articles of the Convention. However, no reference is made in the reports to the possibility of ratifying the Convention because of the provisions of a given Article. As indicated above, some States have decided to await the decision taken by the larger maritime countries. Some of the replies indicate reasons for non-ratification which do not concern the Convention itself as, for instance, India, which points out that 90 per cent. of her seamen are recruited by other countries, or Pakistan which subordinates her ratification to agreements with other countries regarding Pakistani seamen. In certain cases one of the reasons delaying ratification is the absence of any regulation for the granting of certificates of qualification to members of the catering department, for which certain qualifications are required, a question which is covered more particularly by another Convention on the certification of ships' cooks (No. 69). Certain Governments have stated that they are considering amendments in their legislation which, when adopted, would enable them to comply with the Convention. This is the case in Belgium, Italy and the United Kingdom.

On the whole it should be noted that even if they do not propose to ratify immediately, a majority of the reporting States are studying the question of ratification. These include Australia which, on account of its federal character, has to consider the adaptation of its own legislation to that of its States, Belgium, Canada, Denmark, Egypt, Finland, Greece, India, Ireland, Italy, Norway, Netherlands, Poland, Sweden, Turkey, United Kingdom, Union of South Africa and Uruguay.

Certain States such as the Argentine Republic (which indicates that its legislation is already in conformity with the Convention), Cuba and Iceland, have not yet pronounced themselves as to the possibility of ratification while Denmark, Norway, Sweden and Turkey indicate that they are not in a position to express an opinion as long as current discussions on the subject are not completed. Ireland states that no difficulties have arisen in the consideration of the Convention, and Poland, while noting that its legislation does not as yet contain detailed provisions on the subject, intends to pass such new legislation

regarding sea service, which is at present being prepared. Four countries, India, Pakistan, Union of South Africa and Uruguay have not yet taken a definite stand, either because of the reasons already stated or because they make their ratification dependent on the adoption of more general legislation concerning the merchant navy.

An important part of the Convention concerns inspection systems and contains detailed provisions in this respect. The reports of Greece, Iceland, Ireland, Italy, Norway, Pakistan, Poland, Sweden and United Kingdom contain information on the subject which, in general, indicates that there is not as yet full conformity with the requirements of the Convention.

Many States point to the collaboration of the representative organisations of ship-owners and seafarers in the examination of the changes required to permit the ratification of the Convention.

CERTIFICATION OF SHIPS' COOKS CONVENTION, 1946 (No. 69)

The Convention, which was adopted in 1946, has so far only been ratified by three countries (Bulgaria, France, United Kingdom). The Convention will not come into force until ratifications have been registered in respect of nine countries, including at least five each of which have at least one million gross register tons of shipping.

Up to the time of the meeting of the Committee of Experts, the International Labour Office had received 31 reports from the following countries which have not ratified the Convention : *Argentine Republic, Australia, Austria, Belgium, Brazil, Canada, Ceylon, Chile, Cuba, Denmark, Dominican Republic, Egypt, Finland, Greece, Iceland, India, Ireland, Italy, Luxembourg, Netherlands, New Zealand, Norway, Pakistan, Poland, Portugal, Sweden, Switzerland, Turkey, Union of South Africa, United Kingdom and Uruguay*. Three of these 31 reports were from States which are not directly interested in the Convention ; Austria and Luxembourg, because they have no maritime frontiers, and Ceylon, the report for which states that there is no mercantile marine.

These reports indicate that, in the precise and limited sphere covered by the Convention, the practice varies considerably from one State to another ; in some cases, a specific period of service is required during which the candidate must show that he possesses the necessary qualifications as a ship's cook. In other cases, where the provisions of the legislation are similar to those of the Convention, a certificate signed by the competent authorities is required. In a limited number of countries, no provisions whatever exist relating to the subject matter of the Convention.

Generally speaking, it can be stated that at present the legislation in the majority of States which have supplied reports is not in conformity with the provisions of the Convention. At the same time, a considerable number of reports received indicate that amendments to the legislation are under consideration.

The report from the Argentine Republic states that, generally speaking, the regulations in force correspond to the provisions of the Convention, but contains no information regarding the possibility of ratification. On the other hand, the Governments of Italy and Portugal do not state whether any measures have already been taken as regards ratification.

Among the countries which have supplied information regarding the possibility of ratifying the Convention after the examination and adaptation of the national legislation and regulations have been completed, mention may be made of Belgium, Netherlands and Norway.

On the other hand, the Government of Uruguay states that, as the conditions required from the important maritime countries before the Convention can come into force have not been fulfilled, the Government is of the opinion that it is not necessary to expedite proposals regarding ratification. The reports from India and Pakistan state, as they did in respect of the other maritime Conventions, that the Governments of these countries are obliged to take into consideration the fact that the majority of their seamen are employed on board vessels flying a foreign flag. These Governments are therefore of the opinion that ratification is conditional on the conclusion of agreements between the countries concerned.

SEAFARERS' PENSIONS CONVENTION, 1946 (No. 71)

The Convention has so far been ratified by only two countries, France and Norway. Article 6, paragraph 2, provides that it shall come into force six months after the ratification by five countries among a list of 23, including at least three countries having one million gross registered tons of shipping or more.

Twenty-nine reports were received by the opening of the Committee's meeting from the following countries : *Argentine Republic, Australia, Austria, Belgium, Brazil, Canada, Ceylon, Chile, Cuba, Denmark, Dominican Republic, Egypt, Finland, Greece, Iceland, India, Ireland, Italy, Luxembourg, Netherlands, New Zealand, Pakistan, Poland, Sweden, Switzerland, Turkey, Union of South Africa, United Kingdom and Uruguay.* They indicate, on the one hand, how national legislation compares with the provisions of the Convention and, on the other, the possibilities of its ratification by each country.

The national legislative measures provide for various types of schemes : special pension schemes for seafarers exist in the Argentine Republic (which has submitted only a one-sentence report but the relevant legislation is available), Brazil and Cuba. Pensions are paid to retired seafarers from the ages of 50-55, 60 and 50 respectively, under conditions of general conformity with Convention standards. Belgium is in the final stages of revising its seafarers' pensions system and the projected scheme calls for pensions at age 55-60 and satisfies the other Convention requirements. Seafarers' pensions also are paid in Italy (age 55-60), Greece and Sweden. While Italy is about to change its existing system slightly, thus bringing it into full conformity, the systems in the other two

countries differ basically from the terms of the Convention.

Other countries have only general pensions schemes but in most cases the information given on them is rather scanty. Contributory schemes have been enacted in the Dominican Republic (benefits at age 60-65 years), New Zealand (60 years) and in the United Kingdom (65 years), while old-age assistance exists in Australia (65 years) and Ireland (70 years). General schemes also are reported by Iceland (70 years), Chile, Poland and Uruguay.

Retirement pensions are under consideration in a certain number of countries. Thus, special pensions for seafarers are being planned by Finland and the Netherlands.

Maritime labour legislation, which may have some bearing on future seafarers' pensions, is being enacted in Switzerland, Turkey and the Union of South Africa. General pension schemes are now under discussion in Denmark and Egypt.

On the other hand Canada, India and Pakistan, which have merchant navies, consider seafarers' pensions impracticable at present.

Finally, Austria, Ceylon and Luxembourg have no merchant navy.

Ratification of the Convention appears possible in the Argentine Republic, Belgium, Brazil and Cuba. However, the Argentine Republic and Brazil do not mention the question of ratification, while Cuba simply affirms that it depends upon approval by the Senate. Belgium states that the Convention could no doubt be submitted to the ratification of Parliament as soon as the new scheme has been put into force.

No difficulty should stand in the way of Italy's ratifying the Convention once she has made certain slight amendments in the existing scheme, especially as regards maintenance of pensions rights.

The possibility of ratification by Finland and the Netherlands, which are planning for the establishment of seafarers' pensions, will depend on the details of the schemes developed by them.

Special seafarers' pensions are described as "desirable" by the Dominican Republic and Uruguay, while Poland, which is revising its general scheme, is reserving its decision.

No judgment is possible in the cases of Egypt and Ireland, where the creation of general insurance schemes is being studied, and of Switzerland, Turkey and the Union of South Africa, where maritime labour legislation is in the process of enactment.

Ratification is not intended in Greece and Sweden, where the established seafarers' pensions systems differ from the requirements of the Convention, and in Australia, Chile, Denmark and the United Kingdom, where the existing or planned general schemes do not fulfil these requirements. Iceland and New Zealand, which are in the same position, do not pronounce themselves.

The information given indicates that only seven countries have realised the concept of retirement pensions for seafarers, and in two of them the existing schemes are set up on such a different basis that ratification of the Convention appears unlikely.

Two further countries are planning for special schemes.

Information as regards general old-age pensions in a number of other States indicates

that seafarers do not receive benefits equal to those provided for by the Convention. In any case, Article 2, paragraph 1, calls for the establishment of a separate scheme for seafarers.

**MEDICAL EXAMINATION (SEAFARERS)
CONVENTION, 1946 (No. 73)**

Convention No. 73 has so far been ratified by two countries, Bulgaria and France, and will only come into force six months after it has been ratified by seven of a list of countries contained in Article 11 of the Convention; Bulgaria is not included in this list. The coming into force of the Convention thus requires the ratification of six more countries included in the list.

Thirty reports respecting this Convention were received by the Office from the following countries: *Argentine Republic, Australia, Austria, Belgium, Brazil, Canada, Ceylon, Chile, Cuba, Denmark, Dominican Republic, Egypt, Finland, Greece, Iceland, India, Ireland, Italy, Luxembourg, Netherlands, Norway, Pakistan, Poland, Portugal, Sweden, Switzerland, Turkey, Union of South Africa, United Kingdom and Uruguay*. They treat the question with a varying amount of detail.

Amongst the countries in which the situation is such as to permit ratification, it appears that Belgium, Chile, Italy and Uruguay are in a position to ratify the Convention. The Belgian Government states that ratification has been proposed to Parliament and the Italian Government states that it is considering the possibility of ratification; no details of the Uruguayan legislation have been given but the report states that proposals for ratification have already been submitted to Parliament. Belgium, Chile and Italy are on the list mentioned in Article 11 of the Convention.

In other countries, ratification is subject to the enactment of new legislation or the revision of existing legislation. Thus, the Governments of Canada, Egypt, Greece, the Netherlands, Norway and Pakistan state that they intend to ratify the Convention as soon as the necessary legislation has been enacted; the Pakistani report, however, adds that such ratification will be subject to the previous agreement for simultaneous ratification by all countries recruiting Pakistani seamen. In the following countries, consideration is being given to the national application of the provisions of the Convention and its possible ratification: Denmark, Finland, India, Ireland, Portugal, Turkey and the Union of South Africa. Australia has temporarily postponed the study of the Convention. The Cuban, Polish, Swedish and Swiss Governments state that they are drawing up legislation which accords with the provisions of the Convention, but they have postponed, or omitted to mention, any decision concerning possible ratification. Twelve of these 19 countries are included on the list mentioned in Article 11 of the Convention.

The reports of the Governments of Brazil, the Dominican Republic and Iceland state that their respective legislation is not in full conformity with the Convention but give no information regarding the possible amendment of their legislation or the possible ratification of the Convention. The United Kingdom Government considers the present British scheme fully satisfactory and does not intend to ratify the Convention.

Finally, the reports of Austria, Ceylon and Luxembourg state that the Convention is not applicable in these countries since they have no merchant navy.

The information submitted by the Government of the Argentine Republic is insufficient to permit an appreciation of the possibilities of the ratification of the Convention.

It would, therefore, appear from the information supplied that the coming into force of Convention No. 73 in the near future may be considered as probable; six more ratifications are required, but two countries have already submitted proposals for ratification to Parliament and six other countries listed under Article 11 have signified their intention to ratify. Furthermore, eleven countries, nine of which are on the ratification requirement list, are examining the possibilities of ratification or have taken measures to this effect. Finally, three countries not included in the ratification requirement list have signified their intention to ratify the Convention.

**CERTIFICATION OF ABLE SEAMEN
CONVENTION, 1946 (No. 74)**

Convention No. 74 has been ratified by France, and will come into force twelve months after the registration of the next ratification.

At the date of the meeting of the Committee of Experts, 31 reports had been received from the following countries: *Argentine Republic, Australia, Austria, Belgium, Brazil, Canada, Ceylon, Chile, Cuba, Denmark, Dominican Republic, Egypt, Finland, Greece, Iceland, India, Ireland, Italy, Luxembourg, Netherlands, New Zealand, Norway, Pakistan, Poland, Portugal, Sweden, Switzerland, Turkey, Union of South Africa, United Kingdom and Uruguay*.

The Cuban Government states that a proposal for the ratification of the Convention has been submitted to the Senate for approval.

In other countries, ratification is subject to the enactment or revision of relevant legislation. Thus, the Governments of Belgium, Canada, Egypt, Ireland, the Netherlands, Pakistan and the United Kingdom have indicated their intention to ratify the Convention as soon as the relevant legislation has been enacted or revised—Belgium has already submitted a Bill proposing ratification. The possibilities of ratification are being studied in Australia, Denmark, Finland, India, New Zealand, Norway, Poland, Portugal, Turkey, the Union of South Africa and Uruguay. The Government of Switzerland states that the provisions of the Convention will be taken into account in the preparation of the Maritime Code. The Swedish Government has temporarily postponed the study of the Convention.

The legislation in other countries is not in full conformity with the provisions of the Convention. Brazil, Chile, the Dominican Republic, Greece and Iceland have legislation covering certain provisions of the Convention; they do not state whether they intend to take any action for ratification. The Italian Government states that the national legislation, which differs in some respects from the provisions of the Convention, has

so far proved satisfactory and adds that for this reason it considers it unnecessary to ratify the Convention at present.

Finally, the reports of Austria, Ceylon and Luxembourg state that the Convention is not applicable in these countries since they have no merchant navy.

It has not been possible to draw any conclusions from the information submitted by the Argentine Government.

It would therefore appear from the information supplied that the Convention will soon come into force since only one more ratification is required and both Cuba and Belgium have already submitted proposals for ratification to their respective legislative bodies. Furthermore, six countries have stated their intention to ratify when the necessary legislation has been passed. Most of the countries which are examining the possibility of ratification have legislation or machinery covering some of the provisions of the Convention or are taking measures to this effect.

VOCATIONAL TRAINING (SEAFARERS) RECOMMENDATION, 1946 (No. 77)

At the date of the meeting of the Committee, 28 reports had been received from the following States Members : *Australia, Austria, Belgium, Brazil, Canada, Ceylon, Chile, Cuba, Denmark, Egypt, Finland, France, Greece, Iceland, India, Ireland, Luxembourg, Netherlands, Norway, Pakistan, Poland, Portugal, Sweden, Switzerland, Turkey, Union of South Africa, United Kingdom and Uruguay.*

The information supplied in these 28 reports varies considerably. There is evidence in some reports of the application of the basic principles of the Recommendation (organisation and development of a programme of vocational training for service at sea). However, some reports (Netherlands, Portugal, Turkey, Uruguay) give only fragmentary information regarding the various requirements of the Recommendation. Others give no information whatever regarding the appli-

cation of the Recommendation or the measures taken or contemplated to apply it. A few countries stated that the Recommendation is inapplicable, either because of its maritime character (Austria, Luxembourg) or because there is no merchant navy (Ceylon). The absence of legislation prevents application in some countries, information in respect of which is given below.

In the case of only two countries (France and the United Kingdom), can it be said that the Recommendation is fully applied. The basic principles of the Recommendation appear to be applied in Belgium, Greece and Poland, where attempts are being made to ensure fuller implementation of its provisions.

Among the reasons which appear to prevent complete application in certain countries are the following :

(1) the lack of provisions regarding correspondence courses, etc. (Cuba) ; the lack of training schools for seamen, as in Iceland, where schools exist only for officers and the training of seamen takes place on board ;

(2) the lack of suitable openings of employment for seamen (Ireland) or the suspension of training courses (Brazil) ;

(3) the absence of legislation (Canada, Chile, Egypt, France, Norway, Pakistan, Switzerland, Union of South Africa). In Canada, Switzerland and the Union of South Africa draft legislation is under consideration. In India, a special committee is studying the question. The Government of Chile states that it is unable to accept the Recommendation ;

(4) the difficulties encountered by Federal States. The report from Australia states that it is not easy to arrive at uniformity amongst the different States as regards compliance with the provisions of the Recommendation, and that the national law and practice are not yet in conformity with the requirements of the latter.

The report from Cuba states that legislation was enacted prior to the adoption of the Recommendation. In Denmark, legislation giving effect to the Recommendation was adopted only in 1949.

APPENDIX V

**REPORTS RECEIVED ON UNRATIFIED CONVENTIONS AND ON RECOMMENDATIONS
(ARTICLE 19)**

Reports Received by 20 March 1950

Conventions : 167

Recommendations : 159

Country	Conventions		Recommendations	
	Number of reports received	Nos. of Conventions	Number of reports received	Nos. of Recommendations
Argentine Republic.....	6	29, 68, 69, 71, 73, 74		
Australia *	5	68, 69, 71, 73, 74	2	67, 77
Austria	6	29, 68, 69, 71, 73, 74	6	35, 36, 67, 68, 69, 77
Belgium *	5	68, 69, 71, 73, 74	6	35, 36, 67, 68, 69, 77
Brazil.....	6	29, 68, 69, 71, 73, 74	6	35, 36, 67, 68, 69, 77
Canada	6	29, 68, 69, 71, 73, 74	6	35, 36, 67, 68, 69, 77
Ceylon.....	6	29, 68, 69, 71, 73, 74	6	35, 36, 67, 68, 69, 77
Chile *	5	68, 69, 71, 73, 74	6	35, 36, 67, 68, 69, 77
Cuba	6	29, 68, 69, 71, 73, 74	6	35, 36, 67, 68, 69, 77
Denmark *	5	68, 69, 71, 73, 74	6	35, 36, 67, 68, 69, 77
Dominican Republic....	5	29, 69, 71, 73, 74	5	35, 36, 67, 68, 69
Egypt	6	29, 68, 69, 71, 73, 74	6	35, 36, 67, 68, 69, 77
Finland *	5	68, 69, 71, 73, 74	5	35, 36, 67, 68, 77
France **			6	35, 36, 67, 68, 69, 77
Greece	6	29, 68, 69, 71, 73, 74	4	35, 36, 67, 77
Iceland	6	29, 68, 69, 71, 73, 74	6	35, 36, 67, 68, 69, 77
India	6	29, 68, 69, 71, 73, 74	6	35, 36, 67, 68, 69, 77
Ireland *	5	68, 69, 71, 73, 74	1	77
Italy *	5	68, 69, 71, 73, 74	3	35, 36, 67
Luxembourg.....	6	29, 68, 69, 71, 73, 74	6	35, 36, 67, 68, 69, 77
Netherlands *	5	68, 69, 71, 73, 74	6	35, 36, 67, 68, 69, 77
New Zealand *	3	69, 71, 74	3	67, 68, 69
Norway *	4	68, 69, 73, 74	5	35, 36, 67, 68, 77
Pakistan	6	29, 68, 69, 71, 73, 74	6	35, 36, 67, 68, 69, 77
Poland.....	5	68, 69, 71, 73, 74	4	67, 68, 69, 77
Portugal	5	29, 68, 69, 73, 74	5	35, 36, 67, 68, 77
Sweden *	5	68, 69, 71, 73, 74	4	67, 68, 69, 77
Switzerland *	5	68, 69, 71, 73, 74	6	35, 36, 67, 68, 69, 77
Turkey.....	6	29, 68, 69, 71, 73, 74	6	35, 36, 67, 68, 69, 77
Union of South Africa..	6	29, 68, 69, 71, 73, 74	4	67, 68, 69, 77
United Kingdom *	5	68, 69, 71, 73, 74	6	35, 36, 67, 68, 69, 77
Uruguay	6	29, 68, 69, 71, 73, 74	6	35, 36, 67, 68, 69, 77
Total	167		159	

* Has ratified Convention No. 29 and, in the case of Norway, also Convention No. 71.

** Has ratified all the Conventions in question.