

**REPORT III**

**(PART I)**

# **INTERNATIONAL LABOUR CONFERENCE**

**THIRTY-FOURTH SESSION**

**GENEVA, 1951**

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

**Third Item on the Agenda**



**INTERNATIONAL LABOUR OFFICE**

**GENEVA, 1951**

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## INTRODUCTION

Article 22 of the Constitution of the International Labour Organisation provides that "each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of the Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request." Further, Article 23, paragraph 2, of the Constitution provides that each Member shall communicate to the representative organisations recognised for the purpose of Article 3 copies of the reports communicated to the Director-General in pursuance of Article 22.

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

The present summary which covers the period 1 July 1949 to 30 June 1950 is submitted to the Conference in pursuance of the obligation laid down in Article 23 of the Constitution and contains information on the 58 Conventions in force at the beginning of this period.

A total of 831 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.<sup>1</sup>

Since the Conference Committee and the Committee of Experts make a special study of the reports on the application of ratified Conventions in non-metropolitan territories, the summary of these reports has been grouped this year under the heading "Application of Ratified Conventions in Non-Metropolitan Territories".

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The present volume covers reports received by the Office up to 27 March 1951, the opening date of the 21st Session of the Committee of Experts on the Application of Conventions and Recommendations, which finished its work on 7 April 1951. 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 1951.

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

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

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





## FIRST SESSION (WASHINGTON, 1919)

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

*This Convention came into force on 13 June 1921*

Countries	Date of registration of ratification	Reports received
Argentina	30.11.1933	9.10.1950
Austria <sup>1</sup>	12. 6.1924	—
Belgium	6. 9.1926	18.12.1950
Bulgaria	14. 2.1922	—
Burma <sup>2</sup>	14. 7.1921	16. 2.1951
Canada	21. 3.1935	20.10.1950
Chile	15. 9.1925	7.10.1950
Colombia	20. 6.1933	—
Cuba	20. 9.1934	—
Czechoslovakia	24. 8.1921	21.11.1950
Dominican Republic	4. 2.1933	20.11.1950
France <sup>1</sup>	2. 6.1927	—
Greece	19.11.1920	17. 1.1951
India	14. 7.1921	23.12.1950
Italy <sup>1</sup>	6.10.1924	—
Latvia <sup>1</sup>	15. 8.1925	—
Lithuania	19. 6.1931	—
Luxembourg	16. 4.1928	2.10.1950
New Zealand	29. 3.1938	28. 9.1950
Nicaragua	12. 4.1934	—
Pakistan <sup>3</sup>	14. 7.1921	17.10.1950
Peru	8.11.1945	16. 1.1951
Portugal	3. 7.1928	18.12.1950
Rumania	13. 6.1921	—
Spain	22. 2.1929	—
Uruguay	6. 6.1933	—
Venezuela	20.11.1944	—

<sup>1</sup> Conditional ratification.

<sup>2</sup> 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.

<sup>3</sup> 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.

#### *Argentina.*

No new provisions have been issued since the previous reports and no important decisions given by the courts. Between 1 July 1949 and 30 June 1950, 69,399 undertakings were visited; 1,706 infringements of the hours of work legislation were reported and 469 proceedings were instituted. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Belgium.*

Order of the Regent of 25 October 1949, as amended by the Order of 9 March 1950, to authorise, in industries under the Joint Construction Committee, the recuperation of hours of work lost as a result of bad weather.

Order of the Regent of 10 December 1949, to determine the agents of the National

Company of Belgian Railways holding supervisory positions and to repeal various other Orders in this connection.

Order of the Regent of 26 February 1949, to fix the hours of work of persons employed on tugs at sea at 48 hours a week.

Apart from the details given below, the information is identical with that previously supplied. The Royal Order of 26 August 1939, authorising, in the event of the expansion or mobilisation of the army, exceptions to the provisions of the Act of 14 June 1921, the Royal Orders issued under the Act of 9 July 1936 and sections 7 and 8 of the consolidated legislation concerning the work of women and children, ceased to be in force as from 15 June 1949, the date on which the army was put on a peacetime footing.

The Order of the Regent of 25 October 1949 authorises the recuperation of hours of work lost in the building and public works industry as a result of bad weather: hours of work may thus be extended to nine per day and 56 per week during the period from 1 March to 31 October. This Order was issued on the basis of an agreement reached by the Joint Committee and is in accordance with Article 5 of the Convention.

During the period under review, 78 decisions were given by courts of law in respect of the application of the Convention. The number of contraventions reported was 358. A total of 114,026 persons were employed in the 13,543 undertakings visited by the social inspection service during the period under review. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Burma.*

Factories (Amendment) Act, 1950.

Apart from the details given below, the information is identical with that previously supplied.

The scope of the Factories Act has been extended as from 1 June 1950 to cover all factories employing 10 or more persons, if power is used, and 20 or more persons, if power is not used.

The 44-hour week has come to stay as far as the large factories are concerned. In smaller factories, particularly where

work is seasonal and frequently intermittent, the daily and weekly limits were sometimes exceeded; four contraventions were reported during the period under review. No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Canada.*

##### *Alberta.*

Labour Act of 1950, to amend the Act of 1947.

Six Orders concerning hours of work in various trades.

##### *British Columbia.*

Regulations concerning construction industry under the Hours of Work Act, 1948.

##### *Ontario.*

Regulations to amend Hours of Work and Vacations with Pay Regulations (as amended).

##### *Saskatchewan.*

Hours of Work Act of 1950, to amend the Act of 1947. Order (No. 18) concerning hours of work.

Reference is made to the previous report and the following additional information is given.

The new regulations are, in general, made to permit longer hours than those prescribed by the Act where exceptional circumstances, usually due to seasonal factors, exist. Two new Orders in Alberta limit hours of work to eight in the day and 40 in the week for foundry employees in Calgary, and for male workers in the brewery industry. Before such regulations are adopted, employers' and workers' organisations are consulted and public hearings are commonly held. The 1950 amendment to the Saskatchewan Hours of Work Act, which applies also to coal mines, is made chiefly to facilitate administration, providing, in connection with the payment of overtime, that where the total of daily and weekly excesses differ, the employer must make payment in respect of greater excesses.

In the five provinces having Hours of Work Acts, the responsibility for inspection rests either with the Board which administers the Act or with the Minister. Inspection staffs are maintained; usually the same staff carries out inspections under various Acts with respect to wages, hours, annual holidays and weekly rest.

No decisions were given by courts of law but one Privy Council Decision (No. 13 of 1949) found railway hotel employees to be within the exclusive jurisdiction of the provincial legislature as regards the regulation of hours of work. Annual reports for the period under review are not yet available from the provinces. In Ontario, for the year ending 31 March 1949, 1,723 written requests for investigations were submitted to the inspectorate, and about 90 per cent. of the complaints were satis-

factorily adjusted. In British Columbia, nine prosecutions in connection with the enforcement of the Hours of Work Act were reported for the year 1948. In Saskatchewan, collections made during 1949 by the Department of Labour of arrears in wages, including collection under the Hours of Work Act, on behalf of employees, amounted to \$26,027.90 during 1949; one prosecution respecting infringement of the Hours of Work Act was instituted and conviction obtained during the year. In Manitoba, during the year ended 31 March 1949, numerous complaints, mostly in connection with wages and hours of work, were received and many of them were dealt with by the office staff of the Wages and Hours Section without reference to inspectors for investigation; no prosecutions were undertaken, the defaults being rectified by the employers and the money distributed to the employees. The report contains statistics concerning average weekly hours worked in various trades and localities.

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

#### *Chile.*

The report refers to information previously supplied and adds that the labour inspectorate controls the application of the Convention. During the period under review, the inspectorate reported 50 infringements of the regulations. The number of workers covered by the legislation applying the Convention remains the same, except as regards railway workers who now number 38,805 (6,893 employees and 31,912 workers). Although several decisions were given by the courts in respect of the Convention, none of these has been communicated to the General Labour Directorate. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Czechoslovakia.*

Government Order No. 226 of 1949, to regulate hours of work.

The report refers to the information previously supplied and adds that, under Order No. 226, which was in operation from 7 November 1949 to 27 February 1950, provisions were made for a distribution of hours of work in industry and commerce during the winter months in order to ensure a smooth supply of electricity. Managements of works were obliged in particular to spread the 48-hour working week over at least six days. However, where necessitated by the special nature of the work and provided agreement has already been reached between the undertaking and the supplying power plant, the regional or national committee concerned may permit a different distribution of hours of work.

Compensation in the form of an extension of hours of work in the winter season for the time lost by the so-called "all-staff leave" is not allowed. No decisions were given by courts of law and no observations were received from the representative employers' and workers' organisations. A copy of the report has been communicated to the Central Council of Trade Unions.

#### *Dominican Republic.*

Ordinance No. 4 of 2 January 1950, to establish labour districts.

Apart from the further details given below, the information is identical with that previously supplied.

During the period under review, 180 permits for additional hours were issued. The inspection services are organised in conformity with the regulations contained in Ordinance No. 4 of 2 January 1950. The texts of two decisions given by courts of law on this subject are appended to the report. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Greece.*

The report refers to information previously supplied and adds that the competent authority examined a protest recently laid before the Greek Government by the International Transport Federation regarding the non-application of the eight-hour day to some branches of railway workers (operating, station and maintenance personnel). The question is being examined by the competent services, together with the Pan-Hellenic Federation of Railway Workers, but no decisions have as yet been taken. In view of the economic situation of the country, however, the Government is obliged to ask for a further period of time in which to apply the eight-hour day to these categories of railway workers.

Additional hours have been authorised in several cases, but never more than 120 hours a year in each undertaking and always at overtime rates of 125 per cent. of the regular rate.

The labour inspection reports show that the Convention is applied in a satisfactory manner, except as regards the above-mentioned categories of railway workers. The report states, as an example, that the Athens and Northern Greece Inspection Directorate instituted proceedings in the case of 27 breaches of the legislation concerning the eight-hour day. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *India.*

Apart from the further details given below, the information is identical with that previously given.

Model Rules have been drawn up by the Central Government under the Factories Act, 1948, for the guidance of the State Governments. Factory rules on these lines have been issued by the States of West Bengal, Madras, Bombay, Madhya Pradesh and Travancore-Cochin, and are being considered in other States.

The scope of the new Factories Act, which came into force on 1 April 1949, has been extended to cover factories where 10 or more persons are employed and which work with the aid of power, or where 20 or more persons are employed, if use is not made of power. Working hours are fixed at 48 a week and nine a day, but this limit may be exceeded by adult workers engaged in any work which, for technical reasons, must be carried on continuously throughout the day. The total number of hours, however, may not exceed 10 in any day, and the total number of hours of overtime worked may not exceed 50 during any one quarter.

As regards Article 14 of the Convention, the report states that the Factories Act provides that, in the case of public emergency, State Governments may exempt any factory or class or description of factories from all or any of the provisions of the Act; such exemptions cannot be made for more than three months at a time.

A list of continuous processes is given in the schedule appended to the Model Rules, a copy of which accompanies the report. Officers of the organisation set up to advise on the administration of the Factories Act and other matters have been appointed by the State Governments as inspectors, with powers of entry and examination in factories.

No decisions given by courts of law have come to the notice of the Government and no observations have been received from employers' or workers' organisations. Reports on the working of the Factories Act and the rules framed thereunder are issued annually by the various State Governments, but the reports for the period under review are not yet available. The number of workers covered by the Factories Act was 2,360,201 at the end of 1948. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Luxembourg.*

The information previously supplied is supplemented by various details, including the following from the Annual Report of the Inspectorate of Labour and Mines for 1949.

Of the 45,000 workers in Luxembourg to whom the Convention is applicable, about 2,000 were occupied in continuous work requiring successive shifts, for which the Convention authorises a working week of 56 hours. During 1949, 50 authorisations for extending temporarily the hours of work to meet increased work in connec-

tion with exceptional orders were granted to 41 undertakings by the Minister of Labour on the recommendation of the Labour and Mines Inspectorate.

The overtime granted totalled 134,172 hours and was worked by 834 workers during periods of from four to 235 days, varying between half an hour and two hours a day. There were 37 complaints concerning excessive hours and 54 concerning non-payment of overtime and of the statutory bonus of 25 per cent. It was necessary to intervene in 131 cases in order to take action with regard to 31 contraventions in connection with hours of work and 49 regarding the payment of overtime or the statutory bonus; 26 handicraft and building undertakings received a last warning in writing.

No decisions were given by courts of law; copies of the report have been communicated to the representative employers' and workers' organisations.

#### *New Zealand.*

The information previously supplied is supplemented by the following details. In April 1950, the estimated number of workers covered by legislation giving effect to the Convention was 287,137 (235,534 men and 51,603 women). During the year ending 31 December 1949, inspectors of factories granted permission for women to work an aggregate of 740,528 hours over the 40-hour week. No decisions were given by courts of law and no contraventions were reported by inspectors. Employers' and workers' organisations have not submitted any observations. Copies of the report have been communicated to the representative organisations.

#### *Pakistan.*

The information previously supplied is supplemented by details relating to the actual hours of work in the factories of Pakistan (excluding Sind but not Karachi) during the year 1949. In the case of 904 perennial factories for which information is available, 550 had a normal working week of not less than 42 and not more than 48 hours, 333 a normal working week of over 48 hours, and 21 factories worked less than 42 hours a week. As regards seasonal factories, information is given

for 331 undertakings; of these, 149 factories worked less than 48 hours a week, 32 between 48 and 54 hours a week and 149 worked over 54 hours in the week.

Information regarding the working hours of women is supplied for 104 perennial factories. The normal working week in 10 of these factories was less than 42 hours; in 54, it was between 42 and 48 hours, and in 40, it was over 48 hours. In the 263 seasonal factories for which information is available, normal working hours were under 48 in 127 undertakings, between 48 and 54 in six undertakings, and over 54 in 130 undertakings.

No decisions given by courts of law have come to the notice of the Government during the period under review. 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 supplied to two of the employers' organisations and to the provincial Governments for transmission to the leading chambers of commerce.

#### *Peru.*

Apart from the details given below, no additional information is supplied in the report. During the period under review, 16,323 visits were effected by the labour inspectorate and 59 breaches of the legislation were reported.

No observations were received from the employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Portugal.*

The report refers to information previously supplied, and enumerates various occupations which have been added to the list of processes classified as being necessarily continuous.

The labour inspectorate reported 3,331 cases of infringement. The total number of additional hours authorised in Lisbon was 14,515,310.

No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

## 2. Convention concerning unemployment

*This Convention came into force on 14 July 1921*

Countries	Date of registration of ratification	Reports received
Argentina	30.11.1933	9.10.1950
Austria	12. 6.1924	12.10.1950
Belgium	25. 8.1930	18.12.1950
Burma <sup>1</sup>	14. 7.1921	16. 2.1951
Bulgaria	14. 2.1922	—
Chile	31. 5.1933	7.10.1950
Colombia	20. 6.1933	—
Denmark	13.10.1921	10.10.1950
Estonia	20.12.1922	—
Finland	19.10.1921	7.10.1950
France	25. 8.1925	24.10.1950
Germany	6. 6.1925	—
Greece	19.11.1920	17. 1.1951
Hungary	1. 3.1928	—
India <sup>2</sup>	14. 7.1921	—
Ireland	4. 9.1925	5.10.1950
Italy	10. 4.1923	17.10.1950
Japan	23.11.1922	—
Luxembourg	16. 4.1928	16. 9.1950
Netherlands	6. 2.1932	25.11.1950
New Zealand	29. 3.1938	28. 9.1950
Nicaragua	12. 4.1934	—
Norway	23.11.1921	4.11.1950
Poland	21. 6.1924	26.10.1950
Rumania	13. 6.1921	—
Spain	4. 7.1923	—
Sweden	27. 9.1921	13.10.1950
Switzerland	9.10.1922	5.10.1950
Turkey	13. 7.1950	—
Union of South Africa	20. 2.1924	3.10.1950
United Kingdom	14. 7.1921	6.10.1950
Uruguay	6. 6.1933	—
Venezuela	20.11.1944	—
Yugoslavia	1. 4.1927	20. 3.1951

<sup>1</sup> See footnote 2 to Convention No. 1.

<sup>2</sup> Ratification denounced 16.4.1938.

### Argentina.

Act No. 13591 of 11 October 1949, to establish a National Employment Service Directorate (L.S. 1949—Arg. 2).

The National Employment Service Directorate, established under the Ministry of Labour and Welfare is responsible, *inter alia*, for the payment of unemployment allowances.

The National Employment Board and the regional offices of the above-mentioned Ministry continue to be the competent authorities as regards the application of the legislation.

Statistical data appended to the report show that there were 77,356 applications for employment and 81,108 vacancies; 73,013 placings were effected.

No decisions of importance were given by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

### Austria.

Federal Act of 31 March 1950, to amend the Federal Act of 22 June 1949 respecting unemployment insurance.

A Bill to regulate placing and vocational guidance and another to organise regional and local employment offices have been submitted to Parliament.

During the period 1 July 1949-30 June 1950, the average number of persons seeking work and registered with the public employment offices was 62,855; the number of vacancies was 44,002 and the monthly number of placings effected was 34,879. At the end of each month, the average number of unfilled vacancies was 27,228; 109,357 applicants were unplaced.

No reciprocal agreements have been concluded with regard to unemployment insurance. All foreigners and stateless persons receive the same unemployment benefits as those granted to Austrian citizens. Emergency relief is granted to them only if they have resided without interruption in the present territory of the Republic since 1 January 1930 or were born there after this date and have been domiciled there without interruption. Refugees and displaced persons who, during the last five years, have completed at least 156 weeks in employments covered by compulsory unemployment insurance are granted the same benefits.

No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

### Belgium.

Various Ministerial Orders, issued in 1949 and 1945 respecting, in particular, unemployment allowances payable to workers engaged in the coal, clothing, diamond and tobacco industries and in the manufacture of jute bags and to married women and the placing of unemployed persons in employment by the provinces, communes and public undertakings.

Copies of the *Labour Review*, published by the Ministry of Labour and Social Welfare, as well as statistical information published by the Fund for the Maintenance of Unemployed Persons, are communicated regularly to the International Labour Office.

The above-mentioned Fund, which is responsible for organising the public employment exchange service, is managed by a director-general assisted by a board of directors. The board consists of six members elected from among eight candidates nominated by the most representative employers' organisations and six nominated on the same basis from the most representative workers' organisations, with an independent chairman. The employers' and workers' representatives of

the advisory committees attached to each regional office of the Fund are also represented on the national committee for the placement and occupational supervision of young workers, and on the advisory committees for certain industries (hotel and diamond industries), advisory committees for certain categories of applicants for employment (employees, dockers, young workers), and on the complaints boards and the appeals committees to which disputes are submitted regarding the eligibility of unemployed persons to allowances and the rights of such persons.

The activities of the public free employment agencies are co-ordinated with those of the free private agencies; the latter are granted a State subsidy and are under the permanent supervision of the Fund for the Maintenance of Unemployed Persons.

On the international level, Belgium participates in the manpower committees set up by the Benelux countries and under the Brussels Treaty. These committees are responsible for co-operation between the various employment services concerned.

Reciprocity agreements regarding the eligibility of foreign workers for unemployment benefits were concluded with the Netherlands on 27 August 1947 and with Italy on 1 May 1949. In addition, on 7 November 1949, Belgium became a party to a new multilateral agreement which entitles a national of the five Treaty powers (Belgium, France, Luxembourg, Netherlands, United Kingdom) to the benefits granted under all social security bilateral agreements concluded between the signatory countries. Finally, on 17 April 1950, a multilateral agreement relating to frontier workers was concluded by the signatories of the Brussels Treaty. This agreement provides that, as regards assistance to unemployed workers, frontier workers shall be assimilated to workers employed in the country in which they are domiciled, except in cases provided for in special agreements. The agreement of 17 April 1950 has not yet come into force.

No decisions were given by courts of law or other courts. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Burma.*

##### Union Insurance Board Act.

Departmental instructions were issued in 1950 by the Ministries of Home Affairs, and of Public Works and Labour, directing all Government departments and quasi-Government organisations to recruit clerks and workers through the employment exchanges. The Employment and Training Bill has been considered by the Union Parliament; it was expected that the Bill would be passed in September 1950.

The Directorate of Labour has worked out statistical methods for estimating unemployment by means of statistical

sampling, using the monthly return figures of the employment exchanges as supplementary information. The two public employment exchanges in Rangoon and Mandalay are now firmly established. During the year under review, the employment exchanges registered 4,298 applications for employment, 1,955 vacancies and effected 1,446 placings.

In virtue of a Government Resolution, dated 21 October 1947, a standing joint labour advisory board, which is of a tripartite nature, has been constituted, to advise the Government on labour matters in general and on problems of unemployment in particular. As there are no private employment agencies in the country, the question of co-ordination of public and private employment agencies does not arise. The co-ordination of the various employment service systems by the I.L.O. is not considered necessary at present so far as Burma is concerned.

Unemployment insurance has not been established in the country, but the Union Insurance Board Act, administered by the Ministry of Commerce and Supply, has already been passed with a view to introducing a scheme. The general supervision of the legislative and administrative regulations on all labour matters is now entrusted to the Ministries of Transport and Communications and of Public Works and Labour. In view of the general policy of the Government that no foreign worker may be brought into Burma unless it is impossible to effect recruitments from local and indigenous sources, the employment exchanges give useful advice whenever necessary as regards the need for labour from outside Burma.

No cases have been submitted to any court of law for a decision. No observations were received from employers' or workers' organisations regarding the practical application of the Convention. However, representations have been received from these organisations in favour of the establishment of a system of Government employment exchanges. Copies of the report have been communicated to the representative organisations.

#### *Chile.*

Information regarding unemployment is communicated regularly to the International Labour Office.

The Government refers to the information submitted in its reports covering the period 1946-1949 and adds the following details in reply to the observations made by the Committee of Experts in 1950 as regards the advisory committees provided for under Article 2 of the Convention and equality of treatment for foreign workers in respect of unemployment benefits.

Section 86 (3) of the Labour Code provides that joint committees of employers and wage-earning employees shall be appointed to advise the general labour inspectorate on all matters relating to the

working of the employment exchanges and that the rules for the composition of such committees shall be laid down in regulations. In this connection, the report states that, up to the present, no regulations have been issued as regards the general employment exchange service. Two Decrees, promulgated on 24 March 1926 and 3 September 1928, respecting the contract of employment and the engagement of seasonal agricultural workers, contain no provisions as regards the joint committees referred to in Article 2 of the Convention. On the other hand, the Decree of 19 January 1943 provided for the setting up of a committee responsible for examining all questions connected with unemployment. It can be said that this committee fulfils, to a certain extent, duties corresponding to those of the advisory committees provided for in the Convention. In addition, the regulations relating to certain categories, such as workers employed in bakeries, dockers, the crews of merchant vessels and various groups of workers engaged in river and lake navigation, provide for the setting up of joint committees in conformity with Article 2 of the Convention.

In reply to the observation made by the Committee as regards foreign workers, the report states that, as regards unemployment benefit rates, the latter are granted complete equality of treatment with national workers.

Decisions are frequently given regarding the application of the legislative provisions; during the period under review, no copies of such decisions were communicated to the General Directorate of Labour.

Appended to the report are statistical data relating to the Convention and showing, in particular, the number of applications for employment, the number of vacancies and the number of persons registered as unemployed between July 1949 and June 1950.

No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Denmark.*

Act of 27 May 1950, to replace the Act of 27 March 1947 respecting unemployment insurance.

The report refers to the information previously supplied and adds that, during the year 1949-1950, a total of 1,482,121 reports were made to the unemployment offices in respect of unemployed persons; 275,151 persons were placed in employment.

#### *Finland.*

The information supplied is identical with that in the report for 1948-1949.

The Government has no knowledge of any decisions by courts of law. No observations were received from employers' and workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *France.*

Decree of 15 July 1949, to repeal and replace sections 78-81 of the Decree of 6 May 1939 and section 8 of the Decree of 27 November 1941, and to determine the conditions of work of unemployed persons.

Decree No. 49-1246 of 16 August 1949, to amend the Decree of 11 December 1946, issued in application of the Act of 21 October 1946 respecting benefits payable to workers engaged in the building industry and in public works in case of bad weather.

Decree No. 50-477 of 28 April 1950, to amend the Decree of the Ministry of Labour of 20 April 1948, and to increase the rate of unemployment allowances.

With the exception of the above legislation and the following details, the information contained in the report is identical with that supplied for 1948-1949. Consideration is being given to a Decree which will consolidate all existing legislation and at the same time introduce more flexibility into present arrangements.

The number of unemployed persons in receipt of allowances increased from 41,126 in July 1949 to 49,138 in July 1950; the number of unfilled vacancies increased from 17,375 in July 1949 to 122,082 in July 1950, and that of unplaced applicants from 18,726 to 126,753 in the same months. The total number of placings effected during the period July 1949-June 1950 was 719,976; there were 732,268 applications for employment and 720,226 vacancies.

Fee-charging employment agencies for artistes and domestic servants were authorised to continue their operations until 24 May 1951.

The bilateral reciprocity agreements relating to unemployment and referred to in the report for the previous period remained in force. Foreigners are at present entitled to benefits irrespective of their nationality, provided that they comply with the conditions laid down in respect of French workers and that they are in possession of a valid foreign worker's card.

No decisions were given by courts of law. No particular observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Greece.*

Legislative Decree No. 1196 of 1949, to amend and supplement various provisions of Act No. 751 of 1948, by requiring public departments, municipalities, etc., to employ a certain percentage of disabled ex-service personnel, etc.

Legislative Decree No. 1255 of 31 October 1949, to amend various provisions of Act No. 118 of 1945, respecting the unemploy-



ment insurance of wage earners in industrial undertakings, as well as the Decree of 8 May 1946, to extend the scope of the above Act to industrial, handicraft and commercial undertakings.

Various Ministerial Decrees respecting, in particular, the extension of unemployment insurance to different towns and regions and different categories of workers; the reduction of the contributions paid to the unemployment insurance fund by various establishments; the increase of the unemployment allowances payable to workers in the Piraeus tobacco industry.

Complete statistics are not available regarding unemployment. During the period 1 July 1949 to 31 May 1950, benefits amounting to 14,407 million drachmae were paid to 64,025 unemployed persons. Measures have been taken by the Government to put in hand an extensive programme of reconstruction works. Moreover, in order to provide assistance for unemployed and demobilised persons, the Minister of Social Welfare has drawn up a special programme.

In virtue of Legislative Decree No. 1196, all undertakings, including those managed by the State, the communes and other public bodies, are required to engage their workers through the public employment office. They are free to select workers from the lists of the employment exchanges. Undertakings covered by the above-mentioned Decree are obliged to give notice in writing to the unemployment fund and the employment exchanges, within eight days, of the termination or expiry of a labour contract concluded for a specific period. There are no private employment agencies.

No reciprocal agreements have been concluded with other States Members. Foreign workers are affiliated to the unemployment fund and receive the same unemployment benefits as those granted to Greek workers.

No decisions were given by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Ireland.*

Unemployment Insurance (Subsidiary Employments) Special Order No. 359 of 1949, to specify as subsidiary employment such part-time service at race meetings as is not a principal means of livelihood.

Unemployment Insurance (Inclusion) Order No. 209 of 1950, to supplement the above-named Order and to provide for the inclusion, under the Unemployment Insurance Acts, 1920-1948, of persons employed at race meetings.

The Government refers to its previous reports and adds that the arrangement made under the Unemployment Insurance Act, 1946, for the payment of special benefits to certain Irish men and women discharged from the United Kingdom forces came to an end on 25 February 1950.

On 24 June 1950, there were 39,881 persons on the live register of employment exchanges and branch employment offices, including 38,331 registrations for un-

employment benefit or assistance and 1,550 other registrations. During the four weeks ended 24 June 1950, 4,008 vacancies were notified to the exchanges and branch offices and 3,768 placings were effected.

No decisions were given by courts of law or other courts and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Italy.*

Decree of the President of the Republic dated 2 May 1950, to fix bilingual or mountainous zones in which agricultural undertakings employing a maximum of six workers are exempted from the obligation to recruit their workers from among applicants registered with the employment offices.

Decree of the President of the Republic dated 29 April 1950, respecting the employment of workers engaged in weeding, planting, cutting and harvesting rice.

Decree of the President of the Republic dated 5 June 1950, respecting the organisation of an employment service for persons engaged in theatrical undertakings.

The report refers to the information previously supplied and adds that provincial employment committees have been set up in 86 provinces and will be set up shortly in the five other provinces of the Republic. In accordance with the provisions of Act No. 264 of 29 April 1949, respecting the placing and vocational training of unemployed persons and unemployment assistance, communal committees are being set up in the majority of provinces which already have provincial committees.

According to the provisions of the Decree of the President of the Republic dated 5 June 1950, the principles governing the placing of workers in public entertainment vary for workers in each of the three following categories: permanent staff (workers and employees) in theatrical, sports and cinematograph undertakings, members of orchestras, choirs and ballets, artistes and staff employed in a technical capacity. Workers in the first two categories are covered by Act No. 264 of 29 April 1949 and are placed through the medium of the bodies set up under this Act. For artistes and technical staff, a special employment office must be set up under the Regional Office for Labour and Full Employment in Rome, with branches attached to other regional labour and full employment offices. A committee, composed of officials from the Ministry of Labour and Social Welfare, cabinet advisers and representatives of employers' and workers' associations for theatrical undertakings, acts in an advisory capacity for the above-mentioned special services.

As from 1 October 1950, artistes and technical staff may be recruited only from workers in this category who are registered with the special office or with its branches. In granting a request from an employer for particular workers of all categories in places of public entertain-



ment, due account is taken of the special characteristics attaching to employment in this profession. Until new regulations are issued, employers in the public entertainment business may request workers for their permanent staff only from the occupations specified in the Ministerial Decree of 1 October 1942.

In addition to the agreements concluded with Belgium and France respecting equality of treatment for foreign workers and nationals of the country as regards social insurance, other agreements are being negotiated with Austria, the Netherlands and the United Kingdom. The possibility is being contemplated of similar agreements with Argentina, Czechoslovakia, Luxembourg, Sweden and Yugoslavia.

The differences of opinion which existed between the Labour Office and the trade union organisation with regard to the number of representatives to be appointed to the provincial employment offices have been settled by an inter-trade union committee presided over by the Minister of Labour and Social Welfare, and composed of representatives of the most important national workers' organisations.

No decisions were given by courts of law. Appended to the report are the texts of various documents relating to the application of the Convention. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Luxembourg.*

Grand-Ducal Order of 11 April 1950, to issue new regulations concerning unemployment benefits.

Apart from the details given below, the information contained in the report is identical with that previously supplied. Particulars relating to the absorption of unemployed persons in work projects for the unemployed are communicated to the International Labour Office when such projects are undertaken.

All vacancies and applications for employment must be submitted to the National Labour Office, the functions of which are described in detail.

During the period 1 July 1949 to 30 June 1950, 25,210 vacancies were notified, 22,654 applications were registered, and 22,010 placings were effected through the National Labour Office.

Apart from the Labour Treaty concluded in 1926 with Belgium, Luxembourg has not made any agreement with other members of the International Labour Organisation, but *de facto* reciprocity exists in a number of cases; unemployed Belgian, Dutch and French persons are eligible for unemployment benefits under the same conditions as those governing nationals.

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

#### *Netherlands.*

The following information is supplied in addition to that contained in the report for 1948-1949.

There was a further increase in unemployment, in particular, among unskilled workers, due to the increase in the number of the working population, the demobilisation of servicemen from Indonesia, the tendency among heads of undertakings to employ only highly skilled workers and also to a reduction in temporary Government services.

The measures taken by the National Employment Office to combat unemployment include steps to place in employment demobilised and disabled persons and workers over a certain age. Other measures include the training, reclassification and vocational rehabilitation of workers.

The system of classification by occupations, which was instituted in 1948, has been put into effect by the employment offices; this system enables workers to change from one trade to another. Under the direction of the Ministry of Social Affairs and in co-operation with regional employment offices and private organisations, steps are taken to facilitate the emigration of workers.

As regards the regulations concerning work performed by foreigners, the report states that permits were granted to certain groups of specialised workers. Information is also given regarding the application of the Extraordinary Order concerning labour relations (measures to prevent workers from being dismissed without good cause, etc.), the compilation of statistics, special investigations into the development of labour supply and demand in the various trades and co-operation between the Directorate General for Industrialisation and the Public Works Department. During the period under review, the employment offices registered 718,145 applications and 553,948 vacancies; 424,094 persons were placed in employment.

An agreement has been reached with the Benelux countries as regards the principles for the payment of unemployment benefits to foreign workers.

No decisions were given by courts of law. No observations are available from employers' or workers' organisations. Copies of the report have been communicated to the Labour Foundation.

#### *New Zealand.*

Apart from the following statistical information, the information supplied is the same as that relating to 1947-1948.

During the year ended 30 June 1950, 16,227 men and 6,076 women were placed in employment by the national employment service. On 30 June 1950, vacancies were notified for 12,291 men and 9,243 women;

71 men and six women registered as unemployed.

As at 30 June 1950, there were 50 district employment and five national employment advisory committees in operation.

No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Norway.*

The report refers to the information supplied for 1945-1946 and 1948-1949 and adds the following.

The manpower shortage still persists. The measures taken at national and local levels to maintain a high degree of employment so as to meet a period of depression have been continued. Projects by technical Government agencies cannot be put into effect because of the present shortage of labour. Investments in building and construction undertakings are to be reduced in 1950. Systematic regional planning under the labour directorate is being continued and will be extended to cover the whole country.

During the period 1 July 1949-30 June 1950, 197,382 applications for employment were received by the employment service; 226,353 vacancies were notified and 184,191 placings effected.

The majority of the private employment agencies have been wound up and those still in existence have been instructed to cease operations by 27 June 1952.

On 18 December 1948, an agreement was concluded with Sweden respecting reciprocity as regards unemployment insurance. This agreement, which came into force on 1 January 1949, was not put into operation until 1 May of the same year; it is drawn up in accordance with the Act of 24 June 1938 respecting unemployment insurance. The Royal Decrees of 28 March and 18 April 1947 (issued in pursuance of section 38 of the above-mentioned Act) contain regulations respecting unemployment insurance for seamen serving in foreign waters. These regulations are applicable only to Norwegian citizens or persons who are permanently domiciled in Norway. Work has been commenced on a similar reciprocity agreement to be concluded between Norway and Denmark.

Systematic tours of inspection have been made by the labour directorate and officials of the county employment offices. The labour directorate has held its first annual national conference with the heads of the county employment offices.

No decisions were given by courts of law and no special observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Poland.*

There is at present a great shortage of manpower. It is estimated that more than 2,100,000 workers (including approximately 1,230,000 women) will be employed under the six-year plan covering the years 1950-1955.

Copies of the report have been communicated to the Central Council of Trade Unions.

#### *Sweden.*

With the exception of the following details, the information contained in the report is identical with that previously supplied. In each province a provincial labour board, appointed by the Government, is responsible for the operation of the public employment service within the province. The members of these boards are nominated by the State Employment Board, certain provincial administrative bodies and employers' and workers' organisations. At the national level, the State Employment Board is responsible for the supervision and co-ordination of employment service activities.

The employment service includes sections concerned with the rehabilitation of disabled persons, vocational guidance and the placing of young persons in employment.

Conferences are arranged to give instruction to employment service officers and officers of the unemployment funds; newly-appointed officers are required to undergo special training.

During the period under review, 1,872,974 applications and 1,408,648 vacancies were registered; the number of vacancies filled through the employment service was 1,162,444.

No decisions were given by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Switzerland.*

With the exception of the details given below, the information contained in the report is identical with that supplied for 1948-1949.

The economic regression which was a feature of the period covered by the last report was even more pronounced during the period under review; after a phase period of intense activity the level of employment is rapidly returning to normal.

The number of persons registered with the employment offices as totally unemployed at the end of each month was considerably higher than during the preceding period. The number of vacancies registered during the first six months of the period under review was considerably lower than that for the same period of 1948; there was a corresponding decrease in the number of permits granted to foreign workers. During the period under review, the employment offices registered

170,053 vacancies and 111,891 applications for employment; 74,728 persons were placed in employment.

No decisions were given by courts of law or other courts; no suggestions, complaints or observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Union of South Africa.*

The position remains the same as stated in the report for 1948-1949, with the following exceptions.

During the months of July 1949, December 1949 and June 1950, the numbers of registered civilian applicants for work and of placings effected by the public employment offices were about 22,000 and 5,000 respectively.

There was no mass unemployment amongst Natives during the period under review. There was, indeed, an increased demand for Native workers, due largely to the development of the Orange Free State goldfields. The farm labour scheme, referred to in the report for 1947-1948, has been discontinued as foreign work-seekers were more attracted by industries near the large towns than by farm work. The demand for labour on farms and in rural mines and industries continues.

During the period 1 January-31 December 1949, employment benefits were paid to 75,709 applicants (out of a total of 82,621), the total amount paid being £1,010,387. Most of these applicants were paid benefits for short periods; only 4,314 received benefits for the full 26 weeks permitted under the Act. There was a tendency for the number of beneficiaries to increase during the year.

No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *United Kingdom.*

##### *Great Britain.*

Youth Employment Committee Regulations, issued under the Employment and Training Act, 1948.

##### *Northern Ireland.*

National Insurance (Amendment) Act (Northern Ireland), 1949.

Various Regulations issued in 1949 and 1950 relating to benefits, contributions, claims and payments.

In *Great Britain*, the number of free employment agencies is now 2,327 (1,041 employment exchanges, 119 branch employment offices, 140 local agencies, 1,000 youth employment offices, one technical and scientific register, 13 appointments offices and 13 regional nursing appointments offices). The figure of 1,000 youth employment offices is only an approximation as, in many areas, responsibility for the youth employment service is being transferred to the Ministry of Labour.

The number of persons placed in employment during the period 9 June 1949-7 June 1950 was 4,024,460. No statistics are kept of the number of vacancies notified. Local employment committees (constituted in accordance with the Employment Exchanges (Advisory Committee Regulations)), and consisting of representatives of employers, workers and interested organisations in the area, are attached to an employment exchange or group of exchanges. At the end of June 1950, there were 382 committees and 266 women's sub-committees.

Throughout the country, youth employment committees have been appointed to advise the Ministry of Labour and National Service or the local education authority on the administration of the youth employment service in each area. The appointment of these committees comes under the above-named regulations or the Act, as the case may be. Each committee consists of representatives of employers, workers, the local education authority, teachers and other persons interested in youth welfare. At the end of June 1950 there were about 500 such committees.

No decisions were given by courts of law or any other competent authority. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Yugoslavia.*

According to the information given in the report, not only is unemployment as a social phenomenon unknown in Yugoslavia but there is even a shortage of manpower in the country.

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

*This Convention came into force on 13 June 1921*

Countries	Date of registration of ratification	Reports received
Argentina	30.11.1933	9.10.1950
Brazil	26. 4. 1934	—
Bulgaria	14. 2. 1922	—
Chile	15. 9. 1925	7.10.1950
Colombia	20. 6. 1933	—
Cuba	6. 8. 1928	—
France	16.12.1950	—
Germany	31.10.1927	—
Greece	19.11.1920	17. 1. 1951
Hungary	19. 4. 1928	—
Latvia	3. 6. 1926	—
Luxembourg	16. 4. 1928	2.10. 1950
Nicaragua	12. 4. 1934	—
Rumania	13. 6. 1921	—
Spain	4. 7. 1923	—
Uruguay	6. 6. 1933	—
Venezuela	20.11.1944	—
Yugoslavia	1. 4. 1927	20. 3. 1951

*Argentina.*

Decree No. 22287 of 10 September 1949, to impose penalties for infringements of Act No. 11933 of 15 October 1934 (L.S. 1934, Arg—1 B) respecting the employment of women before and after childbirth.

With the exception of the above-mentioned legislation and the details given below, the information relating to the period under review is identical with that previously supplied.

Statistical tables, compiled by the National Social Welfare Institute and appended to the report, show that, during the period under review, 4,289 employers and 79,027 women workers were members of the maternity fund. A sum of 4,372,450 pesos was paid by the fund in maternity benefits in respect of 14,541 cases.

No decisions of importance were given by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Chile.*

With the exception of the details given below, the information contained in the report for the period under review is identical with that previously supplied.

In reply to the observations made by the Committee of Experts, the report states that the Bill for the revision of Act No. 4054 of 8 September 1924, respecting sickness insurance (and which provides that maternity benefits will be paid entirely out of social insurance funds, in conformity with Article 3 (c) of the Convention) has not yet been approved by the National Congress. It has not yet been possible to undertake the revision of the Labour Act which will ensure harmony between the

national legislation and the Convention as regards the granting of nursing periods as provided in Article 3 (d) to women employed by private undertakings.

There were no breaches of the relevant legislation. In 1949, the compulsory insurance fund paid maternity benefits amounting to 5,101,050 pesos in respect of 15,662 women workers, in addition to the benefits paid by employers. The fund paid nursing benefits amounting to 13,261,575 pesos. Statistical information is also given showing the number of women salaried employees in various occupations.

The General Directorate of Labour has no knowledge of any decisions by courts of law. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Greece.*

Ministerial Decision, issued in February 1950, respecting the sickness regulations of the insurance fund for workers in the baking industry.

Ministerial Decision No. 56,366 of 30 January 1950, to increase benefits in kind paid by the sickness branch of the Social Insurance Institution.

Various Ministerial Decisions respecting the extension of sickness and maternity insurance, etc., to different regions of the country.

The above-named Ministerial Decisions have force of law and were issued under section 59 of the Extraordinary Act of 11 November 1935.

The information given in previous reports is supplemented by the following details. During the period under review, various Ministerial Decisions have extended the scope of the Social Insurance Institution to 13 towns and regions enumerated in the report. The social insurance system now covers small districts and towns, some of which number fewer than 5,000 inhabitants. Moreover, an attempt is being made to extend the local competence of the offices of the Social Insurance Institution by the progressive affiliation to insurance of workers employed in the neighbourhood of the above-mentioned districts. Taking into account the conditions of handicrafts, above all in small regions, it can be stated that, at present, almost all women are covered by insurance.

As regards women who are insured with special funds and not compulsory insured with the Social Insurance Institution, the report states that a Ministerial Decision has been issued approving the regulations of the insurance fund for workers in the baking industry. These

regulations provide that, in the case of childbirth, an insured woman is granted : (a) a lump-sum payment replacing the previous allowance and representing wages for 20 working days ; (b) during the period of pregnancy, confinement and nursing of the child, an allowance amounting to two thirds of her average daily salary ; and (c), if the child lives, an unemployment allowance for 60 days from the date on which the confinement allowance ceases. In addition, during the above-mentioned period, the insured woman is entitled to advice and guidance from the health service of the fund.

With reference to the question raised by the Committee of Experts as to whether the maternity allowances granted by the various special insurance funds are fixed by the competent authority, the report states that, among the various funds enumerated in the report, there are some which are public bodies and whose decisions are approved by the Government. There are others which operate as autonomous bodies under the relevant legislation and are subject to the supervision and administrative control of the Ministry of Labour. These funds are responsible for insuring the staff of big undertakings and were operating long before the public funds referred to above came into existence ; the benefits paid by them are more satisfactory than those paid by the latter.

The allowances granted suffice for the full and healthy maintenance of the woman and her child, but are fixed in relation to wages, the amount of which varies according to the financial situation of the country.

Apart from cash benefits and the lump-sum payment referred to above, benefits in kind vary between 79 per cent. of the average wage for the lowest wage class to 42 per cent. and less for the highest wage class.

According to the statistics compiled by the regional branches of the Social Insurance Institution, the amounts paid in maternity benefits amounted in 1949 to 3,744,262,874 drachmae for approximately 12,200 confinements (including 2,823 women insured directly) and, during the first six months of 1950, to 3,248,776,776 drachmae for 6,827 confinements (including 1,432 women insured directly).

No decisions were given by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Luxembourg.*

The information contained in the report is substantially identical with that supplied for 1947-1948. A copy of the annual report for 1949 of the Labour and Mines Inspection Service is appended to the report. The Convention is strictly applied and no breaches of its provisions were reported.

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.

#### *Yugoslavia.*

Act of 21 January 1950, concerning social insurance for wage-earning employees, salaried employees and officials and for their families.

Decree of 14 October 1949, concerning the protection of women employed under contracts of work or service who are pregnant or nursing their children.

In Yugoslavia, the amount of benefit granted during maternity leave depends on length of employment. Only those women who have worked for six months continuously, or 18 months with interruption, during their last two years of employment are entitled to such leave. On the other hand, Yugoslav legislation provides for a total of 90 days' leave, 45 before confinement and 45 after, which is longer than the period required by the provisions of the Convention.

By the terms of the Social Insurance Act, women after confinement are entitled to various cash benefits, including a feeding allowance for mother and child granted for three months as from the day when maternity leave expires. Furthermore, mothers are entitled, for a period of six months, to go home every three hours to nurse their children, or, for a period of eight months to three years, to limit their hours of work per day to four, subject to a reduction in wages.

## 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 <sup>1</sup>	12. 6.1939	19. 3.1951
Albania	17. 3.1932	—
Argentina	30.11.1933	9.10.1950
Austria	12. 6.1924	12.10.1950
Belgium <sup>2</sup>	12. 7.1924	—
Brazil <sup>2</sup>	26. 4.1934	—
Bulgaria	14. 2.1922	—
Burma <sup>3</sup>	14. 7.1921	16. 2.1951
Chile	8.10.1931	7.10.1950
Colombia	20. 6.1933	—
Cuba	6. 8.1928	—
Czechoslovakia	24. 8.1921	21.11.1950
Estonia <sup>2</sup>	20.12.1922	—
France <sup>4</sup>	14. 5.1925	24.10.1950
Greece <sup>2</sup>	19.11.1920	—
Hungary <sup>2</sup>	19. 4.1928	—
India <sup>4</sup>	14. 7.1921	23.12.1950
Ireland <sup>2</sup>	4. 9.1925	—
Italy	10. 4.1923	17.10.1950
Lithuania	19. 6.1931	—
Luxembourg	16. 4.1928	2.10.1950
Netherlands <sup>2</sup>	4. 9.1922	—
Nicaragua	12. 4.1934	—
Pakistan <sup>5</sup>	14. 7.1921	17.10.1950
Peru	8.11.1945	16. 1.1951
Portugal	10. 5.1932	18.12.1950
Rumania	13. 6.1921	—
Spain	29. 9.1932	—
Switzerland <sup>2</sup>	9.10.1922	—
Union of South Africa <sup>2</sup>	1.11.1921	—
United Kingdom <sup>2</sup>	14. 7.1921	—
Uruguay	6. 6.1933	—
Venezuela <sup>2</sup>	7. 3.1933	—
Yugoslavia	1. 4.1927	20. 3.1951

<sup>1</sup> Has ratified Conventions Nos. 4 and 41 simultaneously.

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

<sup>3</sup> See footnote 2 to Convention No. 1.

<sup>4</sup> Has ratified Convention No. 41 but has not denounced this Convention.

<sup>5</sup> See footnote 3 to Convention No. 1.

#### *Afghanistan.*

The Government refers to the information supplied for the period 1948-1949 and adds that women are employed only in family undertakings. Consideration is being given to the drafting of appropriate legislation.

#### *Argentina.*

Decision of the Ministry of Labour and Social Welfare, No. 355 of 2 December 1949, respecting the nightly rest period for women and children.

In order to take into account the observations made by the Committee of Experts as regards the absence of legislation providing for a consecutive period of 11 hours' rest at night, the Ministry of Labour and Social Welfare issued the above-named Decision, the text of which is appended to the report. This Decision requested the services of the Ministry responsible for signing the work time-tables for women and children in undertakings not to

approve these time-tables unless an interval of at least 11 consecutive hours is allowed between the end of one day's work and the beginning of the next.

See under Convention No. 1 for statistical information. No decisions of importance were given by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Austria.*

With the exception of the details given below, the information for the period under review is the same as that supplied for 1947-1948. Progress has been made with the preparation of the new legislation on hours of work, referred to in the report for 1947-1948. The proposed Bill concerning hours of work, which takes full account of the requirements of the Convention, has been submitted for decision to the Government. After approval by this Council, the Government will refer the Bill to Parliament for further action. During 1949, the labour inspection services reported 119 breaches of the legislation on night work, without specifying, however, the sex and age of the workers concerned.

The Government intends to ratify Convention No. 89; the instrument of ratification will be despatched in the near future. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Burma.*

The information previously supplied is supplemented by the following details. The Convention is applicable to factories, which the legislation defines as follows: Any premises, including the precincts thereof, whereon 10 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 carried on; any premises whereon 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 without the aid of power or is ordinarily carried on, provided that this does not include a mine subject to the operation of the Mines Act, 1923. 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 country districts. However, no contraventions were reported.

No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Chile.*

In addition to giving information identical with that previously supplied, the report states, in connection with the observations made by the Committee of Experts, that the National Congress has not yet approved the ratification of Convention No. 41 which would make possible the denunciation of Convention No. 4.

Very few decisions were given by the labour courts; such decisions had not been brought to the notice of the Government. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Czechoslovakia.*

Notification No. 1072 of 1949, issued by the Minister of Industry (to replace Notification No. 2609 of 1948) and Order No. 226 of 27 October 1949, issued by the Minister of Labour and Social Welfare, respecting measures to ensure a smooth electricity supply.

The report refers to the information previously supplied and adds the following details. Under section 4 of Order No. 226 of 27 October 1949, women over 18 years of age may be employed temporarily at night if this becomes necessary as the result of the shifting of the regular working hours in order to ensure a smooth electricity supply. In practice, this provision has not been applied.

With reference to the observations made last year by the Committee of Experts, the report states that Notification No. 2609 of 1948 was replaced for the period 7 November 1949 to 28 February 1950 by Notification No. 1072 of 1949 and by Order No. 226 of 27 October 1949. Both of these provisions have already ceased to be in force.

With regard to the exceptions provided for under section 9 (3) of the Eight-Hour Day Act of 1918 (authorising the employment of women of 18 years of age on comparatively light work during the night), the report states that the regional national committees have made use of their right to grant permits under this provision only in exceptional cases in which it was essential for the fulfilment of important national economic objectives to employ women on the third night shift because of the shortage of male workers. Regional national committees have received from the Ministry of Labour and Social Welfare detailed instructions concerning the use of this right. According to these instructions, works managements are called upon to discuss the granting of such exceptions with the competent public bodies, *i.e.*, the

labour inspectorate. Applications for such exceptions must be approved by the works representation (works councils) of the undertaking concerned, after discussion with all the employees. Each application must be examined in the undertaking by the labour inspector, with the participation of the works management and the works representation. If the reasons for the granting of exceptions are recognised to be of special importance in the public interest, the application must be discussed with the regional organ of the trade union organisation, *i.e.*, the regional trade union council. Exceptions may only be granted with the consent of the last-named body. No night work is authorised for women under 18 years of age, pregnant women and nursing mothers.

The report also refers to Convention No. 89 (revised, 1948) which was ratified by Czechoslovakia in 1950 and which provides, in Article 5, that the prohibition of night work for women may be suspended by the Government after consultation with the employers' and workers' organisations concerned, when in case of serious emergency the national interest demands it.

A copy of the report has been communicated to the Central Council of Trade Unions.

#### *France.*

Apart from the following details, the information supplied is identical with that contained in the report for 1948-1949.

The Committee of Experts was of the opinion in 1950 that, in order to ensure conformity with the national legislation and the Convention, it was essential for the Government to take steps to repeal section 22 (a) of Book II of the Labour Code (introduced under a Legislative Decree of 21 April 1939 to authorise exceptions for work carried on in connection with the national defence). In this connection, the Government points out that, while the maintenance in force of section 22 (a) of the Labour Code does not appear to be in harmony with Convention No. 4, the provisions of this article are, nevertheless, in conformity with those of Article 5 of Convention No. 89. As Convention No. 89 was probably intended to replace Convention No. 4, it can be argued that the above-mentioned provision of the Labour Code is in keeping with the present guiding principles of the International Labour Organisation.

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

#### *India.*

The Factories Act, 1948 came into force on 1 April 1949. Model Rules were framed by the Central Government under the Act, for the guidance of the State Governments. Factory Rules on the lines of the Model Rules have been issued by the States of



West Bengal, Madras, Bombay, Madhya Pradesh and Travancore-Cochin and are being prepared in the other States.

In conformity with Article 5 of the Convention, the application of the Convention is limited to factories as defined in the Factories Act.

As regards Articles 2 and 3 of the Convention, the report states that section 66 of the Factories Act, 1948, lays down that a woman shall be allowed to work in a factory, only between the hours of 6 a.m. and 7 p.m. State Governments are empowered to vary these limits in respect of any class or description of factories, but such variations may not authorise the employment of any woman between the hours of 10 p.m. and 5 a.m.

No exemption is provided for under the Factories Act in application of Article 4 (a) of the Convention. Under Article 4 (b) of the Convention, the report states that section 66 (2) of the Factories Act empowers the State Governments to exempt from the prohibition of night work women employed in fish-curing or fish-canning factories, where this is necessary in order to prevent damage to, or deterioration of, any raw material. However, such rules may not remain in force for more than three years at a time. No advantage has been taken by the provisions of Articles 6 and 7 of the Convention.

Reports on the working of the Factories Act and the rules framed thereunder are issued by the various State Governments annually, but no such reports have yet become available for the period under review. The number of women workers employed in 1948 was 264,876.

The Factories Act is administered by the State Governments through their factory inspectors in virtue of section 8 (1), (4) and (5) and section 9 of the Act.

No decisions were given by courts of law. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### Italy.

The following information was supplied in response to the observation made by the Committee of Experts in 1950, and to which a reply was given by the Government in writing and orally to the Conference Committee.

(a) The exceptions authorised in order to provide for the differences of technical equipment in the various sections of each establishment do not result in increased production, as was indicated in a somewhat too general manner in the preceding report. On the other hand, the exceptions in question were authorised in order to take due account of technical details of a temporary nature; the refusal to grant these exceptions would have resulted in the closing down of many establishments and consequently in increasing unemployment. However, these exceptions

relate only to a limited number of women in specific areas, and are granted only after approval by the trade union organisations, on the request of certain establishments and generally for one or two months only. In very exceptional cases, where the period covered by the exception is not defined, the labour inspectors make periodical visits to the undertakings in question in order to verify on the spot the reasons for any extension of authorised exceptions. The report adds that exceptions are only authorised in the case of women over 21 years of age who, moreover, are entitled to overtime pay for the hours worked at night, at a rate fixed by agreement.

(b) The exceptions granted for seasonal work relate exclusively to work in connection with fresh fish, the stacking of goods, the drying and sorting of cocoons, tomatoes, fruits and vegetables. It can be stated, therefore, that, apart from the cases covered by Article 4 (b) of the Convention, no exceptions have been authorised for seasonal work.

(c) There has been a reduction in the number of exceptions authorised because of the shortage of electric power; exceptions of this nature will be completely abolished as soon as circumstances permit.

(d) The court decision referred to in the previous report related to an infringement reported by the labour inspector of Lucques in the case of an undertaking which employed women during the night. The employer was acquitted, as the judge was of the opinion that, taking into account the exceptional circumstances attaching to the undertaking, a case of *force majeure* was constituted by the fact that it was essential to prepare in good time the materials intended for export. The labour inspector lodged an appeal with the public prosecutor, but for reasons of procedure no further action was taken.

The reports of the inspection services show that, during the period under review, there were 100 breaches of the prohibition of night work. In addition, the inspectorate reported 75 cases in which exceptions were granted to seasonal undertakings in connection with the treatment of raw materials (Article 4 (b)); on the other hand, little use was made for the exception provided for in cases of *force majeure* (Article 4 (a)). The Central Administrative Department received 164 requests for exceptions covering 5,745 women; 20 of these requests were refused. The above exceptions were granted in order to preserve from loss certain raw materials in course of treatment, and also because of the shortage of electric power. However, as indicated above, such cases are becoming increasingly rare.

The Minister of Labour is devoting special attention to the application of the Convention, and is endeavouring, by all possible means, to ensure its implementation. By a Circular dated 22 February 1950 (a copy of which is appended to the



report), the Minister of Labour requested all labour inspection services to grant exceptions to the prohibition of the night work of women only in cases of absolute necessity and subject to compliance with certain conditions essential to protect the health and well-being of the women in question. Any exceptions granted have been for a short period and would have met with the approval of the trade union organisations concerned.

No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Luxembourg.*

The information contained in the report is identical with that previously supplied. The Convention has been strictly applied and no breaches of the regulations were reported. The text of the annual report of the Labour and Mines Inspection Service for 1949 is appended to the report.

No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Pakistan.*

The information contained in the report is identical with that supplied for the period 1947-1948. No statistics have been compiled. No decisions by courts of law have come to the notice of the Government; no observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the representative organisations, and to the provincial Governments for transmission to the principal chambers of commerce.

#### *Peru.*

The following additional information is given as regards Article 4 of the Convention (exceptions in case of *force majeure* and for the treatment of perishable materials). Act No. 2851 of 23 November 1918 (section 10) lays down that the executive authority may authorise the employment of women for 10 hours a day for a maximum period of 60 days of the year when this is required in the immediate interests of industry. In view of the fact that, under section 10 of the above Act, the 10-hour working day includes both day and night work, it can be said that these exceptions are provided for in Article 4 of the Convention. Consequently, the national legislation is in complete harmony with the provisions of the Convention. The

national legislation does not provide for the possibility (Article 6 of the Convention) of reducing the night period to 10 hours on 60 days of the year, subject to certain conditions.

The Lima labour inspection service comprises a department for women and children, under a social assistant who is aided by seven other social assistants, six of whom are certificated. The department is responsible, either *ex officio* or on request, for dealing with all questions relating to the work of women and children and also for ensuring full compliance with the legislation relating to this subject.

During the period under review, 837 visits were made by the labour inspection service to undertakings employing women; fines were imposed in 24 cases of infringement of the legislative provisions respecting hours of work. According to the 1940 census, 310,759 women workers were covered by the legislation relating to the night work of women.

No decisions were given by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Portugal.*

The report refers to information previously supplied.

The labour inspectorate reported 15 cases of infringement.

No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Yugoslavia.*

Decree of 14 October 1949, concerning the protection of women employed under contracts of work or service who are pregnant or nursing their children.

Although in Yugoslav law the employment of women during the night is not in principle prohibited, in practice it is confined to a minimum, being resorted to only for light tasks (knitting, fruit - or vegetable - canning factories, postal work, tramways, telephones) and never in heavy industry or mining. At the same time, under section 9 of the Act of 1949 on the protection of pregnant women, night work is prohibited for such women for a period from the fourth month of pregnancy to the end of the eighth month of nursing. Moreover, the term "night", for the purposes of the law in Yugoslavia, includes the interval between 10 o'clock in the evening and 6 o'clock in the morning; this differs from the definition given in the Convention, which includes the period between 10 o'clock in the evening and 5 o'clock in the morning.

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

*This Convention came into force on 13 June 1921*

Countries	Date of registration of ratification	Reports received
Albania	17. 3. 1932	—
Argentina	30. 11. 1933	9. 10. 1950
Austria	26. 2. 1936	12. 10. 1950
Belgium	12. 7. 1924	18. 12. 1950
Brazil	26. 4. 1934	—
Bulgaria	14. 2. 1922	—
Chile	15. 9. 1925	7. 10. 1950
Colombia	20. 6. 1933	—
Cuba	6. 8. 1928	—
Czechoslovakia	24. 8. 1921	21. 11. 1950
Denmark	4. 1. 1923	10. 10. 1950
Dominican Republic	4. 2. 1933	20. 11. 1950
Estonia	20. 12. 1922	—
France	29. 4. 1939	24. 10. 1950
Greece	19. 11. 1920	17. 1. 1951
Ireland	4. 9. 1925	1. 12. 1950
Japan	7. 8. 1926	—
Latvia	3. 6. 1926	—
Luxembourg	16. 4. 1928	2. 10. 1950
Netherlands	21. 7. 1928	25. 11. 1950
Nicaragua	12. 4. 1934	—
Norway	7. 7. 1937	4. 11. 1950
Poland	21. 6. 1924	26. 10. 1950
Rumania	13. 6. 1921	—
Spain	29. 9. 1932	—
Switzerland	9. 10. 1922	5. 10. 1950
United Kingdom	14. 7. 1921	6. 10. 1950
Uruguay	6. 6. 1933	—
Venezuela	20. 11. 1944	—
Yugoslavia	1. 4. 1927	20. 3. 1951

*Argentina.*

The report refers to the information previously supplied and to Convention No. 1 for statistical information. No decisions of importance were given by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Austria.*

Apart from the following details, the information supplied is identical with that contained in the report for 1948-1949. Owing to other more urgent legislative work it has not yet been possible to adopt the proposed amending legislation with regard to the registration of young persons which, according to existing legislation, is prescribed only for undertakings employing more than five young persons. However, the Government is continuing its efforts with a view to eliminating the discrepancy in question. During 1949, the labour inspection services reported 34 breaches of the relevant legislation.

No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Belgium.*

The information supplied in previous reports is supplemented by the following details. During the period under review, the inspection service visited 7,448 establishments employing 23,432 persons; 20 contraventions were reported. Two decisions were given by courts of law. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Chile.*

The information supplied is identical with that given in previous years. There were no breaches of the relevant regulations. No decisions by courts of law have come to the notice of the General Directorate of Labour. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Czechoslovakia.*

Reference is made to previous reports. Copies of the report have been communicated to the Central Council of Trade Unions.

*Denmark.*

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

*Dominican Republic.*

Apart from the following details, the information supplied is identical with that contained in previous reports.

In conformity with the assurance given by the Government representative to the Conference Committee in 1950, the Secretariat of Labour has not made use of the provision of Article 7 of Act No. 637 of 6 June 1944, which authorises children under 14 years of age to enter into a contract of employment.

The Secretariat of Labour, through the Department of Labour, is responsible for ensuring the application of social legislation. In addition, section 19 of Act No. 1075 of 4 January 1946 lays down that "contraventions of this Act shall be brought before the summary court of the area in which is situated the establishment where the contravention took place; officials of the public prosecutor's office,

labour inspectors, and any other persons with co-ordination duties are responsible for taking action against the offender".

The national labour inspection service is responsible for supervising compliance with the laws and regulations relating to the protection of workers. Ordinance No. 4 of 2 January 1950 (a copy of which is appended to the report) contains regulations relating to the organisation of the service. The inspectors carry out visits to commercial, industrial, and agricultural establishments and other workplaces. During their visits, the inspectors, among other duties, draw up a census of men and women workers and of employed young persons of 14 years of age.

No detailed information is available to the Government regarding the decisions given by courts of law during the period under review regarding breaches of the provisions of Act No. 1075 of 1946 respecting hours of work. Copies of two decisions are appended to the report.

The Government will endeavour to adapt progressively its legislation to the provisions of the Convention. It can be stated, moreover, that Act No. 1075 is based on the standards laid down in the Convention.

#### *France.*

The information supplied is identical with that contained in the report for the period 1948-1949. During the period under review, no decisions by courts of law were referred to in the case-books. Copies of the report have been communicated to the representative organisations.

#### *Greece.*

The information given in previous reports is supplemented by the following details. During 1949, the labour inspection service at Athens issued 159 work-books for children between 14 and 16 years of age; the service at Rouf issued 472 and that at Kallithea, 220.

The Convention is applied in a satisfactory manner. Some contraventions were reported by the labour inspectors, in particular, in small industries. The necessary measures were immediately taken. The labour inspection service carries out supervisory activities to ensure the application of the Convention by means of visits to undertakings and by checking the staff lists submitted to the inspectorate by the various undertakings; the age of the worker is entered in these lists.

No observations were received from the trade union organisations concerned. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Ireland.*

The information supplied is substantially identical with that contained in the report for the period 1948-1949.

One contravention was reported. No decisions were given by courts of law or other courts. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Luxembourg.*

The information contained in the report is identical with that supplied for the period 1947-1948. The Convention has been strictly applied and no breaches of its provisions were reported. Appended to the report is the text of the annual report of the Labour and Mines Inspection Service for 1949.

No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Netherlands.*

The information given in previous reports is supplemented by the following details. In 1949, proceedings were instituted in 592 cases of infringement of the prohibition of the employment of children; 50 of these cases were in connection with employment in factories or workshops, 391 with distribution and errand work of various kinds and 151 with other work. The total of 624 children concerned included 605 under and 19 over school-leaving age. The amounts imposed in fines varied between 0.5 to 60 florins. In addition, 111 warnings were issued to the parents or guardians of children subject to compulsory school attendance. In virtue of section 74 (5) of the Labour Act of 1919, the parents or guardians in question were requested to see that the children were not in employment of any kind.

No decisions were given by courts of law. Copies of the report have been communicated to the Labour Foundation.

#### *Norway.*

See under Convention No. 59.

#### *Poland.*

The information given in previous reports is supplemented by the following details. In virtue of a Ministerial Order of 9 April 1949, respecting compulsory school attendance, employers are required to submit to the competent labour inspectors, twice a year, a register of the young persons employed by them. Compliance with this Order is supervised by the labour inspectorate by means of correspondence with undertakings, during inspection visits and through the press.

See under Convention No. 6 for information regarding the organisation and functioning of the labour inspectorate.

Since 1949, the application of the legislation in craft workshops and small shops

is supervised, not only by the inspectorate, but also by the brigades of the Polish Youth Union which have been set up by the labour inspectors for this purpose. The reports prepared by these brigades are communicated to the labour inspectors who use them, if necessary, in case of contraventions. Copies of the report have been communicated to the Central Council of Trade Unions.

#### *Switzerland.*

Apart from the details given below, the information contained in the report is identical with that already supplied.

During the period under review, the Federal Tribunal 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; in one case the appeal was withdrawn and in another agreement was reached between the parties concerned. In confirming its decision (as regards the line of division separating industry from commerce and agriculture), the Federal Tribunal ruled that the industrial nature of an establishment is not determined by the way in which the work is organised or by the kind of goods produced. In cases where an undertaking is not of an agricultural or commercial nature, it is classified under industry; a handicraft undertaking is therefore classified under industry. This classification corresponds to the customary tripartite division as regards the economic system, which covers agriculture, commerce and industry.

During the period under review, the number of factories covered by the Factories Act fell to 186. Following an increase in number which was constant for about 12 years, this reduction emphasises the return to a normal situation. As in previous years, the number of workers employed by 60,000 undertakings amounted to one million (all of which were subject to compulsory accident insurance).

A Bill to introduce a ninth year of compulsory school attendance has been submitted to the Grand Council of Zurich; this measure is designed to keep children at school up to, and sometimes after, the age of 15 years, thus preventing them from taking up work in factories at an unduly early age.

Appended to the report are extracts from the cantonal reports relating to the application of the Factories Act in 1947 and 1948. Extracts from the cantonal reports relating to the application of the Act respecting the minimum wage for employment in 1948 and 1949 will be submitted in the near future.

During the period covered by the report, there were 11 convictions under the last-named Act. Penalties were in the form

of fines, varying between 10 and 300 francs and, in the majority of cases, the infringements were of minor importance.

As the result of the strict supervision exercised by the Federal and cantonal authorities and of the good-will shown by employers, there was a minimum number of infringements and fines, in spite of the fact that there is a constant demand for labour.

No suggestions, complaints or observations were received from employers' and workers' organisations. Copies of the report have been communicated to the respective employers' and workers' organisations.

#### *United Kingdom.*

The strength of the Mines Inspectorate at 30 June 1950 was 154.

There were no cases in which the Ministry of Labour and National Service found it necessary to prosecute an employer for an offence involving a breach of the Convention. No decisions were given by courts of law and no observations were received from employers' and workers' organisations. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Yugoslavia.*

Act of 1 April 1946 respecting apprentices (L.S., 1946—Yug. 1).

General Regulations of 13 January 1947 respecting industrial hygiene and safety measures.

Regulations of 29 May 1947 concerning hygiene and safety in underground work in mines.

Ministry of Labour Circular No. 5963 of 4 November 1949.

Regulations of 5 February 1950 respecting branches of industry and professions.

Section 2 of the 1946 Act respecting apprentices provides that only children who have attained the age of 14 years may become apprentices. At the same time, for certain occupations injurious to health the age of admission to apprenticeship may be fixed at 15 or 16 years. By the terms of the Ministry of Labour Circular No. 5963 of 4 November 1949, young persons, to be admitted to manual work, must have attained the age of 16 years. Exceptions are however provided for in special cases where after a medical examination an applicant under 16 but over 14 years of age is certified fit for the work specified in the contract. On the other hand, for certain kinds of work requiring special physical qualities, as for example work in underground mines, only male applicants of 18 years of age or over are admitted.

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

*This Convention came into force on 13 June 1921*

Countries	Date of registration of ratification	Reports received
Albania	17. 3.1932	—
Argentina	30.11.1933	9.10.1950
Austria	12. 6.1924	12.10.1950
Belgium	12. 7.1924	18.12.1950
Brazil	26. 4.1934	—
Bulgaria	14. 2.1922	—
Burma <sup>1</sup>	14. 7.1921	16. 2.1951
Ceylon	27.10.1950	—
Chile	15. 9.1925	7.10.1950
Cuba	6. 8.1928	—
Denmark	4. 1.1923	10.10.1950
Estonia	20.12.1922	—
France	25. 8.1925	24.10.1950
Greece	19.11.1920	17. 1.1951
Hungary	19. 4.1928	—
India	14. 7.1921	23.12.1950
Ireland	4. 9.1925	1.12.1950
Italy	10. 4.1923	17.10.1950
Latvia	3. 6.1926	—
Lithuania	19. 6.1931	—
Luxembourg	16. 4.1928	2.10.1950
Mexico	20. 5.1937	—
Netherlands	17. 3.1924	23.11.1950
Nicaragua	12. 4.1934	—
Pakistan <sup>2</sup>	14. 7.1921	17.10.1950
Poland	21. 6.1924	26.10.1950
Portugal	10. 5.1932	18.12.1950
Rumania	13. 6.1921	—
Spain	29. 9.1932	—
Switzerland	9.10.1922	5.10.1950
United Kingdom <sup>3</sup>	14. 7.1921	—
Uruguay	6. 6.1933	—
Venezuela	7. 3.1933	—
Yugoslavia	1. 4.1927	20. 3.1951

<sup>1</sup> See footnote 2 to Convention No. 1.

<sup>2</sup> See footnote 3 to Convention No. 1.

<sup>3</sup> Has denounced this Convention on 4.10.1947.

*Argentina.*

Decision of the Ministry of Labour and Social Welfare, No. 355 of 2 December 1949, respecting the night rest of women and children.

In order to take into account the observation made by the Committee of Experts (as regards the period of night rest provided for by the Convention), the Ministry of Labour and Social Welfare issued the above-named Decision, the text of which is appended to the report. This Decision requested the services of the Ministry responsible for signing the work timetables for women and children in undertakings not to approve these timetables unless an interval of at least 11 consecutive hours is ensured between the end of one day's work and the beginning of the next.

The report refers to Convention No. 1 for statistical information. No decisions of importance were given by courts of law. Copies of the report have been communicated to the representative organisations.

*Austria.*

The information given is identical with that contained in the report for 1948-1949.

For information regarding breaches of the legislation, the report refers to Convention No. 4. No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Belgium.*

The information supplied in previous reports is supplemented by the following details. The Royal Order of 26 August 1939 (authorising exceptions to the prohibition of the night work of women in the event of the expansion or mobilisation of the army) has ceased to be in effect since the army was restored to a peacetime establishment. During the period under review, the inspection service visited 6,990 establishments employing 29,218 persons; six contraventions were reported. One decision was given by a court of law. The exceptions provided for under Articles 2, 3 and 4 of the Convention were used to a very limited extent, subject to the conditions laid down in the national legislation and under the supervision of the social inspectorate. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Burma.*

Railway Act.

Railway Servants' Hours of Employment Rules and subsidiary instructions issued thereunder.

Apart from the above-named legislation, the information supplied is identical with that contained in previous reports.

See under Convention No. 4 for a definition of the term "factory" and for information relating to inspection visits. The Convention is applied to factories as defined in the legislation, to railway civil engineering works and to railway traffic operations.

No decisions were given by courts of law. No contraventions were reported, and no observations received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Chile.*

The report refers to the information previously supplied for the periods 1947-

1948 and 1948-1949 and adds that no breaches of the provisions of the Convention were reported by the labour inspection services.

The following information is supplied in connection with the observations made by the Committee of Experts in 1950 on the use made of exceptions to the prohibition of the night work of young persons, authorised under the national legislation.

The labour inspection reports show that very limited use is made of the exception authorised under Decree No. 655 of 25 November 1940 for work in connection with continuous processes (Article 2 (2)) of the Convention. At present, this exception is applied only in (a) iron and steel works for the packing, sorting and delivery of goods, (b) the transport of goods in glass-works, (c) work in connection with the stoking of annealing furnaces, (d) the sorting of manufactured goods and (e) in paper factories for a limited number of continuous processes.

Fairly general use is made of the agreements (between employers' and workers' organisations) provided for under section 342 of the Labour Code, according to which the period during which night work is prohibited may be fixed from 9 p.m. to 4 a.m. However, such agreements do not concern the night work of young persons under 18 years of age, as section 346 of the above Code lays down, among the conditions required of young workers in bakeries and similar establishments, that they must not be less than 18 years of age.

The General Directorate of Labour has no knowledge of any decisions by courts of law. The reports from the labour inspection service show that the relevant legislation is satisfactorily applied. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Denmark.*

Proceedings were instituted in 11 cases for breaches of the legislative provisions.

#### *France.*

The information supplied is identical with that contained in the report for 1948-1949.

No use was made of the provisions of Article 7 of the Convention. During the period under review, no decisions by courts of law were referred to in the case-books. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Greece.*

The report refers to the information previously supplied. The Convention is applied in a satisfactory manner. The prohibition of the night work of young persons has been in force for a consider-

able time and has become a tradition of the country. No breaches of the provisions of the Convention have been recorded in the annual reports of the labour inspectors. No decisions were given by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *India.*

See under Convention No. 4 for information relating to the coming into force of the Factories Act, 1948.

In conformity with Article 6 of the Convention, the application of the Convention is limited to the factories as defined in the Factories Act.

In conformity with Article 6 of the Convention, the prohibition of night work is not applicable to male young persons over 14 years of age. Sections 70 and 71 of the Factories Act, however, prohibit the employment of children (*i.e.*, persons who have not completed their 15th year) and adolescents (*i.e.*, persons who have completed their 15th but not their 18th year and who are not certified as fit to work as adults) in any factory before 6 a.m. or after 7 p.m.

Reports on the working of the Factories Act and the Rules framed thereunder are issued by the various State Governments annually, but no such reports have yet become available for the period under review. The number of children employed in 1948 amounted to 11,444 and that of young persons to 23,365. No decisions were given by courts of law and no observations received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Ireland.*

The information supplied is substantially the same as that contained in the report for 1948-1949. During the period under review, no cases of emergency occurred which necessitated the application of Article 4 of the Convention. There was no suspension of the prohibition of night work under Article 7. Three contraventions were reported. No decisions were given by courts of law or other courts. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Italy.*

In connection with the request made by the Committee of Experts in 1950 for supplementary information, the report reproduces the following information, already submitted verbally and in writing to the Conference Committee.

(a) The granting of exceptions owing to a shortage of electric power was

necessary. Unexpected cuts in the electricity supply seriously handicapped the regular functioning of the undertakings in question. Consequently, in order to ensure production at a normal level, it was essential to grant exceptions which, however, were authorised only in a strictly limited number of cases. These exceptions related to 22 children, all over 16 years of age, in three undertakings.

(b) As regards Article 3, paragraph 3 of the Convention, the Government stated in its last report that, apart from the fact that hours of work may be extended to 11 p.m. on Saturday, there is no other discrepancy between the national legislation and the provisions of the Convention. Although this exception may only be applied in respect of one day during the week, nevertheless on this particular day the children in question are employed between the hours of 10 p.m. and 11 p.m.; this period is undoubtedly included in the night period as defined in the Convention. However, in its last report, the Government pointed out that the discrepancy existed only in theory; in practice, only a very small number of children were employed between 10 p.m. and 11 p.m. in virtue of the above-mentioned exception and, in the majority of cases, they belonged to the families of the owners of the undertakings. At the same time, the report adds that the Government would have tried to eliminate the discrepancy, had it not decided to ratify Convention No. 90, for by so doing, it is possible for the above-mentioned legislative provision to be retained in force.

(c) The Ministry of Labour and Social Welfare has already instructed the labour inspection service (pursuant to the assurance already given) to ensure even stricter compliance with the Convention. As soon as circumstances permit, steps will be taken to eliminate any irregularities which are not in keeping with the provisions of the Convention. Appended to the report are copies of the instructions issued to the labour inspection services during the period under review.

No difficulties have been encountered as regards the application of the Convention. The exceptions granted by the Ministry under Article 4 of the Convention were in connection with 86 children between 16 and 18 years of age. There are very few cases of the night work of children under Article 2, paragraph 2 of the Convention; in the Venetian glass-works, children are not employed at night. Only 20 breaches of the legislation were reported, as regards bakeries, owing to the fact that the collective labour contract only authorises the employment of children over 16 years of age.

No decisions were given by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Luxembourg.*

The information supplied is identical with that contained in the report for 1947-1948.

During the period under review, the prohibition of night work was not suspended. The annual report of the Labour and Mines Inspection Service for 1949 is appended to the report. No decisions were given by courts of law. No observations were received from employers' and workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Netherlands.*

The information previously supplied is supplemented by the following details. In 1949, proceedings were instituted in 117 cases of contraventions of the prohibition of the night work of young persons. These cases related mainly to bakeries and to work in connection with the drying of fish. The amounts imposed in fines varied between 3 and 50 florins. No decisions were given by courts of law. Copies of the report have been communicated to the Labour Foundation.

#### *Pakistan.*

The information contained in the report is identical with that supplied for 1948-1949. Statistics regarding the application of the Convention have not yet been compiled.

No decisions by courts of law have come to the notice of the Government. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative workers' organisations, the provincial Governments for transmission to the leading chambers of commerce and the two following employers' organisations, with headquarters at Karachi: The Federation of Chambers of Commerce and Industries and the Employers' Organisation of West Pakistan.

#### *Poland.*

The information given in previous reports is supplemented by the following details. The provisions regarding the administrative organisation of the labour inspectorate, which is entrusted with the application of the legislation, were amended by the Act of 20 March 1950, respecting the local branches of Government Departments. During the period under review, special labour inspection services were set up for certain branches of industry, such as the textile, wood, engineering and metallurgical industries. In addition to the State Labour Inspectorate, a social inspectorate was instituted in virtue of the Act of 4 February 1950; this inspectorate is the representative body of the Central Committee of Trade Unions. The control brigades of the Polish Youth Union (set

up under Circulars of the Ministry of Labour and Social Welfare, dated 10 November 1948 and 20 April 1949) are also attached to the social inspectorate.

The works councils of undertakings comprise youth controllers who are responsible for supervising the conditions of employment of young persons, including the prohibition of night work.

The night work of young persons has been totally abolished in Poland. No decisions were given by courts of law. Copies of the report have been communicated to the Central Council of Trade Unions.

#### *Portugal.*

The report refers to the information previously supplied. The labour inspectorate reported 12 cases of infringement. No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Switzerland.*

With the exception of the details given below, the information supplied is identical with that contained in the report for the period 1948-1949.

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

The three glassworks which, for a considerable number of years, have been authorised to employ young persons between 16 and 18 years of age at night, have continued to make use of this authorisation, which is in conformity with the second paragraph of Article 2 of the Convention. However, the question of restricting the application of this paragraph is in hand.

The reports prepared by the cantons for 1948 and 1949 as regards the application of the Act respecting the employment of women and young persons in arts and crafts are being assembled and will be submitted shortly.

During the period under review, there were two convictions for infringements of the Factories Act; the amounts imposed in fines were 300 and 350 francs.

As regards the observations made by the Committee of Experts in 1950 in connection with the difficulties experienced by Switzerland in applying the Convention to bakeries, the report quotes the Government's reply in its letter of 22 May 1950. In this letter the Government stated, in particular, that the relevant Federal legislation had always been on the lines of the Convention and that the difficulties in question related solely to the practical application of the Convention. Further, it is only reasons connected with vocational training which have sometimes led bakers to allow apprentices to start work before 5 a.m. A Circular was despatched to the cantons on 27 June 1950 in order to induce bakeries to conform to the provisions of section 3 of the Federal Act relating to the employment of young persons and women in arts and crafts. The next report will contain information supplied in reply to this Circular.

No suggestions, complaints or observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Yugoslavia.*

Act of 1 April 1946, respecting apprentices (L.S., 1946—Yug. 1).

In Yugoslavia it is against the law to employ during the night young persons who have not reached the age of 16 years. However, in very rare cases exceptions are allowed.



## SECOND SESSION (GENOA, 1920)

### 7. Convention fixing the minimum age for admission of children to employment at sea

*This Convention came into force on 27 September 1921*

Countries	Date of registration of ratification	Reports received
Argentina	30.11.1933	9.10.1950
Australia	28. 6.1935	4. 8.1950
Belgium	2. 2.1925	18.12.1950
Brazil	8. 6.1936	—
Bulgaria	16. 3.1923	—
Canada	31. 3.1926	12.10.1950
Ceylon	2. 9.1950	—
Chile	18.10.1935	7.10.1950
China	2.12.1936	—
Colombia	20. 6.1933	—
Cuba	6. 8.1928	—
Denmark	12. 5.1924	10.10.1950
Dominican Republic	4. 2.1933	—
Estonia	3. 3.1923	—
Finland	10.10.1925	7.10.1950
Germany	11. 6.1929	—
Greece	16.12.1925	23.11.1950
Hungary	1. 3.1928	—
Ireland	4. 9.1925	2.11.1950
Italy	14. 7.1932	17.10.1950
Japan	7. 6.1924	—
Latvia	3. 6.1926	—
Luxembourg	16. 4.1928	27. 6.1950
Mexico	17. 8.1948	—
Netherlands <sup>1</sup>	26. 3.1925	—
Nicaragua	12. 4.1934	—
Norway	7.10.1927	4.11.1950
Poland	21. 6.1924	17.10.1950
Rumania	8. 5.1922	—
Spain	20. 6.1924	—
Sweden	27. 9.1921	13.10.1950
United Kingdom	14. 7.1921	6.10.1950
Uruguay	6. 6.1933	—
Venezuela	20.11.1944	—
Yugoslavia	1. 4.1927	20. 3.1951

<sup>1</sup> Denunciation 8.7.1947.

#### *Argentina.*

Copies of the report, which refers to the information supplied in previous reports, have been communicated to the representative employers' and workers' organisations.

#### *Australia.*

The information supplied for 1948-1949 applies equally to the period under review. No decisions were given by courts of law or other courts. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Belgium.*

See under Convention No. 58.

#### *Canada.*

The provisions of the Convention continue to be observed under the relevant legislation. No contraventions and no decisions by courts of law were reported. There were no observations from employers' or workers' organisations.

#### *Chile.*

The information supplied is identical with that given in previous reports. No breaches of the regulations were reported. No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Denmark.*

Reference is made to previous reports.

#### *Finland.*

The information supplied is identical with that given for the period 1948-1949. The Government has no knowledge of any decisions by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Greece.*

The information supplied is identical with that given for the period 1948-1949. There were no breaches of the relevant regulations. No decisions were given by courts of law. No observations are available from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Ireland.*

The information supplied is identical with that given for 1948-1949. No decisions were given by courts of law or other courts. During the period under review, no contraventions were reported of the Employment of Women, Young Persons and Children Act. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Italy.*

The situation remains as stated in the report for 1948-1949. There were no breaches of the relevant laws and regulations. No decisions were given by courts of law. No observations were received from the organisations concerned. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Luxembourg.*

In view of its exclusively maritime character, the Convention cannot be put into effect in Luxembourg. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Norway.*

Reference is made to previous reports. No decisions were given by courts of law or other courts. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Poland.*

The Government states that there has been no change in the legislation and

practice concerning the application of the Convention.

*Sweden.*

See under Convention No. 58.

*United Kingdom.*

The information supplied is identical with that given in previous reports. The Government is not aware of any decisions by courts of law. No observations were received from the employers' or workers' organisations concerned. Copies of the report have been communicated to the representative organisations.

*Yugoslavia.*

Regulations of 30 December 1946 respecting the issue of seamen's certificates.

In Yugoslavia the minimum age for admission to employment at sea is higher than the minimum age required by the Convention. The Yugoslav legislature, considering that such work is laborious and involves certain responsibilities, has prohibited the employment on board ship of children under 16 years of age.

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

*This Convention came into force on 16 March 1923*

Countries	Date of registration of ratification	Reports received
Argentina	30. 11. 1933	9. 10. 1950
Australia	28. 6. 1935	4. 8. 1950
Belgium	2. 2. 1925	18. 12. 1950
Bulgaria	16. 3. 1923	—
Canada	31. 3. 1926	12. 10. 1950
Ceylon	25. 4. 1951	—
Chile	18. 10. 1935	7. 10. 1950
Colombia	20. 6. 1933	—
Cuba	6. 8. 1928	—
Denmark	15. 2. 1938	10. 10. 1950
Estonia	3. 3. 1923	—
Finland	20. 1. 1950	7. 10. 1950
France	21. 3. 1929	24. 10. 1950
Germany	4. 3. 1930	—
Greece	16. 12. 1925	23. 11. 1950
Ireland	5. 7. 1930	1. 12. 1950
Italy	8. 9. 1924	17. 10. 1950
Latvia	29. 8. 1930	—
Luxembourg	16. 4. 1928	27. 6. 1950
Mexico	20. 5. 1937	—
Netherlands	15. 12. 1937	25. 11. 1950
Nicaragua	12. 4. 1934	—
Norway	21. 7. 1936	4. 11. 1950
Poland	21. 6. 1924	17. 10. 1950
Rumania	10. 11. 1930	—
Spain	20. 6. 1924	—
Sweden	1. 1. 1935	13. 10. 1950
United Kingdom	12. 3. 1926	6. 10. 1950
Uruguay	6. 6. 1933	—
Yugoslavia	30. 9. 1929	20. 3. 1951

*Argentina.*

Act No. 13591 of 11 October 1949, to establish a National Employment Service Directorate. Dated 11 October 1949. (L.S. 1949—Arg. 2.)

The Government refers to the information given in previous reports. The National Employment Service Directorate has been created in the Ministry of Labour. Statistical data is not yet available. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Australia.*

The report refers to the information previously supplied. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Belgium.*

The Government refers to its previous reports. No decisions were given by courts of law and no observations were received from employers' or workers'

organisations. Copies of the report have been communicated to the representative organisations.

#### *Canada.*

The information supplied is identical with that given in previous reports. There were no decisions by courts of law. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Chile.*

The information given in earlier reports is supplemented by the following details. During the period from 30 June 1949 to 1 July 1950, no vessels were lost. The legislative provisions at present cover 1,853 seamen and 1,455 officers.

No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been transmitted to the representative organisations.

#### *Denmark.*

The Government refers to its previous reports in which it stated that there are no discrepancies between the national legislation and the provisions of the Convention.

#### *Finland.*

Sections 6, 41 and 71 of the Seamen's Act of 8 March 1924, as amended by the Act of 7 May 1943.

Section 7 of the Maritime Act of 9 June 1939.

The provisions of Article 2 of the Convention are applicable only when a vessel has been totally lost or when a damaged vessel has been declared not repairable. A vessel is considered as not being repairable when, upon inspection, it is found that (1) repairs are not possible; (2) the vessel could be repaired, but such repairs cannot be carried out either where the vessel lies or at another locality to which the vessel might be transferred; (3) repairs cannot be justified.

Wages are defined as the money wages that are paid. The allowance payable is limited to two months' wages.

Seamen have recourse to the same legal procedures for recovering allowances payable for losses from shipwreck as they have for collecting back wages.

The application of the provisions of the Convention is carried out during the inspection of the seamen's certificates and under the supervision of the Director of Shipping to whom reports are periodically sent.

One decision was given by a court of law relating to the right to unemployment allowances of seafarers; an appeal may be made to the competent court.

The number of Finnish seamen at present employed abroad is estimated at 6,000; the number of vessels damaged

in 1948 and 1949 was 11 and seven respectively. However, existing statistics do not give any indication of the number of cases in which allowances have actually been paid.

The employers' and workers' organisations concerned have not submitted observations concerning the practical application of the provisions of the Convention. Copies of the report have been communicated to the representative organisations.

#### *France.*

The Government refers to the information given in earlier reports and adds that on 2 November 1949 the Civil Court of Montpellier gave a decision defining shipwreck and extending the rights of seamen to the payment of unemployment indemnities, even if the vessel is later brought to the surface by means of modern processes. Approximately 136,000 seamen are covered by the Convention. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Greece.*

The Government refers to the information given in earlier reports and adds that during the period under review 23 small vessels and one "Liberty"-type ship were wrecked; it is estimated that 124 Greek seafarers received an unemployment indemnity.

No decisions were given by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Ireland.*

The information supplied is identical with that contained in the report for 1948-1949. No decisions were given by courts of law or other courts. No cases coming within the scope of the Convention were reported during the period under review. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Italy.*

The Government refers to the information given in previous reports. The number of seamen protected is approximately 200,000. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Luxembourg.*

This Convention which was ratified in a spirit of international solidarity does not call for any practical application, in view of its maritime character. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Netherlands.*

The Government refers to the information given in earlier reports and adds that, during the period under review, a total of eight vessels were shipwrecked, from which 74 seafarers were saved. All the seafarers in question were paid an unemployment indemnity in accordance with the provisions of the Convention. A copy of the report has been communicated to the Labour Foundation.

*Norway.*

The Government refers to the information given in previous reports. No decisions were given by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Poland.*

There has been no change in the legislation and practice concerning the application of the Convention.

*Sweden.*

The Government refers to the information given in previous reports. Copies of

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

*United Kingdom.*

The Government refers to the information given in previous reports. No decisions were given by courts of law and no observations were received from organisations of employers or workers. Copies of the report have been communicated to the representative organisations.

*Yugoslavia.*

Decree No. 643 of 17 September 1950 relating to the crews of vessels of the merchant marine of the Federative Peoples' Republic of Yugoslavia.

In case of shipwreck, members of the crews of Yugoslav ships run no risk of unemployment and receive no indemnity inasmuch as they obtain berths on other ships or elsewhere. However, under section 19 of the above-mentioned Decree, the crew is entitled in case of shipwreck to its passage back to the port of embarkation and to compensation for loss of personal belongings.

## 9. Convention for establishing facilities for finding employment for seamen

*This Convention came into force on 23 November 1921*

Countries	Date of registration of ratification	Reports received
Argentina	30.11.1933	9.10.1950
Australia	3. 8.1925	23. 9.1950
Belgium	4. 2.1925	18.12.1950
Bulgaria	16. 3.1923	—
Chile	18.10.1935	7.10.1950
Colombia	20. 6.1933	—
Cuba	6. 8.1928	—
Denmark	23. 8.1938	10.10.1950
Estonia	3. 3.1923	—
Finland	7.10.1922	7.10.1950
France	25. 1.1928	24.10.1950
Germany	6. 6.1925	—
Greece	16.12.1925	17. 1.1951
Italy	8. 9.1924	17.10.1950
Japan	23.11.1922	—
Latvia	3. 6.1926	—
Luxembourg	16. 4.1928	16. 9.1950
Mexico	1. 9.1939	—
Netherlands	9. 1.1948	23.11.1950
New Zealand	29. 3.1938	28. 9.1950
Nicaragua	12. 4.1934	—
Norway	23.11.1921	4.11.1950
Poland	21. 6.1924	17.10.1950
Rumania	10.11.1930	—
Spain	23. 2.1931	—
Sweden	27. 9.1921	13.10.1950
Uruguay	6. 6.1933	—
Yugoslavia	30. 9.1929	20. 3.1951

*Argentina.*

Act No. 13591 of 11 October 1949, to establish a National Employment Service Directorate. (L.S. 1949—Arg. 2.)

The report mentions the passing of the above-mentioned Act during the period under review. The National Employment Directorate will have specialised placement services, as provided for in Article 7 of the Convention. The report also refers to information previously supplied and states that since the recent setting-up of the National Employment Directorate it has not been possible to compile the statistics requested in the report form. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Australia.*

Apart from the details given below, the information supplied is identical with that previously given. The number of seamen engaged in Australia during the period under review was 10,494; the number of engagements and re-engagements (including officers) was 32,781 and the estimated daily average number of unemployed seamen (excluding officers) was 380. No decisions were given by courts of law and no observations were received from employers' or workers' organisation. Copies of the report have been communicated to the representative organisations.

*Belgium.*

Apart from the details given below the information is identical with that previously supplied. At the end of June 1950, 215 seamen were available in the "Pool" (unemployed seamen) and approximately 3,000 men were employed on board Belgian merchant ships.

No decisions were given by courts of law and no disputes arose between shipping companies and seamen as regards recruiting operations. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Chile.*

The report refers to information previously supplied and adds that at present 1,853 seamen and 1,453 officers are registered in maritime employment offices; the number of personnel sailing on board ship represents respectively 82 and 76 per cent. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Denmark.*

The report refers to information previously supplied and adds that, during the period 1 April 1949 to 31 March 1950, a total of 16,079 placements were effected by the public maritime employment offices.

*Finland.*

Apart from the further details given below, the information supplied is identical with that previously given. No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*France.*

The information previously given is supplemented by the following details. There are at present nine specialised employment exchanges in various ports of metropolitan France. Placing operations remain limited because the great majority of merchant seamen are stabilised in their employment and because of the prevalence of direct hiring of the crew by captains of fishing boats. Furthermore, officer personnel in the merchant marine has been wholly stabilised and use is never made of public placement offices. Unemployment benefits are granted on conditions prevailing under common law to those seafarers regularly registered with an employment office. Seafarers' placement offices function within the framework of the general organisation of the employment service and, up to the present, their management has not given rise to any observations on the part of the industrial

organisations concerned. The competent services have no knowledge of any judicial decisions. Documents concerning the placement of seafarers are communicated to the representative employers' and workers' organisations.

*Greece.*

The information previously given is supplemented by the following details. During the period under review, the maritime placement offices received 35,631 requests for employment; 32,942 placements were made. No judicial decisions were given in regard to contraventions of the provisions of the Convention. Copies of the report have been communicated to the representative maritime organisations of employers and workers.

*Italy.*

The information previously given is supplemented by the following details. No authorisations provided for under Article 3 of the Convention have been granted. Monthly statistical data are given showing the number of seafarers registered and hired through the placement office, as well as the total number of persons on the maritime register from July 1949 to January 1950. Since February 1950, the statistics have been altered. They now cover officers and seamen on the maritime register; the report gives relevant monthly data for February to May 1950. There were no judicial decisions or observations from the employers' or workers' organisations concerned. Copies of the report have been communicated to the representative organisations of ship-owners and seafarers.

*Luxembourg.*

This Convention was ratified in a spirit of international solidarity and calls for no practical application since it concerns maritime questions. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Netherlands.*

The information previously given is supplemented by the following details. There are at present 158 public placement offices, three of which—at Rotterdam, Amsterdam and Groningen—are special offices for the placement of seamen. These three offices received during the period under review 10,575 applications and notice of 8,228 vacancies; 7,529 placements were made. The report also contains statistical data classified by nationality and flag of vessels, concerning the 6,387 maritime placements made by the Regional Labour Office in Rotterdam. There are practically no violations of the provisions of the Convention. No obser-

vations were received from the organisations of shipowners and seafarers.

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

#### *New Zealand.*

Apart from the further details given below, the information supplied is identical with that previously given ; the number of engagements for the category "water transport" amounted to 240 during the period under review. No decisions were given by courts of law and no observations were received from the employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Norway.*

The report refers to information previously given. There were no judicial decisions. Copies of the report have been communicated to the central organisations and to the representative maritime organisations of employers and workers.

#### *Poland.*

The Government states that there has been no change in the legislation and practice concerning the application of the Convention.

#### *Sweden.*

Apart from the details given below, the information supplied is identical with

that previously given. During the period under review, the National Employment Office issued technical circulars coming into application on 1 July 1950 and concerning special maritime employment offices. The circulars contain detailed instructions regarding the activities of these offices and are drawn up in accordance with the experience acquired since the ratification of the Convention. During the period under review, the number of seamen who registered for employment was 70,603, the number of vacant positions was 45,427 ; 42,383 vacancies were filled.

The employment services are available to foreign seamen as to nationals ; 3,702 vacancies were filled by foreign seamen, out of a total registration of 6,330. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Yugoslavia.*

Regulations of 30 December 1946 respecting the issue of seamen's certificates.

In view of the fundamental changes that have occurred in the social, economic and political structure of Yugoslavia, there is no legislation corresponding to the provisions of the Convention. In Yugoslavia the finding of employment for seamen cannot be carried on as a commercial enterprise for pecuniary gain. It is facilitated by a steady demand for manpower and effected through port authorities and other maritime institutions.

### THIRD SESSION (GENEVA, 1921)

#### 10. Convention concerning the age for admission of children to employment in agriculture

*This Convention came into force on 31 August 1923*

Countries	Date of registration of ratification	Reports received
Argentina	26. 5.1936	9.10.1950
Austria	12. 6.1924	12.10.1950
Belgium	13. 6.1928	18.12.1950
Bulgaria	6. 3.1925	—
Chile	18.10.1935	7.10.1950
Cuba	22. 8.1935	—
Czechoslovakia	31. 8.1923	21.11.1950
Dominican Republic	4. 2.1933	—
Estonia	8. 9.1922	—
Hungary	2. 2.1927	—
Ireland	26. 5.1925	6.11.1950
Italy	8. 9.1924	17.10.1950
Japan	19.12.1923	—
Luxembourg	16. 4.1928	2.10.1950
New Zealand	8. 7.1947	28. 9.1950
Nicaragua	12. 4.1934	—
Poland	21. 6.1924	26.10.1950
Rumania	10.11.1930	—
Spain	29. 8.1932	—
Sweden	27.11.1923	13.10.1950
Uruguay	6. 6.1933	—

##### *Argentina.*

Decree No. 34.147/49 to regulate the application of the Agricultural Workers' Code and its amendments.

Decree No. 34.147/49 contains (section 55) a provision similar to section 1 of Act No. 11.317 of 1924, regulating the employment of women and young persons which prohibits the employment of children under 12 years of age in agricultural work. Young persons over 12 years of age are also covered by this prohibition, but under certain conditions the Ministry of Youth Affairs may authorise their employment provided that the minimum educational requirements are observed.

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

##### *Austria.*

The report repeats the information previously given and adds that legislation now before Parliament contains further improvements in existing standards respecting child labour in agriculture and forestry. There were no decisions by courts of law. No statistical data are available on the number of children

employed in agriculture or on the number of contraventions. Copies of the report have been communicated to the representative employers' and workers' organisations.

##### *Belgium.*

The report reproduces the information previously given, and adds that there were no judicial decisions during the period under review and that no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

##### *Chile.*

Reference is made to previous reports. There were no decisions by courts of law, and no infringements were reported by the labour inspectorate. No statistical information is available. 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 workers' organisations.

##### *Ireland.*

The report contains information identical with that supplied in previous years. There were no decisions by courts of law. Convictions were obtained in the case of contraventions involving about 0.3 per cent of children between 6 and 14 years of age. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

##### *Italy.*

The report refers to legislation previously described and states that present legislation does not contain any detailed provisions concerning working time after school hours. Such provisions, if intro-

duced, would be contained in the administrative regulations issued under the proposed Schools Act, which is still being considered by the Committee on School Reform.

The application of the Convention is facilitated by the fact that the big agricultural undertakings have a surplus of adult manpower which makes it unnecessary to have recourse to child labour. In the small undertakings worked directly by farmers and *métayers*, it is impossible to exclude completely the employment of children under 14 years of age. However, according to information from teachers and school officials, there is no great difference between school children in the rural and urban areas as regards proficiency. It cannot be held therefore that such agricultural work is likely to prejudice school attendance or prevent children from deriving benefit from their education.

There were no judicial decisions of principle concerning the application of the Convention. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Luxembourg.*

In order to allow the employment of children on light agricultural work during the harvesting season and particularly for the harvesting of grapes and potatoes, a flexible school holiday of one week can be taken after 20 September. However, the total period of school attendance is not affected, since the summer holiday has been reduced from six to five weeks. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *New Zealand.*

The report contains information previously given and states that, during the period under review, there was one case of contravention of the legislation—that of a farmer convicted of employing a child under 15 years of age. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Poland.*

Collective agreement for agricultural labourers and employees in State agricultural undertakings for 1950-1951 (section 30).

The report repeats the information previously given, to the effect that children under 15 years of age are prohibited by the Constitution and by legislation from entering remunerative employment. However, certain types of agricultural work carried out by children in the undertakings of their parents are not considered as remunerative employment; this work must not interfere with school attendance, which is compulsory for all children between 7 and 14 years of age.

The school year lasts from 1 September to 28 June, thus allowing the children during their holidays to help their parents with the harvest. Trade schools for agriculture give practical training only in accordance with the law and under the supervision of the school authorities.

The labour inspectorate is not responsible for the supervision of young persons in agriculture, but in cases of collective or individual complaints or in case of observations made by the administrative authorities, an examination is made either by the labour inspectors or by the arbitration boards attached to the labour inspectorate.

As regards private agricultural undertakings of a certain size, not covered by the above-mentioned collective agreement, the general administrative authorities are charged with preventing the employment of children under 15 years of age.

There were no decisions by courts of law and no observations have been received. A copy of the report has been communicated to the representative workers' organisation.

#### *Sweden.*

Royal Notification of 8 November 1946, to amend the Regulations of 26 September 1921 concerning elementary education in the Kingdom.

The Notification of 8 November 1946 relates to the distribution of school days over the year. The report refers to information previously given. Copies have been communicated to the representative employers' and workers' organisations.



**11. Convention concerning the rights of association and combination of agricultural workers***This Convention came into force on 11 May 1923*

Countries	Date of registration of ratification	Reports received
Argentina	26. 5.1936	9.10.1950
Austria	12. 6.1924	12.10.1950
Belgium	19. 7.1926	18.12.1950
Bulgaria	6. 3.1925	—
Burma <sup>1</sup>	11. 5.1923	16. 2.1951
Chile	15. 9.1925	7.10.1950
China	27. 4.1934	—
Colombia	20. 6.1933	—
Cuba	22. 8.1935	—
Czechoslovakia	31. 8.1923	21.11.1950
Denmark	20. 6.1930	10.10.1950
Estonia	8. 9.1922	—
Finland	19. 6.1923	7.10.1950
France	23. 3.1929	24.10.1950
Germany	6. 6.1925	—
India	11. 5.1923	23.12.1950
Ireland	17. 6.1924	16.10.1950
Italy	8. 9.1924	17.10.1950
Latvia	9. 9.1924	—
Luxembourg	16. 4.1928	2.10.1950
Mexico	20. 5.1937	—
Netherlands	20. 8.1926	23.11.1950
New Zealand	29. 3.1938	17. 8.1950
Nicaragua	12. 4.1934	—
Norway	11. 6.1929	4.11.1950
Pakistan <sup>2</sup>	11. 5.1923	17.10.1950
Peru	8.11.1945	16. 1.1951
Poland	22. 6.1924	26.10.1950
Rumania	10.11.1930	—
Spain	29. 8.1932	—
Sweden	27.11.1923	13.10.1950
Switzerland	23. 5.1940	5.10.1950
United Kingdom	6. 8.1923	6.10.1950
Uruguay	6. 6.1933	—
Venezuela	20.11.1944	—
Yugoslavia	30. 9.1929	20. 3.1951

<sup>1</sup> See footnote 2 to Convention No. 1.<sup>2</sup> See footnote 3 to Convention No. 1.*Argentina.*

Reference is made to previous reports. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Austria.*

Chapter X of the Federal Act of 1948 respecting agricultural work, which contains provisions concerning freedom of association, was introduced into the legislation of six provinces in 1949 and of the remaining three in 1950. There were no infringements of the regulations. No decisions by courts of law are reported. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Belgium.*

In addition to information previously supplied, the report states that during the period under review, no judicial decisions were given and no observations were

received concerning the application of the Convention. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Burma.*

The information given is identical with that supplied in previous years. There were no observations from employers' or workers' organisations. No agricultural unions have been registered under the Trade Unions Act, but there are a few agricultural unions, including the "All-Burma Peasants Association". Copies of the report have been supplied to this Association and to four representative organisations of employers.

*Chile.*

In reply to the observation made by the Committee of Experts on the Application of Conventions and Recommendations, the report states that, up to the present, it has not been possible to envisage the amendments to the legislation which, in the opinion of the Committee, would be necessary to achieve full harmony with the provisions of the Convention.

No decisions were given by courts of law. The reports of the inspection services point out that agricultural workers do not, in general, manifest any great interest in forming trade unions and that during the period under review only three such unions were formed comprising a total of 157 members. 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 workers' organisations.

*Denmark.*

Reference is made to previous reports.

*Finland.*

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

*France.*

Act No. 50-205 of 11 February 1950, respecting collective agreements, and procedure for the settlement of collective labour disputes.

Section 1 of the Act of 11 February 1950 revises Chapter IV *bis*, of Part II of Book I of the Labour Code; this Chapter deals with the organisation of relations between employers and workers by means of collective agreements, and covers equally industrial and agricultural workers (section 31). Section 31 (*g*) of this Chapter prescribes that collective agreements must contain provisions concerning the free exercise of trade union rights. On the other hand, sections 3 and 4 of the above-mentioned Act guarantee the right to strike to industrial and agricultural workers without distinction.

Otherwise, the report indicates that no new factors have arisen in the application of the Convention. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *India.*

The report reproduces the information previously given and states that there were no decisions by courts of law and no observations from the employers' and workers' organisations concerned. Copies of the report have been communicated to the representative organisations.

#### *Ireland.*

The Government refers to the information previously given. There were no decisions by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Italy.*

The report refers to the information previously given and adds that, pending the enactment of a new trade union law, all existing occupational organisations are considered as associations *de facto* and do not legally represent the occupational groups concerned; as such, their activity is regulated by sections 36 and following of the Civil Code. Among the federations and other bodies which cover the various groups engaged in agriculture, particular mention is made of the General Italian Confederation of Agricultural Workers, the Italian General Confederation of Peasant Farmers, and the Free Federation of Italian Agricultural Workers. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Luxembourg.*

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

#### *Netherlands.*

The information contained in the report is identical with that previously supplied. Copies of the report have been communicated to the Labour Foundation.

#### *New Zealand.*

The report reproduces information previously given and adds that shearers, musterers, packers, drovers and threshing mill employees are organised in the New Zealand Workers' Industrial Union of Workers which had over 18,086 members at the end of 1949. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Norway.*

Reference is made to previous reports. There were no decisions by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Pakistan.*

The report reproduces information previously given. There were no decisions by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Peru.*

The information contained in the report is identical with that previously given. There were no decisions by courts of law. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Poland.*

The Trade Union Act of 1 July 1949 repealed all prior provisions on the question, and guaranteed workers the right of association without any restriction. The application of this Act is entrusted to the Prime Minister and to the Minister of Labour and Social Welfare. The administrative authorities do not in any way supervise the activity of the trade unions; such supervision is carried out by the Association of Trade Unions alone. There were no decisions by courts of law. Copies of the report have been communicated to the representative workers' organisation.

#### *Sweden.*

The information given is identical with that supplied in previous reports. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Switzerland.*

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

*United Kingdom.*

The information contained in the report is identical with that previously given. No observations were received from employers' or workers' organisations. Copies

of the report have been communicated to the representative organisations.

*Yugoslavia.*

Constitution of the Federative People's Republic of Yugoslavia, 31 January 1946.

The rights of association of agricultural workers are secured through the provision in the Constitution for freedom of association for all citizens. The Agricultural Workers' Trade Union has more than 70,000 members.

**12. Convention concerning workmen's compensation in agriculture**

*This Convention came into force on 26 February 1923*

Countries	Date of registration of ratification	Reports received
Argentina	26. 5. 1936	9. 10. 1950
Belgium	26. 10. 1932	18. 12. 1950
Bulgaria	6. 3. 1925	—
Chile	15. 9. 1925	15. 12. 1950
Colombia	20. 6. 1933	—
Cuba	22. 8. 1935	—
Czechoslovakia	12. 6. 1950	—
Denmark	26. 2. 1923	10. 10. 1950
Estonia	8. 9. 1922	—
Finland	20. 1. 1950	7. 10. 1950
France	4. 4. 1928	24. 10. 1950
Germany	6. 6. 1925	—
Ireland	17. 6. 1924	16. 10. 1950
Italy	1. 9. 1930	17. 10. 1950
Latvia	29. 11. 1929	—
Luxembourg	16. 4. 1928	20. 9. 1950
Mexico	1. 11. 1937	—
Netherlands	20. 8. 1926	25. 11. 1950
New Zealand	29. 3. 1938	17. 10. 1950
Nicaragua	12. 4. 1934	—
Poland	21. 6. 1924	8. 11. 1950
Spain	1. 10. 1931	—
Sweden	27. 11. 1923	13. 10. 1950
United Kingdom	6. 8. 1923	6. 10. 1950
Uruguay	6. 6. 1933	—

*Belgium.*

The report refers to information previously supplied.

A three-yearly report of the Ministry of Labour and Social Welfare on the application of the Act respecting compensation for industrial accidents during the years 1945-1947, appended to the Government's report, contains detailed statistical data.

No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Chile.*

Apart from the details given below, the information is identical with that previously supplied. Legal and administrative decisions are frequently given on the subject covered by the Convention. Appended to the report are the texts of a decision in the first instance dated 14 October 1949, and of an Order dated 17 February 1950, which were given in respect of an industrial accident, together with two administrative decisions dated 13 May and 13 July 1949. As regards the number of workers covered by the legislation, the report supplies the statistical information communicated in the previous report; 19,188 industrial accidents occurred during 1949 in agriculture and forestry, slightly fewer than in 1948. No information is available concerning contraventions reported. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Denmark.*

The report refers to the information previously supplied and adds that the number of insured persons is not given since premiums are calculated in proportion to the insurance value of farms,

*Argentina.*

Act No. 13639 of 30 August 1949, amending Act No. 9688 concerning workmen's compensation.

Resolution No. 136 of 17 June 1950, adopted by the Ministry of Labour and Welfare, concerning the fixing of basic salaries for the purpose of calculating accident compensation in agriculture.

The Government refers to the information supplied in previous reports.

The new Act, No. 13639 of August 1949, includes all persons already covered by Act No. 12631 (amending the basic Act No. 9688 concerning accident compensation) as well as those above 12 years of age, employed in agriculture, forestry, cattle-raising and fishing.

According to the statistical data furnished, 521 cases of permanent incapacity and 19 fatal cases were reported in 1944. Copies of the report have been communicated to the representative employers' and workers' organisations.

irrespective of the number of persons employed. Statistical data covering 1946 are given showing that 1,926 accidents, 57 of which were fatal, were notified to the authorities.

#### *Finland.*

There is no special scheme covering agricultural workers who benefit from the legislation concerning industrial accidents and accident insurance.

The application of the regulations is entrusted to the Ministry of Social Affairs and is ensured through the inspection of the insurance institution by the Ministry.

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

It is difficult to obtain statistical data regarding the application of the scheme, and to indicate separately the total cost of the application of the regulations relating to industrial accidents or accident insurance. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *France.*

Act No. 49-1111 of 2 August 1949, to increase compensation under the legislation on workmen's compensation for industrial accidents.

The Government refers to its previous report.

Section 2 of chapters 1 and 2 of the new Act contains special provisions relating to agricultural occupations. The total or annual remuneration is now taken into account for the calculation of pensions (100 per cent. up to 350,000 francs and 33 $\frac{1}{3}$  per cent. from 350,000 to 1,460,000 francs). The Act also increases to 180,000 francs the basic minimum wage used to calculate pensions.

Special provisions are laid down for persons insured on a voluntary basis.

The application of the regulations is now entrusted to the inspectors supervising the application of agricultural social legislation. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Ireland.*

The Government repeats the information previously given; the legislation does not differentiate between agricultural and other categories of workers.

Statistical data for the year 1948 show that 3,024 cases of accidents (14 of which were fatal) were compensated. The total expenditure was £124,267.

No decisions were given by the courts; no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Italy.*

Act No. 64 of 20 February 1950, to amend the regulations regarding compulsory accident insurance in agriculture.

The Government refers to the information previously given and adds that, in virtue of the new Act, No. 64 of 20 February 1950, the benefits payable in case of temporary incapacity have been increased and certain changes have been introduced in the payment of benefits in case of death and permanent incapacity (whether total or partial), thus bringing the scheme for agricultural workers into line with the scheme for industrial workers.

The report contains the new rates of benefits. It further states that the insured person is entitled to benefit whether his employer has paid contributions or not.

No decisions were given by courts of law. Neither employers' nor workers' organisations have made any observations. Copies of the report have been communicated to the representative organisations.

#### *Luxembourg.*

The Government refers to the information previously given.

No decisions were given by courts of law and no observations were received from the agricultural employers' organisation, since there is no organisation of workers in agriculture.

An appendix to the report contains an administrative report for the year 1949 published by the Accident Insurance Association (Agricultural and Forestry Division). Copies of the report have been communicated to the representative agricultural employers' organisation and to the representative workers' organisations.

#### *Netherlands.*

Act of 20 May 1922 concerning accident insurance in agriculture and horticulture, as amended and supplemented by the following legislation:

Royal Decree of 18 July 1949;  
Royal Decrees (2) of 11 August 1949;  
Act of 23 February 1950;  
Ministerial Decree of 21 March 1950;  
Act of 1 April 1950;  
Royal Decree of 2 May 1950.

The report refers to information previously furnished.

The number of standard-workers (corresponding to 300 days' work per annum) covered by compulsory insurance is 220,000.

No decisions were given by courts of law. Copies of the report have been communicated to the Labour Foundation.

#### *New Zealand.*

Since the workers' compensation legislation of New Zealand makes no distinction between agricultural workers and those in industry and trade, the Government refers

to the information contained in the report on the application of Convention No. 17.

The report contains some statistical data showing that the number of persons employed in agricultural and pastoral occupations at April 1950 was 144,000.

No decisions on the application of the Convention were given by the courts. No observations have been received from employers' or workers' organisations. Copies of the report were communicated to the representative employers' and worker's organisations.

#### *Poland.*

Reference is made to previous reports and to the report submitted for Convention No. 17. On 30 June 1950, the number of permanent agricultural workers (with the exception of smallholders) was 393,300. There are no statistics respecting casual or temporary agricultural workers. No decisions were given by courts

of law. Copies of the report have been communicated to the Central Council of Trade Unions.

#### *Sweden.*

The Government refers to the report for the previous years and to its letter of 22 May 1950 concerning statistics on industrial accidents with regard to agricultural workers. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *United Kingdom.*

The information for *Great Britain* contained in the reports for 1947-1948 and 1948-1949, remains unaltered.

In *Northern Ireland*, regulations were issued amending existing Regulations relating, in particular, to benefits. These regulations make alteration of detail only and not of principle.

### 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	19. 3. 1951
Argentina	26. 5. 1936	9. 10. 1950
Austria	12. 6. 1924	12. 10. 1950
Belgium	19. 7. 1926	18. 12. 1950
Bulgaria	6. 3. 1925	—
Chile	15. 9. 1925	7. 10. 1950
Colombia	20. 6. 1933	—
Cuba	7. 7. 1928	—
Czechoslovakia	31. 8. 1923	21. 11. 1950
Estonia	8. 9. 1922	—
Finland	5. 4. 1929	7. 10. 1950
France	19. 2. 1926	24. 10. 1950
Greece	22. 12. 1926	17. 1. 1951
Hungary <sup>1</sup>	4. 1. 1928	—
Latvia	9. 9. 1924	—
Luxembourg	16. 4. 1928	2. 10. 1950
Mexico	7. 1. 1938	—
Netherlands	15. 12. 1939	25. 11. 1950
Nicaragua	12. 4. 1934	—
Norway	11. 6. 1929	4. 11. 1950
Poland	21. 6. 1924	26. 10. 1950
Rumania	4. 12. 1925	—
Spain	20. 6. 1924	—
Sweden	27. 11. 1923	13. 10. 1950
Uruguay	6. 6. 1933	—
Venezuela	28. 4. 1933	—
Yugoslavia	30. 9. 1929	20. 3. 1951

<sup>1</sup> Conditional ratification registered.

#### *Afghanistan.*

Reference is made to previous reports.

#### *Argentina.*

The Government refers to its previous reports. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Austria.*

The report refers to information previously given. The control of the application is carried out by the labour inspectorate and the Ministry of Social Affairs. During 1949, there were 13 cases of lead poisoning, the cure of which was completed in a few weeks.

There were no decisions by courts of law; no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Belgium.*

The report refers to the information previously given and adds the following details.

The medical inspection service is now also responsible for inspection services. During the period under review, three cases of lead poisoning of a temporary nature were reported. One decision was given by courts of law respecting the sale of white lead. No observations were received from the employers' and workers' organisations. Permits for the purchase and use of white lead numbered 3,477. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Chile.*

The Government refers to previous reports and adds that over 6,000 persons are engaged in painting work (including 420 employed in paint factories). According to the inspection service, there were

no cases of lead poisoning. No legal or administrative decisions were given and no observations were received from the employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Czechoslovakia.*

The report refers to the information previously given. Copies of the report are being communicated to the Central Council of Trade Unions.

#### *Finland.*

The Government repeats the information given for 1948-1949. Statistical information is not available.

There were no decisions by courts of law; no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *France.*

The report refers to information previously supplied. There were no cases of lead poisoning and no infringements were reported.

No decisions were given by courts of law, and no observations have been received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Greece.*

The Government refers to the information previously supplied.

No decisions were given by courts of law; no observations were received from employers' or workers' organisations. The statistics of the Social Insurance Institution do not mention cases of lead poisoning. Copies of the report have been communicated to the representative organisations.

#### *Luxembourg.*

The Government refers to information previously supplied. No cases of lead poisoning among painters have been reported; no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Netherlands.*

The Government repeats in its report for the period 1 July 1949-30 June 1950 the information given in the previous reports. No decisions were given by courts of law. No breaches of the legislation were reported. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Norway.*

The Government repeats the information previously supplied. There were no

decisions by courts of law and no observations from the employers' or workers' organisations. Copies of the report will be communicated to the representative organisations.

#### *Poland.*

The Government repeats the information given in previous reports. No statistical data are provided. No decisions were given by courts of law. Copies of the report have been communicated to the Central Council of Trade Unions.

#### *Sweden.*

Royal Notification (No. 210) of 6 May 1949, to prohibit the employment of workers in painting operations with lead colours.

Royal Notification (No. 211) of 6 May 1949, concerning medical examination for the prevention of certain occupational diseases (including lead poisoning).

Royal Notification of 6 May 1949 (No. 212), concerning reimbursement for medical examination for the prevention of certain occupational diseases.

The above legislation replaces the Act and Notification referred to previously.

In this legislation, the term "lead colours" means lead carbonate, lead sulphate and other colours containing lead carbonate or lead sulphate. The employment of male workers under 18 years of age and women is prohibited in operations with lead colours. Male workers who have attained the age of 18 years shall not be employed in the interior painting of buildings with lead colours unless the quantity of lead carbonate or lead sulphate in the lead colours used is such that they do not contain more than 2 per cent. of lead expressed in terms of metallic lead. These prohibitions came into force on 1 July 1950.

Questions concerning the application of the legislation are entrusted to the Workers' Protection Board, which has issued instructions concerning the prevention of lead poisoning. These instructions, a copy of which is appended to the report, replace a memorandum for workers employed in painting work where lead colours are used.

No case of lead poisoning among painters was reported during the period under review.

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

#### *Yugoslavia.*

Regulations concerning technical and sanitary measures in trades involving chemical processes.

The use of white lead in painting is not expressly prohibited in Yugoslavia, but there are regulations for the protection of workers employed in chemical processes which involve the handling of related substances.

## 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	19. 3.1951
Argentina	26. 5.1936	9.10.1950
Belgium	19. 7.1926	18.12.1950
Bulgaria	6. 3.1925	—
Burma <sup>1</sup>	11. 5.1923	16. 2.1951
Canada	21. 3.1935	12.10.1950
Chile	15. 9.1925	7.10.1950
China	17. 5.1934	—
Colombia	20. 6.1933	—
Czechoslovakia	31. 8.1923	21.11.1950
Denmark	30. 8.1935	10.10.1950
Estonia	29.11.1923	—
Finland	19. 6.1923	7.10.1950
France	3. 9.1926	24.10.1950
Greece	11. 5.1929	17. 1.1951
India <sup>2</sup>	11. 5.1923	23.12.1950
Ireland	22. 7.1930	20.11.1950
Italy	8. 9.1924	17.10.1950
Latvia	9. 9.1924	—
Lithuania	19. 6.1931	—
Luxembourg	16. 4.1928	2.10.1950
Mexico	7. 1.1938	—
New Zealand	29. 3.1938	17.10.1950
Nicaragua	12. 4.1934	—
Norway	7. 7.1937	4.11.1950
Pakistan <sup>2</sup>	11. 5.1923	17.10.1950
Peru	8.11.1945	16. 1.1951
Poland	21. 6.1924	26.10.1950
Portugal	3. 7.1928	18.12.1950
Rumania	18. 8.1923	—
Spain	20. 6.1924	—
Sweden	22.12.1931	13.10.1950
Switzerland	16. 1.1935	5.10.1950
Turkey	27.12.1946	24.11.1950
Uruguay	6. 6.1933	—
Venezuela	20.11.1944	—
Yugoslavia	1. 4.1927	20. 3.1951

<sup>1</sup> See footnote 2 to Convention No. 1.

<sup>2</sup> See footnote 3 to Convention No. 1.

*Afghanistan.*

The report refers to information previously supplied and adds that the posting of notices is carried out in practice. No violations of the provisions of the Convention have been reported.

*Argentina.*

The report refers to information previously furnished and gives the following statistics supplied by the responsible authorities in the Ministry of Labour and Social Welfare: During the period under review, the inspection services visited a total of 69,399 establishments; there were 78 complaints and 80 breaches of the legislation respecting Sunday rest and 128 complaints and 22 breaches of legislation respecting the five-and-a-half-day week. Various statistics were also given on the application of legislative and administrative provisions in the provinces. No important decisions were given by courts of law. Copies of the report have

been communicated to the representative workers' and employers' organisations.

*Belgium.*

Order of the Regent of 22 June 1949, concerning Sunday rest for workers bound by contracts of employment for service on ships engaged in river navigation.

Order of the Regent of 16 May 1950, to abolish the authorisation granted to the personnel of hairdressing establishments in Courtrai to work on Sunday mornings.

Apart from the details given below, the information is identical with that previously supplied. During the period under review, four decisions were given by courts of law in connection with the application of the Convention. The inspection services carried out visits to 7,027 establishments employing 44,088 workers. A total of 27 breaches of the legislation were reported. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Burma.*

Apart from the further details given below, the information is identical with that previously supplied. The report includes in the scope of the relevant legislation railway civil engineering works and departmental labour employed on railway civil engineering works and traffic operations. No decisions were given by courts of law and no observations were received from the employers' and workers' organisations. Copies of the report have been communicated to the representative organisations.

*Canada.**British Columbia.*

Three Minimum Wage Orders, dated 1949.

*Saskatchewan.*

One Day's Rest in Seven Act, 1950.

Reference is made to the report for 1948-1949, to which the following information is added: in Saskatchewan, the new One Day's Rest in Seven Act replaces an older Act passed in 1930; its provisions are substantially the same, but it has now been made applicable to employees of any employer covered by minimum-wage Orders. In British Columbia, three minimum-wage Orders provide for a weekly rest of 32 hours for workers in the undertaking business, hospital institutions and the mercantile industry.

The report states that there appears to be little difficulty in enforcement. For instance, in Manitoba, six cases were dealt

with, resulting in the issue of four Orders ; two complaints of violation of the legislation were discovered to be unfounded. No decisions were given by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Chile.*

The report refers to the information previously furnished and adds that, during the period under review, one exception to the legislation on weekly rest was granted by Decree to the metallurgical plant of Huachipato of the Compania de Acero del Pacifico. No decisions by courts of law were notified to the General Labour Directorate. The number of persons covered by the legislation concerning the weekly rest and public holidays totals more than one-and-a-half million, 423,205 of which are in industrial establishments (52,050 salaried employees and 371,155 workers). In 1949, there were 9,666 visits of inspection and 1,191 breaches were reported concerning commercial establishments ; the legal provisions were applied without difficulty in industrial undertakings. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Czechoslovakia.*

Order (No. 226) of the Minister of Labour and Social Welfare, dated 27 October 1949, concerning the regulation of working hours in order to ensure a smooth electricity supply in winter months.

The Government refers to previous reports and adds that Order No. 226 provides that, for the purpose of ensuring a smooth electricity supply, the regional national committees may instruct works managements, after consultation with the appropriate regional agency of the Czechoslovak Central Federation of Industry, to shift regular working hours to the part of the day or night or to the day of rest on which the demand for electricity is lower. The shifting of regular working hours to Sundays can be made only in agreement with the workers' representatives. The management of the works in which regular working hours have been shifted were required to post, in the works at a public place, this Order and the measures taken thereunder by the Regional National Committee. Provision was also made for the co-operation of workers' representatives in carrying out the Order. The Order came into force on 7 November 1949 and ceased to have effect on 28 February 1950.

There were no decisions by courts of law and no observations from employers' or workers' organisations. A copy of the report has been sent to the Central Council of Trade Unions.

#### *Denmark.*

The report refers to the information previously furnished and adds a list of Orders issued by the Ministry of Social Affairs, during the period under review, authorising exceptions to the weekly rest provisions of the Factories Act in certain undertakings in the food, chemical, garment, iron and metal industries. One action was brought for contravention of the legal provisions.

#### *Finland.*

The report, which is similar to that furnished for last year, states that no decisions regarding the application of the Convention were given by courts of law. 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 the annual reports of the labour inspectorate do not mention any difficulty concerning the application of the weekly rest in industrial establishments. No decisions were given by courts of law ; no observations were received from the employers' and workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Greece.*

The report refers to information previously supplied and adds that the reports of the labour inspectors of the four districts of Athens and the districts of Patras, Chalcis, and Eleusis show that 3,761 permits were granted for exceptions to the Sunday rest provision. These permits were granted in order to carry out repairs to machinery, etc., which were urgently necessary for the normal functioning of the undertakings concerned. As a rule, these permits only affect a small proportion of the staff which, in accordance with the legislative provisions in force, are granted a day of rest on another day of the week. The labour inspection bureau of the Central Athens district reported nine breaches of the legislation. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *India.*

Apart from the details given below the information is identical with that previously supplied. During the period under review, model rules were framed by the Central Government under the Factories Act, 1948, for the guidance of State Governments. Factory rules have been issued on the lines of the model rules by the States of West Bengal, Madras, Bom-



bay, Madhya Pradesh and Travancore-Cochin. Rules are being considered in other States. The officers of an organisation set up to advise on the administration of the Factories Act and other matters connected with factory legislation and conditions have been appointed by State Governments as instructors under section 8 (1) of the Factories Act.

Reports on the working of the Factories Act and the rules issued thereunder are prepared by the various State Governments annually, but reports for the period under review have not yet become available. No decisions were given by courts of law and no observations were received from employers' and workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Ireland.*

The report refers to information previously supplied and adds that no decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Italy.*

The Government refers to the previous report and states that the improvement in the supply of electric power has facilitated the application of the Convention.

In general, all workers enjoy the rest prescribed. Reduction of the duration of rest (Article 4 of the Convention) has been found only in a very limited number of cases. Some breaches of the legislation were recorded in the construction yards in the high mountain areas and in those activities where rest periods are rotated; there were not more than 100 contraventions of the relevant legislation.

No fundamental decisions were given by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Luxembourg.*

Apart from the details given below, no new information is given in the report. The Annual Report of the Inspectorate of Labour and Mines for 1949, which is appended to the report shows that eight complaints, followed by 22 visits of investigation, revealed seven breaches of the legal provisions concerning weekly rest. One handicraft undertaking and one quarry received a last warning in writing and a report for contravention was drawn up in respect of one building enterprise. During 1949 work on Sunday for maintenance, repair and preparation totalled 1,064,406 hours, of which 969,928 were worked in continuous processes in six iron works, 2,256 in six mines and quarries and 92,224 in 40 different undertakings for medium

and small industry and for handicrafts. No authorisation for work on Sunday for production was granted in 1949. No decisions were given by courts of law and no observations were received from employers' and workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *New Zealand.*

In addition to information previously furnished, the report states that, for the calendar year 1949, 55 offences were reported concerning Sunday trading; the report states that it is probable that the cases dealt with are chiefly Sunday sales and therefore not within the scope of the enumeration of industry. No decisions were given by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Norway.*

The report refers to information previously supplied and adds that no decisions have been given by courts of law. Copies of the report will be communicated to the representative employers' and workers' organisations.

#### *Pakistan.*

Apart from the details given below, the information is identical with that previously supplied. The report gives figures concerning holidays, based on a survey of 926 perennial factories and 331 seasonal factories in Pakistan (excluding the province of Sind) under the scope of the Factories Act, 1934, and employing an average daily number of 170,407 workers during 1949. A total of 836 perennial factories and 216 seasonal factories granted holidays on Sundays or on weekdays and Sundays.

No decisions given by courts of law have come to the notice of the Government. 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 supplied to two organisations of employers and to the provincial Governments for transmission to the leading chambers of commerce.

#### *Peru.*

Apart from the details given below, no additional information is supplied in the report. During the period under review, 16,323 inspection visits were effected and 36 breaches of the relevant legislation were reported. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Poland.*

The report repeats the information previously supplied and adds that no decisions concerning the application of the Convention have been given by courts of law. Copies of the report have been communicated to the Central Council of Trade Unions.

*Portugal.*

The report refers to information previously supplied.

The labour inspectorate reported 1,048 cases of infringement.

No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Sweden.*

Workers' Protection Act of 3 January 1949 (No. 1).

The report refers to the Workers' Protection Act of 3 January 1949, which came into operation on 1 July 1949 and which has a wider scope than either the Convention or the Workers' Protection Act of 20 June 1912 (repealed by the new Act). The new Act provides for a rest of not less than 24 consecutive hours in every seven days, except where special circumstances occasionally require exceptions to be made. The weekly rest shall be given as far as possible on Sunday and at the same time for all persons employed at the same place of employment. The Workers' Protection Board may, after hearing the appropriate employers' and workers' organisations, permit exceptions in respect of certain types of work or places of employment. If any reduction takes place in the weekly rest period, corresponding time off from work shall be allowed as far as possible. The Board, and, under their supervision and direction, the labour inspection officers shall supervise observance of this section of the Act.

During the period under review, 125 exceptions were granted, in all cases with a fixed time limit. In the majority of cases, exceptions have been granted in respect of clearly defined undertakings and often only for a short period. Exceptions in respect of certain types of work have been granted in very few cases. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Switzerland.*

In addition to the information previously supplied, the report adds that the number of factories covered decreased from

11,425 to 11,239 during the period under review. Detailed information concerning the application of the Factory Act and the Weekly Rest Act in the various cantons during 1947 and 1948 is given in the extracts from the cantonal reports appended to this report. No legal conviction has been communicated to the Federal authorities but the cantonal reports concerning the working of the Weekly Rest Act during 1947 and 1948 indicate that some penalties were imposed and several warnings were given. Some of the cantons reported that the co-operation of the workers' and employers' organisations has been very useful in this regard. Extracts from the cantonal reports on the application of the relevant Federal legislation during 1947-1948 are included in the report.

No observations have been received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Turkey.*

Act No. 3062 of 13 November 1936, to amend Act No. 956 of 1 December 1926.  
Act. No. 5620 of 23 March 1950, to amend Act No. 3062 of 13 November 1936.

Apart from the details given below, the information is identical with that previously supplied. Butchers' shops may remain open on Sunday mornings and bakers', greengrocers' and other retail shops may be exempted from weekly rest when the eve of the Ramadan or Kurban public holidays fall on a Sunday.

In cases where the rest period is not granted to the whole staff collectively, rosters are kept in all undertakings subject to the Labour Act, in conformity with a model drawn up by the Ministry of Labour.

Legal action is pending in the case of nine employers responsible for breaches of the legislation and a number of contraventions were reported by the inspection services. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative workers' organisations and to the chambers of commerce and industry.

*Yugoslavia.*

Decree of 3 July 1947, to amend and supplement the Decree respecting annual holidays with pay for wage-earning employees, salaried employees and officials. (L.S., 1947—Yug. 1).

The general provisions respecting the weekly rest not only ensure workers 24 hours' rest once a week, but also entitle them to 24 hours' leave for national holidays. Thus the provisions of Yugoslav legislation are more generous than those of the Convention.

### 15. Convention fixing the minimum age for the admission of young persons to employment as trimmers or stokers

*This Convention came into force on 20 November 1922*

Countries	Date of registration of ratification	Reports received
Argentina	26. 5. 1936	9. 10. 1950
Australia	28. 6. 1935	4. 8. 1950
Belgium	19. 7. 1926	18. 12. 1950
Bulgaria	6. 3. 1925	—
Burma <sup>1</sup>	20. 11. 1922	12. 9. 1950
Canada	31. 3. 1926	12. 10. 1950
Ceylon	25. 4. 1951	—
Chile	18. 10. 1935	7. 10. 1950
China	2. 12. 1936	—
Colombia	20. 6. 1933	—
Cuba	7. 7. 1928	—
Denmark	12. 5. 1924	10. 10. 1950
Estonia	8. 9. 1922	—
Finland	10. 10. 1925	7. 10. 1950
France	16. 1. 1928	24. 10. 1950
Germany	11. 6. 1929	—
Greece	14. 6. 1930	23. 11. 1950
Hungary	1. 3. 1928	—
India	20. 11. 1922	23. 12. 1950
Ireland	5. 7. 1930	13. 10. 1950
Italy	8. 9. 1924	17. 10. 1950
Japan	4. 12. 1930	—
Latvia	9. 9. 1924	—
Luxembourg	16. 4. 1928	27. 6. 1950
Netherlands	17. 6. 1931	25. 11. 1950
Nicaragua	12. 4. 1934	—
Norway	7. 10. 1927	4. 11. 1950
Pakistan <sup>2</sup>	20. 11. 1922	17. 10. 1950
Poland	21. 6. 1924	17. 10. 1950
Rumania	18. 8. 1923	—
Spain	20. 6. 1924	—
Sweden	14. 7. 1925	13. 10. 1950
United Kingdom	8. 3. 1926	6. 10. 1950
Uruguay	6. 6. 1933	—
Yugoslavia	1. 4. 1927	20. 3. 1951

<sup>1</sup> See footnote 2 to Convention No. 1.

<sup>2</sup> See footnote 3 to Convention No. 1.

#### *Argentina.*

The Government refers to the information given in earlier reports and adds that the observation made by the Committee of Experts relating to the inclusion of a brief summary of the provisions of the Convention in the Articles of Agreement, has been submitted to the Ministry of Transport for action.

Section 1243, paragraph (b) of the *Digesto Marítimo y Fluvial*, strictly prohibits the employment of persons under 18 years of age. Employment of persons between 16 and 18 years of age is allowed by sections 1264, paragraph (c) and 1273, paragraph (a) of the above-mentioned *Digesto*, but only to carry out work as apprentices of seamen or fishermen, respectively. Such exceptions, however, do not allow the employment of persons under 18 years of age in other kinds of occupations aboard ship, as for instance, trimmers or stokers. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Australia.*

The report refers to the information previously supplied.

There were no decisions by courts of law; no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Belgium.*

The Government refers to its previous reports. No decisions were given by courts of law; no observations have been received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Burma.*

The report, copies of which have been communicated to the representative organisations, repeats the information previously given, according to which the Convention is fully applied.

#### *Canada.*

The Government repeats the information given in previous reports. There were no decisions by courts of law; no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Chile.*

The Government refers to the information supplied in previous reports. The reports of the inspection services show that no young persons under the age of 18 years of age are employed on board merchant vessels. No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Denmark.*

The Government refers to the information given in previous reports.

#### *Finland.*

The information supplied is identical with that contained in the report for 1948-1949. There were no decisions by courts of law. No statistics are available to show the number of persons covered by the Convention. No observations were received from employers' or workers' organisations.

tions. Copies of the report have been communicated to the representative organisations.

*France.*

The Government refers to information given in earlier reports. There were no decisions by courts of law and no observations were received from employers' or workers' organisations. Copies of the report were transmitted to the representative organisations.

*Greece.*

The information contained in the report is identical with that supplied in previous years. No decisions were given by courts of law. There were no breaches of the provisions of the Convention. It has not been considered necessary to compile statistical data. Copies of the report have been communicated to the representative employers' and workers' organisations.

*India.*

The Government refers to its previous reports. There were no decisions by courts of law and no observations were received from employers' or workers' organisations. No contraventions were reported. Copies of the report have been communicated to the representative organisations.

*Ireland.*

The Government refers to the information given in previous reports. There were no decisions by courts of law or other courts. No contraventions were reported and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Italy.*

The Government refers to the information given in previous reports. There were no decisions by courts of law; no observations were received from the employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Luxembourg.*

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

*Netherlands.*

The Government repeats the information given in earlier reports. No decisions were given by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Norway.*

The Government refers to information given in previous reports on the application of this Convention. No decisions were given by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Pakistan.*

The Government refers to the information given in previous reports. There were no decisions by courts of law and no observations from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Poland.*

There has been no change in the legislation and practice concerning the application of the Convention.

*Sweden.*

The Government refers to the information given in previous reports. Copies of the report have been communicated to the representative employers' and workers' organisations.

*United Kingdom.*

The information supplied is identical with that contained in the report for 1948-1949. No reports are available from inspection or registration services. The Government is not aware of any decisions by courts of law. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Yugoslavia.*

General regulations of 13 January 1947 respecting industrial hygiene and safety measures.

Under section 63 of the above-mentioned regulations, only male persons of 18 years of age, in good health and duly qualified, may work as trimmers.

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

*This Convention came into force on 20 November 1922*

Countries	Date of registration of ratification	Reports received
Argentina	26. 5.1936	9.10.1950
Australia	28. 6.1935	25. 8.1950
Belgium	19. 7.1926	18.12.1950
Brazil	8. 6.1936	—
Bulgaria	6. 3.1925	—
Burma <sup>1</sup>	20.11.1922	12. 9.1950
Canada	31. 3.1926	12.10.1950
Ceylon	25. 4.1951	—
Chile	18.10.1935	7.10.1950
China	2.12.1936	—
Colombia	20. 6.1933	—
Cuba	7. 7.1928	—
Denmark	23. 4.1938	10.10.1950
Estonia	8. 9.1922	—
Finland	10.10.1925	7.10.1950
France	22. 3.1928	24.10.1950
Germany	11. 6.1929	—
Greece	28. 6.1930	23.11.1950
Hungary	1. 3.1928	—
India	20.11.1922	23.12.1950
Ireland	5. 7.1930	8.11.1950
Italy	8. 9.1924	17.10.1950
Japan	7. 6.1924	—
Latvia	9. 9.1924	—
Luxembourg	16. 4.1928	27. 6.1950
Mexico	9. 3.1938	—
Netherlands	9. 3.1928	25.11.1950
Nicaragua	12. 4.1934	—
Pakistan <sup>2</sup>	20.11.1922	17.10.1950
Poland	21. 6.1924	17.10.1950
Rumania	18. 8.1923	—
Spain	20. 6.1924	—
Sweden	14. 7.1925	13.10.1950
United Kingdom	8. 3.1926	6.10.1950
Uruguay	6. 6.1933	—
Yugoslavia	1. 4.1927	20. 3.1951

<sup>1</sup> See footnote 2 to Convention No. 1.

<sup>2</sup> See footnote 3 to Convention No. 1.

## Argentina.

The Government states that there is nothing new to report. Copies of the report have been communicated to the representative employers' and workers' organisations.

## Australia.

In addition to information previously supplied, the Government states that the number of persons examined during the year ended 30 June 1950, was 356. The results were : passed 345, deferred four, rejected seven ; the reasons for deferment were dental attention and chronic appendicitis, and the reasons for rejection were defective vision, poor renal function, eye injury, nervous instability, etc.

No decisions were given by courts of law, and no observations were received from employers' or workers' organisations. Copies of the report are being communicated to the representative organisations.

## Belgium.

Apart from the details given below the information is identical with that previously supplied. The Convention is very strictly applied. No decisions were given by courts of law and no observations were received from the employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

## Burma.

The report, copies of which have been communicated to all shipping companies and seamen's unions, repeats the information previously supplied, according to which the Convention had been applied in full. No decisions were given by courts of law.

## Canada.

The report, which is identical with that for 1948-1949, states that no contraventions or judicial decisions were reported and that no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

## Chile.

The report refers to information previously supplied and adds that no decisions were given by courts of law. No infringements were reported and no observations were received from the employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

## Denmark.

The Government refers to the previous report.

## Finland.

In addition to information previously supplied, the report states that no decisions have been given by courts of law, as far as is known, and that copies of the report have been communicated to the representative employers' and workers' organisations.

## France.

The Government refers to the information given in earlier reports and adds that in 1940 the Merchant Navy established a medical service for seafarers, composed of

about 30 naval doctors stationed in the ports of metropolitan France and Algeria. They are responsible for applying the provisions of the Act of 13 December 1926 (Maritime Labour Code), which require boys and apprentices of less than 18 years of age to submit to a medical examination, including X-rays, every year. The medical examinations are conducted by the Seafarers' Medical Service, which, since its establishment, has had as a primary objective the treatment and control of tuberculosis.

In accordance with the provisions of section 56 of the Decree of 17 June 1938, all seamen may be required to submit to an annual medical examination, at the expense of the Welfare Fund, and carried out by a doctor designated by the Fund. A seaman who fails to pass the examination, or who refuses to submit to it, may not be engaged or remain on board a vessel and may not be signed-on subsequently unless his physical fitness is recognised at a new examination. This examination particularly concerns seafarers who are entered in the articles of vessels of less than 25 tons and who have not previously taken an examination as provided for in section 8 of the Maritime Labour Code. However, a physical examination is also given to other seafarers when this is considered necessary by the Administration, as in the case of seafarers who have not been examined for some time prior to embarkation.

The Seafarers' Medical Service includes medical supervisors of the General Welfare Fund who examine the medical files of certificated seafarers and their families. In this way it is possible to call in for an examination a sick seafarer and members of his family who are in need of medical care. A Bill is being prepared which will make six-monthly medical examinations compulsory for boys and ordinary seamen.

The Merchant Navy Services know of no decisions given by courts of law; no infringements of the relevant provisions have been reported. There were no observations from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Greece.*

Apart from the further details given below the information is identical with that previously supplied. No infringements of the relevant legislation were reported and no decisions were given by courts of law. Copies of the report are being communicated to the representative employers' and workers' organisations.

#### *India.*

Apart from the further details given below, the information is identical with that previously supplied. No person under

18 years of age was recruited or medically examined for employment at any port in India during the period under review. No decisions were given by courts of law and no observations were received from the employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Ireland.*

The courts of law and other courts have given no decisions, and no observations have been forwarded by the employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Italy.*

The Government states that no changes have occurred in legislation or practice since the previous report and adds that no decisions were given by courts of law which would throw fresh light on the matter. No infringements have been notified and the employers' and workers' organisations have made no observations. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Luxembourg.*

The Convention was ratified in a spirit of international solidarity and calls for no application in the Grand Duchy. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Netherlands.*

Apart from the details given below the information is identical with that previously supplied. No infringements were reported and no difficulties were encountered in the application of the Convention. A total of 2,499 seafarers underwent medical examinations. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Pakistan.*

In addition to information previously supplied, the report states that no decisions by courts of law have come to the notice of the Government and that no observations were received from employers' and workers' organisations. Copies of the report have been communicated to representative workers' organisations and to employers' organisations and the leading chambers of commerce.

#### *Poland.*

The Government states that there has been no change in the legislation and

practice concerning the application of the Convention.

*Sweden.*

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

*United Kingdom.*

The report, which repeats the information previously supplied, states that the Government is not aware of any judicial decision regarding the provisions of the Convention. No observations have been received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Yugoslavia.*

Decree of 30 August 1949, concerning the medical examination and vaccination of crews of the merchant navy of the Federative People's Republic of Yugoslavia.

Regulations of 30 August 1949, concerning the medical examination and vaccination of crews of the merchant navy of the Federative People's Republic of Yugoslavia.

A periodical medical examination is compulsory in Yugoslavia for all seamen, at intervals depending on the age of the seaman concerned and the work he performs. Young persons, who are not admitted to employment on board ships before attaining the age of 16 years, and then only for light work, must undergo a medical examination every six months, whereas the Convention provides for a year's interval between any two examinations.

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## 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
Argentina	14. 3.1950	9.10.1950
Austria	21. 8.1936	12.10.1950
Belgium	3.10.1927	18.12.1950
Bulgaria	5. 9.1929	—
Chile	8.10.1931	15.12.1950
Czechoslovakia	12. 6.1950	—
Colombia	20. 6.1933	—
Cuba	6. 8.1928	—
Finland	20. 1.1950	7.10.1950
France	17. 5.1948	24.10.1950
Hungary	19. 4.1928	—
Latvia	29. 5.1928	—
Luxembourg	16. 4.1928	20. 9.1950
Mexico	12. 5.1934	—
Netherlands	13. 9.1927	25.11.1950
New Zealand	29. 3.1938	17.10.1950
Nicaragua	12. 4.1934	—
Poland	3.11.1937	8.11.1950
Portugal	27. 3.1929	18.12.1950
Spain	22. 2.1929	—
Sweden	8. 9.1926	13.10.1950
United Kingdom	28. 6.1949	6.10.1950
Uruguay	6. 6.1933	—
Yugoslavia	1. 4.1927	20. 3.1951

#### *Argentina.*

In its first report, the Government states that the Accidents Division of the Ministry of Labour and Social Welfare is entrusted with the application and supervision of the legislative provisions applying the Convention. No decisions were given by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Austria.*

Federal Act of 14 July 1949, to modify the Federal Act of 15 October 1948, amending the legislative provisions relating to social insurance and to provide for the payment of cost-of-food allowances.

Federal Act of 31 March 1950, to amend and supplement the Federal Act of 12 June 1947, to make provision for the transition to the new Austrian social insurance law (L.S. 1947—Aus. 5A).

The report refers to the information previously supplied and adds that the average number of insured persons in 1949 was 1,518,806; the total expenditure under the accident insurance scheme amounted to 124,659,000 schillings. There were 109,446 accidents and 667 cases of occupational diseases. Over 26,000,000 schillings were paid out in benefits in kind and

approximately 77,000,000 schillings in benefits in cash.

No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Belgium.*

The report refers to the information previously supplied. The report of the Ministry of Labour and Social Welfare on the application of the Act respecting compensation for industrial accidents during the years 1945-1947, which is appended to the Government's report, contains detailed statistical data.

No decisions were given by courts of law; no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Chile.*

The report refers to information previously given. Statistical data is given showing that, in 1949, 760,232 wage earners were covered by the legislation concerning workmen's compensation for accidents and 29,705 were affiliated to special schemes. In the same year, there were 93,021 accidents, 340 of which were fatal. Cash benefits amounting to \$107,157,074.80 were paid in 1949.

Decisions are given frequently by courts of law or administrative authorities in application of the principles of the Convention; the texts of eight judgments given in this connection are appended to the report.

No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Finland.*

Act No. 608 of 20 August 1948, respecting accident insurance (L.S. 1948—Fin. 4A), to repeal the Act of 12 April 1935 respecting insurance for wage-earning employees against accidents (L.S. 1935—Fin. 1), as amended by the Acts of 30 December 1948 (L.S. 1948—Fin. 4C) and 16 June 1950 (L.S. 1950—Fin. 3).



Act of 20 August 1948, respecting the increase of benefits provided under the Act respecting accident insurance.

Act of 20 August 1948, to amend the Act of 12 April 1935 respecting the right of civil servants and other State employees to compensation for accidents.

Act No. 955 of 30 December 1948, to amend the Act respecting occupational diseases (L.S. 1948—Fin. 5).

Orders of 3 and 10 December 1948 (L.S. 1948—Fin. 4B), 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, respecting industrial accidents.

The first report on the application of the Convention by Finland states that every person who performs work for remuneration under a contract, on the account of another person and under his direction and supervision, is entitled to compensation in respect of an industrial accident. Where particular risk of accident attaches to the instruction in any school, institution or course, it may be prescribed by Order that accident compensation shall be paid to an apprentice.

The Act excepts a person performing casual work of short duration for an employer who does not normally employ persons having a right to compensation under the Act. It also excepts persons who live permanently in the employer's household and are related to him or his wife by direct ascent or descent, who are adoptive children or adoptive parents of the employer or who are married to any of the above-mentioned relatives.

No exceptions are made in respect of seamen and fishermen or persons covered by a special scheme.

Compensation is payable in the form of a pension for life. If the degree of incapacity falls below 30 per cent., a lump sum is paid.

Benefits are payable from the first day after the accident, provided that the incapacity has lasted for at least three consecutive days.

Where the victim of an accident is so incapacitated that he requires the constant assistance of another person, a supplement of not more than 250 marks per day may be granted.

Compensation is awarded by a special commission, after consultation with the insurance institution. An appeal against the decision of this commission lies with the Insurance Court. A further appeal may be made to the Supreme Court as regards the right to compensation.

In the event of a change in the circumstances upon which the rate of compensation is based, the amount of compensation may be adjusted.

Medical aid granted to the victim of an industrial accident includes care by a doctor—or, where it is not possible to find a doctor, by a trained nurse—the

medicaments prescribed by the doctor, any necessary disinfectants and dressings, artificial limbs and other appliances and guide dogs. The duration of medical benefits is unlimited and the supply and replacement of artificial limbs and surgical appliances is provided for.

In the event of the insolvency of the employer or of the insurer, compensation is paid out of public funds.

The application of the legislation is entrusted to the Ministry of Social Affairs and is assured through the inspection of the insurance institutions by that Ministry. No decisions were given by courts of law. During the period under review, the total cost of benefits in cash was 472 million marks (plus transfers to the pensions fund in 1948 amounting to 249 million marks); the average cost of benefits in cash per employee was 610 marks. The total cost of benefits in kind was 114 million marks and the average cost of benefits in kind per employee was 147 marks. The number of accidents reported was 89,775.

The Government states that it is difficult to indicate separately the total cost of the application of the legislation concerning industrial accidents and accident-insurance.

No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *France.*

Act No. 49-1104 of 2 August 1949, to extend to the Departments of Guadeloupe, French Guiana, Martinique and Réunion the social security provisions applicable to the prevention of and compensation for industrial accidents and occupational diseases.

Act No. 49-1111 of 2 August 1949, to increase the benefits payable under the legislation on workmen's compensation for industrial accidents.

Decree No. 49-1585 of 10 December 1949, respecting the application of Act No. 46-2426 of 30 October 1946 concerning the prevention of, and compensation for, industrial accidents and occupational diseases affecting prisoners.

The Government refers to its previous reports and adds that no decisions were given by courts of law. Detailed statistical information for the year 1949 is appended to the report showing that the total number of wage earners covered by the general scheme was 11,900,000. Cash benefits were paid amounting to 9,298,300,000 francs; benefits in kind amounted to 3,952,300,000 francs. The number of accidents was 1,628,725, 66,269 of which were serious and 3,630 fatal. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Luxembourg.*

The Government refers to the information supplied for 1948-1949. An appendix

to the report contains an administrative report for the year 1949 published by the Accident Insurance Association (Industrial Division).

No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Netherlands.*

Accident Insurance Act of 28 July 1921, as amended and supplemented by the following legislation :

Royal Decrees of 18 July and 11 August (4) 1949, 26 April and 6 June 1950 ;

Ministerial Decrees of 26 January and 6 May 1950 ;

Acts of 23 February and 1 April 1950.

The report refers to the information previously supplied. In reply to an observation made by the Committee of Experts additional information was sent by the Government stating that the Act of 1921 also applies to persons employed by the State ; special regulations and the Decree concerning employment contracts are applicable to public employees. The provisions of these regulations are generally more favourable than those contained in the Act of 1921.

No decisions were given by courts of law. In 1948, the number of standard-workers (corresponding to 300 days' work per annum) covered amounted to 1,870,000. The total amount of cash benefits was 43,145,359 florins ; benefits in kind amounted to 5,117,812 florins ; 385,129 accidents were reported (18,190 involving incapacity for over six weeks and 405 fatal cases). Copies of the report have been communicated to the Labour Foundation.

#### *New Zealand.*

Workers' Compensation Amendment Act, 1949. Statutes Amendment Act, 1949.

The scope of the first Act has been extended during the period covered by the report. The Act now applies to the employment of any worker in any occupation, whether or not the employment is in or for the purposes of any trade or business carried on by the employer, and whether or not the employment is of a casual nature.

In connection with the application of Article 7 of the Convention, the report refers to the statement made by a Government representative at the 33rd Session of the Conference to the effect that persons in need can obtain extra assistance under the social security scheme, although such assistance is subject to a means test. The legislation is at present being revised and it is hoped that during the year an amendment will be adopted which will bring the national legislation into complete harmony with the Convention.

No decisions were given by the courts

regarding the application of the Convention ; no observations were received from employers' or workers' organisations.

In July 1950, the Department of Labour and Employment registered 459,698 employees (332,584 men and 127,114 women). In 1949, the number of accidents showed a considerable increase over previous years owing to the adoption of a different system of reporting. The number of accidents reported in manufacturing industries and bush work was 14,042 while the number for building and construction was 2,171. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Poland.*

Order of the Ministry of Labour and Social Welfare of 19 May 1950, amending the Order relating to the conditions in which the right to family allowances is acquired.

The Government refers to its previous reports and adds that public officials and workers engaged in State undertakings and establishments whose employment may be characterised as public employment, benefit from special insurance schemes, namely : (a) a special pension-insurance scheme for public employees and regular soldiers ; (b) a special scheme for pensions and compensation for industrial accidents for workers in the Polish State Railways. Benefits granted under the two schemes mentioned above are generally more favourable than those granted under the general accident insurance scheme or are at least equivalent to those laid down in the Convention.

The report contains detailed information concerning the method of calculating pensions.

The labour inspection services and the Social Insurance Institution are entrusted with inspection.

The number of insured persons, including seafarers and fishermen, but excluding agricultural workers and smallholders, amounted to 4,790,300 on 30 June 1950. At the same date 57,100 insured persons and 25,700 dependants, including agricultural workers and smallholders, were in receipt of pensions. Expenses in this connection amounted to 1,731,700 zlotys during the first six months of 1950. Copies of the report have been communicated to the Central Council of Trade Unions.

#### *Portugal.*

The report refers to the information previously supplied and gives a summary of various decisions by courts of law relating to workmen's compensation for accidents. The labour inspectorate reported 14 cases of infringement. No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Sweden.*

Royal Decree of 2 June 1950, respecting the application, in certain cases, of section 11 of the Act relating to insurance against industrial accidents.

Royal Order of 2 June 1950, respecting supplements payable out of public funds, in addition to certain benefits provided for under the Act respecting insurance against industrial accidents.

Royal Order of 2 June 1950, to amend the two Royal Orders of 24 March 1938 respecting compensation payable to prisoners, etc., in respect of industrial accidents and occupational diseases.

Royal Orders of 30 September and 29 December 1949, to amend the Royal Order of 1 December 1933 concerning the application of the legislation respecting industrial accidents to students in professional schools.

The Government refers to its previous reports and to its letter of 22 May 1950 concerning the practice adopted as regards the substitution of a lump sum for periodical payments, in conformity with Article 5 of the Convention.

During the period under review, the National Insurance Office paid 46,232,544 kronor in cash benefits and 5,143,785 kronor in benefits in kind (medical care). The number of industrial accidents reported was 265,996. The administrative expenses incurred by the National Insurance Office during the period covered by the report were 5,844,394 kronor. Copies of the report have been communicated to the representative employers' and workers' organisations.

*United Kingdom.**Great Britain.*

National Insurance (Industrial Injuries) Acts, 1946 (L.S. 1946—U.K. 2), 1947 and 1948.

National Health Service Act, 1946 (L.S. 1946—U.K. 5).

National Health Service (Scotland) Act, 1947. Various Regulations and Orders issued in 1948 and 1949 concerning National Insurance (Industrial Injuries).

*Northern Ireland.*

National Insurance (Industrial Injuries) Act (Northern Ireland), 1946.

National Insurance (Industrial Injuries) (Amendment) Act (Northern Ireland), 1948.

Health Services Act (Northern Ireland), 1948. Various Regulations and Orders issued in 1948 and 1949 concerning National Insurance (Industrial Injuries).

In its first report, the Government summarises the benefits payable in *Great Britain* in respect of accidents arising out of and in the course of insurable employment. Injury benefit is payable to persons incapable of work for a period not exceeding 26 weeks after the accident at a rate of 45s. per week, plus dependants' increases. Disablement benefit is payable for loss of faculty which remains when incapacity for work ceases or when the 26-week injury benefit period ends. The rate of the latter depends on the percentage assessment of disablement, the highest basic rate being 45s. per week. In some cases, disablement pensions may include special supplements in respect of unem-

ployability, special hardship, need for constant attendance, hospitalisation, children, or adult dependants. When an insured person dies as the result of an industrial accident, death benefits are payable under certain conditions to the surviving widow or widower, children, parents, other relatives, or a woman who has care of the deceased's children.

All persons employed under a contract of service by a private or public undertaking are covered, with the exception of persons in employments referred to below and certain seafarers and airmen. Subject to Ministerial power to make regulations for the prevention of anomalies, employment of a casual nature, not being employment for the purposes of the employer's trade or business, and employment of members of the employer's family under specified conditions are exempted from insurance.

Disablement benefits are paid as pensions if the degree of disablement is assessed at 20 per cent. or more. A gratuity is paid for disablement assessed at less than 20 per cent. if there is likely to be some permanent loss of faculty. However, if a beneficiary is under 18 years of age, or if he requests it, and the lump sum exceeds £52 it may be paid by instalments. Death benefit is normally paid in the form of a pension but, in certain circumstances, a gratuity may be paid to parents or close relatives, with the same provision for payment by instalments.

Injury benefits may be paid for all days of incapacity for work, but no payment is made for the first three days until there have been at least 12 days of incapacity due to the accident. All payments are made from a State Industrial Injuries Fund; employers have been relieved of all liability, other than that arising under common law for negligence or breach of statutory duty. An injured worker found to be 100 per cent. disabled may have his disablement pension increased if he requires constant attendance. The amount of this increase depends upon the extent to which he is dependent upon attendance for the necessities of life, up to a maximum, normally of 20s. per week; in exceptionally severe cases 40s. per week may be awarded.

Provision is made for the review of benefit awards and other decisions. Persons claiming injury benefit who behave in a manner which retards their recovery may be disqualified; this provision is supervised by a system of sick-visiting. Medical services for all residents are provided by the National Health Service, under which injured workers can obtain free of charge any medical, surgical or pharmaceutical aid they require, in addition to artificial limbs and surgical appliances. Power also exists to make payments out of the Industrial Injuries Fund to ensure that injured workers are provided with artificial limbs and surgical appliances, and that these are maintained and renewed.

Since all payments in respect of industrial injuries are made from the State Fund, they are not affected by the insolvency of employers.

The administration of the scheme is entrusted to the Ministry of National Insurance, which has over 1,000 local offices and 12 regional offices. Inspectors have been appointed whose duties include the enforcement of the statutory provisions relating to payment of contributions and similar matters. A limited field of questions relating primarily to insurability and contributions is reserved for Ministerial determination, with certain rights of appeal. All other questions and claims are determined by various statutory authorities, set up under the Act, which are entirely independent of the Ministry and with whose decisions it cannot interfere. There are insurance officers, with appeal to a local tribunal consisting of representatives of workers and employers with an independent chairman, and with final right of appeal to a commissioner, a legal authority of high standing. Certain medical questions are reserved for medical boards, with right of appeal to a medical appeal tribunal. The inspection of factories and mines in order to enforce safety laws is carried out by inspectors of the Ministries of Labour and National Service and Fuel and Power.

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

No information is available respecting the numbers of workers covered. It is estimated that, during the first nine months ended 31 March 1949, expenditure in respect of accidents and diseases was slightly more than £51½ million, exclusive of administrative costs. Separate statistics on medical aid furnished to injured workers under the National Health Service Acts are not available. Claims for injury bene-

fit received in respect of accidents and diseases during the year ended 30 June 1950, totalled about 800,000.

An advisory council, with an independent chairman and including representatives of insured persons and employers, has been established. Regulations made under the Act are submitted in draft by the Minister to the Council; the Minister may similarly refer to the Council such questions relating to the Act as he thinks fit; he also considers representations made to it by persons affected by the questions referred to it. Representations are also received from time to time by the Minister from representative bodies on various matters concerned with the working of the scheme.

The scheme established in *Northern Ireland* is similar, in general, to that in Great Britain except for certain differences in administrative organisation. A total of 470,000 persons are insured under the Northern Ireland scheme, including 300,000 men and 170,000 women. The total cost of cash benefits was £187,000, while the average cost per head of persons covered was 8s. During the six months ended 31 December 1949, claims were received in respect of 3,718 accidents. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Yugoslavia.*

Act of 21 January 1950, respecting social insurance for wage-earning employees, salaried employees and officials and for their families.

The Act of 1950 respecting social insurance provides for a scheme for wage earners considerably more favourable than is required by the provisions of the Convention. Hence the Convention, though it has provided the basis for Yugoslav legislation, is not directly applied.

### 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 <sup>1</sup>	29. 9.1928	12.10.1950
Belgium	3.10.1927	18.12.1950
Bulgaria	5. 9.1929	—
Burma <sup>2</sup>	30. 9.1927	16. 2.1951
Chile	31. 5.1933	15.12.1950
Colombia	20. 6.1933	—
Cuba <sup>1</sup>	6. 8.1928	—
Czechoslovakia	19. 9.1932	—
Denmark	18. 6.1934	10.10.1950
Finland	17. 9.1927	7.10.1950
France <sup>1</sup>	13. 8.1931	24.10.1950
Germany	18. 9.1928	—
Hungary <sup>1</sup>	19. 4.1928	—
India	30. 9.1927	23.12.1950
Iraq <sup>1</sup>	26.11.1938	16.11.1950
Ireland <sup>2</sup>	25.11.1927	—

<sup>1</sup> Has ratified Convention No. 42 (revised) but has not denounced this Convention.

<sup>2</sup> See footnote 2 to Convention No. 1.

Countries	Date of registration of ratification	Reports received
Italy	22. 1.1934	17.10.1950
Japan	8.10.1928	—
Latvia	29.11.1929	—
Luxembourg	16. 4.1928	20. 9.1950
Netherlands <sup>3</sup>	1.11.1928	—
Nicaragua	12. 4.1934	—
Norway <sup>1</sup>	11. 6.1929	4.11.1950
Pakistan <sup>4</sup>	30. 9.1927	17.10.1950
Poland	3.11.1937	8.11.1950
Portugal	27. 3.1929	18.12.1950
Spain	29. 9.1932	—
Sweden <sup>3</sup>	15.10.1929	—
Switzerland	16.11.1927	5.10.1950
United Kingdom <sup>3</sup>	6.10.1926	—
Uruguay	6. 6.1933	—
Yugoslavia	1. 4.1927	20. 3.1951

<sup>3</sup> Has denounced this Convention and ratified Convention No. 42 (revised).

<sup>4</sup> See footnote 3 to Convention No. 1.

*Austria.*

See under Convention No. 42.

*Belgium.*

Order of the Regent of 6 April 1950, to amend the Order of 21 September 1945 fixing the scales for the calculation of the lump sums and pensions for persons disabled by occupational diseases, and to their dependants. Order of the Regent of 24 May 1950, to fix the rates of contributions payable during 1949 by heads of undertakings and craftsmen, subject to the Act of 24 July 1927 concerning compensation for occupational diseases.

The report refers to the information previously supplied. One decision was given by a court of law. No observations were received from employers' or workers' organisations. The report of the governing body of the welfare fund for victims of occupational diseases contains statistical information relating to the period 1940-1949. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Burma.*

The Government refers to the information previously supplied. No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Chile.*

The report refers to the information previously supplied.

During 1949, there were 248 cases of occupational diseases involving a total expenditure (pensions and compensation) of 11,291,052.64 Chilean pesos.

Several decisions were given by courts of law; copies of two decisions are appended to the report. There were no observations from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Denmark.*

The Government refers to its previous reports and gives statistics for the period covered by the report showing that compensation was granted in respect of 40 new cases and 69 previously recognised cases of occupational diseases. The total expenditure amounted to 176,892 crowns (including 30,961 crowns in respect of two fatal cases).

No decisions were given by courts of law.

*Finland.*

The Government repeats the information given in previous reports. No decisions were given by courts of law. Copies of the report have been communicated to

representative employers' and workers' organisations.

*France.*

See under Convention No. 42.

*India.*

The Government refers to its previous reports. No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Iraq.*

See under Convention No. 42.

*Italy.*

The information contained in the report is identical with that supplied for 1948-1949. No decisions were given by courts of law. There were no observations from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Luxembourg.*

The Government repeats the information supplied in previous reports. There were no decisions by courts of law and no observations from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Norway.*

The report refers to the information previously supplied. There were no decisions by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Pakistan.*

The Government repeats the information given in previous reports. There were no decisions by courts of law; no observations were received from the employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Poland.*

The Government refers to the information given in previous reports. See under Convention No. 17 for information relating to the amount and payment of compensation, the authorities entrusted with the application of the Convention, and statistical data. The work of inspection is carried out by the labour inspectors and the Department of Health services. No

decisions were given by the social insurance courts. Copies of the report have been communicated to the Central Council of Trade Unions.

#### *Portugal.*

The report refers to information previously supplied. No decisions were given by courts of law; and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Switzerland.*

The report reproduces the information previously supplied. During the period covered by the report, 44 cases of lead poisoning were registered, costing 80,602 Swiss francs, 13 cases of mercury poisoning, costing 18,074 Swiss francs, and one

fatal case of anthrax infection, costing 40,912 Swiss francs. No observations were received from the employers' or workers' organisations.

The annual report for 1949 of the Swiss National Accident Insurance Fund has been included as an appendix to the report. Copies of the report have been communicated to the representative organisations.

#### *Yugoslavia.*

Act of 21 January 1950, respecting social insurance for wage-earning employees, salaried employees and officials and for their families.

Yugoslav legislation places occupational diseases on the same footing as industrial accidents. Moreover, section 36 of the Act respecting social insurance provides for the payment of fair compensation to persons suffering from occupational diseases.

### 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
Argentina	14. 3.1950	9.10.1950
Austria	29. 9.1928	12.10.1950
Belgium	3.10.1927	18.12.1950
Bulgaria	5. 9.1929	—
Burma <sup>1</sup>	30. 9.1927	16. 2.1951
Chile	8.10.1931	15.12.1950
China	27. 4.1934	—
Colombia	20. 6.1933	—
Cuba	6. 8.1928	—
Czechoslovakia	8. 2.1927	—
Denmark	31. 3.1928	10.10.1950
Egypt	29.11.1948	9.11.1950
Estonia	14. 4.1930	—
Finland	17. 9.1927	7.10.1950
France	4. 4.1928	24.10.1950
Germany	18. 9.1928	—
Greece	30. 5.1936	17. 1.1951
Hungary	19. 4.1928	—
India	30. 9.1927	23.12.1950
Iraq	30. 4.1940	16.11.1950
Ireland	5. 7.1930	6.11.1950
Italy	15. 3.1928	17.10.1950
Japan	8.10.1928	—
Latvia	29. 5.1928	—
Lithuania	28. 9.1934	—
Luxembourg	16. 4.1928	20. 9.1950
Mexico	12. 5.1934	—
Netherlands	13. 9.1927	25.11.1950
Nicaragua	12. 4.1934	—
Norway	11. 6.1929	4.11.1950
Pakistan <sup>2</sup>	30. 9.1927	17.10.1950
Peru	8.11.1945	16. 1.1951
Poland	28. 2.1928	8.11.1950
Portugal	27. 3.1929	18.12.1950
Spain	22. 2.1929	—
Sweden	8. 9.1926	13.10.1950
Switzerland	1. 2.1929	5.10.1950
Union of South Africa	30. 3.1926	29. 9.1950
United Kingdom	6.10.1926	6.10.1950
Uruguay	6. 6.1933	—
Venezuela	20.11.1944	—
Yugoslavia	1. 4.1927	20. 3.1951

<sup>1</sup> See footnote 2 to Convention No. 1.

<sup>2</sup> See footnote 3 to Convention No. 1.

#### *Argentina.*

In its first report, the Government states that under section 14 of Act No. 9688 of 1915 respecting industrial accidents, a worker who is temporarily incapacitated in consequence of an industrial accident loses his right to compensation from the day when he leaves the country; the beneficiaries of foreign workers are not entitled to any benefits if, at the time of the accident, they were not resident in the country, unless reciprocal arrangements have been made in virtue of international agreements. Agreements have been made with a number of countries, including Austria, Belgium, Bulgaria, Czechoslovakia, Denmark, Hungary, Italy, Poland, Spain, Sweden, the United Kingdom and Yugoslavia. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Austria.*

Federal Act of 14 July 1949, to amend the Federal Act of 15 October 1948 amending the provisions relating to social insurance regulations and 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 31 March 1950, to amend and supplement 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 (4th Act, amending the Social Insurance Transition Law).

The report reproduces the information supplied in previous reports and in the statement made in 1950 to the Conference

Committee on the Application of Conventions and Recommendations to the effect that foreigners residing abroad who are nationals of States which have ratified the Convention are placed on the same footing as Austrian citizens. They are, therefore, entitled to benefits under the same conditions as the latter if they reside abroad with the consent of the insurance carrier. Negotiations for special agreements are being carried on with Italy and Switzerland, but have not as yet resulted in the conclusion of treaties. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Belgium.*

Reference is made to previous reports. There are no separate statistics of foreign workers employed in Belgium. No observations were received from the representative employers' and workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Burma.*

Apart from the further details given below, the information given is identical with that previously supplied. A series of amendments to the Workmen's Compensation Act and Rules have been proposed by the Labour Legislation Committee and are now under active consideration by the Government. No relevant decisions were given by courts of law. Since the national law makes no distinction between foreigners and nationals in respect of accident compensation payments, no separate statistics of foreign workers have been compiled. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the most representative of these organisations.

#### *Chile.*

The report refers to the information previously given and contains copies of two administrative awards granting invalidity pensions to foreign workers. The figures for foreign workers given in the report are, in all respects, identical with those for the preceding period. The total number of industrial accidents in 1949 was 276. No observations were received from employers' and workers' organisations. Copies of the report have been communicated to the most representative of these organisations.

#### *Denmark.*

The report refers to the information previously supplied.

#### *Egypt.*

The report reproduces the information supplied for the previous period.

#### *Finland.*

The report reproduces the information previously supplied. There were no decisions by courts of law. It is not possible to supply information concerning the results of inspection visits or statistics of foreign workers employed in the country. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *France.*

See under Convention No. 17 for the legislation under which the Convention is applied.

The report reproduces the information previously supplied and adds that special reciprocity agreements were concluded with the Republic of San Marino on 12 July 1949, with Luxembourg on 12 November 1949, with Yugoslavia on 5 January 1950, with the Netherlands on 7 January 1950, and with Northern Ireland on 28 January 1950. During the period under review, the following reciprocity agreements came into force: with Belgium and Czechoslovakia on 1 July 1949, with Italy on 1 August 1949, and with the United Kingdom on 1 November 1949.

As regards the legislation providing for increases in industrial accident compensation benefits, foreign disabled persons who have sustained an injury in France and who are resident in their own country, are eligible for the increases in benefits granted under French legislation only if their country of origin has concluded a reciprocity agreement with France and if the industrial accident occurred before 1 January 1947, on which date French social security legislation concerning industrial accidents came into force. If the accident occurred after 1 January 1947, the increased benefits are paid to the nationals of those foreign countries which are parties to Convention No. 19, in application of the new legislation of 30 October 1946. Particulars of this legislation were given in previous reports.

An appendix to the report contains statistical data on the number of foreign workers employed in France, which in March 1946 was 830,574: the number of foreign workers who entered France between 10 March 1946 and 1 August 1950 was 216,596. It is impossible to give figures concerning victims of industrial accidents classified by nationality for the whole of the country. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Greece.*

The report refers to the information previously furnished and adds that the 50,000 foreign workers employed in Greece enjoy complete equality of treatment as regards accident compensation. Benefits



payable to injured persons working in the very few localities to which the general social insurance scheme has not yet been extended were increased by Ministerial Decision during the period under review. It has not been possible to compile special statistics of industrial accidents in which foreign workers were involved. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *India.*

The information contained in the report is identical with that previously supplied. There were no observations from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Iraq.*

In addition to reproducing the information supplied last year, the report states that, during the period under review, only three claims for compensation were received from Iranian workers; these claims were rejected on the grounds that Iran has not adhered to the Convention. No statistics are available.

There are no representative employers' and workers' organisations.

#### *Ireland.*

The report reproduces the information previously supplied. No decisions were given by Irish courts regarding the application of the Convention. It is not possible to supply statistical data, since no distinction is made between national and foreign workers. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Italy.*

The report refers to the information submitted in previous years and adds under Italian legislation no distinction is made between Italian and foreign workers. During the period under review, no decisions were given by courts of law, and no observations were received from workers' or employers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Luxembourg.*

The report, which reproduces the information previously given, is accompanied by the report of the Accident Insurance Association for the year 1949. There were no judicial decisions. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Netherlands.*

The report reproduces the information previously given and adds that, since 1 January 1950, the eight industrial associations collaborating with the State Insurance Bank as regards accident insurance have been consolidated in a unified new industrial association. There were no decisions by courts of law. Statistics of accidents to foreign workers are not available. Copies of the report have been communicated to the Labour Foundation.

#### *Norway.*

The report refers to the information previously supplied. No decisions were given by courts of law or other courts regarding the application of the Convention. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Pakistan.*

The report refers to the information previously supplied. There were no decisions by courts of law. No contraventions of the relevant regulations were reported and no observations received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Peru.*

The information given is identical with that supplied in respect of previous reporting periods. There were no decisions by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the most representative of these organisations.

#### *Poland.*

The report reproduces the information previously supplied and adds that the survivors of victims of fatal accidents do not forfeit their right to compensation even if they were not living in Poland at the time of the accident. In view of the fact that there is equality of treatment for foreign and national workers, all the provisions of the national legislation concerning accident compensation apply fully to foreigners.

Under the Decree of the Ministry of Labour and Social Welfare of 3 April 1950, Polish nationals who were victims of industrial accidents or who contracted occupational diseases abroad receive, after their return to Poland, benefits payable under the Polish workmen's compensation scheme if they do not receive benefits under the legislation of the country where the accident occurred.

During the period under review, no relevant decisions were given by the social



insurance tribunals. No statistics exist indicating the number of foreign workers, their nationality and occupation or the number of accidents. Copies of the report have been communicated to the representative workers' organisations.

#### *Portugal.*

The report refers to the information previously supplied. A table appended to the report shows, by nationality and by occupation, that 1,707 foreign workers were authorised to work during the period under review.

No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Sweden.*

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

#### *Switzerland.*

The report reproduces the information previously given and adds that, during the period under review, there were 353 fatal accidents, 29 of which occurred to foreign workers. The annual report for 1949 of the Swiss National Accident Insurance Fund is appended. Copies of the report

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

#### *Union of South Africa.*

The report reproduces the information previously given. There were no judicial or other decisions. Few foreign workers other than natives are employed. The number of non-Union natives employed on 31 December 1949 was 276,000. Complete accident figures are not available, but statistics of accidents are given for non-Union natives working in the mines of the Transvaal. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *United Kingdom.*

See under Convention No. 17 for the legislation under which the Convention is applied.

There has been no change in the application of the Convention in Great Britain and in Northern Ireland.

#### *Yugoslavia.*

Act of 21 January 1950, respecting social insurance for wage-earning and salaried employees, public officials and their families.

Equality of treatment for national and foreign workers as regards workmen's compensation for accidents is provided for in Yugoslavia under section 7 of the Act respecting social insurance.

## 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	7.10.1950
Colombia	20. 6.1933	—
Cuba	6. 8.1928	—
Estonia	23.12.1929	—
Finland	26. 5.1928	7.10.1950
Ireland	15. 3.1937	2.11.1950
Luxembourg	16. 4.1928	2.10.1950
Nicaragua <sup>1</sup>	12. 4.1934	—
Spain	29. 8.1932	—
Sweden	5. 1.1940	13.10.1950
Uruguay	6. 6.1933	—

<sup>1</sup> Denounced 19.9.1950.

#### *Chile.*

The report reproduces the information previously supplied and adds that, during 1948, 191 breaches of the legislative provisions were reported. There were two judicial decisions, copies of which are appended to the report.

During the period under review, no use was made of the exceptions permitted under Article 4 of the Convention.

No decision has as yet been taken regarding the question raised by certain employers' organisations which consider that the strict application of the Convention gives rise to some difficulties. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Finland.*

The report reproduces the information previously supplied and adds that 1,602 bakeries employing 8,047 workers (including 4,972 women) were inspected in 1949 in the course of 2,403 visits, 64 of which were made at night. Eighteen breaches of the legislative provisions were reported, some of which were not in connection with the law but with the general regulations relating to work in bakeries. No decisions were given by courts of law.

The Ministry of Social Affairs is examining a question raised by the workers' organisations regarding work in two shifts from 5 a.m. to 11 p.m. for the production of Finnish hard bread, which is prepared with the same ingredients and in the same manner as biscuits, in two large factories which produce hard bread and biscuits only. No decision has yet been taken by the Ministry in this connection. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Ireland.*

Apart from the following details, the information supplied is identical with that contained in the report for 1948-1949. Owing to pressure of work, manufacturing processes were deemed to be exceptional work in the periods specified in the Night Work (Bakeries) (Exceptional Work for Limited Periods) Regulations, 1950. During the period under review, the enforcing authorities carried out 2,167 inspections in 714 bakeries: four infringements were reported. No decisions were given by courts of law or other courts.

The provisions of the Night Work (Bakeries) Act of 1936 have been well observed and no difficulty was experienced by the enforcing authority. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Luxembourg.*

The report reproduces the information previously furnished. There were no decisions by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Sweden.*

Act No. 1 of 3 January 1949, respecting the protection of workers (L.S. 1949—Swe. 1).

Act No. 251 of 27 May 1949, respecting certain exceptions to the provisions of the Workers' Protection Act regarding the nightly rest for women.

The report reproduces the information previously supplied and adds that, under Act No. 251, the Government may, where this is necessitated by extraordinary conditions in the employment market, authorise, for certain undertakings or establishments, exceptions to the provisions for the nightly rest for women which go beyond those laid down in the Workers' Protection Act. Exceptions granted under Act No. 251 (which came into operation on 1 July 1949) will remain in force up to the end of 1950, when the Act ceases to be effective. Copies of the report have been communicated to the representative employers' and workers' organisations.

## 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	—
Argentina	14. 3.1950	9.10.1950
Australia	18. 4.1931	19. 1.1951
Austria	29.12.1927	12.10.1950
Belgium	15. 2.1928	18.12.1950
Bulgaria	29.11.1929	—
Burma <sup>1</sup>	14. 1.1928	12. 9.1950
Colombia	20. 6.1933	—
Czechoslovakia	25. 5.1928	21.11.1950
Finland	5. 4.1929	7.10.1950
France <sup>2</sup>	13. 1.1932	—
Hungary	3. 2.1931	—
India	14. 1.1928	23.12.1950
Ireland	5. 7.1930	15.11.1950
Japan	8.10.1928	—
Luxembourg	16. 4.1928	27. 6.1950
Mexico	9. 3.1938	—
Netherlands	13. 9.1927	25.11.1950
New Zealand	29. 3.1938	28. 9.1950
Nicaragua	12. 4.1934	—
Pakistan <sup>3</sup>	14. 1.1928	17.10.1950
Sweden <sup>2</sup>	15.10.1929	—
United Kingdom <sup>2</sup>	16. 9.1927	—
Uruguay	6. 6.1933	—
Venezuela	20.11.1944	—

<sup>1</sup> See footnote 2 to Convention No. 1.

<sup>2</sup> Conditional ratification.

<sup>3</sup> See footnote 3 to Convention No. 1.

#### *Argentina.*

In its first report, the Government states that the provisions of the Convention respecting the inspection of emigrants on board ship are covered in general by the various immigration agreements concluded by Argentina and by the special regulations issued in this connection. Copies of the report have communicated to the representative workers' and employers' organisations.

#### *Australia.*

The report refers to the information previously supplied and adds that no decisions were given by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Austria.*

The following details supplement the information previously supplied. A total of 612 passports were issued during the period under review to Austrian nationals

wishing to emigrate. No decisions were given by courts of law and no observations received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Belgium.*

Apart from the details given below, the information is identical with that previously supplied. During the period 1 July 1949 to 30 June 1950, 3,219 emigrants (including 594 Belgian nationals) left the port of Antwerp on vessels which, with few exceptions, were cargo ships with only limited passenger accommodation.

No breaches of the legislation were reported and no decisions were given by courts of law. There were no observations from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Burma.*

The report, which refers to the information previously supplied, states that there was no inspection of emigrants as there was no emigration during the period under review.

#### *Czechoslovakia.*

The report refers to the information previously supplied and adds that a copy of the report is being communicated to the Central Council of Trade Unions.

#### *Finland.*

The information supplied in previous reports is supplemented by the following details. There were 1,031 emigrants in 1948 and 4,273 in 1949; the majority of these were domestic servants. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *India.*

Apart from the details given below, the information is identical with that previously supplied. A total of 212 emigrants and 52,974 non-emigrant unskilled workers went to Ceylon during 1949. During the

period 1 January to 30 June 1950, 26,632 unskilled workers, including 49 emigrants, left for Ceylon. No decisions were given by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Ireland.*

The details given below supplement the information previously supplied. There were 6,997 emigrants in 1949. No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Luxembourg.*

The Convention was ratified in a spirit of international solidarity and does not call for practical application in Luxembourg.

#### *Netherlands.*

Apart from the details given below, the information is identical with that previously supplied. During the period under review, nine emigrant ships left Netherlands ports ; seven of these ships flew the Netherlands flag and transported more than 3,100 Netherlands subjects to Canada and more than 2,350 Netherlands subjects and 200 displaced persons to Australia. An emigrant ship flying the Canadian flag made two journeys from the Netherlands, transporting a total of 1,100 persons to Canada. Other emigrants left by steamship or by

air. The figures available for 1949 show that 5,713 Netherlands emigrants were transported on ships chartered by the Netherlands, 4,115 on other Netherlands ships, 3,506 on ships of other countries, 573 on Netherlands planes and 22 on planes of other countries. The total figures for Netherlands emigrants are thus 13,929. No decisions were given by courts of law. Copies of the report have been communicated to the Labour Foundation.

#### *New Zealand.*

The information previously supplied is supplemented by the following details. The number of permanent residents emigrating from New Zealand in the 12 months ending 31 March 1950 was 6,886. No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Pakistan.*

The details given below supplement the information previously supplied. During the period under review, no emigrant vessel sailed from the ports of Karachi or Chittagong ; emigrants normally travel as ordinary passengers on merchant ships. No decisions were given by courts of law. Copies of the report have been communicated to the representative workers' organisations, to the leading chambers of commerce, the Federation of Chambers of Commerce and Industries and the Employers' Association of West Pakistan.

## 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
Argentina	14. 3.1950	9.10.1950
Australia	1. 4.1935	23. 9.1950
Belgium	3.10.1927	18.12.1950
Bulgaria	29.11.1929	—
Burma <sup>1</sup>	31.10.1932	12. 9.1950
Canada	30. 6.1938	12.10.1950
Chile	18.10.1935	9.10.1950
China	2.12.1936	—
Colombia	20. 6.1933	—
Cuba	7. 7.1928	—
Estonia	10. 5.1929	—
Finland	8. 4.1947	7.10.1950
France	4. 4.1928	24.10.1950
Germany	20. 9.1930	—
India	31.10.1932	23.12.1950
Ireland	5. 7.1930	2.11.1950
Italy	10.10.1929	17.10.1950
Luxembourg	16. 4.1928	27. 6.1950
Mexico	12. 5.1934	—
Netherlands	15.12.1937	25.11.1950
New Zealand	29. 3.1938	17. 8.1950
Nicaragua	12. 4.1934	—
Norway	29. 3.1940	4.11.1950
Pakistan <sup>2</sup>	31.10.1932	17.10.1950
Poland	8. 8.1931	17.10.1950
Spain	23. 2.1931	—
United Kingdom	14. 6.1929	6.10.1950
Uruguay	6. 6.1933	—
Venezuela	20.11.1944	—
Yugoslavia	30. 9.1929	20. 3.1951

<sup>1</sup> See footnote 2 to Convention No. 1.  
<sup>2</sup> See footnote 3 to Convention No. 1.

#### *Argentina.*

Commercial Code, sections 984, 988, 1,000, 1,001, etc.  
 Maritime Code, sections 315-336, etc.

In its first report the Government states that the provisions of the national legislation are in conformity with those of the Convention. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Australia.*

Apart from the details given below, the information contained in the report is identical with that previously supplied. During the period under review, 10,494 seamen of all ranks signed on for service on board British ships in Australian harbours. The total number of engagements was 32,781. No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have

been communicated to the representative organisations.

#### *Belgium.*

Apart from the details given below, the information is identical with that previously supplied. There are no judicial decisions of importance to report. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Burma.*

The report, copies of which have been communicated to the shipping companies and seamen's unions, reproduces the information previously given, according to which the Convention is fully applied.

#### *Canada.*

The report reproduces the information previously supplied. There were no judicial decisions and no observations from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Chile.*

Apart from the details given below, the information is identical with that previously supplied. During the period under review, the number of persons covered by the provisions of the national legislation was 3,306 and the number of seamen enrolled on board ship 1,853. There were no contraventions; no decisions were given by courts of law. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Finland.*

Apart from the details given below, the information is identical with that previously supplied. The inspection visits carried out in connection with the engagement and discharge of seamen numbered 19,285 and 19,223 respectively. Only three contraventions were reported. No observations were received from employers' or workers' organisations. Copies of the re-

port have been communicated to the representative organisations.

#### *France.*

Act of 10 June 1950, to amend section 121 of the Act of 13 December 1926 to issue a Seaman's Code (L.S. 1926—Fr. 13).

Under the Act of 10 June 1950, disputes arising out of the implementation of the clauses of seamen's articles of agreement are now dealt with under the ordinary rules of procedure laid down by civil law. In fact, this Act simply increases the maximum sums in respect of which justices of the peace are competent to deal as a maritime court of first and final instance; it does not alter the practical application of the Convention, as described in previous reports.

The competent department has no knowledge of any judicial decisions or violations. There were no observations from the occupational organisations concerned. The report contains, in an appendix, detailed statistics relating to the maritime labour force on 1 July 1949. These statistics, which cover all persons employed, whether or not on board, show the various categories (officers and seamen), grouped according to types of navigation (coastal shipping, fishing, etc.) and flags of the vessels under which the crews are employed. Information is also given showing the distribution of ratings according to the following groups; metropolitan, colonial, and foreign seamen, seafarers serving with the fleet and other units, seafarers not serving on board and the number entered in the maritime register (temporary, permanent engagements, etc.). The general totals in this connection are as follows: deck ratings, 100,589; engine-room ratings, 26,433; persons employed on board in the catering department, 9,552; for ratings not serving on board, the respective figures are 11,412, 2,643 and 3,206. Copies of the report have been communicated to the representative maritime organisations of employers and workers.

#### *India.*

Apart from the details given below, the information is identical with that previously supplied. No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Ireland.*

The report reproduces the information previously supplied and adds that, during the period under review, the number of seamen signed on was 4,763. There were no contraventions of the law. No decisions were given by courts of law and no observations were received from employ-

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

#### *Italy.*

Apart from the details given below, the information is identical with that previously supplied. It is not possible to supply statistical data concerning the number of seamen engaged. No contraventions were reported and no decisions were given by courts of law. The employers' and workers' organisations have not submitted any observations. Copies of the report have been communicated to the representative organisations.

#### *Luxembourg.*

This Convention, which was ratified in a spirit of international solidarity, does not call for any practical application because of its maritime character. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Netherlands.*

Royal Decree of 23 March 1950, to amend the Royal Decree of 12 June 1947.

The report reproduces the information previously given and adds that the questions covered by Article 6, paragraph 3, of the Convention are also covered by section 400 of the Commercial Code. In this connection, reference is made to the Decree of 23 March 1950, the text of which is appended to the report. During the period under review, there were no decisions by courts of law and no proceedings for contraventions. Copies of the report have been communicated to the Labour Foundation.

#### *New Zealand.*

Apart from the further details given below, the information is identical with that previously supplied. No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Norway.*

Reference is made to previous reports. No decisions were given by courts of law or other courts. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Pakistan.*

The report reproduces the information previously supplied. There were no infringements of the regulations. No decisions were given by courts of law; no observations were received from employers' or workers' organisations.

*Poland.*

There has been no change in the legislation and practice concerning the application of the Convention.

*United Kingdom.*

Apart from the details given below, the information is identical with that previously supplied. The Government is not aware of any decisions given by courts of law; it is not possible to supply detailed

statistical data respecting the number of seamen engaged during the period under review. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Yugoslavia.*

Yugoslav legislation is in harmony with the Convention. Generally, agreements are made for a definite period as laid down in Article 6 of the Convention.

**23. Convention concerning the repatriation of seamen**

*This Convention came into force on 16 April 1928*

Countries	Date of registration of ratification	Reports received
Argentina	14. 3.1950	9.10.1950
Belgium	3.10.1927	18.12.1950
Bulgaria	29.11.1929	—
China	2.12.1936	—
Colombia	20. 6.1933	—
Cuba	7. 7.1928	—
Estonia	9. 7.1928	—
France	4. 3.1929	24.10.1950
Germany	14. 3.1930	—
Ireland	5. 7.1930	23.11.1950
Italy	10.10.1929	17.10.1950
Luxembourg	16. 4.1928	27. 6.1950
Mexico	12. 5.1934	—
Netherlands	5. 5.1948	25.11.1950
Nicaragua	12. 4.1934	—
Poland	8. 8.1931	17.10.1950
Spain	23. 2.1931	—
Uruguay	6. 6.1933	—
Yugoslavia	30. 9.1929	20. 3.1951

*Argentina.*

Commercial Code, sections 993, 998, 999 and 1,012.  
Consular Regulations, sections 145, 146, 148 and 175.

In its first report, the Government states that the provisions of its legislation are similar to the provisions of the Convention.

The obligations of the masters of vessels concerning the repatriation of seamen are set forth in sections 993, 998, 999 and 1,012 of the Commercial Code. Section 993 lays down that an officer or seaman who has been dismissed during the voyage without cause is entitled to the expenses for his return journey to the home port. Sections 998 and 999 provide that if the voyage is cancelled by the shipowner, the members of the crew are entitled to have the cost of their journey paid from the port of dismissal to the port at which they were signed on, or the original port of destination of the vessel, whichever they prefer.

The application of the legislation and regulations abroad is entrusted to consular officials, who ensure repatriation

according to sections 145, 146, 148 and 175 of the Consular Regulations. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Belgium.*

The Government refers to its previous reports and adds that there were no cases of repatriation during the period under review. No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*France.*

The Government refers to the information given in previous reports. No decisions were given by courts of law and no observations were received from the employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Ireland.*

The Government refers to the information given in previous reports, and adds that no case of repatriation occurred during the period under review. No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Italy.*

The Government refers to the information given in previous reports. No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Luxembourg.*

This Convention, which was ratified in a spirit of international solidarity, does

not call for any application in practice in view of its maritime character. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Netherlands.*

The Government refers to the information given in previous reports and states that, in practice, the provisions of the Convention were applied even before its ratification. No decisions were given by courts of law. Copies of the report have been communicated to the Labour Foundation.

*Poland.*

There has been no change in the legislation and practice concerning the application of the Convention.

*Yugoslavia.*

Decree No. 643 of 17 September 1949, relating to the crews of vessels of the merchant marine of the Federative People's Republic of Yugoslavia.

Sections 10 and 19 of the above-mentioned Decree govern the repatriation of seamen in accordance with the rules prescribed in Articles 3, 4, 5 and 6 of the Convention.

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## 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	12.10.1950
Bulgaria	1.11.1930	—
Chile	8.10.1931	8.12.1950
Colombia	20. 6.1933	—
Czechoslovakia	17. 1.1929	—
France	17. 5.1948	24.10.1950
Germany	23. 1.1928	—
Hungary	19. 4.1928	—
Latvia	29.11.1929	—
Lithuania	19. 6.1931	—
Luxembourg	16. 4.1928	18. 9.1950
Nicaragua	12. 4.1934	—
Peru	8.11.1945	16. 1.1951
Poland	29. 9.1948	8.11.1950
Rumania	28. 6.1929	—
Spain	29. 9.1932	—
United Kingdom	20. 2.1931	6.10.1950
Uruguay	6. 6.1933	—
Yugoslavia	30. 9.1929	20. 3.1951

#### *Austria.*

Federal Act of 14 July 1949, to modify the Federal Act of 15 October 1948 amending the provisions of social insurance law and providing 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 14 July 1949, concerning certain provisions relating to social insurance of persons employed on public railways and to the Proclamation of the Federal Ministry of Transport dated 14 November 1947.

Federal Act of 14 July 1949, concerning assistance to persons disabled as the result of war, and their survivors.

Federal Act of 31 March 1950, to amend and supplement 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 (4th Act, amending the social insurance transition law).

The report reproduces the information previously supplied and adds that beneficiaries of cash benefits for sickness who are not in receipt of a cost-of-food allowance are entitled to a supplement of one schilling a day as from the 29th day of sickness.

The right to sickness insurance benefits in cash or in kind is suspended during sojourn abroad, unless the insured person is an Austrian citizen and was authorised by the insurance carrier to go abroad, and unless a bilateral treaty or regulations concerning reciprocity provide otherwise; family benefits, however, continue to be

paid to the dependants of insured persons who are domiciled in Austria.

There are special provisions applying to cases of sickness due to injury sustained on military service.

The report contains various statistical data for the year 1949. The number of compulsorily insured wage earners was 1,449,000 while 37,000 wage earners not compulsorily insured were covered by another scheme for protection against the risk of illness. Cash benefits amounted to 246,900,000 schillings (113.3 per person insured) and benefits in kind to 444,000,000 schillings (204.4 per person insured). The total resources of the insurance fund were 693,200,000 schillings, including 300,700,000 contributed by employers, 337,200,000 by insured persons, and 55,300,000 by the public authorities.

There were no judicial or administrative decisions regarding the application of the Convention and no observations from employers' and workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Chile.*

The report refers to the information previously supplied and adds that, by decisions of the governing body of the Compulsory Insurance Fund, taken on 23 March and 15 May 1950, the benefits rate for agricultural workers and domestic servants has been increased.

The Committee of Experts requested the Government to supply the text of the Bill intended to bring the national legislation into complete harmony with the Convention, particularly as regards the length of the waiting period provided for in Article 3 of the Convention, as well as the text of decisions taken by the National Congress in this connection. In response to this request, the Government forwards the text of the report to the competent parliamentary committees on the Government's draft amendments to Acts Nos. 4054 and 4055. Section 20 of this draft, which considerably modifies the existing provisions relating to compulsory insurance, abolishes the waiting period provided by present legislation for the payment of benefit during an illness entailing incapa-

city for work. So far, this draft legislation has not been adopted by the National Congress. With regard to the waiting period of four days provided by the legislation at present in force, the report states that, when the illness entailing incapacity for work lasts more than a week, benefits are paid as from the first day of the illness.

Appended to the report is the text of a court decision of 6 September 1950, by which an employer was fined and ordered to pay the contributions in arrear. Various statistics are also appended to the report. On 31 December 1948, the number of wage earners covered by compulsory insurance was 962,900 (including 352,700 agricultural workers). The total amount paid in cash benefits was 161,154,958.07 pesos, representing an average of 167.36 pesos per insured person, while the total amount paid in benefits in kind was 607,172,869.49 pesos, representing an average of 630.56 pesos per insured person. The financial resources of the insurance system were derived from employers' contributions (508,783,221.23 pesos), the contributions of insured persons (272,602,320.71 pesos), the participation of public authorities (235,520,021.56 pesos) and a number of other sources, such as interest on capital (62,057,851.43 pesos). Information is also supplied showing the total administrative cost of sickness, invalidity, old-age and survivors' insurance (136,355,101.27 pesos) as well as the financial position.

No observations were received from employers' and workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *France.*

Act of 21 July 1949, to extend social security legislation to writers who are not wage earners.

Act of 2 August 1949, to increase the benefits payable under the legislation respecting industrial accidents.

Decree of 21 September 1949, to amend sections 14, 29 and 32 of the Decree of 29 December 1945 (L.S. 1945—Fr. 1), as amended, to issue public administrative regulations respecting the social insurance system applicable to insured persons engaged in occupations other than agriculture.

Act of 31 December 1949, to extend the control of the Court of Accounts to social security bodies.

Act of 31 December 1949, to amend sections 37, 38 and 72 of the Ordinance of 19 October 1945 respecting the social insurance system applicable to insured persons engaged in occupations other than agriculture.

Decree of 8 May 1950, to issue public administrative regulations respecting the control of the Court of Accounts over social security bodies.

The report supplies information regarding the changes which have taken place since the last report.

The provisions of the Ordinance of 19 October 1945 have been extended to cover authors who are not wage earners and who devote the greater part of their professional activities to writing. Any

undertaking or person who edits or publishes, or who has acquired rights to edit or publish the books, articles or texts of a writer who is not a wage earner, assumes the obligations of an employer.

In the matter of sickness insurance proper, the Decree of 21 September 1949 provides that the remuneration to be taken as the basis for the calculation of the daily benefit shall be that in respect of which contributions have been paid.

The daily benefit is fixed, according to the method for the payment of wages or the nature of the work, at  $\frac{1}{28}$ th,  $\frac{1}{30}$ th,  $\frac{1}{90}$ th or  $\frac{1}{360}$ th of the amount from which a deduction has been made.

Under the Act of 2 August 1949, an insured person who is entitled to a pension under the legislation respecting industrial accidents, and who cannot resume work on account of his injuries, is entitled, without sharing in the cost, to benefits in kind under sickness and maternity insurance, but only if the pension is based on incapacity for work equal to at least two thirds, and if the accident took place after 31 December 1946. Moreover, persons entitled to an old-age pension which has been substituted for an invalidity pension are entitled, in pursuance of the Act of 31 December 1949, for an unlimited period, to the benefits in kind provided for under sickness insurance for the illness which justified the payment of an invalidity pension.

Under the Act of 31 December 1949 the legislation has been amended in the following ways as regards insurance for long illnesses. Henceforth, after the prescribed period of three years has expired, the primary fund may, under certain conditions and for a period to be fixed by the said fund—such period may be prolonged by subsequent decision—grant the insured person and his dependants, if they are gainfully employed, the benefits in kind provided for under sickness insurance for the illness which entitled the insured person to benefit under the scheme for prolonged illness, where continuation of the treatment is likely to maintain the patient in a state of health which enables him to engage in gainful employment.

The Act of 31 December 1949 reduced from two years to one year the period for which treatment must have been interrupted in order that an insured person who, at the time of the said interruption, has taken steps to record the apparent cure of the state of prolonged illness, and has given notice thereof to the fund within eight days, may again be entitled to benefits under insurance for long illnesses.

In order to qualify again for benefits in respect of long illnesses, the insured person must give proof of fulfilling the prescribed conditions respecting the qualifying period.

The Act of 31 December 1949 places social security bodies under the control of the Audit Office. The report supplies detailed information on the manner in

which this control is exercised. The following statistical data are also given in the report: persons compulsorily insured against all risks, 8,300,000; persons insured under the general scheme for certain risks, 1,400,000; persons covered by a compulsory scheme independent of the general scheme, 2,200,000 (including 1,200,000 agricultural workers). It can be estimated that approximately 17 million persons are eligible for social insurance benefits in virtue of the rights acquired by the 8,300,000 insured persons mentioned above. During the period under review, the total expenditure for cash benefits amounted to 23,635 million francs (including 17,736 million for sickness insurance proper and 5,899 million for insurance against long illness); benefits in kind amounted to 82,100 million francs (including 68,905 million for sickness insurance proper and 13,195 million for insurance against long illness). The total receipts of the general social security scheme amounted to 223,326 million (including 84,976 million in workers' contributions and 138,350 million in employers' contributions).

There were no judicial or administrative decisions relating to the application of the Convention. Copies of the report have been communicated to the representative employers' and workers' organisations.

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

#### *Luxembourg.*

Ministerial Orders of 29 December 1948 and 27 December 1949, to fix the average value of remuneration in kind.

The report reproduces the information previously supplied and, in connection with sickness benefit, adds that the governing bodies of sickness funds so authorised by the supervisory body may decide that insured persons shall bear a portion (not exceeding one quarter) of the expenses incurred for medical or pharmaceutical attendance or for certain medical or pharmaceutical allowances only. Eight sickness funds have decided that insured persons shall bear from 10 to 20 per cent. of pharmaceutical expenses; their share in medical expenses is generally one sixth.

The report contains a variety of statistical information on the sickness insurance benefits provided by the three regional funds and the nine employers' funds functioning in the country. The total membership of these funds in 1949 was 82,480, consisting of 13,601 members covered by sickness insurance for persons in receipt of allowances and 5,805 voluntarily insured. During the year 1949, pecuniary assistance paid in cases of incapacity for work and for hospitalisation amounted to 50,514,611 francs; expenditure on benefits in kind amounted to 73,996,597 francs for insured persons and to 53,457,085 francs for members of their families. For the same year, the

total resources of the sickness insurance scheme were 181,894,370 francs, comprising 52,281,719 francs contributed by employers, 115,393,045 francs contributed by insured persons and 14,219,606 francs representing the share of the public authorities in sickness insurance for persons in receipt of allowances and that of the State in the administrative costs of the regional sickness funds. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Peru.*

Legislative Decrees Nos. 11207 of 11 November 1949, 11241 of 30 December 1949 and 11321 of 24 March 1950.

Supreme Decrees of 29 and 30 May 1950.

Apart from the details given below the information is identical with that previously supplied. Insurance is voluntary for domestic servants only provisionally until the executive authorities fix the date on which and the conditions under which domestic servants and independent workers will be included in the compulsory insurance scheme. For the present, when domestic servants express their desire to join an insurance scheme, insurance is compulsory for the employer, who is obliged to pay contributions.

The report also states that workers who are employed for less than 90 days in the year are not excluded automatically from the insurance scheme but at the discretion of the social security fund.

As from May 1950, the portion of the wage on which contributions are paid has been established at 173 soles per week in the case of workers and 3,000 soles per month in the case of employees. Beneficiaries of an old-age or invalidity pension who are not covered by the insurance scheme may retain their right to sickness benefits by means of the payment of a contribution amounting to 4 per cent. of their pension.

As from May 1950, the amount of cash benefits granted to workers has been fixed at 70 per cent. of the wage and, in case of hospitalisation, at 35 per cent. of the wage for insured persons who have no family responsibilities. Similarly, the maximum amount fixed for the reimbursement of medical benefits granted to employees has been increased.

Sickness benefits are granted to workers as from the day on which contributions are paid and are not subject to a waiting period; cash benefits are only paid in the case of illnesses which result in an incapacity lasting for more than three days, but in such cases the benefits are granted for these three days also.

The insured person is entitled to medical care and to the supply of medicaments as from the date on which he becomes entitled to benefits.

As from May 1950, the State, employers and insured workers contribute to

social security for workers in the proportion of 2 per cent., 6 per cent., and 3 per cent. of the wages ; contributions are distributed as follows between the various branches of the insurance scheme : 6.3 per cent. for sickness and maternity insurance, 2.2 per cent. for invalidity insurance, 2 per cent. for old-age insurance and 0.5 per cent. for survivors' insurance. The revenue from various taxes is used for workers' social security.

Appendices to the report contain various statistical data regarding the total number of insured persons (231,267 men and 39,533 women), the number of insured persons who have drawn benefits (67,575), the total amount of expenditure in cash benefits and in benefits in kind, the amount of administrative expenses, doctors' fees, remuneration, etc., and the average amount paid in benefits in kind per insured person.

No observations regarding the application of the Convention have been made by the employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Poland.*

Order of the Minister of Labour and Social Welfare of 12 December 1949, respecting the increase in allowances and payments of annuities and pensions to employees in the mining industry.

Order of the Minister of Labour and Social Welfare, of 28 March 1950, respecting the increase in allowances and the payment of annuities and pensions to employees in coal and metal mines and claypits.

The information supplied in previous reports is supplemented by the following details : Workers in mines enjoy special privileges in the matter of sickness insurance allowances. In virtue of these special provisions, the sickness allowance for this category of workers, payable to the victim of an accident occurring at the bottom of a mine, amounts as from the sixth day of incapacity for work to 100 per cent. of the average weekly earnings ; the home benefit amounts to 70 per cent.

Throughout the period covered by the present report, no decisions relating to the implementation of the Convention were given by the competent courts.

On 1 July 1949, compulsory sickness insurance covered a total of 4,099,400 persons, including 353,800 agricultural employees and on 30 June 1950, 4,934,100 persons, including 402,400 agricultural employees.

The report contains statistical data showing expenditure for cash benefits

(14,133 million zlotys) and benefits in kind (35,872 million zlotys) for the period under review. Copies of the report have been communicated to the Central Council of Trade Unions.

#### *United Kingdom.*

##### *Great Britain.*

National Health Service (Amendment) Act, 1949.

Various Regulations and Orders issued in 1948 and 1949 concerning national insurance, the National Health Service and industrial injuries.

##### *Northern Ireland.*

National Insurance (Amendment) Act (Northern Ireland), 1949.

Various Regulations issued during 1949 and 1950 concerning national insurance.

The information previously supplied is supplemented by the following details. New regulations were issued governing the payment of benefits to insured hospital in-patients and giving effect to the reciprocal social security agreement with France. The National Health Service Act and a certain number of the regulations in force were amended in various ways.

It is not possible to supply statistical information exclusively concerning the persons covered by the Convention, but the total sickness benefit paid during the nine months ending 31 March 1949 is estimated at £43,000,000. This figure does not include the administrative costs of the scheme or the amount of benefits in kind. It is not possible to calculate the revenue for sickness insurance alone, but the total revenue for national insurance during the year ending 30 June 1950 is about £403,000,000, derived from the contributions of insured persons and employers, £96,000,000 from the Exchequer Grant and £41,000,000 from the State subsidy.

No observations were received from employers' and workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Yugoslavia.*

Act of 21 January 1950, respecting social insurance for wage-earning employees, salaried employees, public officials and their families.

The Act respecting social insurance, governing the question of sickness insurance for workers in industry and commerce and for domestic servants, provides for more favourable conditions than are required by the provisions of the Convention.

## 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	12.10.1950
Bulgaria	1.11.1930	—
Chile	8.10.1931	8.12.1950
Colombia	20. 6.1933	—
Czechoslovakia	17. 1.1929	—
Germany	23. 1.1928	—
Luxembourg	16. 4.1928	18. 9.1950
Nicaragua	12. 4.1934	—
Poland	29. 9.1948	8.11.1950
Spain	29. 9.1932	—
United Kingdom	20. 2.1931	6.10.1950
Uruguay	6. 6.1933	—

*Austria.*

The report reproduces the information supplied for the previous year and refers to that given in connection with Convention No. 24. It also contains statistical data for the year 1949. The number of wage earners compulsorily insured was 241,000. Cash benefits amounted to 18,500,000 schillings (59.4 per insured person) and benefits in kind to 41,100,000 schillings (132 per insured person). The total resources of the insurance scheme were 58,900,000 schillings, including 25,500,000 contributed by employers, 32,000,000 by insured persons and 1,400,000 by the public authorities.

There were no judicial or administrative decisions regarding the application of the Convention; no observations were received from employers' and workers' organisations. Copies of the report have been communicated to the representative organisations.

*Chile.*

The report refers to information previously supplied and reproduces information given in the report on the Convention No. 24.

*Luxembourg.*

Departmental Orders of 29 December 1948 and 27 December 1949, fixing the average value of remuneration in kind.

The information previously supplied is supplemented by information which is also given in connection with the application of Convention No. 24. Agricultural employees are insured with sickness funds organised on a regional basis, or, where neces-

sary, by employers. There are no special funds for this branch of the national economy and existing funds do not keep special accounts for this class of insured persons. It is therefore impossible to supply separate statistical information regarding sickness insurance for agricultural workers. Copies of the report have been forwarded to the representative employers' and workers' organisations.

*Poland.*

The information previously supplied is supplemented by the following details. The number of agricultural workers compulsorily insured against sickness was 353,800 on 1 July 1949 (out of a total of 4,099,400 insured persons) and 402,400 on 30 June 1950 (out of a total of 4,934,100 insured persons).

The report supplies the statistical data given in connection with the Convention No. 24 concerning the total sickness insurance benefits for all insured workers. Copies of the report have been forwarded to the Central Council of Trade Unions.

*United Kingdom.**Great Britain.*

National Health Service (Amendment) Act, 1949.

Various Regulations and Orders issued in 1949 and 1950 concerning national insurance, the National Health Service, and industrial injuries.

*Northern Ireland.*

National Insurance (Amendment) Act (Northern Ireland), 1949.

Various Regulations issued during 1949 and 1950 concerning national insurance.

The report refers to the information previously supplied and adds that occasional employment in certain harvesting operations is not insurable for sickness benefit unless the worker produces satisfactory evidence to his employer that he is ordinarily in the employed contributors' class, or unless he is self-employed and ordinarily earns not less than £1 per week. There were no decisions by courts of law or other courts relating to the application of the Convention. The statistical information given is the same as that contained in the report on Convention No. 24. Copies of the report 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
Argentina <sup>1</sup>	14. 3. 1950	9. 10. 1950
Australia	9. 3. 1931	6. 11. 1950
Belgium	11. 8. 1937	18. 12. 1950
Bulgaria	4. 6. 1935	— <sup>not</sup>
Canada	25. 4. 1935	12. 10. 1950
Chile	31. 5. 1933	8. 12. 1950
China	5. 5. 1930	—
Colombia	20. 6. 1933	—
Cuba	24. 2. 1936	—
Czechoslovakia	12. 6. 1950	—
France	18. 9. 1930	24. 10. 1950
Germany	30. 5. 1929	—
Hungary	30. 7. 1932	—
Ireland	3. 6. 1930	6. 11. 1950
Italy	9. 9. 1930	17. 10. 1950
Mexico	12. 5. 1934	—
Netherlands	10. 11. 1936	25. 11. 1950
New Zealand	29. 3. 1938	28. 9. 1950
Nicaragua	12. 4. 1934	—
Norway	7. 7. 1933	4. 11. 1950
Spain	8. 4. 1930	—
Switzerland	7. 5. 1947	5. 10. 1950
Union of South Africa	28. 12. 1932	18. 9. 1950
United Kingdom	14. 6. 1929	6. 10. 1950
Uruguay	6. 6. 1933	—
Venezuela	20. 11. 1944	—

<sup>1</sup> Voluntary report.

#### *Argentina.*

Act No. 12.713 of 3 October 1941, respecting homework (L.S. 1941—Arg. 1).

Act No. 12.921 of 31 December 1946, to give force of law to various Decrees respecting labour and social welfare, in particular to Decree No. 33.302 of 1945 setting up the National Wages Institute and laying down general regulations regarding wages and salaries of employees and workers.

Act No. 13.020 of 27 September 1947, to prescribe rules for the fixing of wages and the regulation of conditions of employment in agriculture (L.S. 1947—Arg. 1).

In a voluntary report, the Government states that the provisions concerning minimum wages are in accordance with the principles of the Convention. Among the special legislation providing for the setting up of joint wages committees, the report mentions the Act establishing regulations for the administrative staff of private undertakings. Copies of the report have been communicated to the General Confederation of Labour and to the Argentine Economic Confederation.

#### *Australia.*

##### *Commonwealth.*

Commonwealth Conciliation and Arbitration Act of 1949 (L.S. 1949—Aust. 2).

Industrial Board Ordinance of 1949.  
Coal Industry (Tasmania) Act, 1949 (Part V).  
Stevedoring Industry Act of 1949 (L.S. 1949—Aust. 3).

##### *States.*

###### *South Australia.*

Industrial Code, 1949.

###### *Western Australia.*

Industrial Arbitration Act, 1949.

###### *Tasmania.*

Wages Boards Act, 1950.

Apart from the details given below, the information supplied is identical with that previously given. The report points out that the decisions of wage boards in Victoria are subject to appeal to the Industrial Appeals Court which is presided over by a judge having industrial experience and by two assessors nominated by the major employers' and workers' organisations. In Tasmania, there is no appeal from decisions of wages boards.

Since March 1950, the Department of Labour and National Service has been entrusted with the application of sections 64 and 106 of the Commonwealth Conciliation and Arbitration Act, relating to inspection and the Office of Economic and Industrial Research; the Department also administers the Stevedoring Industry Act, Part V of the Coal Industry Act and the National Security Regulations which are still in operation.

The report mentions certain decisions relating to the principle of minimum wages and the procedure for the fixing of such wages. The High Court, by way of mandamus, reversed a decision of the Arbitration Court which was mentioned in last year's report and which had rejected an application by employers in South and Western Australia to substitute local capital index numbers for the six capital index numbers in the adjustment of rates pursuant to cost-of-living fluctuations.

In a judgment of May 1950, the High Court ruled that the National Security (Industrial Peace) Regulations were no longer in operation in December 1948.

In March 1950, the Arbitration Court rejected another claim by the Australian Council of Trade Unions for an interim increase of 10s. per week in the basic rate. In November 1949, the Arbitration Court adjourned its hearing of the basic wage case, on the grounds that the issue of

child endowment, which was considered to be related to the question of the fair distribution of the national income, was subject to election controversy. The High Court continued the discussion of this case after the elections, but had not yet given its decision in August 1950 when the report was drafted.

Arrears of wages recovered during the period under review amounted to £30,017 of which £26,457 were recovered by departmental investigations, £2,845 as a result of actions before industrial magistrates instituted by employees or trade unions, and £715 as a result of departmental prosecutions before industrial magistrates.

The report contains information concerning the principal legislative and administrative measures adopted in regard to the fixing of wages during the period under review. The Commonwealth Conciliation and Arbitration Act was amended in October 1949 and aimed at overcoming the impasse created by the fact that different and conflicting interpretations had been given as a result of the provision which purported to give the Arbitration Court power in determining or altering the minimum rate of remuneration for adult females in an industry. In future, only the full Arbitration Court has exclusive jurisdiction in this respect. On this occasion, the basic wage for adult men was defined as "the wage or that part of the wage which is just and reasonable for an adult male, without regard to any circumstances pertaining to the work upon which, or the industry in which, he is employed".

The report also supplies information concerning amendments made in State legislation relating to the fixing of minimum wages, particularly in South and Western Australia. No observations were submitted by employers' or workers' organisations, but the workers' organisations have continued to claim that the Commonwealth Arbitration Court should revise the basic wage case. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Belgium.*

Legislative Order of 9 June 1945, to issue rules for joint committees (L.S. 1945—Bel. 5).  
Legislative Order of 14 September 1945, to increase the rates of wages and salaries.  
Ministerial Order of 25 June 1949, to establish a committee on wage statistics and wage indices, as amended by the Order of 21 April 1950.

The Legislative Order of 14 September 1945 fixed minimum wages which are still in force; however, with the increase in wage rates, these minima are at present generally exceeded.

The Legislative Order of 9 June 1945 instituted in each branch of industry joint committees which are "to establish general basic rates of remuneration, corresponding to the various grades of occupational qualifications, especially by means of the con-

clusion of collective agreements". Unanimity among the members is requisite for decisions of the committees. Such decisions may be given binding force by a Royal Order. These committees fix, in particular, the conditions of work and minimum-wage rates of homeworkers; the Act of 10 February 1934, to issue regulations governing wages for this category of workers, is now a dead letter.

A wage statistics committee was established by a Ministerial Order of 25 June 1949, as amended on 21 April 1950. The following figures show the general average wage for all workers, excluding miners, in Belgium and neighbouring countries.

#### (a) *Excluding social security contributions :*

1938 . . . .	4.73
1949-1950 . .	18.82
Indices . . .	39.80

#### (b) *Including social security contributions :*

1938 . . . .	5.13
1949-1950 . .	23.36
Indices . . .	45.50

The Legislative Orders of 9 June and 14 September 1945 provide for the supervision (together with penalties) of the application of the decisions of joint committees which have been made legally binding by a Royal Decree. The officials entrusted with this supervision have the right of access to the premises where workers are employed; both heads of undertakings and workers are required to supply them with any relevant information. In particular, wage books and any other books or documents must be made available to them. Any opposition to these supervisory measures and any contraventions of decisions rendered binding are punishable by correctional penalties, which are applicable both to employers and workers. In addition, any worker receiving a wage lower than the prevailing minimum rate has the right of appeal under civil law against his employer.

The report contains a table of the reports drawn up, during the period under review, regarding failure to apply the minimum wages established by the Legislative Order of 14 September 1945. These reports are few in number since the statutory minimum rates are generally exceeded. No observations have been made by employers' or workers' organisations concerning the application of the provisions of the Convention and of the national regulations. Copies of the report have been communicated to the representative organisations.

#### *Canada.*

Act to amend the Alberta Labour Act (Part II), 1950.  
Newfoundland Minimum Wage Act, 1950.  
Act to amend the Saskatchewan Minimum Wage Act, 1950.



The Newfoundland Act, which is based on the same principles as the Acts in force in eight other provinces, provides for the setting up of a three-member minimum wage board with power to conduct investigations and make recommendations to the Lieutenant-Governor on conditions of employment in any industry or profession. The Act provides for consultation between employers and employees, the posting by employers of Orders of the Lieutenant-Governor, the periodic review of such Orders, the appointment of inspectors, penalties for infringement thereof, the nullity of agreements conflicting therewith and the recovery of amounts by which employees have been underpaid.

The Saskatchewan Minimum-Wage Act has been amended so as to permit the minimum-wage board to fix rates of wages for the various groups of employees within an industry or occupation as well as for the entire industry or occupation.

There has also been one minor amendment to the Alberta Labour Act.

The report contains details of inspections carried out, wages recovered, prosecutions instituted and convictions obtained in most of the provinces. By a Decision of 1949, the Montreal Superior Court upheld the validity of the Minimum-Wage Ordinances of the Province of Quebec.

Information is also given as regards the new Minimum-Wage Orders issued in the provinces; four such Orders have been adopted in British Columbia and two in New Brunswick; in Alberta, several Orders have been revised. Higher minimum rates have been fixed for certain categories of workers in Quebec and Saskatchewan. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Chile.*

Apart from the details given below, the information is identical with that previously supplied. The report contains a list of the joint departmental boards of employers and workers which function in various trades and branches of trades with a view to establishing minimum wages. A list is given of the minimum-wage rates fixed for various trades. Private employees numbered 150,498 in 1949; approximately 45,000 workers benefit from the provisions of the Labour Code relating to the fixing of minimum wages. Appended to the report is a table showing wage claims made and settled during 1949. According to this table, 98,622 wage earners benefited from the wage rates fixed as a result of these claims. The resulting increases in wages payable by undertakings amounted to a total figure of 433,339,709.22 pesos. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *France.*

Order of 28 January 1950, to amend the Order of 28 September 1948 concerning the allocation of a special uniform monthly transport bonus.

Order of 7 February 1950, concerning the allocation of a bonus to wage earners; Circular of the same date concerning the application of this Order.

Act No. 50,205 of 11 February 1950, respecting collective agreements and procedures for the settlement of collective labour disputes (L.S. 1950—Fr. 2).

Decree No. 50,263 of 3 March 1950, issued in application of section 31 of Book I of the Labour Code concerning the composition of the Superior Collective Agreements Board, as amended by Decree No. 50,440 of 15 April 1950.

Decree No. 50,1029 of 23 August 1950, to fix the minimum guaranteed inter-occupational wage; Circular of 25 August 1950 issued in application of this Decree.

The following changes occurred during the period under review.

The Act of 11 February 1950 re-established freedom of wages which in future will be established by collective agreements. State intervention is limited to the establishment of a minimum, national, inter-occupational, guaranteed wage. This wage is fixed by Decree, due account being taken of the advice of the Superior Collective Agreements Board which is required to study the composition of a model budget to serve in the fixing of a minimum guaranteed wage.

The Decree of 23 August 1950 established the hourly wage rate at 78 francs for the first zone of the Paris region; wages in the other zones are subject to fixed abatements by the Orders still in force.

The minimum, inter-occupational, guaranteed wage applies, in the metropolitan territory, to the occupations covered by the Labour Code. It applies to homeworkers, but does not cover public and assimilated undertakings, and may be extended by later Decrees to agricultural occupations, persons sailing on board merchant ships and occupations in which the remuneration of workers is normally constituted in part by the supply of food and lodging. The number of workers covered by this Decree thus totals approximately 8,200,000. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Ireland.*

Employment Regulation Order (Law Clerks Joint Labour Committee), 1949.

Employment Regulation Order (Creameries Joint Labour Committee), 1949.

Employment Regulation (Holidays) Order (Creameries Joint Labour Committee), 1949.

Employment Regulation (Holidays) Order (Shirtmaking Joint Labour Committee), 1949.

Messengers (Dublin City and Dun Laoghaire) Joint Labour Committee Establishment Order, 1950.

Apart from the following details the information is identical with that pre-



viously supplied. A new joint labour committee for messengers (Dublin and Dun Laoghaire) was established during the period under review, in accordance with the procedure described in previous reports. No decisions were given by courts of law or other courts regarding the application of the Convention; no observations were received from the employers' and workers' organisations during the period covered by the report. Copies of the texts of the Orders issued during the period under review are appended to the report, together with detailed information concerning the approximate number and categories of workers covered by the operation of the various joint labour committees, concerning the weekly wage rates and the normal working week in each of these occupations. The total approximate number of these workers is 36,556. 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, in reply to the observations made by the Committee of Experts, the following details, already communicated to the Conference Committee.

Before the repeal of the former regulations relating to trade associations, the Convention was fully applied in Italy, since all workers in commerce and industry (including homeworkers) were covered by compulsory collective agreements. Minimum wages were thus fixed for all workers. When the lawfully recognised trade associations were abolished, collective agreements concluded by these organisations were retained in force. Thus, the general guarantee for a minimum wage still exists and the rate of this guaranteed wage is progressively increased according to changes in the cost of living and in conformity with the collective agreements concluded by the new free trade associations. At present, the large majority of workers in industry and commerce are covered by collective agreements fixing minimum wages. Only some small categories of workers are excluded from collective agreements; they may be considered as of minor importance, even as regards number. In point of fact, these categories include porters and employees of persons engaged in liberal professions. These categories are not, however, excluded as regards the fixing of minimum wages, either under collective agreements or special legislation (regarding, for example, cost-of-living allowances).

As regards methods for applying the principle of minimum wage-fixing machinery for categories of workers for whom such rates have not been fixed under collective agreements, it should be noted that, during the present period of transition from the old to the new system of

trade associations, it has not been possible to adopt legislative measures to issue regulations for this question. It will be fully and definitely regulated under the new Act relating to trade associations which is based on the principles of the Italian Constitution. In fact, however, a special procedure continues to be followed in order to ensure conformity with the objectives of the Convention. This procedure may be summarised as follows: When, at the request of a worker's trade union or of workers who are not organised, or on the initiative of the public authorities themselves it appears necessary or desirable to fix a minimum wage for a category of worker not covered by collective agreements, the Minister of Labour, acting through the medium of inspectors and regional labour offices and in close collaboration with trade associations, may order an enquiry to be made into the current situation as regards wages for this category or similar categories of workers, and the numerical distribution of these workers in the national territory. It is thus possible to determine whether it is preferable to fix wages on a local or a national level. Once the required information has been obtained, the trade associations concerned are summoned to the Ministry to give their advice and make any proposals they may consider useful; on the basis of these proposals, the administration issues the necessary regulations as soon as possible or encourages the conclusion of collective agreements.

As regards the fixing of minimum-wage rates for employees of persons practising a liberal profession, the report states that the Minister of Labour has prepared a Bill which entrusts the fixing of these rates to provincial committees, consisting of representatives of persons exercising a liberal profession and of their employees and presided over by the director of the provincial labour office. This Bill is at present being examined by the other Ministerial departments concerned.

It is not yet possible to supply detailed information concerning the legislative measures proposed in order to give effect to the principles contained in section 36 of the Italian Constitution.

During the period under review no decisions were given by courts of law which would bring new elements into the appreciation of the application of the Convention. The trade associations concerned have not made any observations worthy of note as regards the practical application of the Convention. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Netherlands.*

Apart from the following details, the information is identical with that previously supplied. There is a fundamental difference between the general wage policy

practised in the country on the basis of the Extraordinary Labour Relations Decree of 1945 and the more restricted objectives of the Convention. The Government's wage policy aims mainly at combating post-war inflationary tendencies by means of regulations for wages for all industries in the country. However, this policy of fixing or approving wages has led to results similar to those envisaged in the Convention since, by fixing the wages of the lowest paid workers the Government endeavours to establish wages at a reasonable level for the workers.

There are no trades or branches of trades in the Netherlands in which an effective system for the fixing of wages would be impossible and in which wages would be exceptionally low. Since the Extraordinary Decree of 1945 is applicable to nearly all trades, an effective wage-fixing system is to be found in nearly all cases.

Since the Liberation of the country, homeworkers, who are considered as workers under the Extraordinary Decree of 1945, are subject to conditions of wages which were made compulsory and approved by the State Conciliation Board. This Board fixed special conditions of wages for homeworkers in the clothing industry. On the other hand, homeworkers in the textile industry are formally excluded from the jurisdiction of the Board. Copies of the report have been communicated to the Labour Foundation.

#### *New Zealand.*

Act of 1949 to amend the Minimum-Wage Act of 1945 (L.S. 1945—N.Z. 7), as amended in 1947.

Apart from the details given below, the information is identical with that previously supplied. The Minimum-Wage Amendment Act, 1949 raised the minimum wage which must be paid to all adult workers.

The report also contains statistical data referring, in particular to the year 1950, during which 150,274 workers in factories, 63,684 workers in shops and 28,528 in offices were covered by the statutory minimum wage rates; the number of male and female workers is given separately. During the year ended 31 March 1950, a total of £48,756 was collected in arrears of wages. No decisions were given by courts of law or other courts and no observations were received from employers' and workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Norway.*

The report refers to the information previously supplied and gives statistical data showing that, in 1949, 415 employers and 3,610 employees were covered by minimum wage-fixing machinery. Of the

latter, 2,665 worked at home and 945 in workshops belonging to an employer. The increase in the number of industrial homeworkers is probably due, in part, to increased supplies of raw materials. The decrease in the number of persons employed in workshops is mainly due to the fact that a number of employers who pay ordinary rates of pay to their workers are of the opinion that they are under no obligation to submit reports because working conditions for the persons employed by them are the same as those for ordinarily organised workers in industry. No decisions were given by courts of law or other courts concerning the application of the Convention. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Switzerland.*

Resolution of the Federal Council of 6 July 1949, to continue in force the Order of 31 March 1948 to fix a minimum wage for hand-knitting given out as homework.

Resolution of the Federal Council of 5 April 1950, to continue in force and amend the Order of 31 March 1948 concerning hand-knitting given out as homework.

Resolution of the Federal Council of 24 August 1949, to continue in force the Resolution of 17 December 1948, which declares generally binding a minimum wages agreement for basketwork goods and cane furniture made by hand and given out as homework.

Resolution of the Federal Council of 3 October 1949, to declare generally binding the minimum wages for work on women's underwear and ready-made clothing given out as homework.

Resolution of the Federal Council of 11 January 1950, to continue in force the Resolution of 22 March 1949, which declares generally binding a minimum wage for homework in the paper box industry.

Resolution of the Federal Council of 11 January 1950, to continue in force the Resolution of 8 April 1949 to declare generally binding the minimum wages applicable to homeworkers for men's and boys' ready-made clothing.

Resolution of the Federal Council of 11 January 1950, to continue in force the Resolution of 23 December 1947, to declare generally binding a minimum wage agreement for Appenzell embroideries made by hand and given out as homework.

Resolution of the Federal Council of 11 January 1950, to continue in force the Resolution of 15 January 1948 to fix a minimum wage for homework in the paper-goods industry.

Apart from the details given below, the information is identical with that previously supplied. Since the need for such measures has not been felt, Federal employers' and workers' committees for homework in the watchmaking and ribbon weaving industries have never been consulted as regards the fixing of minimum wages. The various occupational committees consist of three representatives of the authorities and, in equal numbers (3, 5, 6 or 7), of representatives of employers and workers. The report also contains information concern-

ing the Resolutions adopted during the period under review with a view to replacing, continuing in force and, in some cases, amending previous Resolutions or Orders making minimum wages compulsory for certain types of work. Draft Resolutions are published in the Swiss official commercial journal, in order to enable the persons concerned to raise any objections in good time should they wish to do so.

Cantonal reports were submitted during 1950 regarding the application, during 1948 and 1949, of the Act respecting homework. An excerpt from these reports will be communicated to the I.L.O. as soon as possible. No observations were made by the employers' and workers' organisations concerned regarding the practical application of the Convention, except when these organisations were called upon to give their advice on proceedings in abeyance. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Union of South Africa.*

Apart from the details given below, the information is identical with that previously supplied. The report refers, in particular, to the activities of the Wage Board, the trades and industries in which collective agreements have been substituted for wage determinations, and the industries or occupations which are subject to various types of wage regulations. Information is also given showing the number of employers and employees affected by these regulations. Statistical data are supplied showing the minimum weekly rates of pay of the various grades of workers in different industries on 30 June 1950. Statistical information regarding inspection is also given; the total number of inspections carried out by departmental inspectors was 22,268, resulting in 1,685 prosecutions and 1,313 convictions. The arrears of wages recovered without recourse to the courts were £52,166 0s. 9d. while the sums paid by order amounted to £18,743 0s. 10d. Copies of the report will be communicated to the representative employers' and workers' organisations.

#### *United Kingdom.*

##### *Great Britain.*

The report refers to the information previously supplied. During the period under review, further orders were made under the Wages Councils Act, 1945, bringing the constitution of 17 wages councils, which had previously been constituted as trade boards in a certain number of industries and branches of industry, into conformity with the provisions of the Act.

The Minister for Labour and National Service accepted the report of the com-

mission of enquiry into the basket-making industry. The commission considered that it had no power to recommend the establishment of a wages council, but efforts have been made to strengthen the existing voluntary negotiating machinery and, in June 1950, a National Joint Industrial Council was established for this industry. The Minister also accepted the conclusions of the commission of enquiry into the rubber-proofed garment industry, which reported that no new wages councils should be established for this industry. The commission of enquiry on the question of the establishment of a wages council for the wholesale and retail bread and flour confectionery trade had not yet submitted its report on 30 June 1950. On 7 December 1949, the Minister had directed a commission of enquiry into the application of the Catering Wages Act, 1943; this Commission had not yet submitted its report on 30 June 1950.

Appended to the report is a list of the industries and parts of industries covering 667,771 undertakings in which rates of statutory minimum remuneration have been applied. This figure is higher by 132,504 than that shown in the previous report. The increase is due to the addition of hairdressing establishments and certain retail shops. The report also contains statistical data relating to the minimum wages in force on 30 June 1950 for the lowest grades of adult workers employed on time-work in these industries or parts of industries. The number of workers subject to wage regulations is approximately three million, excluding agriculture.

During the period covered by the report, 319 certificates were issued to learners, 585 apprentices were registered and 818 permits of exemption were issued to disabled or infirm workers; the total number of workers holding such permits amounts to 2,085. The figures relating to apprentices, disabled or infirm workers show an increase over those for the preceding year; this is due mainly to the recent establishment of wages councils for the retail, distributive and hairdressing trades.

During the period under review, 27,390 inspections were effected in application of the Wages Councils Acts. These inspections covered the wages of 157,529 workers and resulted in the payment of arrears of wages amounting to £55,696. As regards the application of the Catering Wages Act, the report states that the number of inspections effected amounted to 15,680, covering the wages of 87,222 workers and resulting in the payment of arrears of wages amounting to £80,017; there were, in addition, three criminal prosecutions. The report also mentions three decisions given in courts of summary jurisdiction regarding statutory minimum remuneration. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Northern Ireland.*

The report mentions some changes which occurred in the Wages Regulation Orders. During the period under review, 3,912 certificates of learnership were issued by 10 wages councils requiring certification as a condition to the application of the special lower rates of remuneration fixed for learners. Permits of exemption were authorised by two wages councils for five workers. The wages of 22,006 workers were examined and a total of

£1,154 was paid in arrears of wages. Statistics appended to the report show the number of employers and workers subject to wage regulations in different trades; the total number covered amounts to 2,292 employers and 47,360 workers, 67 per cent. of which are women. A second table shows the general minimum time rates in force on 30 June 1950 for the lowest grades of adult workers: a third table gives very detailed information concerning inspections and their results in different trades.

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## 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 or ratification	Reports received
Argentina <sup>1</sup>	14. 3.1950	9.10.1950
Australia	9. 3.1931	4. 8.1950
Austria	16. 8.1935	12.10.1950
Belgium	6. 6.1934	18.12.1950
Bulgaria	4. 6.1935	—
Burma <sup>2</sup>	7. 9.1931	25.10.1950
Canada	30. 6.1938	12.10.1950
Chile	31. 5.1933	8.12.1950
China	24. 6.1931	—
Czechoslovakia	26. 3.1934	21.11.1950
Denmark <sup>3</sup>	18. 1.1933	—
Estonia	18. 1.1932	—
Finland	8. 8.1932	7.10.1950
France	29. 7.1935	24.10.1950
Germany	5. 7.1933	—
Greece	30. 5.1936	17. 1.1951
Hungary	6.12.1937	—
India	7. 9.1931	23.12.1950
Ireland	5. 7.1930	2.11.1950
Italy	18. 7.1933	17.10.1950
Japan	16. 3.1931	—
Lithuania	28. 9.1934	—
Luxembourg	1. 4.1931	27. 6.1950
Mexico	12. 5.1934	—
Netherlands	4. 1.1933	25.11.1950
Nicaragua	12. 4.1934	—
Norway	1. 7.1932	4.11.1950
Pakistan <sup>4</sup>	7. 9.1931	17.10.1950
Poland	18. 6.1932	17.10.1950
Portugal	1. 3.1932	18.12.1950
Rumania	7.12.1932	—
Spain	29. 8.1932	—
Sweden	11. 4.1932	13.10.1950
Switzerland	8.11.1934	5.10.1950
Union of South Africa <sup>3</sup>	21. 2.1933	—
Uruguay	6. 6.1933	—
Venezuela	17.12.1932	—
Yugoslavia	22. 4.1933	20. 3.1951

<sup>1</sup> Voluntary report.

<sup>2</sup> See footnote 2 to Convention No. 1.

<sup>3</sup> Conditional ratification.

<sup>4</sup> See footnote 3 to Convention No. 1.

#### *Argentina.*

In a voluntary report the Government states that the provisions of the Convention are covered in a general way by sections 1020 and 1028 of Vol. III T. VII (freightage) of the Commercial Code. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Australia.*

The report reproduces the information previously given. There were no decisions by courts of law and no breaches of the relevant regulations. Copies of the

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

#### *Austria.*

The report reproduces the information previously given. No observations were received by the competent authorities as regards the application of the relevant regulations. No decisions by courts of law and no contraventions were reported. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Belgium.*

The report reproduces the information previously supplied. There were no decisions by courts of law. No violations of the relevant legislation were reported. No observations were received from the employers' or workers' organisations. Copies of the report have been communicated to the most representative of these organisations.

#### *Burma.*

Regulations previously applied at the Port of Rangoon are still in force. There is no inspection body. No legal action has arisen in the Port of Rangoon in respect of the Convention.

#### *Canada.*

The report reproduces the information previously supplied. No decisions were given by courts of law; no contraventions were reported. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Chile.*

Reference is made to previous reports. The Government has no knowledge of any relevant decisions given by labour tribunals; no contraventions of the legislation were reported by the maritime labour inspection services. 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 workers' organisations.

*Finland.*

The information given is identical with that contained in previous reports. There were no decisions by courts of law ; no contraventions of the legislation were reported by the labour inspectors. Copies of the report have been communicated to the representative employers' and workers' organisations.

*France.*

The report reproduces the information previously supplied and refers to an enquiry carried out in July 1949 by the various inspection services responsible for supervising the application of the Convention. Investigations carried out again in 1950 confirm the conclusions reached regarding the above enquiry, to the effect that the marking of packages is carried out correctly and that there were no accidents. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Greece.*

Reference is made to previous reports. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the most representative organisations.

*India.*

The Government has introduced a Bill in Parliament which a view to enforcing the provisions of the Convention, not only in the ports of Bombay, Tuticorin, Madras and Calcutta, but throughout the country.

Information has been received from the commissioners of the last-named port showing that, during the period under review, 173 heavy packages were landed at the port without their weights marked on them. In three cases, the weights indicated were found to be less than the actual weight by more than one ton. The steamer agents have been contacted in this matter by the port commissioners.

There were no decisions by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Ireland.*

The report reproduces the information previously supplied and adds that there were no judicial decisions ; no observations have been received from employers' and workers' organisations. Copies of the report have been communicated to the representative organisations.

*Italy.*

The report refers to the information previously given. There were no decisions by courts of law ; no contraventions were reported. Copies of the report have been communicated to the representative trade union organisations.

*Luxembourg.*

The report reproduces information previously given. Copies have been communicated to the representative employers' and workers' organisations.

*Netherlands.*

The information given for previous years is supplemented by the following details regarding inspection. During the year 1949, 1,041 heavy packages were inspected ; 725 of these packages (399 of which came from countries which had ratified the Convention) bore no indication as to their weight. The unmarked packages consisted primarily of shipments of tree trunks and hoop-wood. Copies of the report have been communicated to the Labour Foundation.

*Norway.*

The report reproduces the information previously supplied. There were no decisions by courts of law or other courts. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Pakistan.*

The report refers to the information previously given. There were no decisions by courts of law ; no contraventions were reported. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Poland.*

There has been no change in the legislation and practice concerning the application of the Convention.

*Portugal.*

The report refers to the information previously supplied.

One decision was given concerning the application of the relevant legislation ; the text of this decision is appended to the report. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Sweden.*

Reference is made to previous information. No contraventions were reported either in Sweden or abroad. Copies of the report have been communicated to the

representative employers' and workers' organisations.

*Switzerland.*

The report reproduces the information previously supplied. There were no infringements of the relevant legislation; no observations were received from employers or workers. Copies of the report have been communicated to the represen-

tative employers' and workers' organisations.

*Yugoslavia.*

No legislative measures were enacted concerning the marking of the weight on packages transported by vessels; the report emphasises that Yugoslav practice is in harmony with the spirit of the Convention.

**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	Reports received
Ireland	5. 7. 1930	—
Luxembourg	1. 4. 1931	27. 6. 1950
Nicaragua	12. 4. 1934	—
Spain <sup>1</sup>	29. 8. 1932	—

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

*Luxembourg.*

The Convention cannot be applied in practice in the Grand Duchy. Copies of the report have been communicated to the representative employers' and workers' organisations.

## 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
Argentina <sup>1</sup>	14. 3. 1950	9. 10. 1950
Australia	2. 1. 1932	10. 11. 1950
Belgium	20. 1. 1944	27. 1. 1951
Bulgaria	22. 9. 1932	—
Ceylon	5. 4. 1950	—
Chile	31. 5. 1933	7. 10. 1950
Denmark	11. 2. 1932	10. 10. 1950
Finland	13. 1. 1936	7. 10. 1950
France	24. 6. 1937	24. 10. 1950
Ireland	2. 3. 1931	26. 10. 1950
Italy	18. 6. 1934	17. 10. 1950
Japan	21. 11. 1932	—
Liberia	1. 5. 1931	25. 11. 1950
Mexico	12. 5. 1934	—
Netherlands	31. 3. 1933	—
New Zealand	29. 3. 1938	28. 9. 1950
Nicaragua	12. 4. 1934	—
Norway	1. 7. 1932	4. 11. 1950
Spain	29. 8. 1932	—
Sweden	22. 12. 1931	13. 10. 1950
Switzerland	23. 5. 1940	5. 10. 1950
United Kingdom	3. 6. 1931	6. 10. 1950
Venezuela	20. 11. 1944	—
Yugoslavia	4. 3. 1933	20. 3. 1951
* * *	* * *	
Anglo-Egyptian Sudan	(Voluntary)	20. 10. 1950

<sup>1</sup> Voluntary report.

The reports received from the following countries contain information identical with that previously supplied :

*Chile, Denmark, Finland, Ireland, Norway, Sweden and the United Kingdom.*

#### *Argentina.*

Act No. 3708, respecting measures against locusts.

In a voluntary report, the Government states that the type of labour provided for in the above-named Act is identical with that covered by the exceptions allowed under Article 2, paragraph (d), of the Convention. Work carried out in virtue of the Act is effected under the same conditions as voluntary labour. Neither the letter nor the spirit of the Constitution authorises the exaction of forced or compulsory labour as a customary system of work. Recourse to this type of labour can only be had in exceptional cases, for a fixed period only when such work is justified by the vital interest of the community.

The indigenous population enjoys the same status as the other inhabitants of the country. Copies of the report have

been communicated to the representative employers' and workers' organisations.

#### *Italy.*

The report reproduces the information previously supplied, and refers to sections 4, 13 and 23 of the Constitution which prohibit forced or compulsory labour, and to sections 35-38 concerning the protection of labour and workers.

#### *Liberia.*

Act relating to the Pawning System, 1930. Administrative Regulations of 1931.

The Republic of Liberia has no dependencies ; the laws apply impartially to all the citizens. With a view to giving effect to the obligations accepted by the adoption of the Convention concerning forced or compulsory labour, the Legislature of Liberia, by an Act entitled "an Act relating to the pawning system", approved on 19 December 1930, abolished the said pawning system within the limits of the territory of the Republic. Violation of these legal provisions was declared a grave crime. The Administrative Regulations of 1931 were framed in harmony with the provisions of the Convention.

*Article 1* of the Convention : the report refers to the Administrative Regulations of 1931.

*Article 2* : no forced or compulsory labour can lawfully be exacted other than that carried out under the conditions set forth in Article 2 (a), (b), (c), (d) and (e) of the Convention (sections 61-62 of the Regulations of 1931).

*Article 3* : the competent authority is the Department of the Interior.

*Article 4* : the exaction of forced or compulsory labour for the benefit of private individuals, companies or associations has always been unlawful.

The pawning system which secured to farmers, for a fixed number of years, the services of other persons was an indigenous institution which, in some respects, could be considered as covered by the definition of forced labour. However, this system has been abolished by the Act which put an end to pawning.

*Article 5* : the Government has never undertaken to supply pressed labour to



private individuals, companies or associations.

*Article 6 :* as the Government's policy is to suppress forced or compulsory labour, its officials may not and cannot place constraint upon the inhabitants to work for private individuals, companies or associations.

*Article 7 :* there is no forced or compulsory labour of this kind, its exaction being unlawful.

*Article 8 :* the use of forced or compulsory labour is regulated by law. The Government organises teams of messengers and porters for the movement of administrative officials and the transport of Government stores, without having recourse to compulsory labour. Payment must be made for all such services.

*Articles 9 and 10 :* forced or compulsory labour levied as a tax has never existed in the territory. There is, however, an Act requiring every male citizen between the ages of 16 and 60 years to perform road work.

*Article 11 :* as no form of compulsory labour exists other than that mentioned in connection with Article 10, it has never been considered necessary to fix the proportion of the local population which may be taken. Compulsory labour on roads is performed by workers residing in the vicinity.

*Article 13 :* the normal working hours are laid down in section 68 of the Administrative Regulations of 1931 and are 10 a day.

*Article 14* is applied under section 61 of the Administrative Regulations of 1931.

*Article 15 :* there is no provision by law or regulation for workmen's compensation for accidents, but, in such cases, the required medical treatment is always administered by the medical officer and, if the accident is of some gravity, the injured person is taken to the nearest hospital for treatment.

*Article 18 :* no forced or compulsory labour is exacted for the transport of persons or goods.

*Article 19 :* the Government does not impose compulsory cultivation, but it does encourage the inhabitants to cultivate their lands by restricting litigation during the farming season (section 101 of the Regulations of 1931).

*Article 20 :* there is no system of collective punishment.

*Article 21 :* the Government has no interests in commercial enterprises.

*Article 22 :* the report refers to the information given under the preceding Articles and to the Administrative Regulations of 1931.

*Article 24 :* from time to time, the district commissioners inform the inhabitants of their respective districts of any

new regulations which have been brought into force.

No case of contravention of the provisions of the Convention has been reported.

#### *Switzerland.*

The information supplied in the last report is supplemented by information relating to the application of Article 2 (*e*) of the Convention. In reply to the observations made by the Committee of Experts as regards persons condemned to solitary confinement, internment, or confinement in educational or labour establishments who may be constrained to forced labour in execution of a penal sentence, the report states that the internment or confinement of the above-mentioned persons may also be brought about in virtue of a judicial decision in the civil courts (or of an administrative decision, where there is no opposition), taken as a temporary measure for purposes of education. The report adds :

"It might be possible, therefore, to infer that the measure in question is frequently and generally applied. This, of course, is not the case. The Government has in mind only matters arising out of family law and not those which are of a penal character. The father of a family who is entitled to exercise paternal authority, may place his children in an educational establishment in virtue of sections 275 and 276 of the Swiss Civil Code. Similarly, a guardian may take such action in regard to his ward when circumstances require it (section 405 of the Code) with a view to preventing abuses, section 421 (13) of the Code lays down that 'the consent of the guardianship authority is required before placing a ward in an educational establishment, an asylum or a hospital'. Thus, in speaking of an 'administrative decision', we have in mind the consent of an administrative authority. The required approval of the guardianship authority in all cases where the ward is placed in an establishment automatically safeguards the rights of the latter. We can assume that other States which are familiar with the excellent system of guardianship authorities also permit recourse to similar measures in the interests of the ward, without requiring a legal decision to this effect. Moreover, if it is borne in mind that the ward 'may have recourse to the supervising authority against decisions of the guardianship authorities' (section 420 (2), of the Civil Code), that 'the judge may give a decision concerning the responsibilities incurred by the guardians and guardianship authorities' and that 'a liability law suit may not be subject to any previous enquiry by the administrative authorities' (section 430), it may be confidently stated that Swiss legislation protects the rights of wards against all intrigues".

*Yugoslavia.*

Law and custom in Yugoslavia are in no respect contrary to the provisions of the Convention.

. . .

*Voluntary Report**Anglo-Egyptian Sudan.*

The information supplied in previous reports is supplemented by the following details.

Under Article 1 of the Convention, the report states that the only forced or compulsory labour exacted is that required for the maintenance of local roads in certain frontier areas. The incidence of such labour is increasing yearly as the inhabitants become more money-conscious and its suppression is universally desired by the administration.

*Article 2* : there have been no demands for compulsory labour for military or emergency measures.

Under (e) of Article 2, the report states that local authorities have the right to demand compulsory service for the erection and maintenance of grass buildings used as schools, dispensaries and court houses by such authorities, as well as for the maintenance of firelines to prevent damage to communal grazing and cultivation and for the destruction of birds' nests and locusts to protect the crops of the village. In one irrigated area, the repair and cleaning of minor water channels is recognised as a communal obligation on the farmers who benefit from their use. These obligations are recognised by the people and upheld by the local authority which, in most cases, consists of a body elected by the local population.

The distinction between these minor village services and labour exacted under Article 1 is that the former are authorised by the local authority and the latter by the district or provincial authority.

During the period under review, the services carried out under (c) of Article 2 were exacted in the more backward areas of the country, but it is not possible to indicate the importance of the services performed, except to say that all the work undertaken was purely local in character. Its importance to the community concerned is often (particularly in the case of firelines) such that the amount of work involved is not disproportionate.

*Articles 4 and 5* : no work of this kind is exacted.

No constraint of the kind described in Article 6 is applied.

*Article 7* : in one district only, duly recognised chiefs who do not receive adequate remuneration from other sources are entitled by custom to require 10 days' labour a year from every able-bodied man.

This labour is used for the cultivation of food crops and the maintenance of the chief's residence.

*Article 8* : as a safeguard against abuse, the labourer may appeal to the local court, if the chief does not preside there, or to the district commissioner.

*Article 9* : as compulsory labour is exacted only for the maintenance of local roads in the remote and forested areas, where they are the only means of communication, the competent authority (the Governor-General of the Sudan) has ruled that their maintenance is necessary and of direct interest to the community called upon to do the work.

Voluntary labourers are always engaged at the rates prevailing in the area. It is the responsibility of the competent authority's local representative (the district commissioner) to assure himself that the work in question does not place too heavy a burden upon the population, in accordance with Article 9 (a).

*Article 10* : labour of the kind described in this Article is not exacted.

*Article 11* : as compulsory labour is exacted only for the maintenance of local roads, and as labourers are never transferred from their areas of normal residence, the provisions of this Article hardly apply. Nevertheless, school teachers, pupils and officials, are always exempt from compulsory labour and only able-bodied men are directed.

*Article 12, paragraph 1* : this provision is applied.

*Paragraph 2* : individual certificates are not issued, but complaints are heard in the local court.

The provisions of Article 13, paragraphs 1 and 2 are observed.

*Article 14* : there has been no change since the previous year.

The provisions of Article 15, paragraphs 1 and 2 and Articles 16 to 19 are applied.

No provisions of the type described in Article 20 are in force.

*Article 21* : no underground work is carried out in the territory.

*Article 23* : as compulsory labour is exacted only for the maintenance of roads, no regulations have been issued. Complaints are heard by the local court.

*Article 24* : the labour inspectorate covers the inspection of compulsory labour. No special measures have been taken to bring this fact to the notice of the persons concerned.

*Article 25* : no legal proceedings have been instituted, since no illegal exaction of labour has come to light during the period under review.

The Anglo-Egyptian Sudan is not a signatory of the Convention. Nevertheless, the Government is in entire sympathy with the objects of the Convention and both Governors and district commissioners make con-

tinual efforts to limit the volume of compulsory labour. The complete elimination of such labour in the more remote and backward areas must depend upon cultural

advance. Compulsion is now only necessary in areas where working for wages, is still unfamiliar; such areas are fast diminishing.

### 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
Argentina <sup>1</sup>	14. 3. 1950	9. 10. 1950
Austria <sup>2</sup>	16. 2. 1933	—
Bulgaria	22. 6. 1932	—
Chile	18. 10. 1935	7. 10. 1950
Cuba	24. 2. 1936	—
Finland	13. 1. 1936	7. 10. 1950
Mexico	12. 5. 1934	—
New Zealand	29. 3. 1938	17. 8. 1950
Nicaragua	12. 4. 1934	—
Spain	29. 8. 1932	—
Uruguay	6. 6. 1933	—

<sup>1</sup> Voluntary report.

<sup>2</sup> Conditional ratification.

#### *Argentina.*

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

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

Decree No. 11,519 of 7 June 1950, to establish hours of work in public administration organisations.

In a voluntary report, the Government states that the Convention contains no provisions which are not covered by Act No. 11544, which applies to all public or private activities whether commercial or other and which, in some cases, contains provisions more favourable than those of the Convention. The texts of the above-mentioned Acts and Decrees are appended to the report. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Chile.*

Apart from the details given below the information contained in the report is identical with that previously supplied. The number of workers covered by the legislation applying the Convention is approximately 180,000. Although decisions are given fairly frequently by courts of law no copies of decisions given during the past year were received by the General Directorate of Labour. During 1949, the inspection service made 9,666 visits in order to control compliance with the legislative provisions relating to hours of work; 1,191 contraventions were reported. There were no observations from employers' or work-

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

#### *Finland.*

Apart from the details given below the information contained in the report is identical with that previously supplied. The inspection reports for 1948 showed that 22,260 commercial establishments and offices employing 77,565 workers were covered by the legislation. Three breaches of the legislation were reported. There were no observations from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *New Zealand.*

Statutory Amendment Act 1949, sections 53 and 54.

Apart from the details given below the information is identical with that previously supplied. The annual report of the Department of Labour and Employment for 1950 shows that, during the year ending 31 March 1950, 16,578 inspections of shops and 2,163 inspections of offices were made, disclosing 661 breaches of the Shops and Offices Act. In addition, 225 complaints were investigated, 63 of which were without foundation. Warnings were issued in 683 cases and 11 prosecutions were instituted, with a total of £18 imposed in fines; 325 requisitions were served on occupiers of shops to comply with various requirements of the Act.

According to an estimate of 31 March 1950, there were 15,946 establishments employing 32,219 male assistants and 31,465 female assistants; in addition there were 12,338 establishments which did not employ assistants, 8,254 offices employing 13,701 male office assistants and 14,827 female office assistants. A total of 50,346 hours' overtime for 1949-1950 was shown on permits issued under section 7 of the Shops and Offices Amendment Act, 1936, in respect of shops.

No decisions were given by courts of law; there were no observations from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

## 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
Argentina <sup>1</sup>	14. 3. 1950	9. 10. 1950
Bulgaria	29. 12. 1949	—
Canada	6. 4. 1946	12. 10. 1950
Chile	18. 10. 1935	7. 10. 1950
China	30. 11. 1935	—
Finland	23. 8. 1949	—
India	10. 2. 1947	23. 12. 1950
Italy	30. 10. 1933	17. 10. 1950
Mexico	12. 5. 1934	—
New Zealand	29. 3. 1938	17. 8. 1950
Pakistan <sup>2</sup>	10. 2. 1947	17. 10. 1950
Spain	28. 7. 1934	—
Sweden	3. 8. 1938	13. 10. 1950
United Kingdom	10. 1. 1935	6. 10. 1950
Uruguay	6. 6. 1933	—

<sup>1</sup> Voluntary report.

<sup>2</sup> See footnote 3 to Convention No. 1.

#### *Argentina.*

Decree of 14 January 1916.

In a voluntary report, the Government states that the measures laid down in the Convention are covered by sections 67 and 86 *in fine* of the Decree of 14 January 1916, issued in application of Act No. 9688. Section 67 of this Decree requires that, in workplaces where use is made of machinery driven by mechanical power, notices shall be posted drawing attention to dangerous places. Under section 86, the provisions of the Decree are applicable to loading and unloading operations at ports, docks, wharves and quays. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Canada.*

Apart from the details given below, the information is identical with that previously supplied. During the period under review, 2,400 inspection visits were carried out. There were 530 requests by inspectors for the repair, replacement or examination of gear. A total number of 23 serious accidents to workers was reported; four of these accidents were fatal, but in very few cases were the accidents caused by infringement of the regulations. No outstanding observations were received from employers' or workers' organisations. Copies of the report have been com-

municated to the representative organisations.

#### *Chile.*

Reference is made to the information previously supplied. As in previous years, the report states that decisions are frequently given by courts of law on the matter covered by the Convention but, during the period under review, no copies of such decisions were received by the General Labour Directorate. The labour inspectors ensure the strict application of the provisions of the Convention. The number of workers covered by the relevant national legislation is 13,300. In 1949, the total number of accidents which occurred during the loading and unloading of ships amounted to 2,875; 29 of these accidents were serious and three fatal. In 1948, the total number of accidents was 2,895 (34 serious and seven fatal). Accidents are generally due to falls, slips or inferior materials.

Employers' and workers' organisations now collaborate with a view to the prevention of accidents. The Supreme Decree (No. 100) of 31 January 1948 established supervisory boards for maritime labour in each port; these boards are composed of the harbourmaster, a labour inspector and the medical officer of the maritime health service, assisted by shipowners' and maritime workers' committees.

No observations were received from employers' or workers' organisations concerning the practical application of the Convention or of the relevant national legislation. Copies of the report have been communicated to the representative organisations.

#### *India.*

Apart from the details given below, the information is identical with that previously supplied. Article 5, paragraph 5 of the Convention is covered by the new provisions of Regulation 45-A of the Dock Labourers' Regulations which lay down that when, in a vessel which is not decked, workers have to carry on processes in a hold the depth of which exceeds five feet, there shall be safe means of access to and from the hold for their

use; when a ladder is to be used in the hold, it shall be equipped at the top with hooks or other means for firmly securing it.

Article 6, paragraph 2 of the Convention is covered by Regulation 50(1) of the Dock Labourers' Regulations which provides that, if any hatch of a hold accessible to any worker and exceeding five feet in depth measured from the deck in which the hatch is situated to the bottom of the hold, is not in use for the passage of goods, coal or other material or for trimming, and the combings are less than 2 feet 6 inches in height, such hatch shall either be fenced to a height of three feet or be securely covered; similar measures shall be taken when necessary to protect all other openings in a deck which might be dangerous to the workers.

As regards the application of Article 14 of the Convention, the report states that Regulation 58 has been amended as follows:

"1. No person shall, unless duly authorised or in case of any emergency, remove or interfere with any fencing, gangway, gear, ladder, hatch-covering, life-saving means or appliances, lights, marks, stages or other things whatsoever required by these regulations to be provided. If removed, such things shall be restored at the end of the period during which their removal was authorised or at the end of the emergency, as the case may be, by the persons last engaged in the work that necessitated such removal.

"2. The fencing required by Regulation 7 shall not be removed except to the extent and for the period reasonably necessary for carrying on the work of the dock or ship or for repairing any fencing. If removed, it shall be restored forthwith at the end of that period by the persons engaged in the work that necessitated its removal."

India has not yet entered into reciprocal arrangements with other States as provided for under Article 18 of the Convention. In this respect, the Government supplies some information and makes several proposals concerning the usefulness of I.L.O. intervention in this matter (in this connection, see under Report III Part II, the summary of the report supplied by India on Recommendation No. 40 under Article 19 of the Constitution).

No decisions were given by courts of law or other courts and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Italy.*

Apart from the details given below, the information is identical with that previously supplied. No decisions were given by courts of law affording new elements for judging the application of the Convention. The employers' and workers'

organisations made no observations concerning the application of the national legislation giving effect to the Convention. Detailed statistical data are given concerning the accidents which occurred between 1 July 1949 and 30 June 1950 in the course of the loading and unloading of ships. Eight fatal accidents were reported; 107 accidents resulted in permanent incapacity and 2,594 in temporary incapacity. Copies of the report have been communicated to the representative workers' organisations.

#### *New Zealand.*

General Harbour Regulations, 1935 (Amendment No. 5), as amended in 1949.

Apart from the details given below, the information is identical with that previously supplied. There were no observations from employers' and workers' organisations and no decisions by courts of law or other courts concerning the application of the Convention. On 31 December 1949, there were 7,105 members of the industrial unions including waterside employees, stevedores and timekeepers. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Pakistan.*

Apart from the details given below, the information is identical with that previously supplied. The provision concerning the use of ladders in the hold of a vessel which is not decked (Article 5 (5) of the Convention) is not at present covered by the Dock Labourers' Regulations, 1948, but this requirement is usually observed in the two major ports of Pakistan. Steps are being taken to amend the Dock Labourers' Regulations so as to bring the legislation into conformity with this provision of the Convention and with Article 6, paragraph 2 of the Convention, which is not at present covered by the national legislation. In conformity with Article 15 of the Convention, the Dock Labourers' Act, 1934, is at present only applicable to the two major ports of Pakistan.

No decisions concerning the application of the Convention came to the notice of the Government of Pakistan during the period under review. There were no observations from the occupational organisations concerned. Copies of the report have been communicated to the representative workers' organisations. As regards employers, copies have been communicated to the most representative chambers of commerce (through provincial governments) and to the Federation of Chambers of Commerce and Industry and the Employers' Association of West Pakistan.

#### *Sweden.*

Workers' Protection Act of 3 January 1949 (L.S. 1949—Swe. 1).

Royal Proclamation of 6 May 1949, to issue regulations under the Workers' Protection Act (L.S. 1949—Swe. 4).

Apart from the details given below, the information is identical with that previously supplied. The report indicates the changes brought about under the Workers' Protection Act of 3 January 1949 and the Proclamation issued in application of this Act. In accordance with Article 12 of the Convention, these texts contain provisions concerning individual protective equipment. On the basis of these provisions, the inspection authorities have issued regulations requiring employers to supply appropriate protective equipment for use in certain types of work. The report also gives detailed statistical data concerning accidents which occurred in 1948 in connection with the loading and unloading of ships. The number of accidents amounted to 1,851 (three fatal) for 10.87 million man-hours. The rate of accidents for every 10,000 man-hours was 1.702, as against 1.925 in 1947. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *United Kingdom.*

##### *Great Britain.*

The report refers to the information previously supplied and adds that no deci-

sions were given by courts of law or other courts concerning the application of the Convention. During the period under review, there were 5,732 accidents at docks, wharves and quays, 51 of which were fatal. The report contains data showing the various causes of these accidents. The chief of these were the handling of goods (1,528 accidents, one of which was fatal), the functioning of lifting machinery (965, including 20 fatal), injury caused by falling bodies (917, six fatal) and by persons falling (789, 13 fatal). Legal proceedings against employers for breaches of the Dock Regulations were instituted in 16 cases; convictions were secured on 14 occasions and two cases were withdrawn. A total of 56 dangerous occurrences at docks were reported, 52 of which were ascribed to the collapse, etc., of lifting appliances. No observations were made concerning the practical application of the Convention or the implementing law. Copies of the report have been communicated to the representative employers' and workers' organisations.

##### *Northern Ireland.*

Factories Act (Northern Ireland), 1949.

There were no prosecutions for breaches of this Convention. There was one fatal accident and 137 accidents involving three days' absence from work.

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

*This Convention came into force on 18 October 1936*

Countries	Date of registration of ratification	Reports received
Argentina <sup>1</sup>	14. 3. 1950	9. 10. 1950
Austria	26. 2. 1936	12. 10. 1950
Belgium	6. 6. 1934	18. 12. 1950
Cuba	24. 2. 1936	—
France	29. 4. 1939	24. 10. 1950
Netherlands	12. 7. 1935	25. 11. 1950
Spain	22. 7. 1934	—
Uruguay	6. 6. 1933	—

<sup>1</sup> Voluntary report.

#### *Argentina.*

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

In a voluntary report, the Government refers to the provisions of the above-named Act and adds that information relating to this Act has been supplied in previous years. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Austria.*

With the exception of the following details, the information supplied is identical with that contained in the report for 1948-1949. The exemption of domestic service from the scope of the Act of 1948, respecting the employment of young persons, will be eliminated by the amending legislation referred to in the report for Convention No. 5. During 1949, the labour inspection services reported seven breaches of the legislation, one of which related to hotels and restaurants and six to undertakings for education, arts and entertainment.

No decisions were given by courts of law. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Belgium.*

The information supplied in previous reports is supplemented by the following details. During the period under review, 107 temporary permits were granted to

theatrical undertakings, authorising the employment of 1,467 children under 16 years of age. The inspection service visited 5,048 establishments employing 15,096 persons. No contraventions were reported. No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*France.*

Apart from the details given below, the information supplied is identical with that contained in the report for 1948-1949.

The following information relates to the observations made by the Committee of Experts in 1950 :

(a) As regards the prohibition of the employment of children after midnight in places of public entertainment (Article 4, paragraph 2 (c) of the Convention), it should be pointed out that, of the three types of places of public entertainment covered by Article 4 of the Convention (circuses, variety shows and cabarets) only one, namely, cabarets, may remain open after midnight, and that all employment of children in such places is strictly prohibited.

(b) The following information is given as regards dangerous work in places of public entertainment, in respect of which the Convention authorises no exceptions for children under 14 years of age (Article 4, paragraph 2 (a)), even in the case of establishments in which only members of the employer's family are employed (Article 1, paragraph 3 (a)). The Government contemplates revising section 60 of Book II of the Labour Code, so as to extend from 12 to 14 years the age under which children may not be employed in public performances given by their father or mother who engage in the profession of acrobat, tumbler, charlatan, exhibitor of animals or circus director.

No decisions were given by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Netherlands.*

The information supplied is identical with that contained in previous reports.

See under Convention No. 5 for information relating to contraventions and cases relating to non-industrial undertakings. During 1949, no decisions were given by courts of law. Copies of the report have been communicated to the Labour Foundation.

## SEVENTEENTH SESSION (GENEVA, 1933)

### 34. Convention concerning fee-charging employment agencies

*This Convention came into force on 18 July 1937*

Countries	Date of registration of ratification	Reports received
Argentina <sup>1</sup>	14. 3.1950	9.10.1950
Bulgaria	29.12.1949	—
Chile	18.10.1935	7.10.1950
Czechoslovakia	12. 6.1950	—
Finland	13. 1.1936	7.10.1950
Mexico	21. 2.1938	—
Norway	4. 7.1949	—
Spain	27. 4.1935	—
Sweden	1. 1.1936	13.10.1950
Turkey	27.12.1946	24.11.1950

<sup>1</sup> Voluntary report.

#### *Argentina.*

Act No. 9,148 of 25 September 1913, to set up free employment agencies (L.S. 1934—Arg. 2 C), as amended by Acts Nos. 12,101 (L.S. 1934—Arg. 2 A) and 12,102 (L.S. 1934—Arg. 2 B) of 15 October 1934.

Act No. 9,661 of 25 August 1915, respecting, *inter alia*, fines for contraventions of the Act concerning the employment of women and children (L.S. 1934—Arg. 2 D).

Decree No. 2,928 of 21 July 1943, concerning the organisation of the National Employment Exchange Service (L.S. 1943—Arg. 1).

Decree No. 35,188 of 30 December 1944, to cancel permits issued for the operation of private employment agencies.

Act No. 13,591 of 11 October 1949, to establish a National Employment Service Directorate (L.S. 1949—Arg. 2).

In a voluntary report, the Government states that, until 1943, the question of employment agencies was covered by Acts Nos. 9,148, 9,661, 12,101 and 12,102 which set up a system of free public employment agencies and private agencies, working on a commercial basis under the strict supervision of the State. Decree No. 2,928 of 21 July 1943 established a system of free public employment agencies whose activities are co-ordinated through joint agencies (also free) and placed under the supervision of the Employment Exchange Service which is directly subordinate to the Department of Labour and Social Welfare. Subsequently, Decree No. 35,188 of 1944 cancelled all permits granted to private employment agencies, thus bringing the national legislation into conformity with the conditions specified in the Convention No. 34.

It should be noted that, during the period covered by the report, Act No. 13,591 of 11 October 1949 established the National Employment Service Directorate under the Ministry of Labour and

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

#### *Chile.*

The report reproduces the information previously furnished.

No decisions regarding the application of the Convention were given by the labour courts or other courts.

No observations were received from employers' or workers' organisations regarding the practical application of the conditions prescribed by the Convention. Copies of the report have been sent to the representative organisations.

#### *Finland.*

The report reproduces the information previously furnished.

No decisions regarding the application of the Convention were given by the labour courts or other courts.

No observations were received from employers' or workers' organisations regarding the practical application of the provisions of the Convention. Copies of the report have been sent to the representative organisations.

#### *Sweden.*

The report reproduces the information previously supplied.

In 1949, there were 44 private employment offices duly licensed to carry on their work (as compared with 49 in 1948). At the beginning of 1950, 37 private employment offices were authorised to continue their activities. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Turkey.*

The report reproduces the information previously supplied. No decisions regarding the application of the Convention were given by the labour courts or other courts.

No observations were received from the representative workers' organisations.

In the absence of representative employers' organisations, copies of the report have been communicated to the trade unions and chambers of commerce and industry, as well as to the most important State undertakings.



**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 6 June 1935*

Countries	Date of registration of ratification	Reports received
Bulgaria	29.12.1949	—
Chile	18.10.1935	8.12.1950
Czechoslovakia	1. 7.1949	—
France	23. 8.1939	24.10.1950
Italy	22.10.1947	17.10.1950
Peru	8.11.1945	16. 1.1951
Poland	29. 9.1948	8.11.1950
United Kingdom	18. 7.1936	6.10.1950

*Chile.*

The report refers to the information previously supplied and adds that, in virtue of decisions of the governing body of the Compulsory Insurance Fund, taken on 23 March and 15 May 1950, the benefits rate for agricultural employees and domestic servants has been increased. The Government is not aware of any decisions by the labour courts relating to the application of the Convention.

The number of insured persons is 962,900, including 352,700 agricultural employees. The number of persons in receipt of old-age pensions on 1 January 1949 was 129, as compared with 134 on 31 December 1949, 10 new pensions having been granted and five terminated in the course of the year. During the same year, 6,603 old-age pensions were commuted. The total expenditure was 15,499.83 pesos for old-age pensions, 14,241,987.87 for the commutation of old-age pensions, 6,424,034.35 for the repayment of contributions on the death of insured persons and 3,063,741.80 for funeral expenses. Information is also supplied showing the total costs for the administration of the insurance scheme and its financial position.

No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*France.*

Act of 13 July 1949, to continue the temporary old-age allowance in respect of the second and third quarters of 1949, to substitute for the payment due on 1 January 1950 in respect of the temporary allowance, the old-age allowance instituted by the Act of 17 January 1948, and to increase the rate of the old-age allowance for employees.

Act of 21 July 1949, to extend the application of social insurance legislation to authors who are not employed persons.

Act of 2 August 1949, to extend the right to the old-age allowance to certain categories of persons.

Act of 31 December 1949, to extend the control of the Audit Office to social security bodies.

Act of 31 December 1949, to regulate as from 1 January 1950 the position of beneficiaries of temporary and old-age allowances and to amend certain provisions regarding assistance.

Act of 3 February 1950, to increase the rates of allowances paid to aged employed persons and of pensions under the social security scheme. (L.S. 1950—Fr. 1 A).

Act of 6 March 1950, concerning elections to the governing bodies of social security and family allowance bodies (L.S. 1950—Fr. 1 B).

Act of 1 April 1950, to continue the temporary old-age allowance and to amend some provisions regarding assistance.

Act of 24 June 1950, to continue the temporary old-age allowance.

Decree of 11 January 1950, to issue public administrative regulations regarding affiliation to old-age allowance funds by persons who carry out, simultaneously, several activities for which they are not paid or simultaneously one activity for which they are paid and another for which they are not paid.

Decree of 16 January 1950, respecting the application of the Act of 2 August 1949, to extend the right to the old-age allowance to certain categories of persons.

Decrees of 20 January 1950, concerning co-ordination between the general social insurance scheme and special schemes as regards old-age insurance.

Decree of 27 March 1950, to issue public administrative regulations for the application of the Act of 21 July 1949 extending social insurance legislation to authors who are not employed persons.

Decree of 8 May 1950, to issue public administrative regulations relating to the control of the Audit Office over social security bodies.

The Act of 21 July 1949 extended to authors who are not employed persons and whose profession is their main occupation the right to benefits under the provisions of the Ordinance of 19 October 1945, establishing the social insurance system applicable to insured persons engaged in occupations other than agriculture.

The Order of 19 April 1950 fixed at 1.15 the coefficient of revaluation for old-age pensions and annuities and reversionary pensions. The same Order established the

coefficients of revaluation for wages and contributions which must serve as a basis, as from 1 January 1950, in calculating old-age pensions or annuities. The report contains detailed information regarding this revaluation and tables showing the manner in which it is calculated.

Under the French old-age insurance scheme, insurance resources are constituted, as a rule, solely by the contributions of insured persons and employers. However, provision is made for a State subsidy, limited to certain occupational groups (*e.g.*, the special social security scheme for the mining industry).

The Act of 6 March 1950, concerning elections to the governing bodies of social security and family allowance bodies, establishes the autonomy of regional old-age insurance funds. These funds, apart from administering the risk of old age, promote and co-ordinate a social policy.

The governing bodies of regional old-age insurance funds are composed of 18 members appointed for five years; 12 members are nominated by the workers' representatives and four by the employers' representatives from the governing bodies concerned. The governing bodies may secure the collaboration, in an advisory capacity, of two representatives appointed by the most representative associations or groups of aged workers.

The Act of 31 December 1949 subjects the regional old-age insurance funds (as in the case of other social security bodies) to the control of the Audit Office. The methods of this control were laid down in the Decree of 8 May 1950.

The right to the temporary old-age allowance, reserved to French nationals domiciled in French territory, has been extended for reasons of reciprocity to aged Swiss persons, who, in addition to satisfying the conditions required of aged French persons, are also able to prove that they have been domiciled in France for 15 years, at least one year of which must have been immediately prior to the request. This right has already been extended to aged Belgian persons.

During the period under review, reciprocity agreements as regards social security were concluded between France and the following countries: Luxembourg, the Netherlands, Northern Ireland, the Republic of San Marino, Switzerland and Yugoslavia. An agreement to extend and co-ordinate the application of social security legislation to nationals of the contracting parties of the Treaty of Brussels was also signed. In addition, agreements have been concluded between France and the following countries: Belgium, Czechoslovakia, Italy and the United Kingdom. These agreements came into force during the period under review.

Under the Act of 2 August 1949, supplemented by a Decree of 16 January 1950 and an Order of 1 March 1950, the right to allowances for mothers of families, pre-

viously granted to the wives or widows of wage earners who have had or have brought up five children under 16 years of age, has been extended to the wives of wage earners who are divorced, separated or deserted by their husbands, or whose wage-earning husbands cannot be traced.

It is no longer made a condition that children should be directly related to or have been brought up by the claimant until they reach the age of 16 years. In order to be eligible for an allowance, it is sufficient for children to have been brought up by the claimant for at least nine years prior to their 16th birthday and to have been dependent upon her or her husband.

The temporary allowance, instituted by the Act of 13 September 1946 in favour of persons who are not employed persons, has been continued for the third calendar quarter of 1949. The rate of this allowance, which is equal to half the minimum allowance paid to aged wage-earning employees, is at present 21,000 francs.

The Act of 3 February 1950 raised from 100,000 to 144,000 francs the maximum amount of income, including the allowance, which a person may possess in order to be eligible for the old-age allowance for employed persons. In the case of a married couple, the maximum has been raised from 130,000 to 180,000 francs.

Since 1 January 1950, the old-age allowance for employed persons has been fixed at 45,000 francs for workers domiciled in towns of over 5,000 inhabitants, and at 42,000 francs for workers living elsewhere.

Various agreements granting allowances to certain categories of foreign aged workers domiciled in France for a certain number of years have been concluded, in addition to those signed at the same time as the general social security agreements which have been enumerated in previous reports. The agreements in question were those concluded between France and the following countries: Luxembourg, the Netherlands, Northern Ireland, Switzerland and Yugoslavia.

Statistical data are appended to the report showing that on 31 December 1949, the total number of insured persons under the general scheme for non-agricultural occupations amounted to 8,300,000. The total number of beneficiaries of old-age allowances at the same date amounted to 2,167,612. The total expenditure for the period 1 July 1949 to 30 June 1950 amounted to 93,855 million francs, including 88,840 million for pensions, annuities, allowances and assistance, 992 million for other benefits in cash, 1,305 million for benefits in kind and 2,727 million for administrative expenses. As regards receipts, the report states that resources are not set aside for the administration of any specified risk; contributions are not distributed according to risk but according to the bodies responsible for administration.

However, a fraction of 213,491 million francs, representing contributions to the general scheme, is earmarked for financing old-age insurance. As a rule, this is calculated at 9 per cent. of wages, *i.e.*, 120,088 million francs.

No judicial or administrative decisions were given concerning the application of the Convention. Copies of the report were communicated to the representative employers' and workers' organisations.

#### *Italy.*

Act No. 950 of 23 December 1949, respecting the payment of special supplementary allowances for the year 1950 to persons in receipt of pensions administered by the Social Provident Institution.

The only change which has occurred in the legislative provisions in force is Act No. 950 of 23 December 1949, which improves the system for supplementary allowances payable to persons drawing pensions from the Social Provident Institution. The report refers to the information previously supplied and, in reply to observations made by the Committee of Experts, gives the following information already supplied to the Conference Committee:

(a) The information contained in the previous annual report, to the effect that the State has ceased to contribute to social insurance, is due to an error. In fact, the State not only continues to make a contribution to invalidity and old-age insurance but has increased its contribution in proportion to the progressive increases in the pensions themselves. It should be noted that the pension is composed (in addition to a supplement for dependent children) of five separate elements which are enumerated in the report. The State makes a contribution to the basic amount, as provided for in section 59 of Royal Decree No. 1,827 of 4 October 1938 and in section 35 of Royal Decree No. 636 of 14 April 1939. The budget estimates of the Ministry of Labour for the period 1950-1951 include (Chapter 76) a subsidy of 200 million lire for the social security fund. In case of need, the State contributes a quarter of the annual expenditure; for the period 1950-1951, the State contribution is estimated at 10,700 million lire.

(b) The invalidity and old-age insurance schemes are administered by the Social Provident Institution, the governing body of which was modified by Legislative Decree of the Head of the Provisional Government No. 436 of 13 May 1947. The members of the governing body are appointed by Decree of the Chief of State and represent the various categories of employers and workers, as well as the Ministerial Departments concerned. The proportion of workers' representatives is greater than that of the employers.

No decisions were given by courts of law and no observations were received

from workers' or employers' organisations with regard to the application of the Convention. Copies of the report have been communicated to the representative organisations.

#### *Peru.*

See under Convention No. 24 for legislation.

Apart from the details given below, the information contained in the report is identical with that previously supplied. Reference is made to the information supplied under Convention No. 24, in particular, as regards the scope of the insurance system. The increase in the pension for the wife and for each dependent child has been increased to 2 per cent. and the total maximum of these increases to 20 per cent. of the wages.

The statistical data appended to the report show the number of persons drawing pensions (302), the number of pensions granted (314), the number of expired pensions (five) in 1949, the number of persons covered by the reimbursement of contributions on reaching the age limit (770), the amount paid in pensions (173,283.33 soles) and the amount refunded (39,803.56 soles).

No observations regarding the application of the Convention were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Poland.*

Act of 28 March 1933, respecting social insurance (L.S. 1933—Pol. 5), as amended by the Order of the President of the Republic of 24 October 1934 (L.S. 1934—Pol. 4) and by the Acts of 11 January 1938 (L.S. 1946—Pol. 2 E), 9 April 1938 (L.S. 1946—Pol. 2 F), 28 July 1939 (L.S. 1946—Pol. 2 H).

Legislative Decrees of 7 September 1944 (L.S. 1946—Pol. 2 I and 2 J), 29 September 1945 (L.S. 1946—Pol. 2 L), 8 January 1946 (L.S. 1946—Pol. 2 A), 13 December 1946 (L.S. 1946—Pol. 2 C), 28 October 1947 (L.S. 1947—Pol. 2 E).

Act of 1 March 1949 (L.S. 1949—Pol. 1).

Decree of the President of the Republic of 24 November 1927, respecting the insurance of intellectual workers (L.S. 1927—Pol. 6), as amended by the Act of 15 March 1934 (L.S. 1934—Pol. 2), the Legislative Decrees of 8 January 1946 (L.S. 1946—Pol. 4 A), 13 December 1946 (L.S. 1946—Pol. 4 B), 28 October 1947 (L.S. 1947—Pol. 2 B) and the Act of 1 March 1949 (L.S. 1949—Pol. 1).

Various Orders and Ordinances, issued in 1933, 1948, 1949 and 1950, in respect of social insurance.

In its first report, the Government indicates that old-age, invalidity and survivors' risks are covered in Poland under two separate schemes, namely the invalidity and survivors' insurance scheme for wage earners and the old-age, invalidity and survivors' insurance scheme for salaried employees. Wage-earning employees in agricultural undertakings are covered by one of these two schemes, according to the nature of the work in which they are engaged.

The divergencies between these two schemes are at present insignificant and relate, in the first place, to the conditions under which rights to benefits are acquired. The amount of the benefits granted under the two schemes is the same. Workers in mining undertakings are insured under the general scheme applicable to all workers and also in virtue of the supplementary occupational injuries and survivors' scheme (pensions insurance), which is governed by the statutory provisions of the funds for mining undertakings.

*Article 2* of the Convention : The general compulsory insurance schemes for workers and employees apply to all wage-earning or salaried employees (with the exceptions mentioned below), without distinction of nationality, sex, amount of remuneration or method of payment.

The following persons are also subject to compulsory insurance : (a) Polish nationals who are employed in foreign countries with Polish diplomatic and consular representatives provided they are not compulsorily insured under the legislation in force in the country in which they are employed ; (b) homeworkers and persons collaborating with them ; (c) the members of an employer's family (with the exception of the wife or husband) in so far as they are employed by the latter for remuneration ; (d) apprentices, voluntary workers and trainees.

The following persons are exempted from compulsory insurance : (a) aliens who are employed with the diplomatic and consular representatives of other States and by international commissions ; (b) public officials and established officials of State undertakings, establishments and institutions ; (c) workers employed by municipalities and communes or by municipal or communal undertakings and establishments, provided they are entitled, under regulations approved by the competent authority, to benefits at least equal to those provided for under the general insurance schemes for wage-earning and salaried workers and in conditions which are not less favourable ; (d) persons on active military service ; (e) clergymen of all denominations recognised by the State, as well as members of religious orders and associations of such denominations, provided that their work is the outcome of their religious vocation and not of any private legal status, as well as persons carrying out work or services without remuneration, purely from religious, humanitarian or ideological motives ; (f) persons who become salaried employees at the age of 60 years or over and who, as wage-earning employees, have not less than 200 contribution weeks to their credit, at least 50 of which must have been during the previous three years or who, as employees, have to their credit contribution months which are valid for acquiring the right to benefits ; (g) beneficiaries of

invalidity or old-age pensions ; (h) persons who are totally disabled or who are suffering from an occupational injury ; (i) members of the family of a craftsman (relatives in the ascending and descending line, brothers, sisters) who are employed by the latter in his workshop, provided they live in the same household with the employer ; (j) the wife or husband of the employer ; (k) members of the family of the employer who are employed by the latter, but not for remuneration ; (l) apprentices who are being trained under an apprenticeship contract ; (m) trainees and voluntary workers who, during or on the completion of their studies, are employed solely with a view to acquiring vocational training corresponding to their studies ; (n) persons in whose case paid employment does not constitute the main source of income, provided they are employed : (i) by the Post and Telegraph Department in seasonal work on telegraphic or telephonic lines for periods not exceeding one month ; (ii) on short-time, casual or temporary work for not more than one week with any one employer ; and (o) persons carrying out household work who are engaged by the same employer for short periods only, not exceeding two weeks.

In addition, under the insurance scheme for employees, compulsory insurance is not enforced until the worker has reached the age of 16 years.

Certain categories of persons (in particular, students, lawyers, doctors, candidates for technical employments, clergymen, relatives of the employer by blood or marriage) may be exempted from compulsory insurance at their own request.

*Article 3* : The two general insurance schemes, subject to a reservation as regards the completion of a certain period in compulsory insurance (150 weeks for wage-earning employees, 45 months for salaried employees and 12 months for workers in mining undertakings) provide for the possibility of retaining rights acquired under these insurance schemes by means of the voluntary continuation of insurance. Requests to this effect must be made within a specified period.

*Article 4* : The general insurance scheme for wage-earning employees does not provide for old-age pensions strictly speaking, but persons having reached a specified age are automatically entitled to an invalidity pension without establishing their invalidity. The right to such a pension is acquired at the age of 65 years. In the case of workers in mining undertakings, this right is acquired, as a rule, at the age of 60 years.

In the general insurance scheme for employees, the right to an old-age pension is acquired : (a) in the case of men at 60 years of age, if they can prove that they spent 480 months in insurance ; (b) in the case of women at 55 years of age, if they can prove that they spent 420

months in insurance; (c) in the case of both men and women at 65 years of age, if the insurance period is shorter.

*Article 5:* Under the general insurance scheme for workers, the right to benefits (for an insured person and his survivors) is subject to the completion in the insurance scheme of a minimum period of 200 contribution weeks during the 10 years prior to disablement or to the 65th birthday, or to the death of the insured person provided he was not drawing a pension.

Under the general insurance scheme for employees, the right to pensions is subject to the completion of a minimum period of 60 contribution months. If an industrial accident results in invalidity or death, a minimum insurance period is not required.

*Article 6:* The validity of rights to benefits is retained in the following manner.

Under the general insurance scheme for workers, this right is retained if, in the course of the 10 years prior to disablement (or the age assimilated to the latter) or death, insurance contributions were paid for at least 200 weeks of which 50 were in the three years prior to the occurrence of one of these circumstances. Consequently the right to benefits lapses more than two years after the end of the insurance. However, even where these insurance periods have not been completed in the course of the previous ten or three years, the right to benefits is retained, subject to certain conditions regarding contributions.

Under the general insurance scheme for employees, acquired rights are retained for 18 months after the end of the insurance. In cases where insurance is renewed more than 18 months after it ceased, rights previously acquired under the new insurance are renewed after the completion of a period of 12, 24 or 36 months according to whether the interruption in insurance lasted for five, 10 or 15 years.

Under all schemes, acquired rights remain valid, in particular, during periods of involuntary unemployment and of temporary incapacity for work owing to illness. Under the general insurance schemes for wage-earning and salaried employees, acquired rights remain valid when the person concerned is a member of the legislature or has reached the age of 60 years, provided he has not ceased to belong to the working class.

*Article 7:* Under the general insurance schemes for workers and employees, the amount of the pension is fixed and is not related to the period of insurance.

Pensions of insured persons and of the widows of insured persons who were in employment for at least 18 months after the liberation of Poland are fixed in relation to their average monthly remuneration during the six previous months.

Pensions for other insured persons and their widows consist of a uniform amount.

Under the supplementary insurance scheme for workers in mining under-

takings, the pension consists of a fixed amount and of a sum which varies according to the period of insurance.

Pensions under the general insurance schemes may be supplemented by allowances for dependent children. The group of children for which such allowances may be paid is the same as that for orphans' allowances; the amount of these allowances is the same as that for orphans' allowances.

Under the insurance schemes for workers and employees, increases for children and orphans' pensions are replaced by family allowances in the case of persons residing in Poland; the report gives the amount of these allowances.

*Article 8:* In the case of concurrent rights to an invalidity-old-age pension under one of the general insurance schemes and to a pension under the accident-occupational diseases insurance scheme, the more favourable benefit is paid in full and the other reduced by one half. This also applies in the case where a beneficiary is entitled concurrently to a widow's pension and to a pension under her own insurance.

In cases where a beneficiary is entitled concurrently to an invalidity (old-age) pension, under the general insurance scheme for workers and employees, and an invalidity or widow's pension under the supplementary insurance scheme for workers in mining undertakings, the payment of the fixed part of the miners' pension is suspended.

When the person concerned has supplied incorrect information and has acquired benefits which were not due or which were higher than those to which he was entitled, the right to benefit is forfeited; he is also responsible under penal law. Sums which were unduly paid to him must be reimbursed or deducted from any benefits due or which become due at a future date.

*Article 9:* Under the general invalidity, old-age and survivors' insurance schemes for workers, employees and miners, as in all branches of social insurance, all contributions are paid by the employer. All general insurance schemes are financed by a single contribution, the rate of which varies according to the various sectors of the national economy and amounts to 9.5 per cent. of wages in the case of insured persons employed by the State, 16 per cent. of wages in the case of insured persons employed by a private employer and 12 per cent. of wages in the case of insured persons employed by another employer (public institution, co-operative societies, etc.). The rate of contributions for the supplementary miners' insurance scheme is fixed at 8 per cent. of the wages.

Contributions are calculated on the basis of the real wages of insured persons and, in the case of work which is not paid, on the basis of a nominal wage established by the Minister of Labour and Social

Assistance which amounts at present to 5,000 zlotys per month.

*Article 10:* Autonomous social insurance institutions have been established, that is, regional insurance funds and a central social insurance institute for the administration of invalidity, old-age and survivors' insurance for workers and employees (general schemes).

These institutions are organised on the principle by which the persons concerned participate in their management and supervision. These functions are carried out by bodies two thirds of which are representatives of insured persons, nominated by workers' trade unions; one third are employers' representatives.

The report contains detailed information regarding the composition and functions of the social insurance funds and the Central Social Insurance Institute. The local agencies of the Institute, working on the basis of the documentation communicated to them by the insurance funds, allocate benefits under the general insurance schemes for workers and employees.

The Institute supervises the activities of the social insurance funds.

The Minister of Labour and Social Assistance is responsible for the financial and administrative control of all social insurance bodies.

Social insurance property and funds are administered separately from public funds.

*Article 11:* In the case of a dispute regarding benefits, the right of appeal is recognised for the insured person and his survivors, as well as for the survivors of the beneficiary of an allowance.

In the case of a dispute regarding liability for insurance or the amount of contributions, the right of appeal is recognised for the wage earner and his employer.

All disputes regarding social insurance are within the competence of a special jurisdiction, that is, in the first instance, regional insurance tribunals, assisted by assessors who are appointed by occupational trade unions, and in the second and last instance, the Social Insurance Tribunal at Warsaw.

*Article 12:* Foreign wage earners and their executors are subject to insurance and are entitled on a footing of equality to all benefits granted under invalidity, old-age and survivors' insurance to Polish nationals. In cases where they reside outside Polish territory, foreigners retain acquired rights to all benefits in the same measure as Polish nationals. Polish legislation does not contain any restrictions for its own nationals as regards the payment of benefits to persons domiciled abroad. However, in cases where the country of origin of the foreign wage earner applies restrictions or limitations in this respect to Polish nationals, similar measures may be applied to the nationals of the said country.

*Article 13:* Foreigners who take up paid employment on Polish territory are re-

quired to be affiliated to one of the invalidity, old-age and survivors' insurance schemes. On the other hand, Polish nationals employed abroad as official representatives of Poland are subject to the Polish insurance scheme provided they are not covered by a similar insurance scheme under the system applicable in the country in which they are employed.

The agreements regarding social insurance concluded on 5 April 1948 between Poland and Czechoslovakia and on 9 June 1948 between Poland and France provide for some exceptions to the principle that insurance for employees is governed by the legislation applicable to the place in which they are employed.

No decisions relating in particular to the application of the Conventions Nos. 35 to 40 were given by the regional tribunals or the social insurance tribunal.

On 1 January 1950, the number of insured persons covered by the invalidity, old-age and survivors' insurance scheme amounted to 4,094,500 and on 30 June 1950 to 4,549,900. The number of beneficiaries of annuities or pensions was 603,900 on 1 January 1950, including persons drawing pensions under the supplementary insurance scheme for miners and on 30 June 1950 it was 630,900, including persons drawing pensions under the supplementary insurance scheme for miners.

#### *United Kingdom.*

##### *Great Britain.*

Various Regulations and Orders, issued during 1949 and 1950, concerning national insurance.

##### *Northern Ireland.*

National Insurance (Amendment) Act (Northern Ireland), 1949.

Various Regulations, issued during 1949 and 1950, concerning national insurance.

The information previously supplied is supplemented by the above-named legislation and regulations and the following details. A certain number of regulations issued during previous years have been amended and new regulations have been issued, governing, in particular, the adjustment of benefits paid to in-patients in hospitals.

The number of persons in receipt of retirement or contributory old-age pensions in *Great Britain* is estimated at approximately 4,170,000 on 30 June 1950, as compared with 4,120,000 on 30 June 1949. Expenditure on retirement pensions for the nine months ended 31 March 1949 is estimated at £176 million, excluding administrative costs. It is impossible to calculate receipts for old-age insurance as such, but the total resources of the whole national insurance scheme amounted to £403 million, derived from the contributions of beneficiaries and employers, and £96 million representing the Exchequer grant. The annual grant amounted to

about £41 million for the year ended 30 June 1950. The number of persons in receipt of non-contributory pensions on 30 June 1950 was 427,600 (against 443,800 on 30 June 1949) ; expenditure on these pensions amounted to £26,717 (excluding administrative costs) for the year ended 31 March 1950.

No decisions were given by courts of law or administrative courts. Copies of the report have been communicated to the representative employers' and workers' organisations.

As regards statistical information for *Northern Ireland*, see under Convention No. 39.

### 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	8.12.1950
Czechoslovakia	1. 7.1949	—
France	23. 8.1939	24.10.1950
Italy	22.10.1947	17.10.1950
Poland	29. 9.1948	8.11.1950
United Kingdom	18. 7.1936	6.10.1950

#### *Chile.*

The report refers to the information previously supplied. See also under Convention No. 35.

#### *France.*

Decree of 20 April 1950, respecting the financial resources of social insurance for agriculture.

Act of 16 August 1950, to adapt the legislation respecting social insurance for agriculture so as to provide for persons holding positions of responsibility in agriculture and forestry.

The Decree of 20 April 1950 modifies the conditions under which *métayers* are subject to social insurance for agriculture. It increases to 200,000 francs the maximum value of the share of farm implements, buildings and livestock leased referred to in section 1(3) of the Legislative Decree of 30 October 1935. In virtue of the Act of 16 August 1950, wage-earning employees and assimilated persons, who were excluded from the agricultural scheme during all or part of the period between 1 July 1930 and 1 December 1948 (in view of the fact that their earnings were higher than the amount fixed in respect of social insurance), may be reassigned, in respect of old-age insurance, all the rights which they would have acquired if the agricultural scheme had been applicable to them during this period. Such workers (within 12 months from the date of the promulgation of the Act) are required to make a payment equal to the amount of the contributions which should have been paid during the said period in respect of old-age insurance.

Under the Decree of 20 April 1950, insured persons who are in receipt of an old-age pension which has been substituted

for an invalidity pension, or of an old-age pension, are entitled to benefits in kind under the sickness and maternity insurance schemes.

The Decree of 20 April 1950 institutes a scheme to provide for six categories of contractual contributions. The contributions payable by the employee and the employer have been established on the basis of 5 per cent. and 7 per cent. of wages respectively.

In the case of persons employed by the occupational agricultural bodies, trade unions, etc., enumerated under section 2 of the Legislative Decree of 30 October 1935, the above-mentioned percentages are applied to their real wages.

Contributions payable by workers under 18 years of age and trainees are fixed respectively at 70 per cent. and 50 per cent. of the contributions fixed for the lowest category : contributions payable by apprentices are fixed at 35 per cent. Contributions payable by workers classified as workers with a reduced occupational capacity and who have a working capacity of 50 per cent. or more, are fixed at 50 per cent. of the contributions prescribed for the lowest category. The amount of the worker's contribution is reduced by 60 per cent. in the case of workers aged 65 years and over.

The report supplies detailed statistical information with regard to the compulsory old-age insurance scheme. The number of compulsorily insured persons who contributed during 1949 amounted to 1,368,000. The total number of pensioners on 1 January 1949 amounted to 138,764 ; the number of pensions granted in 1949 amounted to 22,835. The number of pensions settled in 1949 amounted to 16,990 and the number of pensions in course of payment on 31 December 1949 to 144,539.

The expenditure for the year 1949 amounted to 113 million francs for pensions under the social insurance scheme, 4,039 million francs for pensions to aged workers, and 162 million francs for administrative expenses.

Receipts under the old-age insurance scheme during the period 1949 amounted to 4,479 million francs, of which 2,257 million represent employers' con-



tributions and 2,222 million workers' contributions. The increases in State contributions to the agricultural social insurance scheme were suspended as from 1 January 1947. As regards non-contributory pensions, 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 security scheme.

No decisions were given by courts of law or other courts with regard to the application of the Convention. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Italy.*

The report refers to the information supplied with regard to Convention No. 35

since, in Italy, the regulations applicable to old-age and invalidity insurance are the same for agriculture and industry.

#### *Poland.*

See under Convention No. 35.

#### *United Kingdom.*

##### *Great Britain.*

Various regulations issued in 1950.

The report refers to the information communicated with regard to Convention No. 35.

The statistical information submitted for *Northern Ireland* is the same as that supplied with regard to Conventions Nos. 35 and 39.

### 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	8.12.1950
Czechoslovakia	1. 7.1949	—
France	23. 8.1939	24.10.1950
Italy	22.10.1947	17.10.1950
Peru	8.11.1945	16. 1.1951
Poland	29. 9.1948	8.11.1950
United Kingdom	18. 7.1936	6.10.1950

#### *Chile.*

The report refers to the information previously supplied and adds that by decision of the governing body of the Compulsory Insurance Fund of 23 March and 15 May 1950, the benefits rate to agricultural workers and domestic servants has been increased. As far as the Government is aware there were no decisions by the labour courts relating to the application of the Convention.

The number of insured persons is 962,900, including 352,700 agricultural workers. The number of invalidity pensions in course of payment was 8,267 on 1 January 1948 and 8,893 on 31 December 1949; 1,788 new pensions were granted and 1,162 pensions expired in the course of the year. The total amount paid in invalidity pensions was 67,164.62 pesos. Information is also given regarding the total administrative expenses of the insurance scheme and its financial position.

There were no observations from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *France.*

Act of 13 July 1949, to continue the temporary old-age allowance in respect of the second and third quarters of 1949, to substitute for the payment due on 1 January 1950, in respect of the temporary allowance, the old-age allowance instituted by the Act of 17 January 1948 and to increase the rate of the old-age allowance for employees.

Act of 21 July 1949, to extend the application of social insurance legislation to authors who are not employed persons.

Act of 2 August 1949, to increase compensation due under industrial accident legislation.

Act of 3 February 1950, to increase the rates of the old-age allowance paid to employed persons and of social security pensions (L.S. 1950—Fr. 1 A).

Decree of 21 September 1949, to amend sections 14, 29 and 32 of Decree No. 45-0179 of 29 December 1945 (L.S. 1945—Fr. 1 I), as amended, to issue public administrative regulations regarding 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).

Act of 31 December 1949, to extend the control of the Audit Office to social security bodies.

Decree of 27 March 1950, to issue public administrative regulations for the application of the Act of 21 July 1949 extending social insurance legislation to authors who are not employed persons.

Decree of 8 May 1950, to issue public administrative regulations regarding the control of the Audit Office over social security bodies.

As regards the extension of the insurance scheme to authors who are not employed persons, and reciprocity agreements which were concluded and came into force during the period under review, the report reproduces the information submitted under Convention No. 35.



The legislative enactments of 13 July 1949 and 3 February 1950 establish the coefficients of revaluation applicable to invalidity pensions in course of payment in such a way as to make this revaluation proportionate to the coefficients laid down in these texts in respect of the old-age allowance for employed persons. In both cases, the coefficient has been fixed at 1.15 by the Orders issued in application of this legislation. The report contains a table showing the method in which the revaluation was calculated. The revaluation of pensions may not increase the latter to a sum exceeding 40 per cent. of the wage-limit established for calculating maximum contributions.

Under the Act of 2 August 1949, the amount of the increase in pensions granted to disabled persons who are totally incapable of engaging in any activity and who require the assistance of another person for the ordinary actions of life has been fixed at 120,000 francs.

Under the general invalidity insurance scheme, the resources of the insurance scheme are derived, as a rule, from the contributions of insured persons and employers.

The Act of 31 December 1949 subjects social security bodies to the control of the Audit Office. The Decree of 8 May 1950 establishes the methods of this control.

The report supplies statistical data regarding the total number of insured persons under the general scheme for occupations other than agricultural (8,300,000 on 1 July 1950) and the number of pensions at the beginning of 1949 (195,529, including 47,632 which were suspended in part or in whole) and at the beginning of 1950 (201,180 including 62,120 which were suspended in part or in whole). Information is also given regarding the total expenditure of the insurance scheme, which amounted to 13,132 million francs for the period 1 July 1949-30 June 1950, including 9,187 million francs for benefits in cash (pensions) and 3,955 million francs for benefits in kind. As regards receipts, the report states that there are no separate resources for the administration of a specified risk, as contributions are distributed to the different bodies responsible for administration. During the period mentioned above, social insurance contributions collected under the general scheme amounted to 213,491 million francs.

No legal or administrative decisions were given regarding the application of the Convention. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Italy.*

The report refers to the information supplied with regard to Convention No. 35 since, in Italy, the regulations applicable to old-age and invalidity insurance are the same in agriculture and in industry.

#### *Peru.*

For legislation, see under Convention No. 24.

The report reproduces the information previously supplied as well as that communicated with regard to Conventions Nos. 24 and 35.

The payment of a pension is not suspended if the insured person refuses to comply with the doctor's orders unless this refusal is not based on sound reasons; the insured person may submit a certificate from a private doctor and may request that the decision taken in this connection be reconsidered.

The rate of contribution which permits persons receiving a pension to retain their right to sickness benefits in kind has been fixed at 4 per cent. of the pension.

Statistical information appended to the report relates to the number of pensioners on 1 January 1949 (2,421), the number of pensions granted (280) and terminated (124) in 1949, and the amount granted in pensions (763,507.09 soles).

No observations regarding the application of the Convention were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Poland.*

As regards Articles 1, 2, 3, 5 and 6 of the Convention, the information supplied is identical with that given under Convention No. 35.

*Article 4:* Under the general insurance scheme for workers, a person is deemed to be disabled if, in consequence of sickness or physical or mental infirmity or a decline in his physical or mental powers, he is no longer capable of earning by his own work, one third of the sum earned in the same locality by persons of equivalent training and qualifications who are in full possession of their physical and mental faculties.

Workers in mines and foundries who have been employed in their occupation for a minimum period of 600 weeks are deemed to be disabled if, for one of the reasons mentioned above, they are incapable of earning by their own work, half the sum earned in the same locality by persons of equivalent training and qualifications who are in full possession of their physical and mental faculties.

Under the general insurance scheme for employees, a person is entitled to an invalidity pension in case of occupational disablement. A person is considered as incapable of carrying out his work if, in consequence of physical or mental infirmity or a decline in his physical or mental powers, his capacity for work is less than 50 per cent. of the capacity of persons of equivalent training and qualifications who are physically and mentally sound.

Under the supplementary insurance scheme for miners, invalidity pensions are

granted in cases where the person concerned is incapable of carrying out his occupation, whether this incapacity be temporary or permanent.

*Article 7:* The report reproduces the information supplied with regard to Convention No. 35 and adds that a disabled person who requires the constant assistance and care of another person is entitled to an increase of 50 per cent. of his pension; this increase is granted under the same conditions to the beneficiaries of widows' and orphans' pensions. All beneficiaries are entitled to increases in the case of blindness.

*Article 8:* In order to avert incapacity or to restore working capacity, the competent insurance body, if it considers this necessary, may authorise either, *ex officio* or upon request, medical treatment for an insured person or a beneficiary of a pension. As a rule, the treatment is given in a sanatorium. The expenses for treatment and maintenance are paid entirely by the insurance body. If, during the period of treatment, the insured person is not entitled to his remuneration, he receives the daily sickness benefits payable under his sickness insurance if he has a dependent family (wife and children) and 50 per cent. of these benefits (35 per cent. of remuneration) if he has no dependants. Annuities and pensions are not subject to any reduction during the period in which the beneficiary is undergoing curative treatment.

*Article 9:* An insured person is not entitled to an annuity if he has intentionally brought about his disablement. If he has survivors, the insurance body may grant an allowance up to the maximum amount of the annuity or pension which would have been payable to him. In the case of a person who has been sentenced to imprisonment for a period exceeding one month, the annuity or pension is suspended for the period of imprisonment; during this period, benefits are paid to his dependants.

Refusal to submit to preventive or curative treatment may lead to the suspension of the annuity or pension.

Under the general insurance schemes for wage-earning and salaried employees, an invalidity annuity (in the case of general premature or occupational disablement) is not granted or may be suspended if the disabled person continues or resumes a gainful occupation, provided the remuneration for such work exceeds a specified amount (at present, 10,000 zlotys a month).

As regards Articles 10-15 of the Convention, the report reproduces the information given under Articles 9-14 of Convention No. 35. See under Convention No. 35 for statistical data relating to invalidity, old-age and survivors' insurance.

#### *United Kingdom.*

##### *Great Britain.*

National Health Service (Amendment) Act, 1949.

Various Regulations and Orders, issued in 1949 and 1950, concerning national insurance, the National Health Service, and industrial injuries.

##### *Northern Ireland.*

National Insurance (Amendment) Act (Northern Ireland), 1949.

Various Regulations, issued during 1949 and 1950, concerning national insurance.

The report reproduces the information previously supplied and adds the following. It is not possible to supply separate data on expenditure for sickness insurance, but total sickness benefits paid in cash during the nine months ending 31 March 1949 are estimated at about £43 million excluding administrative costs. See under Convention No. 35 for information relating to the resources of the insurance scheme. There were no decisions by courts of law or other courts. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative 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	8.12.1950
Czechoslovakia	1. 7.1949	—
France	23. 8.1939	24.10.1950
Italy	22.10.1947	17.10.1950
Poland	29. 9.1948	8.11.1950
United Kingdom	18. 7.1936	6.10.1950

#### *Chile.*

The report refers to the information previously supplied and reproduces the infor-

mation contained in the report on Convention No. 37.

#### *France.*

See under Convention No. 36 for legislation.

The report reproduces information supplied with regard to Convention No. 36, supplemented by the following details.

The Decree of 20 April 1950 maintains the criterion of the period of work preceding the risk in estimating the condition of the qualifying period.

An insured person must show that he has been engaged in paid or assimilated employment for at least two thirds of the four calendar quarters preceding the quarter during which the accident occurred or in which the first medical diagnosis of the illness was reported. He must also have been registered with a social insurance scheme on the first day of the four quarters and must show that he was engaged in paid or assimilated employment during at least 15 days of the last quarter.

An insured person who was registered after the beginning of the reference period mentioned above is entitled to benefits if he can show that he was engaged in paid agricultural employment for at least two thirds of the period beginning from the date of registration.

The report supplies statistical information regarding the total number of persons who are compulsorily insured and who paid contributions (1,368,000 during 1949), the number of persons drawing pensions on 1 January 1949 (14,669), the number of pensions granted in the course of 1949 (3,484), the number of pensions settled during this period (2,523) and the number of pensions in course of payment on 31 December 1949 (15,630). The total expenditure for invalidity pensions during 1949 amounted to 488 million francs and that for benefits in kind to 420 million francs. Reserve funds amounted to 279 million francs and receipts from invalidity insurance to 825 million francs, 416 million of which were derived from employers' contributions and 409 million from insured persons' contributions. The increase in

social insurance agricultural contributions payable by the State was suppressed as from 1 January 1947. No judicial or administrative decisions were given regarding the application of the Convention. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Italy.*

The report refers to the information supplied with regard to Convention No. 35 since, in Italy, the regulations applicable to old-age and invalidity insurance are the same in agriculture and in industry.

#### *Poland.*

See under Convention No. 37.

#### *United Kingdom.*

See under Convention No. 37 for legislation.

The information previously supplied is reproduced and supplemented by details regarding the scope of application of the insurance scheme in respect of occasional employment in certain harvesting operations (see under Convention No. 25). There were no decisions by courts of law or other authorities relating to the application of the Convention.

See under Convention No. 37 for statistical information. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative 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	16. 1.1951
Poland	29. 9.1948	8.11 1950
United Kingdom	18. 7.1936	6.10.1950

#### *Peru.*

See under Convention No. 24 for legislation.

The report refers to information previously supplied and to the information communicated with regard to Conventions Nos. 24, 35 and 37. The survivor's benefit payable under the social security scheme for workers, consists of a fixed sum; however this system is transitory and will

shortly be replaced by a scheme under which pensions will be granted. Section 150 of Legislative Decree No. 11,321 prescribes that the National Social Security Fund should make preparatory studies to this effect. Similarly, the social security scheme for employees provides for a provisional scheme of benefits payable in the case of death, similar to that provided for workers but, when the final scheme is established, the granting of pensions will also be considered. In the case of workers, survivors' benefits have been established by Legislative Decree No. 11,321 at 50 per cent. of the annual wages; this Legislative Decree establishes a scale regarding the amount of the lump sum payable to survivors; this scale consists of 10 categories varying between 390 and 4,056 soles and a scale for the amount of allowances for funeral expenses, vary-

ing between 400 and 850 soles. The statistical information appended to the report relates to the benefits paid to survivors (468 payments amounting to 746,828 soles), allowances for funeral expenses (1,203 cases and 199,191 soles) and the number of beneficiaries (1,612).

No observations were received with regard to the application of the Convention from employers' and workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Poland.*

The report reproduces the information supplied with regard to Conventions Nos. 35-38, supplemented by the following details regarding the beneficiaries of survivors' pensions and the conditions under which such pensions are granted.

*Article 6* of the Convention: Under the general insurance scheme for workers, a widower is entitled to an annuity if he is disabled and was entirely and exclusively supported by his wife.

Under the general insurance scheme for employees, a widower is entitled to an annuity if he incurs occupational disablement and is without means of subsistence and if his wife was entirely or mainly responsible for the maintenance of the family.

The general insurance schemes and the supplementary scheme for miners give a right to orphans' annuities or pensions, which are granted not only to children born in wedlock but also to: (1) children born out of wedlock (legitimated, recognised or assimilated to the legitimate children); (2) adopted children; and (3) children of the husband or wife and grandchildren.

In the case of the death of an insured person or of the beneficiary of an annuity, the survivors are entitled to the payment of funeral expenses, in addition to the widow's, widower's or orphan's annuity.

*Article 7*: Under the general insurance schemes for workers and employees, a widow is entitled to an annuity if: (1) she is permanently disabled, (2) is over 55 years of age, or (3) brings up children who are entitled to orphans' annuities, under conditions which vary according to the number of children.

A widow is considered as a disabled person if, in consequence of sickness or physical or mental infirmity or a decline in her physical or mental powers, she is incapable of earning by her work one third of the sum earned in the same locality by a person of equivalent training and qualifications who is in full possession of his physical and mental faculties.

Under the general insurance scheme, a widow's or widower's pension is not granted: (1) if the marriage has lasted for less than six months (except in cases where the death of the husband or wife has resulted

from causes arising after the date of the marriage (accident, sudden illness)); (2) if, at the time of the death, the marriage had been dissolved (annulment or divorce); (3) if the insured person was married after attaining the age of 55 years, except in cases where children were born as a result of the marriage; (4) if, at the time of the marriage, the insured husband or wife was already in receipt of an annuity; (5) if it is established by an enforceable verdict that the widow was guilty of an act or of deliberate complicity with the intention of bringing about the death of her husband.

However, in the cases mentioned under (3) and (4), the pension may be granted if it is considered that refusal to do so would entail an unjustifiable wrong from the social point of view.

In case of remarriage, the widow's or widower's pension is suspended for the duration of the second marriage.

*Article 8*: Annuities and pensions under the mining scheme are paid to orphans up to the age of 18 years, or 24 years if the orphan continues his studies. An orphan who is disabled in consequence of physical or mental infirmity is entitled to an annuity or pension, irrespective of age, provided his disablement became apparent before he attained the age of 18 years.

Illegitimate children of an insured woman are entitled, at the latter's death, to the same orphans' annuities or pensions as those granted to children born in wedlock. As regards the father, illegitimate children are not entitled to an invalidity annuity or pension unless they have been legitimated, recognised or assimilated to legitimate children.

Adopted children are only entitled to orphans' annuities or pensions if they were adopted at least one year before the date on which the person concerned was first entitled to an invalidity or old-age annuity or pension, or before the death of an insured person who was not in receipt of an annuity or pension.

The children of the husband or wife and grandchildren are entitled to an orphan's annuity or pension provided they were supported by the insured person (or by the beneficiary of an annuity) for at least one year prior to the latter's death.

The orphan's annuity is suspended in cases where the beneficiary marries.

*Article 9*: The death of the beneficiary of an invalidity-old-age annuity or pension, of a member of his family or of the beneficiary of a survivor's allowance, gives the right to benefits for funeral expenses, the amounts of which are given in the report.

*Article 11*: Survivors (widow or orphans) are not entitled to benefits if they are recognised by a court decision to have been guilty of an action or of deliberate complicity with the intention of causing the death of the insured person.

*United Kingdom.**Great Britain.*

National Insurance Act, 1949.

Various Regulations and Orders issued during 1949 and 1950, concerning national insurance.

*Northern Ireland.*

National Insurance (Amendment) Act (Northern Ireland), 1949.

Various Regulations issued during 1949 and 1950, concerning national insurance.

The information previously supplied is supplemented by information relating to certain changes introduced during the period under review. Amendments to the National Insurance Acts for Great Britain and for Northern Ireland, as well as new regulations, dealt in particular with the conditions under which lump sum "death" and funeral grants are payable. New regulations were also introduced to govern payment of benefits to insured persons who are hospital in-patients. The State subsidy allotted for the running of the whole national insurance scheme was about £41 million for the year ended 30 June 1950. It is estimated that on that date 455,000 women in *Great Britain* were in receipt of widow's benefit (excluding short-term allowances) and that benefits were

payable to 150,000 children, including 115,000 cases where the payment was an integral part of a widowed mother's allowance. Total expenditure on widows' benefits and guardians' allowances during the nine months ended 31 March 1949 amounted to £16 million. The total resources of the national insurance scheme were £403 million, derived from the contributions of insured persons and employers and from £96 million representing the Exchequer Supplement.

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

With regard to *Northern Ireland*, the report contains various statistical data for 30 June 1950: on that date there were 590,000 insured persons and 88,316 beneficiaries. During the year under review, 7,158 new pensions were granted and 5,647 pensions expired. The number of persons in receipt of widows' and orphans' pensions was 10,985, 1,303 new pensions having been granted and 819 pensions having expired in the course of the year. The total expenditure on retirement pensions, widows' benefits and guardians' allowances came to £5,300,000.

#### 40. Convention concerning compulsory widows' and orphans' insurance for persons employed in agricultural undertakings (1933)

*This Convention came into force on 29 September 1949*

Countries	Date of registration of ratification	Reports received
Bulgaria	29.12.1949	—
Czechoslovakia	1. 7.1949	—
Poland	29. 9.1948	8.11.1950
United Kingdom	18. 7.1936	6.10.1950

*Poland.*

See under Convention No. 39.

*United Kingdom.**Great Britain.*

Ministry of National Insurance Act, 1944.

Family Allowances Act, 1945 (L.S. 1945—U.K. 3).

National Insurance Acts, 1946 (L.S. 1946—U.K. 3) and 1949.

Various Regulations and Orders concerning national insurance, issued from 1945 to 1950.

*Northern Ireland.*

National Insurance Act (Northern Ireland), 1946.

National Insurance (Amendment) Act (Northern Ireland), 1949.

Various Regulations concerning national insurance issued from 1946 to 1950.

In its first report the Government states that as from 5 July 1948, the scheme for

compulsory insurance in *Great Britain* under the National Insurance Act, 1946, includes provisions respecting widows' benefits and guardians' allowances which apply not only to all persons referred to in the Convention but to the whole community, including persons who are not gainfully employed. The report refers generally to the information supplied in connection with Convention No. 39 and adds that it is not possible to supply statistics for *Great Britain*.

The national insurance scheme applied in *Northern Ireland* is in actual fact identical with that in operation in *Great Britain* apart from some slight differences in the administrative machinery. *Northern Ireland* having a land frontier with the Republic of Ireland, Article 17 of the Convention applies. Persons resident in the Republic of Ireland and employed in *Northern Ireland* are insured against all risks under the national insurance scheme for *Northern Ireland*. Arrangements have been made for pensions granted under this scheme to persons resident in the Republic of Ireland to be paid at their places of residence. For *Northern Ireland*, the statistical data supplied in connection with Convention No. 39 are given again in this report.

## 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	19. 3.1951
Argentina <sup>1</sup>	14. 3.1950	9.10.1950
Belgium <sup>2</sup>	4. 8.1937	18.12.1950
Brazil <sup>2</sup>	8. 6.1936	—
Burma <sup>3</sup>	22.11.1935	16. 2.1951
Ceylon	2. 9.1950	—
Egypt	11. 7.1947	9.11.1950
Estonia <sup>2</sup>	21.12.1935	—
France <sup>4</sup>	25. 1.1938	24.10.1950
Greece <sup>2</sup>	30. 5.1936	17. 1.1951
Hungary	18.12.1936	—
India <sup>4</sup>	22.11.1935	23.12.1950
Iraq	28. 3.1938	16.11.1950
Ireland <sup>2</sup>	15. 3.1937	1.12.1950
Netherlands <sup>2</sup>	9.12.1935	25.11.1950
New Zealand	29. 3.1938	17.10.1950
Pakistan <sup>5</sup>	22.11.1935	17.10.1950
Peru	8.11.1945	16. 1.1951
Switzerland <sup>2</sup>	4. 6.1936	5.10.1950
Union of South Africa <sup>2</sup>	28. 5.1935	18. 9.1950
United Kingdom <sup>6</sup>	25. 1.1937	—
Venezuela <sup>2</sup>	20.11.1944	—

<sup>1</sup> Voluntary report.

<sup>2</sup> Has denounced Convention No. 4.

<sup>3</sup> See footnote 2 to Convention No. 1.

<sup>4</sup> Has ratified this Convention but has not denounced Convention No. 4.

<sup>5</sup> See footnote 3 to Convention No. 1.

<sup>6</sup> Has denounced this Convention.

#### *Afghanistan.*

See under Convention No. 4.

#### *Argentina.*

In a voluntary report, the Government refers to the information previously supplied in other reports. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Belgium.*

Order of the Regent of 15 May 1949, to authorise the substitution of the interval between 11 p.m. and 6 a.m. for the interval between 10 p.m. and 5 a.m. for women over 18 years of age employed in the announcing services of broadcasting establishments.

The information given in previous reports is supplemented by the following details. The Royal Order of 26 August 1939 (authorising the Minister of Labour to grant exceptions to the prohibition of night work for women of any age, in the event of the extension or mobilisation of the army) ceased to be in force as from 15 June 1949, the date on which the army

was organised on a peace establishment.

Article 2, paragraph 2 of the Convention was applied in virtue of the Royal Orders referred to in previous reports and by the Order of the Regent of 15 May 1949, which lays down that the interval between 11 p.m. and 6 a.m. may be substituted for that between 10 p.m. and 5 a.m. This Order was issued in virtue of section 8 (2) of the Act respecting the employment of women and children, after consultation with the occupational organisations concerned.

No use has been made of the exceptions provided for in Articles 4 (b) and 6 of the Convention.

Four decisions were given by courts of law; these decisions merely confirmed the application of the provisions of the national legislation. During the period covered by the report, the inspection services visited 7,618 establishments employing 26,463 persons; 23 contraventions were reported. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Burma.*

See under Convention No. 4.

#### *Egypt.*

The information supplied is identical with that contained in the report for the period 1948-1949. No decisions were given by courts of law. No observations were received from employers' or workers' organisations.

#### *France.*

See under Convention No. 4.

#### *Greece.*

Reference is made to previous reports. The following details are given in response to the observations made by the Committee of Experts with regard to the exceptions provided for in Article 4 (b) of the Convention (work in connection with materials subject to deterioration). As stated by the Greek Government member to the Conference Committee, the provisions of the above-mentioned Article of the Convention have been applied by various Decrees, issued in virtue of sec-

tion 9 of Act No. 4029 of 1912, authorising the night work of women under certain fixed conditions and for specified periods during the year, in the canning industry (15 August to 31 January), the dairy industry (13 April to 31 August) and in industries for the preparation of figs (1 August to 31 October).

According to the 1949 reports of the labour inspectors of Athens, the labour inspection services have not referred to the granting of any permits in this connection; no permits are granted by the inspection service of Southern Greece.

No use has been reported of the provisions of Articles 6 and 7 of the Convention. No definition has yet been adopted to define the term "women holding responsible positions of management".

See under Convention No. 1 for information relating to the functioning of the inspection service.

The Convention is applied in a satisfactory manner. As the statistical labour services are not yet in operation, it is not possible to supply data concerning the number of women employed in industry. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *India.*

No use is made of the exception authorised under Article 8 of the Convention. See under Convention No. 4 for information relating to the application of the relevant provisions of the Factories Act. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Iraq.*

The information given in previous reports is supplemented by the following details. The Labour Law (section 9) provides for the suspension of the prohibition of night work "in case of accident actual or threatened, or in case of urgent work to be done by machinery or plant, or in case of *force majeure*, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking". This provision of the legislation is not wholly satisfactory and explicit and its amendment on the lines of the Convention will be considered. The exception is authorised provided that extra wages are paid at daily rates if the work extends one hour beyond normal working hours. Moreover, an employer who wishes to make use of the exception is obliged to give 24 hours' notice to the Ministry of Social Affairs.

Under Article 4 (b) of the Convention, the report states that no regulations have been issued in virtue of the Labour Law. No provision has been made for the shorter night interval provided for under Article 7 of the Convention.

The prohibition of night work applies

to all women covered by the Labour Law, including those holding responsible positions of management who are not ordinarily engaged in manual work (Article 8). This prohibition does not apply to women who are employed in separate administrative or commercial establishments of industrial undertakings.

The application of the legislation is entrusted to the General Directorate of Labour in the Ministry of Social Affairs. Supervision and enforcement are exercised by a small team of labour inspectors in Baghdad and by the labour superintendents in Kirkuk, Basrah and Mosul. Inspection visits are made to industrial undertakings and warnings are given in each case of contravention of the Labour Law. The inspection service is, however, still in its infancy and must be further developed.

No statistics are available as regards the number of workers covered by the relevant legislation. The only industries in which women are reported to work at night are the seasonal industries, date-packing and wool-cleaning industries. The date packers are of the opinion that they are not covered by the Labour Law; however, this view is not accepted by the Ministry of Social Affairs. The women employed on this work are women from the country who return to agricultural work after the three months' packing season. The same type of women are employed in wool-cleaning. The difficulties in applying the Convention to certain seasonal workers will be further examined with the employers' trade associations which, however, do not normally deal with labour questions.

There are no representative organisations of employers and workers to whom the report could be communicated.

#### *Ireland.*

The information supplied is identical with that contained in previous reports. During the period under review, the only processes for which advantage was taken of the exception provided for in Article 4 (b) of the Convention were in connection with the poultry trade, when there was an abnormal increase in work and night work was necessary to prevent the loss of material. Permits were given to 43 undertakings in this connection, but in no case for more than four weeks. Three contraventions were reported and legal proceedings were instituted in each case. No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Netherlands.*

The information supplied is identical with that contained in the report for the period 1948-1949. The only contravention of the night work of women reported during 1949

related to the hotel industry. No decisions were given by courts of law. Copies of the report have been communicated to the Labour Foundation.

#### *New Zealand.*

In February 1950, the number of females employed in factories registered under the Factories Act was 37,023. According to a national employment service estimate, 40,565 women were employed in April 1950 (the figures supplied for 1949 included working proprietors), 66 of whom were employed in mining undertakings and 818 in building and construction. In both cases, the women were employed solely in clerical and 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.*

See under Convention No. 4.

#### *Switzerland.*

With the exception of the following details, the information contained in the report is identical with that supplied for the period 1948-1949.

See under Conventions Nos. 5 and 6 for information relating to appeals in connection with the Federal Factories Act, the scope and enforcement of the legislation.

Neither the Federal nor the cantonal authorities were called upon to give decisions in disputes arising out of the Federal Act relating to the employment of young persons and women in arts and crafts. The Federal authorities were notified of 23 convictions for breaches of the prohibition of the night work of women, as laid down in the Factories Act. The three most severe penalties imposed in this connection amounted, in one case, to five days' imprisonment with remand on probation but with a fine of 1,000 francs and, in two cases, to fines of 200 francs each. Although the above figure of 23 convictions is higher than that for the period 1947-1948, it does not appear unduly high, as it represents less than two convictions for each canton. In addition, several of

the breaches in question appear to have been committed, not during the hours prohibited by the Convention, but during the interval between 8 p.m. (5 p.m. on Saturdays and on the eve of public holidays) and 10 p.m., which is covered by the term "night" as defined in the national legislation. At the same time, some of these convictions may be for failure to observe the minimum duration of the period of nightly rest as laid down in the Convention and in the legislation. No convictions were reported for breaches of the Act respecting the employment of young persons and women in arts and crafts.

The report also refers to the observations made by the Committee of Experts in 1950 as regards exceptions authorised as a result of the shortage of electricity and reproduces the text of the Government's reply contained in its letter of 22 May 1950. In this letter, the Government explained that this observation could now be considered irrelevant in view of the fact that the Ordinance of 22 June 1948, which was designed to adjust the hours of work in factories to restrictions on the consumption of electricity, had been repealed by the Ordinance of 30 April 1950.

No suggestions, complaints or observations have been received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Union of South Africa.*

The report repeats the information previously supplied and adds that, during the period under review, some seasonal exemptions were granted in the fish and preserved food industries 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 or renewed 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.

There are at present 207 inspectors appointed to assist in the administration of the Factories Act, the Industrial Conciliation Act and the Wage Act. 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.



## 42. Convention concerning workmen's compensation for occupational diseases (revised 1934)

*This Convention came into force on 17 June 1936*

Countries	Date of registration of ratification	Reports received
Argentina <sup>1</sup>	14. 3.1950	9.10.1950
Austria	26. 2.1936	12.10.1950
Belgium	3. 8.1949	—
Brazil	8. 6.1936	—
Bulgaria	29.12.1949	—
Cuba	22.10.1936	—
Czechoslovakia	1. 7.1949	—
Denmark	22. 6.1939	10.10.1950
Finland	20. 1.1950	—
France	17. 5.1948	24.10.1950
Hungary	17. 6.1935	—
Iraq	25. 7.1941	16.11.1950
Ireland	15. 3.1937	5.10.1950
Japan	6. 6.1936	—
Mexico	20. 5.1937	—
Netherlands	1. 9.1939	25.11.1950
New Zealand	29. 3.1938	17.10.1950
Norway	21. 5.1935	4.11.1950
Poland	29. 9.1948	8.11.1950
Sweden	24. 2.1937	13.10.1950
Turkey	27.12.1946	24.11.1950
United Kingdom	29. 4.1936	6.10.1950

<sup>1</sup> Voluntary report

### Argentina.

Act No. 9,688 of 11 October 1915, respecting liability for industrial accidents.

Decree of 14 January 1916, regulating administration of the Act respecting liability for industrial accidents.

Decree of 19 February 1932, to add undulant fever to the list of occupational diseases enumerated in the appendix to Act No. 9,688.

Decree of 29 April 1936, to amend the list of occupational diseases appended to Act No. 9,688.

Act No. 13,639 of 18 October 1949, to modify and amend Act No. 9,688 respecting liability for industrial accidents.

In a voluntary report, the Government states that workers suffering from occupational diseases receive the same compensation as that granted to victims of industrial accidents.

The diseases enumerated in the Decrees of 14 January 1916 and 29 April 1936 contain the diseases mentioned in the Schedule to Article 2 of the Convention as well as certain other diseases. Copies of the report have been communicated to the representative employers' and workers' organisations.

### Austria.

Federal Act of 14 July 1949, to modify the Federal Act of 15 October 1948, to amend social insurance legislation and to increase social insurance benefits, as amended by the Federal Act of 19 May 1949.

Federal Act of 31 March 1950, to amend and supplement the Federal Act of 12 June 1947.

The report reproduces the information supplied in previous reports and adds that the legislation introduced during the period

under review does not affect the application of the Convention.

No decisions were given by courts of law; no observations were received from employers' and workers' organisations. Copies of the report have been communicated to the representative organisations.

### Denmark.

The Government refers to the report submitted on the application of Convention No. 18.

### France.

Act No. 46-2426 of 30 October 1946, respecting the prevention of, and compensation for, industrial accidents and occupational diseases (L.S. 1946—Fr. 12).

Decree No. 46-2959 of 31 December 1946, to issue public administrative regulations under Act No. 46-2426 of 30 October 1946 (L.S. 1948—Fr. 4 B), as amended and supplemented by Decree No. 49-778 of 11 June 1949.

Decree No. 47-2201 of 17 November 1947, to lay down special rules for applying Act No. 46-2426 of 30 October 1946 respecting the prevention of, and compensation for, industrial accidents and occupational diseases, to cases of occupational silicosis (L.S. 1947—Fr. 7).

Act of 12 January 1948, to modify the Act of 30 October 1946.

Decree No. 48-451 of 16 March 1948, to supplement the tables of occupational diseases appended to Decree No. 46-2959 of 31 December 1946 (L.S. 1948—Fr. 4 A).

Decrees Nos. 48-634 of 2 April 1948 and 48-1328 of 25 August 1948, to modify Decree No. 46-2959 of 31 December 1946 concerning public administrative regulations issued in application of Act No. 46-2426 of 30 October 1946.

Decree No. 49-192 of 9 February 1949, to supplement the tables of occupational diseases appended to Decree No. 46-2959 of 31 December 1946.

Act No. 49-1104 of 2 August 1949, to extend to the Departments of Guadeloupe, French Guiana, Martinique and Réunion the social security provisions concerning the prevention of, and compensation for, industrial accidents and occupational diseases.

Act No. 49-1111 of 2 August 1949, to increase the benefits granted in virtue of the legislation concerning industrial accidents.

Decree No. 49-1585 of 10 December 1949, to apply Act No. 46-2426 of 30 October 1946 to prisoners.

In its first report, the Government states that the Decree which is under consideration with a view to eliminating a discrepancy as regards the payment of compensation for temporary incapacity caused by occupational silicosis has not yet come into force.

The general principles of French legislation relating to compensation for occupational diseases are the same as those governing compensation for industrial accidents and are in conformity with the conditions

laid down in Convention No. 17. The Social Security Fund is responsible for ensuring the payment of compensation for occupational diseases from the date upon which a disease is medically established and notification thereof has been given within the period laid down for each disease in the table appended to the Decree.

The appendix to the Decree lists the occupational diseases and, for each disease, the operations liable to give rise to the disease. This list may be revised and supplemented by public administrative regulations. The diseases mentioned in the schedule comprise all the diseases enumerated in the list given in Article 2 of the Convention.

The application of the Convention is controlled in the same way as that described in the report for Convention No. 17 concerning workmen's compensation for industrial accidents.

The control of the legislation concerning industrial hygiene and safety, as well as the legislation dealt with in this report, is carried out by the safety committees and the health officers attached to undertakings, the labour inspectors and medical officers of the labour inspectorate, the medical advisers of regional and primary social security funds, and the consulting engineers and safety inspectors of the regional social security funds.

No decisions were given by courts of law. The statistics compiled for the year 1948 show that 1,959 cases of occupational diseases were declared and include details relating to various diseases and branches of industry. Statistics for 1949 are not yet available. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Iraq.*

The Government refers to the information previously supplied.

As regards Part V of the report form for the Convention, the Government states that the Ministry of Social Affairs was approached in one case only. Copies of the report have not been communicated to representative organisations of employers and workers, since such organisations do not exist in Iraq.

#### *Ireland.*

The report reproduces the information given for 1948-1949.

The Convention is applied as part of, and on the same lines as, the law dealing with workmen's compensation for accidents.

There were no decisions by courts of law and no observations from employers' or workers' organisations.

Statistical data for the year 1948 are given in an appendix to the report showing that £1,886 were paid in compensation in respect of 38 cases of occupational diseases, and one fatal case. Copies of the report

have been communicated to representative employers' and workers' organisations.

#### *Netherlands.*

Royal Decree No. 7377 of 11 August 1949, concerning the entry into force of the Act of 25 February 1949.

Royal Decrees Nos. 7379, 7380 and 7381 of 11 August 1949, to establish standards for public administrative regulations.

The Government refers to its previous reports.

No decisions were given by courts of law; no observations were received from employers' or workers' organisations. A copy of the report has been communicated to the Labour Foundation.

#### *New Zealand.*

The report supplements the information given for 1948-1949 by statistical data relating to the incidence of occupational diseases.

There were no decisions by courts of law; no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Norway.*

The report refers to the information previously supplied. No decisions were given by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Poland.*

Act of 28 March 1933, respecting social insurance (L.S. 1933--Pol. 5), as amended by Presidential Order of 24 October 1934 (L.S. 1934--Pol. 4), as subsequently amended in 1936, 1938, 1944 and 1945.

Order of the Minister of Social Assistance of 28 December 1933, concerning the procedure to be followed as regards benefits payable under accident insurance in case of occupational diseases.

Order of the Council of Ministers dated 29 September 1937, concerning the extension of the list of occupational diseases covered by the legislation relating to workmen's compensation for accidents and occupational diseases.

In its first report, the Government states that, since 1937, the diseases enumerated in Article 2 of the Convention have been recognised as occupational diseases. The benefits payable as compensation for occupational diseases are the same as those granted for industrial accidents.

The regulations concerning the organisation and control of accident insurance are applicable in full to compensation of occupational diseases.

The inspection service for occupational diseases is under the administration of the public health and labour inspection services. The insurance institutes participate also in the inspection of occupational diseases.

Separate statistical data for occupational diseases are not available; they are included in the statistics for industrial accidents provided in the report on Convention No. 17. Copies of the report have been communicated to the Central Council of Polish Trade Unions.

#### *Sweden.*

Act of 5 May 1950, to amend the Act of 14 June 1929, concerning insurance against certain occupational diseases.

Royal Decree of 2 June 1950, to amend the Royal Decree of 24 November 1944 to lay down special provisions with regard to the application of the Act of 14 June 1929.

The Government refers to the information given in previous reports. The above-named legislation relates to the extension of the list of occupational diseases and modifies the wording of one item on the list; it does not affect the application of the Convention.

During the period under review, 3,140 cases were reported. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Turkey.*

Act No. 5564 of 1 March 1950, to amend Act No. 4772 of 27 June 1945 respecting insurance against industrial accidents and occupational diseases and maternity insurance.  
Act No. 5563 of 1 March 1950, to amend Act No. 4792 concerning the workmen's compensation institute.

The report reproduces the information given in previous reports.

During the first ten months of 1950, 186 cases of occupational diseases were reported. The amount paid in benefits during the first six months of 1950 was 1,476,888 Turkish pounds; this amount includes benefits for industrial accidents, since the statistics make no distinction between industrial accidents and occupational diseases.

No decisions were given by courts of law; no observations were received from employers' and workers' organisations. Copies of the report have been communicated to the workers' organisations and, as there are no representative employers' organisations, to chambers of commerce.

#### *United Kingdom.*

National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations, 1949.

National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment (No. 3) Regulations, 1949.

The Government refers to the information previously supplied.

The new regulations do not affect the application of the Convention.

The number of successful claims for benefit for occupational diseases for the period July 1948 to December 1948 was 18,243. No decisions were given by courts of law. Copies of the report 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	18.12.1950
Bulgaria	29.12.1949	—
Czechoslovakia	19. 9. 1938	21.11.1950
France	5. 2. 1938	24.10.1950
Ireland	15. 5. 1939	5.10.1950
Mexico	9. 3. 1938	—
Norway	21. 5. 1935	4.11.1950
United Kingdom	13. 1. 1937	6.10.1950

#### *Belgium.*

The report reproduces the information previously supplied.

No decisions regarding the application of the Convention were given by courts of law or other courts. No contraventions were reported.

No observations were received from employers' or workers' organisations regarding the practical application of the conditions prescribed by the Convention. Copies of the report have been communicated to the representative organisations.

#### *Czechoslovakia.*

The report reproduces the information supplied in previous reports and refers to a letter addressed to the Office regarding the application of the Convention. In this connection, the Government stated that Czechoslovakia would resume the full application of the Convention as soon as the economic conditions of the country made this possible. A copy of the report has been communicated to the Central Council of Trade Unions.

#### *France.*

The report refers to the information supplied for Convention No. 49. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Ireland.*

The report reproduces the information previously supplied.

No decisions regarding the application of the Convention were given by courts of law or other courts.

No observations were received from employers' or workers' organisations regarding the practical application of the conditions prescribed by the Convention. Copies of the report have been communicated to the representative organisations.

#### *Norway.*

The report reproduces the information previously supplied.

No decisions regarding the application

of the Convention were given by courts of law or other courts. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *United Kingdom.*

The report reproduces the information previously supplied. No decisions have been given by the competent courts of justice. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative 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	—
Czechoslovakia	12. 6.1950	—
France	21. 2.1949	24.10.1950
Ireland	10. 6.1937	19.10.1950
New Zealand	29. 3.1938	17. 8.1950
Switzerland	14. 6.1939	5.10.1950
United Kingdom	29. 4.1936	6.10.1950

#### *France.*

Decree of 6 May 1939, to consolidate the enactments relating to unemployment and to amend certain of their provisions (L.S. 1939—Fr. 8 A).

Act of 11 October 1940, to give to unemployment institutions the status of a State service under the direction of the public manpower services, as supplemented by the Decree of 11 October 1940, to fix the rates of unemployment allowances in relation to the number of inhabitants of each commune, and by the Decree of 27 November 1941, to fix the methods for the organisation and functioning of the services responsible for assuring assistance to unemployed persons.

Decree of 8 January 1941 and Order of 19 September 1946, to lay down regulations concerning the granting of partial unemployment allowances.

Act of 20 March 1948, authorising the ratification of the Convention.

Decree of 15 July 1949, to replace sections 79-81 of the Decree of 6 May 1939 and section 8 of the Decree of 27 November 1941 and to determine the conditions governing work to be performed by unemployed persons.

Decree of 28 April 1950, to fix amounts for the rate of unemployment allowances (principal allowances and bonuses for dependent persons other than those benefiting from family allowances).

In its first report, the Government states that the French system for assistance to unemployed workers corresponds on the whole to the principles laid down in the Convention and adds that a Decree is now under consideration which will consolidate in one single text all existing enactments. This Decree will introduce a certain amount of flexibility into the present system and will bring the national legislation into har-

mony with the provisions of the Convention.

In addition to the general legislative provisions relating to unemployment, there are two special schemes, one for workers employed in docks and the other for workers employed in the building industry and in public works who are unemployed as a result of bad weather. These two schemes are based on a system of compensation for employers' liability covered by the payment of employers' contributions into a common fund.

The report gives the following detailed information under the various articles of the Convention.

*Article 1 :* Under the general system in force, a special allowance is paid to unemployed persons in the form of an amount chargeable to an appropriation in the State budget and known as the National Unemployment Fund. The rates of these allowances vary between 140 and 210 francs a day according to the number of inhabitants in the commune, with corresponding supplements varying from 70 to 105 francs. The manpower services, with the assistance of the principal authorities, are responsible for operations concerning the granting of unemployment assistance ; the welfare offices are responsible in the case of destitute persons. Under the Decree of 15 July 1949, subsidies are granted for relief work undertaken by local authorities. An unemployed person may be called upon to furnish work in return for assistance. In certain conditions, the State grants subsidies to voluntary unemployment funds set up by various organisations.

*Article 2 :* The French regulations apply to all salaried employees without exception, including persons employed in agriculture, homeworkers, non-manual workers, merchant seamen, with the exception of seamen who engage in share-fishing. The duration of the period for the payment of unemployment allowances has been limited for domestic servants to 15 days ; this

was necessitated by the number of permanent vacancies occurring among persons belonging to this category of workers. Seasonal workers are not entitled to allowances unless they become unemployed during the period of the year in which they are normally in work. Certain persons who are not employees and who belong to an intellectual profession (etchers, actors, lyrical artistes, musicians and authors) are also covered by the regulations. Under the Decree which is in course of examination, young persons in possession of certificates and diplomas will be entitled to unemployment allowances. The age at which an unemployed worker ceases to be eligible for relief has been fixed at 65 years. After this, the persons concerned are eligible for the old-age allowance for employees provided for by the Ordinance of 4 October 1945.

*Article 3 :* The Decree of 8 January 1941 provides for partial unemployment benefit on an hourly basis, calculated in proportion to the rate of allowances for total unemployment. This benefit is payable in cases where the number of hours worked is less than 40 per week. Compensation for each hour lost is equivalent to one fortieth of the allowance paid to a totally unemployed person for one week. However, the total amount received in wages and allowances for a fortnight may not exceed the basic wages taken into account for the purpose of calculating family allowances. This maximum may be increased by 20 per cent., according to the number of persons in the household of the beneficiary. Partial unemployment benefit may also be granted in cases where an establishment temporarily suspends its operations for a very short period involving no dismissals of the staff. The duration of the period during which allowances are payable has been limited for certain professions under the Order of 19 September 1946 ; where necessary, exceptions are authorised to this provision. Partial unemployment allowances are allowed only as regards industry.

*Article 4 :* Unemployment allowances are payable provided the person concerned can produce evidence to show that he is unemployed through no fault of his own, is physically capable of fresh employment, has registered with an employment service and subjects himself to regular supervision.

*Article 5 :* In view of the fact that the community participates in the expenses involved by unemployment, a supplementary condition is required relating to the period of residence in the commune in which the person concerned applies for benefit. Unemployed persons who are habitual drunkards may be refused employment benefits.

*Article 6 :* Only unemployed persons who can produce evidence of having been gainfully employed during the six months immediately preceding the date on which

they become unemployed are entered in the list of unemployed persons eligible for assistance. Artistes who are not employees must furnish evidence that they derived from the exercise of their profession the whole of their livelihood for not less than one year prior to their admission to benefits.

*Article 7 :* Unemployment allowances are granted only on the expiration of a waiting period of five days. This period runs from the day on which the unemployed person submits his application for registration, accompanied by a receipt attesting that he has registered with the manpower service nearest his place of residence.

*Article 8 :* The right to receive unemployment allowances may be suspended in cases where the unemployed person refuses to attend a vocational retraining centre to which he has been directed by the manpower service.

*Article 9 :* Unemployed persons in receipt of assistance are obliged to perform without remuneration not more than two hours' work in connection with the general utility works undertaken by public bodies ; they are granted a supplementary allowance for any additional hours worked above this limit, up to a maximum of 30 hours per week. If they refuse to perform such work or to be directed to certain workplaces they are removed from the list of persons eligible for assistance.

*Article 10 :* Unemployed persons may be disqualified for allowances, either temporarily or definitively, on the following grounds : (1) if they refuse, without good reason, any employment offered by the manpower service, provided such employment is in connection with the particular occupation for which they are skilled, or with work in keeping with their previous training and aptitude ; (2) if they have received allowances improperly or have wittingly made incorrect statements or submitted false attestations ; (3) if they have failed to report to the manpower service, except for reasons admitted by the head of the service. Some unemployment services have issued regulations to the effect that persons who become unemployed through their own fault or leave their work voluntarily without just cause may only become eligible for unemployment allowances after fresh consideration of their case and after a waiting period varying from three to six weeks. They are not eligible for allowances if their unemployment is due to a collective labour dispute affecting the establishment in which they are employed. Compensation in lieu of notice to terminate employment may not be paid simultaneously with unemployment allowances. Discharge allowances are regarded as compensation for loss of rights and may not be assimilated to wages.

*Article 11 :* No provision has been made to limit the duration of the period for the

payment of allowances. Under the Decree of 28 April 1950, a reduction of 20 per cent. is made in the rates of allowances to unemployed persons who have been in receipt of assistance for more than 12 months. This reduction rate is increased by 10 per cent. for each year in respect of which assistance is granted.

*Article 12 :* Allowances are paid according to the state of need of the applicant. In this connection, a scale of family resources has been drawn up in each department, due account being taken of the actual income of the employed person and his family.

*Article 13 :* Allowances are always paid fortnightly and in money.

*Article 14 :* No special tribunals exist for the purpose of determining questions relating to unemployment allowances. Under the Decree of 2 January 1940, an appeal may be lodged with the regional inspector of labour and manpower or with the Council of State ; a Decree which is being examined provides for intervention by a joint departmental committee.

*Article 15 :* Because of the conditions governing the payment of unemployment allowances (compliance with a residence period and periodical control of the applicant as regards unemployment), allowances are not payable to persons residing abroad.

*Article 16 :* Foreigners who satisfy the conditions required of French unemployed persons and who are in possession of a valid foreign worker's card are eligible for assistance irrespective of their nationality.

The application of the legislation relating to unemployment is entrusted to the manpower services and is supervised by the labour and manpower inspectorate.

The report contains detailed information regarding the organisation and functioning of the system for the payment of total and partial unemployment allowances, together with figures showing the amounts expended in assistance to unemployed persons during the period 1947-1949.

No decisions were given by courts of law. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Ireland.*

Unemployment Insurance (Subsidiary Employments) Special Order, No. 359 of 1949, to specify as subsidiary employment such part-time service at race meetings which is not a principal means of livelihood.

Unemployment Insurance (Inclusion) Order, No. 209 of 1950, to supplement the above-named Order and to provide for the inclusion, under the Unemployment Insurance Acts, 1920-1948, of persons employed at race meetings.

The Government refers to its previous reports and adds that the arrangement made under the Unemployment Insurance

Act of 1946 for the payment of special benefit to certain Irish men and women discharged from the United Kingdom forces terminated on 25 February 1950.

The total insured population at the beginning of October 1940 was 492,026. The total number of persons covered by approximately 522 certificates of exceptions issued in accordance with paragraph 2 (d) of Article 2 is 12,450. The total amount paid by way of unemployment benefit during the financial year 1948-1949 was approximately £1,021,700.

The Department of Social Welfare is responsible for the administration and enforcement of the relevant legislation. No decisions were given by courts of law or other courts. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *New Zealand.*

Social Security Amendment Act, No. 38 of 1949 (section 14).

Apart from the above-named legislation and the following details, the information supplied is identical with that contained in the report for the period 1948-1949.

The maximum weekly unemployment allowances are as follow : £1 10s. 0d. to applicants of 16 and under 20 years of age without dependants ; £2 10s. 0d. to all other applicants ; £2 10s. 0d. in respect of the applicant's wife.

During the year ended 31 March 1950, there were 488 applications for unemployment allowances, which were paid in 323 cases ; the total amount in payments was £10,402. The allowances granted during the same year included 229 in respect of dependent wives ; the allowances in force at 31 March 1950 included seven in respect of dependent wives.

No decisions were given by courts of law. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Switzerland.*

Apart from the following details, the information supplied is identical with that contained in the report for 1948-1949. The canton of Grisons has now delegated to the communes the authority to introduce compulsory insurance. Available statistics show that there were 566,582 persons insured against unemployment on 1 January 1950 and 578,843 at the end of May 1950.

The report of the Federal Council (Department of Public Economy) on its administration in 1949 is appended to the report and contains a chapter concerning the enforcement of the relevant legislation and the application of the Convention.

No decisions were given by courts of law. No suggestions, complaints or observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *United Kingdom.*

##### *Great Britain.*

Various Regulations, issued during 1949 and 1950, concerning national insurance and national assistance.

##### *Northern Ireland.*

National Insurance (Amendment) Act (Northern Ireland), 1949.

Various Regulations, issued during 1949 and 1950, concerning national insurance.

The information given in the report for 1948-1949 is supplemented by the above-mentioned legislation and the following details.

The period under review has witnessed a continued, smooth and satisfactory application of the Convention in the United Kingdom. Once again, the industrial conditions relating to "full employment" have favoured the national insurance scheme on the unemployment benefit side.

The transitional period for the various groups of contributors came to an end at the quarterly period. By the end of the year, all contributors had become fully subject to the normal unemployment benefit provisions of the National Insurance Act, 1946. The main effect of this was to make the payment of benefits during a benefit year partly dependent on the number of contributions paid or credited in the preceding contribution year. This results in a much closer alignment in unemployment and sickness benefits.

New regulations provided that employment which is disregarded for classification purposes, shall be taken into account when considering, under the provisions relating to subsidiary occupations, the days which, in certain specified circumstances, cannot be treated as days of unemployment. Regulations were also made during the year specifying the circumstances in which contributions which are not paid or which are paid after the due date may be taken into account for

purposes of benefit where the non-payment or late payment occurred by will or by negligence of the employed person.

The scales for computing the requirements other than the rent of applicants for assistance under the National Assistance Act were increased by new regulations issued during the period covered.

Owing to the revised procedure for exchanging insurance cards at quarterly intervals according to insurance groups, it is not possible to give more recent figures for Great Britain regarding the number of insured employees. It is estimated, however, that in mid-1949 there were in Great Britain 22,400,000 persons aged 15 years and over in the total working population, including 15,300,000 males and 7,100,000 females. The estimated total of employed persons insured in Northern Ireland in mid-1949 was 470,000. As of 12 June 1950, there were 307,759 persons registered as unemployed in the United Kingdom, including 281,996 in Great Britain and 25,763 in Northern Ireland. The approximate totals of unemployment benefits paid for the year ended 30 June 1950 were £19 million in Great Britain and £1.5 million in Northern Ireland. On 27 June 1950, there were 64,536 persons receiving assistance who were required to register for employment; 29,901 of these were receiving assistance in supplementation of unemployment benefits.

The position in *Northern Ireland* concerning benefits and allowances for the involuntarily unemployed continues to remain in all essential respects on the same basis as that of Great Britain. Special provisions were introduced in respect of workers resident in the Republic of Ireland and working in Northern Ireland and vice versa.

Representations were received from the Trades Union Congress in Great Britain suggesting a modification of the application of trade-dispute qualification; these are at present under consideration. In Northern Ireland no observations were received from employers' or workers' organisations. No decisions were given by any court of law or other competent authority in Great Britain or Northern Ireland. Copies of the report 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	19. 3.1951
Argentina <sup>1</sup>	14. 3.1950	9.10.1950
Austria	3. 7.1935	12.10.1950
Belgium	4. 8.1937	18.12.1950
Brazil	22. 9.1938	—
Bulgaria	29.12.1949	—
Ceylon	20.12.1950	—
Chile	16. 3.1946	7.10.1950
China	2.12.1936	—
Cuba	14. 4.1936	—
Czechoslovakia	12. 6.1950	—
Egypt	11. 7.1947	9.11.1950
Estonia	4. 6.1937	—
Finland	3. 3.1938	7.10.1950
France	25. 1.1938	24.10.1950
Greece	30. 5.1936	17. 1.1951
Hungary	19.12.1938	—
India	25. 3.1938	23.12.1950
Ireland	20. 8.1936	5.10.1950
Mexico	21. 2.1938	—
Netherlands	20. 2.1937	25.11.1950
New Zealand	29. 3.1938	17. 8.1950
Pakistan <sup>2</sup>	25. 3.1938	17.10.1950
Peru	8.11.1945	16. 1.1951
Portugal	18.10.1937	18.12.1950
Sweden	11. 7.1936	13.10.1950
Switzerland	23. 5.1940	5.10.1950
Turkey	21. 4.1938	24.11.1950
Union of South Africa	25. 6.1936	24. 7.1950
United Kingdom	18. 7.1936	6.10.1950
Venezuela	20.11.1944	—

<sup>1</sup> Voluntary report

<sup>2</sup> See under Convention No. 1, footnote 3.

#### *Afghanistan.*

The Government refers to the information supplied for 1948-1949, and adds that consideration is being given to the enactment of relevant legislation.

#### *Argentina.*

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

In a voluntary report, the Government states that the prohibition of the employment of women as laid down in the Convention is covered by section 11 (b) of the above-named Act.

As regards the application of the relevant legislation, the report refers to the information previously supplied in connection with other reports. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Austria.*

German Order of 30 April 1938, respecting hours of work (L.S. 1938—Ger. 6).

Federal Act No. 70 of 1937, which prohibited the employment of women on underground work in mines in conformity with the Convention, was repealed by the German Hours of Work Order of 1938. The last-named Act became effective in Austria on 1 March 1939 and is still in force under the Act of 1945 providing measures for the period or transition until the enactment of the new Federal legislation. The provisions of the German Order of 1938 are in complete harmony with the Convention as regards the prohibition of the underground work of women over 18 years of age.

The German Hours of Work Act (section 16 (1)) prohibits the employment of women over 18 years of age on underground work in mines, salt pits, undertakings engaged in the preparation of ore and in underground diggings and quarries. No exceptions, even those provided for by Article 3 of the Convention, are allowed under the above-named Order.

As regards women under 18 years of age, the report states that the Austrian Federal Act of 1937 was replaced by the German Act of 1938 relating to youth protection, which in turn was replaced by the Austrian Federal Act of 1 July 1948 respecting the employment of children and young persons. Although the last-named Act does not specifically prohibit the employment of female young persons on underground work in mines, sections 23 and 29(3) of this Act would make it possible for the mining authorities or the labour inspection services to forbid such employment should it occur in any mine. Experience has shown, however, that this has never been the case. Nevertheless, the proposed amendment to the Federal Act respecting the employment of children and young persons will include the underground work of female young persons in the list of prohibited occupations.

The information regarding the practical application of the legislation is identical with that previously supplied.

No decisions were given by courts of law and no observations were received



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

*Belgium.*

The information supplied is identical with that contained in the report for 1948-1949. No breaches of the legislation were reported. The Convention is applied in a satisfactory manner. No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Chile.*

The information supplied is identical with that contained in previous reports. No decisions by courts of law have come to the notice of the labour inspection service. There were no breaches of the relevant legislative provisions. No observations were made by employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Egypt.*

The information supplied is identical with that contained in the report for 1948-1949. No decisions were given by courts of law. No observations were received from employers' or workers' organisations.

*Finland.*

The information supplied is identical with that contained in the report for 1948-1949.

The Government has no knowledge of any decisions by courts of law. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*France.*

The report reproduces the information previously supplied. From the information at the disposal of the public authorities, it can be concluded that there are very few breaches of the provisions of the Convention. No decisions were given by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Greece.*

Reference is made to previous reports. No contraventions were reported by the authorities entrusted with the application of the Convention, which is applied in a satisfactory manner. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*India.*

The information previously supplied is supplemented by the following details. During the period under review, the staff of the Mines Department made inspection visits to coal mines at unexpected hours and at night without warning in order to improve the supervision of the legislation and prevent the employment of women underground. Because of the lower rate of wages paid to female workers, there is still a tendency among small mine-owners to employ women underground surreptitiously. Proceedings are instituted whenever women are found to be underground, provided that sufficient evidence can be produced for proving the case in court. Inspection of the mines in Vindhya Pradesh between 20 March and 1 May 1950 revealed that women were employed underground in small diamond and ochre mines because the owners of these mines were not aware of the prohibition of employment of women underground. The Indian Mines Act of 1923 was extended to Vindhya Pradesh only with effect from 16 April 1950; steps were taken to prohibit the employment of women underground in the mines of this State.

No information regarding the illegal employment of women underground has been obtained from employers' or workers' organisations, but anonymous letters have been received and inspections invariably made as a result of such letters. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Ireland.*

The information supplied is identical with that contained in the reports covering the period 1947-1949. During the period under review, no contraventions were reported. No decisions were given by courts of law or other courts. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

*Netherlands.*

As the employment of women underground is prohibited, the Government has no comments to make. Copies of the report have 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.

*Pakistan.*

The information supplied is identical with that contained in the report for the period 1948-1949.

No contraventions of the relevant regulations were detected by the inspection service. There has been no occasion to take action in a court of law as regards non-compliance with the provisions of the Convention. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative workers' organisations, to the provincial Government for transmission to the important chambers of commerce and to the following employers' organisations with headquarters at Karachi: the Federation of Chambers of Commerce and Industries and the Employers' Association of West Pakistan.

#### *Peru.*

The report reproduces the information previously supplied and adds that, during the period under review, no breaches of the provisions of the Convention were reported. No decisions were given by courts of law. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Portugal.*

The report refers to the information previously supplied. During the period under review no infringements were reported. No decisions were given by courts of law. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Sweden.*

Workers' Protection Act of 3 January 1949 (L.S. 1949—Swe. 1).

The Workers' Protection Act of 1949, which repeals the Act of 29 June 1912, provides (section 34) that no woman shall be employed below ground in a mine or quarry. No exemptions are allowed from this prohibition.

The Workers' Protection Board and, under its superintendence and direction, the labour inspection officers, the commune supervision representatives and special inspectors (in this case, mining inspectors) are responsible for supervising compliance with the directions issued in pursuance of the above-named Act. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Switzerland.*

The information supplied is identical with that contained in the report for 1948-

1949. Neither the Federal nor the cantonal authorities were called upon to give decisions in disputes arising out of the provisions relating to underground work contained in the Federal Acts relating to the employment of young persons and women in arts and crafts and to work in factories.

For information relating to appeals in connection with the Federal Factories Act, the scope and application of the legislation, see under Conventions Nos. 5 and 6.

The Government is not aware of any breaches of the provisions of the Convention. No suggestions, complaints or observations were made by employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Turkey.*

The information given in the report for 1948-1949 is supplemented by the following details. No reports have been received from the labour inspectors showing the employment of women on underground work in mines. No decisions were given by courts of law. No observations were received from the representative occupational organisations. Copies of the report have been communicated to the representative workers' organisations and, in the absence of employers' organisations, to the regional industrial unions at Istanbul and Izmir, who are responsible for defending the occupational interests of industrial employers. Copies have also been communicated to the 19 chambers of commerce and industry considered as the most representative, as well as to the *Simerbank* and *Etibank*, which constitute the two biggest State undertakings.

#### *Union of South Africa.*

The report refers to the information previously supplied and states that there is nothing to add for the period under review.

#### *United Kingdom.*

The information supplied for *Great Britain* is identical with that contained in the report for 1948-1949. No decisions were given by courts of law. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

There has been no change as regards *Northern Ireland* since the last annual report.

**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 <sup>1</sup>	29. 3. 1938	17. 8. 1950

<sup>1</sup> Voluntary report.*New Zealand.*

Apart from the details given below, the information is identical with that pre-

viously supplied. According to a recent estimate, 287,137 workers are covered by the relevant legislation. The number of hours for which inspectors of factories granted permission for overtime during the year ending 31 December 1949 was 806,404. No decisions were given by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

**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
Czechoslovakia	12. 6. 1950	—
Hungary	10. 8. 1937	—
Netherlands	6. 10. 1938	25. 11. 1950
Poland	21. 3. 1938	8. 11. 1950
Spain	8. 7. 1937	—
Yugoslavia	4. 1. 1946	20. 3. 1951

*Netherlands.*

Act of 1 April 1950, to amend the Act of 5 June 1913, respecting invalidity insurance (L.S. 1923—Neth. 6).

Royal Decree of 26 April 1950, respecting the coming into force of the Act of 1 April 1950.

Royal Decrees of 11 August, 2 September, 11 October, 8 November 1949 and 20 January 1950, to issue public administrative regulations regarding the application of the Invalidity Act.

Apart from the details given below, the information is identical with that previously supplied. The Bill to give full effect to Article 10 of the Convention has not yet been approved. The report contains information regarding the method of calculating the commutation of widows' and orphans' pensions in cases where such commutation is authorised. No decisions were given by courts of law regarding the application of the Convention. On 1 July 1949 three pensions, (two orphans' pensions and one widow's pension) were in course of payment to persons domiciled in Poland; one invalidity pension was being paid to a person domiciled in Hungary. During the period under review, another widow's pension was granted to a person domiciled in Poland. A copy of the report has been communicated to the Labour Foundation.

*Poland.*

Order of the Minister of Labour and Social Welfare, dated 3 April 1950.

The Government states that as only a small number of ratifications of the Convention have been registered so far and, as countries of immigration have refrained from ratifying, the efforts of the Organisation to ensure the maintenance of emigrants' rights have been hampered. Moreover, bilateral agreements are rarely concluded because of the obstacles raised by the countries of immigration. Mention is made of the agreements concluded with Czechoslovakia and France which were referred to in the previous report. In the absence of efficient international regulations for the maintenance of immigrants' rights, the Government guarantees, for Polish emigrant wage-earning employees returning to Poland, the benefits granted under Polish insurance. In virtue of the Order of 3 April 1950, periods spent in employment and insurance, either entirely abroad or abroad and in Poland, are totalised in establishing the right to Polish insurance benefits if the re-emigrants or their survivors (widows, orphans) are unable to obtain appropriate benefits from the country or countries in which they were employed, by reason of the failure of these countries to apply the principle of the totalisation of periods of employment or their refusal to transfer acquired pensions to Poland. In cases where the annuity acquired abroad and transferred to Poland is less than that which would be payable if the person in question was subject to insurance in Poland, the Polish insurance institution makes up the difference between the amount of this annuity and that of the pension paid in Poland.

In Poland, there are various systems to which the provisions of the Convention could be applied: these are the general compulsory insurance scheme for workers, including agricultural workers, the general compulsory insurance scheme for intellectual workers (employees) and the supplementary insurance scheme for miners (manual workers) which cover the risks of incapacity for work and death. The report reproduces the information previously supplied, in particular, as regards the provisions of the agreements concluded with France and Czechoslovakia and adds that, under the Polish insurance schemes for wage-earning and salaried employees, pensions are granted at a uniform rate and do not take account of the period during which the person was insured. On the other hand, pensions paid under the supplementary

insurance scheme for miners include a fixed sum, independent of the time spent in the insurance, and a sum which varies according to this period. The report also refers to the information supplied with regard to Conventions Nos. 35-40 and adds that, as Convention No. 48 has not yet been applied on an international level, the courts of law are not in a position to give decisions regarding the application of the Convention and that there are no statistical data in this respect. Copies of the report have been communicated to the Central Council of Trade Unions.

#### *Yugoslavia.*

The Convention is applied by Yugoslavia, with the reservation in respect of reciprocity provided for in Article 9.

### 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	21.11.1950
France	25. 1.1938	24.10.1950
Ireland	10. 6.1937	5.10.1950
Mexico	21. 2.1938	—
New Zealand	29. 3.1938	17. 8.1950
Norway	21. 7.1936	4.11.1950

#### *Czechoslovakia.*

The report reproduces the information previously supplied and refers to the report for Convention No. 43. No decisions regarding the application of the Convention were given by courts of law or other courts. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *France.*

The Government refers to the information supplied for previous periods and states that, although additional hours worked in cases of "urgent work" are, in principle, paid at the normal rate, in practice, several local and regional agreements consider these hours as overtime, for which extra remuneration is paid, as provided for in the Act of 25 February 1946 regarding remuneration for overtime. The report adds that the employers' and workers' organisations concerned will be invited to examine this question and to reach a settlement within the framework of the collective agreement for the trade, which could be concluded

in accordance with the Act of 11 February 1950 respecting collective agreements.

No decisions were given by the competent courts. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Ireland.*

The report reproduces the information previously furnished. No decisions were given by the competent courts of justice. No observations regarding the Convention have been made by employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *New Zealand.*

The report reproduces the information previously furnished and adds that no decisions were given by the competent courts. The employers' and workers' organisations have made no observations regarding the Convention. Copies of the report have been communicated to the representative organisations.

#### *Norway.*

Reference is made to previous reports. No decisions were given by courts of law or other courts regarding the application of the Convention. Copies of the report have been communicated to the representative employers' and workers' organisations.

## 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
Argentina <sup>1</sup>	14. 3.1950	9.10.1950
Belgium	26. 7.1948	27. 1.1951
Japan	8. 9.1938	—
New Zealand	8. 7.1947	28. 9.1950
Norway	7. 7.1937	4.11.1950
United Kingdom	22. 5.1939	16.10.1950

<sup>1</sup> Voluntary report.

#### *Argentina.*

Grand Charter of Argentina (section 28).

In a voluntary report the Government states that section 28 provides that all inha-

bitants are equal before the law and may exercise any profession without conditions other than those concerning their capacities. The amendments made to the 1853 Constitution repealed the provisions concerning Indians contained in section 67, paragraph 15. Indigenous workers are on an equal footing with the other workers in the country. Copies of the report have been communicated to the General Confederation of Labour and to the Argentine Economic Confederation.

#### *Norway.*

The report refers to information previously supplied.

### 51. Convention concerning the reduction of hours of work on public works (1936)

*This Convention is not in force*

Country	Date of registration of ratification	Report received
New Zealand <sup>1</sup>	29.3.1938	27. 3.1951

<sup>1</sup> Voluntary report. See under Summaries of reports on the application of ratified Conventions in non-metropolitan territories.

### 52. Convention concerning annual holidays with pay

*This Convention came into force on 22 September 1939*

Countries	Date of registration of ratification	Reports received
Argentina <sup>1</sup>	14. 3.1950	9.10.1950
Brazil	22. 9.1938	—
Bulgaria	29.12.1949	—
Czechoslovakia	12. 6.1950	—
Denmark	22. 6.1939	10.10.1950
Finland	23. 8.1949	—
France	23. 8.1939	24.10.1950
Mexico	9. 3.1938	—
New Zealand <sup>1</sup>	10.11.1950	28. 9.1950

<sup>1</sup> Voluntary report.

#### *Argentina.*

Act No. 11,729 of 21 September 1934, respecting commercial employees (L.S. 1934—Arg. 3).

Decree No. 1740 of 2 February 1945, concerning holidays with pay (L.S. 1945—Arg. 1).

Decree No. 32,412 of 28 December 1945, concerning the employment of minors.

Various other Decrees.

The voluntary report states that a careful analysis of the Argentine legislation on holidays with pay shows that any divergencies from the provisions of the Convention

that might have been deduced from a superficial comparison are merely apparent. The legislation provides for a continuous annual holiday of 10 days and requires payment to be made for public holidays, it being understood that when this is not done, such days must not be reckoned as days of leave. Decree No. 32,412, concerning the employment of young persons under 18 years of age, provides for a minimum holiday of 15 days for this category of minors. This Decree lays down that public or customary holidays should not be counted as annual holidays but it also specifies that remuneration for these days shall not be given. Consequently, Argentine legislation requires wages to be paid for official public holidays if the latter are included in annual holidays and, if they are not included, such days shall not be considered for the purpose of annual holidays. Argentine legislation is, therefore, in conformity with this provision of the Convention.

The legislation contains no provisions relating to holidays interrupted by illness, but the existing legal texts are so flexible as to be open to the interpretation of the courts. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Denmark.*

The report refers to information previously supplied and adds that an Order, issued by the Ministry of Social Affairs on 31 October 1949, lays down the rules for fixing the monetary value of food and board, for workers living with their employers or for crews on board ship, when calculating holiday pay. During the period under review, two actions were brought for contraventions of the provisions of the Holiday Act.

#### *France.*

Apart from the details given below, the report is identical with those previously supplied. No decisions were given by courts of law. Copies of the report have been communicated to representative employers' and workers' organisations.

#### *New Zealand.*

Annual Holidays Act, 1944.  
Statutes Amendment Act, 1944 (section 2).  
Annual Holidays Amendment Act, 1945.  
Statutes Amendment Act, 1947 (sections 3, 4, 5).  
Statutes Amendment Act, 1949 (section 2).

The report states that New Zealand legislation concerning holidays with pay applies to every worker. The Government wishes to have recourse to the exemption provided for in Article 1 (3) of the Convention, with regard to persons employed in public services, whose conditions of service entitle them to an annual holiday with pay at least equal in duration to that prescribed by the Convention.

The legislation provides that all workers, including apprentices and persons under 16 years of age shall, at the end of each year of their employment by any employer, become entitled to an annual holiday of two weeks on ordinary pay. When employment is less than one year (but for three months or more), proportionate holiday pay, equal to 1/25th of this ordinary pay for the period of employment, is payable to the worker on termination of employment. In the case of a worker whose employment by any employer is less than three months, an amount equal to 1/25th of his ordinary pay for the period of employment is affixed to the worker's holiday cards in stamps, which are redeemable in cash at any money order office established under the Post Office Act, at any time after the expiration of one year from the commencement of the earliest period of employment in respect of which stamps are affixed to the card.

Public holidays, whether or not they occur during the period of annual holidays, and interruptions of work attendance due to sickness are not included in the annual holiday.

If the worker and employer so agree, the holiday may be taken in two periods of one week each.

As regards Article 3 of the Convention, the report states that holidays are granted on ordinary pay at the pay fixed by award or agreement, or at the rate agreed to between employer and worker. No agreement to deprive a worker of the benefits of the Annual Holidays Act is valid. No provision such as that dealt with in Article 5 is contained in the national legislation. A worker whose employment is terminated for any reason is entitled to his pay for the holidays due to him. Employers are required to keep records as provided for in Article 7 of the Convention.

The Annual Holidays Act sets out the persons to be considered as offenders against the legislation. In cases where a worker is entitled to benefits under any Act, award or agreement or contract of service more favourable than those under the Act, the Act does not apply.

The Annual Holidays Act is administered by the Department of Labour and Employment.

Three court decisions are cited by the report as indicating the way in which legislation is interpreted, in connection with calculation of holiday pay, hours worked and the prohibition of any contract voiding holiday benefits.

The number of workers estimated to be covered by holidays with pay legislation was 483,000 on 15 April 1950.

Each inspection check undertaken by labour department officers includes an examination to ascertain that the Annual Holidays Act is observed. During the year ending 31 March 1950, alleged breaches by employers requiring investigation totalled 1,038. Warnings issued

totalled 815 ; nine resulted in prosecution. Alleged breaches by workers required 22 investigations, resulting in 18 warnings and one prosecution. The total amount of fines resulting from prosecutions was £20 1s. 0d.

Arrears in wages under the Act, paid at the instigation of the Department of Labour and Employment, totalled £2,752 8s. 10d. for the year ending 31 March 1950.

Thirty-eight persons were convicted for fraudulently altering holiday cards for payment. The Post and Telegraph Department paid a total a £63,159 8s. 10d. in 42,162 transactions during a twelve-month period in 1949-1950 on surrender of holiday cards. Copies of the report have been sent to the representative employers' and workers' organisations.

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## 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	18.12.1950
Brazil	12.10.1938	—
Bulgaria	29.12.1949	—
Denmark	13. 7. 1938	10.10.1950
Egypt	20. 5. 1939	9.11.1950
Estonia	20. 6. 1938	—
Finland	8. 4. 1947	7.10.1950
France	19. 6. 1947	24.10.1950
Mexico	1. 9. 1939	—
New Zealand	29. 3. 1938	28. 9. 1950
Norway	7. 7. 1937	4.11.1950
United States	29.10.1938	16.10.1950

#### *Belgium.*

In addition to information previously given, the report states that efforts are continuing to bring the officer personnel of the merchant navy up to strength and that the shortage of qualified staff has now been almost eliminated. It is expected that within a year the strength of the various grades will be sufficiently large to man all ships in accordance with the relevant legislative provisions. Meanwhile, the officer personnel is supplemented by midshipmen and by apprentice engineer officers who have successfully completed their theoretical studies and have had a relatively long period of practical training.

There were no observations from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Denmark.*

The report refers to information previously given.

#### *Egypt.*

The report refers to the information given for the preceding period, and adds that uncertificated deck officers are no longer employed in foreign-going vessels of Egyptian registry. A small number of uncertificated engineer officers are still employed, however, because of the continuing shortage of certificated officers.

#### *Finland.*

Decree of 8 December 1949, respecting competency certificates for engineer officers.

The information previously supplied is supplemented by the following details.

The Decree of 8 December 1949, which came into force on 1 January 1950, contains provisions respecting competency certificates and the conditions under which they are issued.

As regards particulars of judicial decisions and contraventions of the relevant legislation, the report states that in the absence of the necessary instructions, the Central Department of Shipping has not been able to organise centralised measures with a view to examining and supervising the application of the provisions relating to the minimum requirement of professional capacity for officers in the merchant navy; it is therefore impossible to indicate at any given moment the nature and number of the cases involved. On the other hand, very detailed information on this question is contained in the annual reports of the shipping inspectors, as well as in the archives of the Central Department of Shipping, but no systematic register has been established for this purpose. During 1949, three persons were fined for breaches of the provisions concerning competency. One of these cases related to the employment of a person who did not have the required competency; in the other two cases, the persons involved had acted as officers contrary to the provisions in force. In addition to the above-mentioned cases, four were disposed of with a simple warning, since the circumstances dated back to the exceptional wartime conditions. Relatively numerous cases of *force majeure* form a separate group which is being supervised with special care.

Since important amendments and modifications of the legislation on merchant navy officers' competency are being examined, this question is deemed to be of immediate interest and will be given due consideration. In the course of the present year, no judicial proceedings were instituted.

The report states that a total of 144 competency certificates were issued to deck officers and 369 certificates to engineer officers during the period under review. Copies of the report have been communicated to the representative employers' and workers' organisations.



*France.*

Decree of 25 November 1946.

The Government refers to earlier reports concerning the application of the Convention and adds that, in accordance with the provisions of the Decree of 25 November 1946, merchant navy officers' certificates may be issued to uncertificated seafarers who carried out the duties pertaining to a certain grade in the Free French naval forces during the period prior to 8 November 1942. These certificates were granted, without examination, by the Ministry of the Merchant Navy upon the recommendation of a committee composed of the Director of the Seafarers' and Maritime Navigation Service, the Inspector of Maritime Training, a representative of the shipowners' organisation, and two representatives of the Merchant Navy Officers' Association (one representing the deck officers and one the engineer officers).

There were no decisions by courts of law. During the period under review, a total of 926 certificates of all classes were issued. Copies of the report have been communicated to the representative shipowners' and seafarers' organisations.

*New Zealand.*

The report reproduces information previously given and adds that, in 1949, 459

candidates were examined for marine engineers' certificates. The figure for masters' and mates' certificates was 162. There were 157 prosecutions for infringement of Marine Department Statutes. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Norway.*

The report refers to information previously given and adds, that during the period under review 1,123 engineer officer's certificates, and 942 masters' certificates of various classes were issued. No decisions were given by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

*United States.*

The report reproduces information previously supplied and adds that, during the period under review, the Coast Guard issued 8,758 original licences for ocean and coastwise service. It is impossible to give detailed information on the number of violations noted, since the data in question are maintained in the field offices. Copies of the report have been communicated to the representative employers' and workers' organisations.

## 54. Convention concerning annual holidays with pay for seamen

(Not yet in force)

Countries	Date of registration of ratification	Reports received
Belgium <sup>1</sup>	11. 4.1938	18.12.1950
Bulgaria	29.12.1949	—
France	19. 6.1947	—
Mexico	12. 6.1942	—
United States	29.10.1938	—

<sup>1</sup> Voluntary report.

*Belgium.*

Copies of the report, which is identical with those previously supplied, have been communicated to the representative employers' and workers' organisations.

## 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	18.12.1950
Bulgaria	29.12.1949	—
France	19. 6.1947	24.10.1950
Mexico	15. 9.1939	—
United States	29.10.1938	16.10.1950

*Belgium.*

The information supplied is identical with that given for the previous period. No decisions were given by the probiviral courts. Approximately 5,000 seafarers are covered by the provisions of the Convention but no other statistics concerning its application are available. Copies of the

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

#### *France.*

Act of 20 December 1949, to replace the last paragraph of section 3 of the Legislative Decree of 17 June 1938.

In addition to information previously given, the report refers to the Act of 20 December 1949, which makes the obligations of shipowners applicable to certain owners of small fishing boats and of vessels engaged in coastwise shipping. Since the Decree of 22 April 1949, funeral expenses are paid by the shipowner up to a maximum of 9,000 francs. Under the Act of 10 June 1950, justices of the peace are now competent, as regards application of the Seafarers' Code, to deal with disputes involving up to 10,000 francs.

Statistical data are appended to the report. The total number of seagoing personnel covered by the Convention is

60,000. The total amount paid out by shipowners in 1951, and representing between 3-4 per cent. of wages, was 400 million francs. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *United States.*

In addition to information previously supplied the report states that, under Reorganisation Plans of 1949 and 1950, the statutes providing for workmen's compensation and unemployment compensation are administered under the supervision and direction of the Secretary of Labour.

During the period under review, there were no new decisions by the Supreme Court concerning the application of the Convention. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

### 56. Convention concerning sickness insurance for seamen (1936)

*This Convention came into force on 9 December 1949*

Countries	Date of registration of ratification	Reports received
Belgium	3. 8. 1949	—
Bulgaria	29. 12. 1949	—
France	9. 12. 1948	24. 10. 1950
United Kingdom	30. 9. 1944	6. 10. 1950

#### *France.*

Legislative Decree of 17 January 1938, respecting the reorganisation and unification of the seamen's insurance system (L.S. 1938—Fr. 8), as amended in particular by the Decrees of 15 July 1947 and 22 September 1948 (L.S. 1948—Fr. 8).

In its first report, the Government states that, prior to the ratification of the Convention, French legislation already granted advantages more favourable than those provided for by the Convention.

A Decree, which is under consideration, will abolish all discrimination between French citizens and foreigners domiciled in France unless they are engaged in fishing on a small-scale or in coastwise navigation on a share basis. Consideration is being given to the extension of the legislation to natives from some of the territories of the French Union, engaged in local navigation.

*Article 1:* The legislation applies, in principle, to all persons engaged on board a French vessel (other than ships belonging to the fleet) in any permanent employment connected with the movement, navigation or maintenance or use of the vessel, that is, to all seamen (including the

captain), serving in the deck, engine-room or catering departments, both on merchant and fishing vessels; pilots are also covered.

The following persons are excluded from the scope of the legislation: (a) persons enrolled on a vessel belonging to a public service (customs, public works) when they are employed as officials; as such they are entitled to benefits under the scheme for officials; (b) persons employed on board ship by an employer other than the shipowner and who do not receive remuneration from the latter; (c) persons employed exclusively in ports on the repair, cleaning, loading and unloading of vessels; these persons are covered by the general social security scheme.

*Article 2:* The legislation makes a distinction between sickness occurring in the course of a voyage and sickness not occurring in the course of a voyage.

In the case of sickness occurring in the course of a voyage, insurance benefits are paid as from the date on which the shipowner's liabilities expire and are effective until the expiry of a period of six months reckoned from the date on which the seaman is left on shore. In cases of long illnesses or where working capacity is reduced by at least 66 per cent., benefits in kind may be continued after this period.

In the case of sickness not occurring during a voyage, the right to a daily allowance is subject to a minimum period of service during which contributions were paid, or are considered to have been paid, that is, 50 days during the last 90 or 200 days during the 12 months preceding the

beginning of the sickness. This allowance, which is payable as from the fourth day following the first medical diagnosis, continues until the expiry of a period of six months reckoned from the date of diagnosis, unless it is continued in cases of long illness or invalidity.

The rate of the allowance, as in the case of the rate paid under the general scheme, is fixed at 50 per cent. of the assessed wages. These wages may amount to 634,800 francs for seamen, whereas wages under the general social security scheme may not exceed 264,000 francs. In cases of sickness occurring in the course of a voyage, the daily allowance is supplemented by an allowance for food when the seaman is not undergoing hospital treatment.

As a rule, the allowance is not paid while the seaman is on board, since he receives his wages for this period; it is not suspended when the seaman is abroad and is reduced in case of hospital treatment at the expense of the insurance scheme.

If the sickness does not occur during a voyage, the allowance may not be drawn concurrently with a retirement pension. However, if the rate of the former is higher than that of the pension, the insurance fund makes up the difference.

The allowance is not paid where the sickness is due to a wilful act of the seaman.

*Article 3 :* The insurance scheme assumes liability for medical attendance within the limits of its scale of liability. No share is required from the seaman if he incurred the sickness during a voyage, if he is entitled to insurance benefits for a long illness or for invalidity or if he is obliged to undergo a serious operation. In other cases, the seaman is responsible for 20 per cent. of the scale of liabilities. The cost of pharmaceutical requisites is reimbursed to the extent of 80 per cent. Liability is assumed for medical treatment and pharmaceutical requisites as from the beginning of the sickness or as from the day on which the shipowner ceases to pay them. Seamen are free to choose their own medical practitioners. If the seaman is obliged to undergo hospital treatment, the expenses of the treatment are assumed by the insurance scheme within the limits of its scale of liability. This scale corresponds to the lowest fee charged to paying patients. In the case of an illness not occurring in the course of a voyage, the seaman is required to defray 20 per cent. of the costs. Agreements concluded with hospital establishments result in the concurrence, as a rule, of the price asked and the scale of liability. The daily hospital rate includes full maintenance.

*Article 4 :* The allowance in the case of illness is not suppressed even if the seaman is abroad. He may delegate to his family the right to receive this allowance.

A seaman who is sick and has dependent children continues to receive the same family allowances as those which he receives

when employed. Provision is made for increases in cases where children are not entitled or are no longer entitled to family allowances.

The husband or wife of the seafarer and dependent children are entitled, in the case of illness, to the reimbursement of expenses for medical attendance, pharmaceutical requisites or hospital treatment under the conditions already described for seamen in cases where the sickness does not occur in the course of a voyage.

*Article 5 :* In the case of maternity, an insured woman who has paid contributions for at least 200 days during the 12 months before confinement is entitled to benefits in cash and in kind. The allowance in respect of childbirth covers (within the limits of the scale of liabilities and without any participation from the person concerned) expenses for medical attendance, pharmaceutical requisites, dressings, and hospitalisation connected with pregnancy, confinement and the consequences thereof. Rest allowances payable for the six weeks preceding and the eight weeks following confinement are equal to one half of the wages. Provision is made for grants to nursing mothers.

The wife of an insured seaman is entitled to benefits in kind and to grants for nursing mothers in the same conditions as the insured woman herself.

*Article 6 :* If a seaman dies as the result of sickness arising out of a risk connected with maritime employment the widow or, in default of a widow, the orphans, or in default of orphans, the relatives in the ascending line, are eligible for a pension. If the conditions concerning the granting of a pension are not fulfilled, these persons receive a lump-sum equal to one quarter of the annual wages of the deceased person.

If the deceased person has served for a minimum period of 15 years, the widow and orphans are also eligible for a pension from the pension fund for seamen.

Provision is also made for the payment of funeral expenses.

*Article 7 :* In order to be entitled to insurance benefits in respect of sickness not occurring in the course of a voyage, the insured person must have paid contributions for at least 50 days during the 90 or 200 days in the 12 months preceding the first medical diagnosis. Days of sickness are considered as equivalent to days on which contributions were paid. The same conditions must be fulfilled in order to establish the right to insurance benefits for the husband or wife and dependent children.

The provisions make it possible to cover the normal period between successive engagements, for a seaman is still entitled to insurance benefits if he incurs an illness within a maximum period of 165 days after he has been left on shore.

*Article 8 :* Contributions from shipowners cover the risks of occupational acci-

dents and sickness. It may be estimated that 3 per cent. of wages (out of the normal rate of 6.75 per cent.) correspond to the risk of sickness. The seaman's contribution (3 per cent.) covers exclusively the risk of sickness.

Persons drawing a pension pay 1 per cent. of their pension.

The public authorities do not contribute to the financial resources of the sickness insurance scheme.

*Article 9 :* The General Provident Fund for French Seamen, attached to the National Institution for Disabled Seamen (a public autonomous institution under the Ministry of the Merchant Navy, but with a legal status), administers the sickness insurance scheme for seamen. The supervision of the receipts and expenditures of the Institution are subject to auditing by the general inspectorate of finances. The accounts of the general treasurer are submitted to the audit office.

The institution is administered by a director under the authority of the Minister of the Merchant Navy. This Minister is assisted by an advisory board on which shipowners and seafarers are represented. A Bill is at present being prepared for the reconstitution of the Superior Council which functioned up to 1940. It is probable that the representation of seamen on the Council will be increased.

*Article 10 :* Litigation between an insured person and the Fund is within the general competence of the social security committee of first instance ; there is a right of appeal to the regional committee and ultimately to the Supreme Court of Appeal on the grounds of insufficient jurisdiction of the lower court, exceeding of legal powers, or breach of the law.

If the matter in dispute relates to the state of health of the claimant, it is considered by a special examining board which functions in a fairly large number of ports ; an appeal may be laid before the Superior Health Council of the National Institution for Disabled Seamen. This procedure is rapid and to a large extent free.

A fairly large number of decisions of no fundamental interest have been given by the competent courts with regard to the sickness insurance scheme for seamen.

The report includes various statistical data. The sickness insurance scheme covers approximately 110,000 seafarers, including 50,000 small-scale fishermen, who are entitled to full benefits under the insurance scheme from the beginning of the sickness. In addition, 25,000 pensioners are entitled to benefits in kind under the sickness insurance scheme. A total of 110 million francs was paid in benefits in cash during 1949 ; this is equivalent to an average amount of 1,000 francs per insured person. The amount of benefits payable on death (excluding pensions arising out of death) amounted to 800,000 francs and the amount of payments in kind to 710

million francs. The resources of the insurance scheme (835 million francs) were derived from contributions by employers (410 million francs), insured persons and pensioners (425 million francs).

The report states that the application of the insurance scheme gives full satisfaction to the persons concerned. Some complaints have been made by the trade union organisation with regard to questions of detail relating to the delay in settling some claims or to the excessive difference, in some particular cases, between the amount reimbursed and the actual expenses. The administration is trying to improve the situation in as large a measure as possible. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *United Kingdom.*

##### *Great Britain.*

Ministry of National Insurance Acts, 1944 and 1946 (L.S. 1946—U.K. 3).

National Health Service Act, 1946 (L.S. 1946—U.K. 5), as amended in 1949.

Various Regulations and Orders issued from 1947 to 1950, concerning national insurance and the national health service.

##### *Northern Ireland.*

National Insurance Act (Northern Ireland), 1946, as amended in 1949.

Health Services Act (Northern Ireland), 1948, as amended in 1950.

Various Regulations and Orders issued from 1948 to 1950, concerning national insurance and health services.

In its first report, the Government states that all persons employed as masters or members of the crew of British ships are (together with certain persons employed in other capacities) insured under the National Insurance Act, 1946, which provides a general scheme of compulsory sickness insurance. Persons employed on non-British ships are also insured if the contract of employment is entered into in the United Kingdom with a view to its performance while the ship is on her voyage and the owner has a place of business in the country. Persons who are neither domiciled nor resident in the United Kingdom are not insured, but their employer must contribute in respect of them at rates which vary between "home trade ships" and "foreign-going ships". Persons below school-leaving age or above pensionable age are not insured, but employers must contribute for the latter at ordinary rates.

After an insured person has paid 26 weekly contributions, he becomes entitled to 312 days of sickness benefit (*i.e.*, 52 weeks, Sundays excluded). If he has paid between 26 and 156 weekly contributions and exhausts his 312 days of benefit, he is not entitled to benefit again until he has worked again for 13 weeks. When 156 contributions are paid, the limit on duration is entirely removed.

Three waiting days must be served, but if nine more days of sickness occur within

13 weeks, payment is made for the three days as well; waiting days need not be served afresh for a new illness if there has been a period of sickness or unemployment within the previous 13 weeks.

Seamen are not entitled to sickness benefit while aboard ship "on articles"; insured persons are not ordinarily entitled to benefit while abroad. Seamen, however, may be entitled to sickness benefit abroad if left there on account of an injury received or illness suffered, to prevent infection, or for any other purpose.

Benefits are reduced for persons receiving free hospital in-patient treatment, including maintenance for eight weeks out of State funds; there is a further reduction after 52 weeks in hospital if the person has no dependant; benefits, however, may not be reduced below 5s.

Benefit may be reduced or extinguished if the claimant is receiving another insurance or related benefit, the higher of the two rates of benefit usually being payable.

Disqualification for benefit for up to six weeks is provided for incapacity due to wilful misconduct or failure to submit to medical treatment. In this connection, the report gives a definition of wilful misconduct.

Medical and hospital treatment and medicines and appliances are furnished free of charge under the National Health Service. There is no insurance qualification or limit of duration, but benefits are not available to persons on board ship or abroad. Measures have been taken to ensure treatment of sick seamen on board, or abroad, if they have been disembarked there.

Payment of sickness benefits to a seaman outside the country is ordinarily suspended until his return, unless he nominates a person in Great Britain to receive his benefit for him. Benefits are increased by 16s. per week for one adult dependant and by 7s. 6d. for the eldest or only child, the younger children receiving family allowances. The National Insurance Act makes no provision for aid in kind or in cash in the case of sickness of members of the insured person's family.

An insured woman meeting specified contribution conditions (26 or 45 contributions according to cases) receives a £4 lump-sum maternity grant and either a maternity allowance of 36s. weekly for 13 weeks beginning six weeks before confinement or an attendance allowance of 20s. weekly for four weeks, starting with the confinement. A woman is not entitled to a maternity grant or attendance allowance if the confinement takes place outside Great Britain or unless she is ordinarily resident in the country. Maternity allowance is not payable abroad unless the stay abroad is for the express purpose of receiving treatment for incapacity which started in the country. The allowance is, however, paid under certain conditions if the insured person has gone temporarily to the Isle of Man or the Channel Islands. The wife of

an insured man can claim maternity grant and attendance allowance on her husband's insurance.

A death grant benefit is provided, if specified contributions conditions are met, in the form of a single payment to help meet expenses connected with the death of an insured person, his spouse or child. The amount of the grant varies with the age of the deceased. In some cases, the grant may be payable on the death abroad of a seaman. If the requisite conditions are satisfied, death grants, in addition to the widows' benefits and guardians' allowances, are payable to the survivors of a deceased seaman.

Eligibility for benefits during any benefit year depends on contributions paid or credited during the 12 months' period which ended five months before the benefit year began. A seaman is ordinarily credited with a contribution for each week during which he registers for unemployment or proves incapacity for work.

Employers and employees each pay a single weekly contribution towards national insurance, which applies to sickness and all other benefits provided thereunder. These contributions are at flat rates, varying only by sex and age. The report gives detailed information regarding the amount of these rates. A fixed supplement to each contribution is also paid by the State.

The national insurance scheme is administered by the Ministry of National Insurance, through a network of 12 regional offices and about 1,000 local offices. The report states that the administration of sickness insurance by self-governing institutions is considered to be inappropriate; it was considered that such administration would be inconsistent with the policy of a national minimum and that it had disadvantages for insured persons and involved unnecessary administrative costs. The report contains particulars of the disadvantages of the approved-society system. In order to give interested persons an opportunity to make representations on the scheme, a national insurance advisory committee has been appointed, with employer and employee representatives, to advise on regulations and other questions submitted to it. Local advisory committees, including representatives of employers and workers have also been created. Claims for benefit are decided by independent statutory authorities known as insurance officers, with right of appeal to a local tribunal comprising employee and employer representatives and with final appeal to a national insurance commissioner.

The seafaring industry has welcomed the application of the scheme, not only with regard to the wide range of benefits, but particularly in relation to the higher rate of sickness benefit as compared with that granted previously. The Ministry of Transport, employers' federations, shipping companies and seamen's associations work in close collaboration with the Ministry of

National Insurance with a view to the smooth working of the scheme. There are 134,000 seamen serving on British ships who are compulsorily insurable and 56,000 non-domiciled seamen serving on British ships who are not compulsorily insurable. During the period under review, no decisions were given by courts of law regarding the application of the Convention. Certain difficulties have arisen in connection with claims from seamen who were discharged

outside the country on account of sickness. Copies of the report have been communicated to the representative employers' and workers' organisations.

The sickness insurance scheme of *Northern Ireland* is identical with that in force in Great Britain, with the exception of some differences in the administrative procedure; entitlement to benefits is recognised in respect of all persons usually residing in Northern Ireland.

### 57. Convention concerning hours of work on board ship and manning

(Not yet in force)

Countries	Date of registration of ratification	Reports received
Australia	24. 9. 1938	—
Belgium <sup>1</sup>	11. 4. 1938	18. 12. 1950
Bulgaria	29. 12. 1949	—
Sweden <sup>2</sup>	6. 1. 1939	—
United States	29. 10. 1938	—

<sup>1</sup> Voluntary report.

<sup>2</sup> Conditional ratification.

#### *Belgium.*

The report, copies of which have been communicated to the representative employers' and workers' organisations, reproduces the information previously supplied.

## 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	18.12.1950
Brazil	12.10.1938	—
Bulgaria	29.12.1949	—
France	9.12.1948	24.10.1950
Iraq	30.12.1939	16.11.1950
Netherlands	8. 7.1947	25.11.1950
New Zealand	7. 6.1946	17. 8.1950
Norway	7. 7.1937	4.11.1950
Sweden	6. 1.1939	13.10.1950
United States	29.10.1938	16.10.1950

#### *Belgium.*

With the exception of the following details, the information supplied is substantially the same as that contained in the report for 1948-1949. A Bill is under consideration, and will be introduced shortly, to ensure harmony between the provisions of the national legislation and those of the Convention as regards the minimum age for the admission of children to employment at sea.

Under Article 3 of the Convention, the report states that children under 15 years of age are seldom admitted to training schools on board vessels.

There were no breaches of the relevant provisions; the responsible authority has not encountered any attempts to evade the regulations. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *France.*

Seamen's Code of 13 December 1926 (sections 115 and 116) (L.S. 1926—Fr. 13), as amended by the Act of 11 April 1942.

In its first report, the Government states that the above-named legislative provisions, remained in force during the period under review. These provisions prohibit the signing on for service on board ship of children who have not fulfilled the requirements concerning compulsory elementary school attendance. Exceptions have been authorised only for the period of school holidays to allow children of not less than 12 years of age to be employed on board small fishing craft or on industrial or

commercial fishing vessels, provided a near relative is on board. The above-mentioned prohibition is even stricter in the case of certain types of navigation (section 116). Children under 15 years at the time of the vessel's departure may not be signed on for service on board deep-sea fishing vessels off Greenland, Iceland and Newfoundland. The minimum age of 15 years is also required in the case of persons engaged for work on board merchant vessels, except as regards young persons holding a certificate issued by the Maritime Apprenticeship Service.

In practice, because of the Acts and Regulations concerning elementary school instruction and maritime apprenticeship, maritime employment can only be obtained by young persons who have attained the age of 15 years.

On 30 June 1950, a Bill was brought before Parliament to extend the prohibition of the employment of young persons of under 15 years of age in industrial fishing vessels of the second and third zones. By law, therefore, only young persons of not less than 14 years of age are authorised to sign on for service on board small fishing vessels or fishing craft which are in the nature of family undertakings.

The signing on of a young person is always conditional on the production of a medical certificate attesting his physical fitness (section 115 of the Code).

The Bill referred to above provides for a compulsory medical examination every six months in the case of boys and apprentices.

A seafaring minor may only be employed in work which is in keeping with his physical capacities and which is connected with his occupation (section 116 (b) of the Code); such a person becomes a member of the crew and is entered in the vessel's articles of agreement.

The enforcement and supervision of the legislative provisions is entrusted to the shipping registration officials of the Ministry of the Merchant Navy in the various ports.

No decisions by courts of law have been brought to the notice of the services of the Merchant Navy. No branches of the relevant provisions of the Seamen's Code were reported. No observations were

received by the merchant navy services from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Iraq.*

A model of the register required, under Article 4 of the Convention, for young persons under 16 years of age is not available. The application of the relevant provisions of the Labour Act is entrusted to the Directorate-General of Labour in the Ministry of Social Affairs. There is a Superintendent of Labour at Basrah with powers of inspection. No decisions were given by courts of law. No observations have been received from any trade union. There are no representative employers' or workers' organisations.

#### *Netherlands.*

The information supplied is identical with that given for 1948-1949. No breaches of the regulations were reported. No decisions were given by courts of law or other courts. Copies of the report have been communicated to the Labour Foundation.

#### *New Zealand.*

The information supplied for the period under review is identical with that supplied in previous reports.

No decisions were given by courts of law and no observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Norway.*

Reference is made to previous reports. No decisions were given by courts of law or other courts. No observations were received from employers' or workers' organisations.

Copies of the report have been communicated to the representative organisations.

#### *Sweden.*

Copies of the report, which refers to the information supplied for 1948-1949, have been communicated to the representative employers' and workers' organisations.

#### *United States.*

Fair Labor Standards Act of 1938, as amended by the Fair Labor Standards Amendments of 1949 and by Reorganization Plan No. 6 of 1950.

Child Labor Regulation No. 3, as amended on 25 January 1950.

With the exception of the above legislation and the details given below, the information relating to the period under review is identical with that previously supplied.

The provisions of the legislation listed above bring the national legislation, as well as the administrative practice, into complete harmony with the Convention.

Under Child Labor Regulation No. 3, the employment of children under 16 years of age is prohibited on board ships engaged in the transportation of persons or property in commerce. Pursuant to Reorganization Plan No. 6 of 1950, the Fair Labor Standards Act is administered, under the supervision of the Secretary of Labor, by the Administrator of the Wage and Hour and Public Contracts Division of the Department of Labor. These Divisions utilise a staff of investigators; regional offices are maintained to enforce the provisions of the Act.

The Government is not aware of any decisions by courts of law or other courts. Copies of previous reports have been communicated to the United States Chamber of Commerce, the National Association of Manufacturers and the American Federation of Labor.



## 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	17. 10. 1950
Norway	26. 8. 1938	4. 11. 1950

#### *New Zealand.*

With the exception of the following details, the information supplied is identical with that contained in the report for 1948-1949. During the year ended 31 March 1950, 23 authorisations (16 for boys and seven for girls) were issued in virtue of section 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). These

authorisations were mostly in respect of juveniles who were almost 15 years of age; the remainder were in respect of cases where, for medical or other sufficient reasons, further school attendance was undesirable. The proposed measure to implement the Convention fully has not yet been introduced.

No decisions were given by courts of law. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *Norway.*

Reference is made to previous reports. No decisions were given by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

### 60. Convention concerning the age for admission of children to non-industrial employment (revised 1937)

*This Convention came into force on 29 December 1950*

Countries	Date of registration of ratification	Reports received
Bulgaria	29. 12. 1949	—
New Zealand <sup>1</sup>	8. 7. 1947	17. 10. 1950

<sup>1</sup> Voluntary report.

#### *New Zealand.*

Apart from the details given below, the information contained in the voluntary report is identical with that supplied for 1948-1949.

With regard to the observations made

by the Committee of Experts (in connection with the discrepancies between the legislation and Articles 3, 4, 5 and 6 of the Convention), the Government states that the proposed Bill referred to in its report on Convention No. 59 will apply to non-industrial as well as to industrial employment. The protective provisions of Convention No. 60 will therefore be fully ensured.

No decisions were given by courts of law. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

### 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 <sup>1</sup>	29. 3.1938	28. 9.1950

<sup>1</sup> Voluntary report.

#### New Zealand.

Apart from the details below the information is identical with that previously

supplied. During the year ending 31 March 1948, the number of hours of overtime worked amounted to 340,603. No decisions were given by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

### 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	19.10.1950
France	16.12.1950	—
Mexico	4. 7.1941	—
Netherlands	2. 5.1950	—
Poland	17. 4.1950	—
Switzerland	23. 5.1940	5.10.1950

#### Finland.

Decision of the Ministry of Commerce and Industry of 5 November 1949, concerning electric lifts.

The report reproduces the information previously supplied and adds that such discrepancies as still exist between the national legislation and the terms of the Convention can be eliminated by means of administrative regulations. The principal discrepancies are the vagueness of the provisions concerning the inspection of scaffolds and hoisting appliances, with the exception of lifts, and the provisions covering the competence of inspectors. The Government has set up a committee which is to draft detailed provisions and to revise industrial safety legislation so as to bring it into harmony with the Convention.

Under Article 2 of the Convention, the report states that the existing regulations apply to work done in connection with the demolition of buildings. Statistical data are given under Article 6, showing the number of undertakings in the building industry, which was 4,954 in 1949, as compared with 2,811 in 1948, and which employ 64,237 workers (37,410 in 1948). Statistics of accidents in the building

industry are given for the year 1946 ; there were 8,858 such accidents ; 34 of these accidents were fatal and 117 resulted in disability. Percentage figures covering the years 1944-1946 are given for the various causes of accidents in the building industry. Under Article 7, it is pointed out that the competence of inspectors and the periodicity of their visits is not as yet defined precisely in the national legislation. Under Article 9, the report states that no maximum height has been laid down above which persons employed on a roof may not work in the absence of suitable precautions. Under Article 12, it is stated that the periodicity of re-examination of hoisting machines has not yet been fixed. The Decision of the Ministry of Industry and Commerce of 1949, however, specifies how inspections and examinations of electrical lifts must be carried out. Under Article 14, it is stated that so far the provisions concerning safe working loads for hoisting machines and gear only cover lifts. Under Article 15, mention is made of the fact that no special provisions exist as yet for preventing accidental displacement of any part of a suspended load.

There were no relevant decisions by courts of law. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### Switzerland.

The report reproduces the information previously given and adds that the draft regulations concerning hoisting appliances mentioned in former reports will probably be submitted in October 1950 to the Fed-

eral Council for approval. Statistics of accidents in the various branches of the building industry for the year 1948 show a decrease in the number of such accidents as compared with the preceding year. There were no judicial decisions; no observations were received from em-

ployers' or workers' organisations. The annual report of the National Accident Insurance Fund for the year 1949 accompanies the Government's report. Copies of the report have been communicated to the representative employers' and workers' organisations.

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## 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 <sup>1</sup>	5. 9.1939	23. 9.1950
Canada	6. 4.1946	12.10.1950
Czechoslovakia	12. 6.1950	—
Denmark <sup>2</sup>	22. 6.1939	10.10.1950
Egypt <sup>3</sup>	5.10.1940	9.11.1950
Finland <sup>2</sup>	8. 4.1947	7.10.1950
Ireland	9.10.1946	6.10.1950
Mexico	16. 7.1942	—
Netherlands	9. 3.1940	25.11.1950
New Zealand <sup>1</sup>	18. 1.1940	17. 8.1950
Norway <sup>2</sup>	29. 3.1940	4.11.1950
Sweden <sup>2</sup>	21. 6.1939	13.10.1950
Switzerland <sup>3</sup>	23. 5.1940	5.10.1950
Union of South Africa <sup>4</sup>	8. 8.1939	2.10.1950
United Kingdom	26. 5.1947	6.10.1950

<sup>1</sup> Excluding Part II.

<sup>2</sup> Excluding Part III.

<sup>3</sup> Excluding Parts III and IV.

<sup>4</sup> Excluding Parts II and IV.

#### *Australia.*

The report states that there is nothing to add to the information previously submitted. Reference is made, however, to the publication "Memorandum on Wages Rates and Earnings (Adult Males)—1949-1950", which has been transmitted to the I.L.O. and contains some information relating to Part II of the Convention.

#### *Canada.*

The report reproduces the statements contained in the report for the previous year. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Denmark.*

After referring to information previously given, the report states that the

Statistical Department has published since July 1950 an index of real wages per hour in Statistical Information. The Joint Scandinavian Committee on Co-ordination of Wages Statistics is to make a report in the near future, but its recommendations will not affect Danish statistics to any great extent.

#### *Egypt.*

In addition to information previously given, the report cites certain statistical publications supplied to the International Labour Office during the period under review. There were no observations by employers or workers concerning the application of the Convention. The Office of Statistics regularly supplies its statistics to the Secretary-General of the Federation of Industries.

#### *Finland.*

In addition to the information previously supplied, the report mentions, under Part I of the Convention, various articles published in the "Social Review" during 1949-1950 and relating to : quarterly wage statistics for industrial workers, quarterly wage statistics for workers employed by urban municipalities, annual wage statistics for workers employed in public works and quarterly statistics of hours of work on the basis of a sample employment survey.

Under Part II, the report states that statistics of average hourly earnings in industry cover both men and women over 18 years of age. Average hourly earning statistics apply to 25 branches of industry and indicate the earnings per hour during the quarter in each of these branches. The number of workers of

either sex is also given; the statistics cover a total of 105,500 workers. It has not yet been possible to draw up satisfactory statistics regarding average hourly earnings in the building industry. Statistics concerning hours of work in industry are given for the eight most important branches of industry. Index numbers are given for each branch of industry in relation to the previous quarter and to the corresponding quarter of the preceding year. Index numbers are calculated for each branch of industry and men and women workers are treated as separate categories. These various statistics are not established on common bases, since the statistics of average hourly earnings are compiled by the Central Confederation of Industrial Employers' Associations and statistics of employment are compiled by the Ministry of Social Affairs. Both groups of statistics are considered, however, to supply satisfactory documentation on developments in these economic and social fields. Under Part IV of the Convention, reference is made to articles in the Social Review for 1949-1950, containing agricultural wage data for workers paid by the month and in kind, and for day labourers.

There were no observations from employers' or workers' organisations on the application of the Convention. Copies of the report have been communicated to the representative organisations.

#### *Ireland.*

The report contains the following information in addition to that previously given. Quarterly returns made by a large sample of firms engaged in manufacturing industries as from the first quarter of 1950 have been used for the compilation of statistics required by the Convention. The new surveys replace the half-yearly returns formerly obtained, for which the last data collected were for September 1949. The coverage and detail available has been increased in the new returns.

The statistics of average earnings and hours actually worked (Part II of the Convention) are now being compiled on the basis of the sample referred to above, at quarterly intervals as well as for a single date in the year, from all firms covered by the Census of Industrial Production.

The statistics of time rates of wages and of normal hours of work (Part III of the Convention) and the statistics of wages in agriculture (Part IV of the Convention) have been compiled on the same basis as in previous years, except that, (as stated with reference to Article 21), the half-yearly collection of information on the general movement of rates of wages per week in a large sample of manufacturing industries has been suspended "for statistical reasons, of which the most important was the desirability of reducing the onerous inquiry to a

minimum at the time when its frequency and coverage was being extended".

The data have been published in the report entitled *Some Statistics of Wages and Hours of Work in 1949* compiled by the Central Statistics Office, except the statistics based on quarterly returns made by a sample of firms, which were first published in the *Irish Trade Journal and Statistical Bulletin* (June 1950). It is stated that a new report in the series *Some Statistics of Wages and Hours of Work...* containing figures up to 1950 is being prepared.

With reference to Article 10, paragraph 2 of the Convention, the report states that annual figures for average earnings and hours worked have been published for each sex separately and for persons under 18 years of age and persons of 18 years of age and over. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Netherlands.*

The report contains full particulars concerning the conditions of work, wages and special benefits received by the workers in the mining industries. Reference is made to collective agreements, the texts of which are appended. The task of compiling statistics for the mining industry is entrusted to the Inspector-General of Mines. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *New Zealand.*

The report reproduces the information given for the previous year. Copies of the report have been communicated to representative employers' and workers' organisations.

#### *Norway.*

The report refers to information previously supplied and cites, in addition, the following publications issued since the last report: "Wages, 1948" published in March 1950; quarterly statistics published in "Statistical Information"; "Wages Census, 1948; Iron and Metal Industry, Textile Industry, Chemical and Electro-Chemical Industries", published in May 1950.

No decisions were given by courts of law. Copies of the report have been communicated to the representative workers' and employers' organisations.

#### *Sweden.*

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

*Switzerland.*

The report reproduces information previously given and refers to certain enquiries carried out during the period under review, and relating, in particular, to (1) wages statistics of workers who were victims of industrial accidents during the year 1949; (2) a general enquiry of October 1949 into wages and salaries; (3) quarterly enquiries into hours of work in industry as well as in building and construction. Copies of the report have been communicated to the representative employers' and workers' organisations.

*Union of South Africa.*

The report refers to information previously supplied and gives particulars of time rates of wages and normal hours of work of wage earners in the principal manufacturing industries (building, baking and confectionery, biscuit manufacturing, engineering, clothing, footwear, furniture, and printing) in terms of Article 1 (c) of the Convention.

The report repeats previous statements regarding Article 21 of the Convention, to the effect 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.

Particulars are given on the methods of compiling the new wage rate index, together with the indices for each of the eight classes of occupation covered, as well as for all classes taken together as at September in each year from 1938 up to 1949 inclusive. In a special annex to the report, the wage rate is computed on a weekly basis and covers European adult male workers. Wherever possible, standard minimum-wage rates, as laid down by Industrial Council Agreements or Wage Board Determinations, are used for the

index. In a number of instances, where minimum rates are not available or not acceptable, average wages or predominant wages are utilised. Cost-of-living allowances are included but certain benefits are excluded. Weights are used to combine occupations and classes of occupations, as well as to compute averages for the nine principal urban areas covered, according to the numbers employed as from the census of 1936. The following eight classes of occupations are included: gold mining (Witwatersrand); diamond mining (Kimberley); engineering and metal working; printing, bookbinding, etc.; other manufacturing; building; transportation (railways and tramways); trading.

The indices are to be regarded as interim and further revisions and improvements are contemplated. Copies of the report have been sent to the representative employers' and workers' organisations.

*United Kingdom.*

The information previously supplied is supplemented by the following data. Under Article 12 of the Convention, it is stated that index numbers of average earnings for all industries combined—mining (except coal mining), manufacturing, building and contracting—on the basis of April 1947 = 100, were published in the *Ministry of Labour Gazette* for September 1949 and March 1950. Under Article 19 it is explained that Supplement No. 1 (May 1947) to the Industrial Relations Handbook, containing information as to the normal rates of wages payable for overtime and particulars as to payment for holidays, is in course of revision to take into account, among other things, the increases in the number of days of paid holidays in certain industries. Copies of the report have been communicated to the representative employers' and workers' organisations.

**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 <sup>1</sup>	26. 7.1948	27. 1.1951
New Zealand <sup>1</sup>	8. 7.1947	28. 9.1950
United Kingdom <sup>1</sup>	24. 8.1943	16.10.1950

<sup>1</sup> See under summary of reports on the application of  
ratified Conventions in non-metropolitan territories.

**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 <sup>1</sup>	8. 7.1947	28. 9.1950
United Kingdom <sup>1</sup>	24. 8.1943	16.10.1950

<sup>1</sup> See under summary of reports on the application of  
ratified Conventions in non-metropolitan territories.

## THIRTIETH SESSION (GENEVA, 1947)

### 81. Convention concerning labour inspection in industry and in commerce (1947)

*This Convention came into force on 7 April 1950*

Countries	Date of registration of ratification	Reports received
Austria	30. 4. 1949	—
Bulgaria	29. 12. 1949	—
Finland	20. 1. 1950	—
France	16. 12. 1950	—
India	7. 4. 1949	—
Iraq	13. 1. 1951	—
Norway	5. 1. 1949	4. 11. 1950
Sweden	25. 11. 1949	—
Switzerland	13. 7. 1949	—
Turkey	5. 3. 1951	—
United Kingdom	28. 6. 1949	—

#### *Norway.*

Workers' Protection Act of 19 June 1936  
(L.S. 1936—Nor. 1).

The regulations respecting labour inspection apply both to industrial and commercial undertakings. Mining and transport undertakings are subject to labour inspection, as provided for in the Workers' Protection Act, in the same way as other undertakings. The functions of the inspectorate are those referred to in the first paragraph of Article 3 of the Convention and no further duties are assigned to inspectors. The controlling inspection authority is the Directorate of Labour Inspection. The inspectorate works in collaboration with the officials of the Mines Department (to whom labour inspection duties are assigned), the inspectors of inflammable substances and the health authorities. Collaboration is also maintained between the labour inspectorate and the confederations of employers' and workers' organisations in matters of accident prevention and the promotion of workers' welfare. The employers' and workers' organisations concerned are consulted by the inspectorate with regard to the preparation of accident prevention and industrial hygiene regulations and applications for permission to deviate from the provisions of the Act. In carrying out inspection visits, officials of the inspectorate are under instruction to get in touch with the representatives of the workers and of the management. In virtue of an agreement between the employers' and workers' confederations, a production committee is established in every industrial concern of a certain size; the functions of these committees include

that of ensuring the observance of the provisions of the Workers' Protection Act.

Officials of the State labour inspectorate hold permanent appointments in accordance with the State Employees' Act. In the recruitment of inspectors, emphasis is placed on thorough technical knowledge and familiarity with working conditions generally. Recruits to the service receive training in their duties under the leadership of a labour inspector. The staff of the inspectorate includes persons who have special knowledge of medicine, chemistry, etc. In the recruitment of staff, special regard is had for the needs of the service for such experts. Office expenses are paid by the State and travelling and subsistence expenses are reimbursed in accordance with the regulations for State employees.

The inspectorate may require the remedying of defects or the carrying out of alterations within a specified time limit in cases where the health or safety of workers is involved. If imminent danger exists, the work may be stopped until the unsatisfactory conditions are remedied. The labour inspectorate is notified of all injuries which are covered by the National Insurance Institution. Serious injuries must be reported directly to the inspectorate. Under the instructions now in force, the labour inspector is required as far as possible to inspect personally the undertakings within his jurisdiction. With the aid of local (*i.e.*, municipal) inspection committees, every undertaking is inspected at least once a year, if possible. Penalties for violation of the Workers' Protection Act are provided for in sections 51-58 of the Act. Section 326 of the Penal Code protects the civil servant in the legal execution of his duties. Inspectors submit monthly reports to the Directorate concerning the inspection visits they have made.

The Labour Inspection Council takes a final decision as to whether a given occupation or type of employment is covered by the Workers' Protection Act.

No decisions were given by courts of law regarding the application of the Convention. Copies of the report have been communicated to the representative employers' and workers' organisations.

Appended to the report are copies of the monthly report form submitted by inspectors and the instructions for inspectors.



## THIRTY-FIRST SESSION (SAN FRANCISCO, 1948)

### 88. Convention concerning the organisation of the employment service

*This Convention came into force on 10 August 1950*

Countries	Date of registration of ratification	Report received
Australia	24. 12. 1949	—
Bulgaria	29. 12. 1949	—
Canada	24. 8. 1950	—
Czechoslovakia	12. 6. 1950	—
Netherlands	7. 3. 1950	—
New Zealand	3. 12. 1949	17. 8. 1950
Norway	4. 7. 1949	—
Sweden	25. 11. 1949	—
Turkey	13. 7. 1950	—
United Kingdom	10. 8. 1949	—

#### *New Zealand.*

Apart from the details given below the information is identical with that previously supplied. A total of 22,193 placements (16,146 men and 6,049 women) were effected during the year ending 31 March 1950, as against 20,995 for the previous period.

### 89. Convention concerning night work of women employed in industry (revised 1948)

*This Convention came into force on 27 February 1951*

Countries	Date of registration of ratification	Report received
Austria	5. 10. 1950	—
Czechoslovakia	12. 6. 1950	—
India	27. 2. 1950	—
New Zealand <sup>1</sup>	10. 11. 1950	17. 10. 1950
Pakistan	14. 2. 1951	—
Switzerland	6. 5. 1950	—
Syria	1. 12. 1949	—
Union of South Africa	2. 3. 1950	—

<sup>1</sup> Voluntary report.

#### *New Zealand.*

See under Convention No. 41.

### 97. Convention concerning migration for employment (revised 1949)

*(Not yet in force)*

Countries	Date of registration of ratification	Report received
New Zealand <sup>1</sup>	10. 11. 1950	27. 3. 1951
United Kingdom	22. 1. 1951	—

<sup>1</sup> Voluntary report: See summary of reports on the application of ratified Conventions in non-metropolitan territories.

## SUMMARY OF ANNUAL REPORTS ON THE APPLICATION OF RATIFIED CONVENTIONS IN NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

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

#### *New Zealand*

In addition to the information concerning the application of the various Conventions which is summarised in this volume, the Government of New Zealand supplies general information regarding the economic and social structure in the territories which it administers: *Western Samoa*, *Cook Islands* and *Tokelau Islands*. It states, in particular, that subsistence agriculture carried out by family groups under the authority of the family heads is the principal activity of the Samoans. Moreover, similar family or village groups are also employed in many forms of relatively unskilled work for monetary payment. A census carried out in 1945 showed that only 3 per cent. of the Samoan people were working regularly for wages, and this is still the position.

The Tokelau Islands have a total population of approximately 1,400 and the inhabitants are closely allied to the natives of Western Samoa in language and culture. The natural resources of the islands are limited by the infertility of the soil and the only industry is the production of a certain amount of copra for export. No labour is recruited in the area for employment in other territories. However, a certain number of the inhabitants go to Samoa. The islands are administered by the High Commissioner of Western Samoa; no European official is stationed in the islands. In view of the simple social structure in the islands the application of Conventions has not been considered appropriate.

In the Cook Islands agriculture is also the essential activity. However, a certain number of islanders are employed in plantation work and in the handling of fruit for export. The manufacture of handicraft goods is carried out on a casual and domestic basis. A clothing and shoe factory has been recently established and employs close on 100 workers. A certain number of Maoris, in particular women, emigrate to New Zealand under the supervision of the administration. Moreover labour is recruited for work in the phosphate deposits at Makatea, where 309 islanders were employed on 31 March 1950.

\* \* \*

#### *Cook Islands.*

Niue Traders' Hours of Business Amendment Ordinance No. 28, 1927.

The Ordinance restricts the hours of business of shops to between 7 a.m. and 4 p.m. on weekdays, and between 7 a.m. and noon on Saturdays. Although there is no prohibition of the employment of assistants outside these hours, the existence of the restrictions has had practical effects on restricting the length of the working week. In administrative departments a five-day 40-hour week is observed. In industry the working week ranges between 40 and 48 hours, the latter probably being more general. The Cook Islands (excepting Niue) Industrial Union of Workers is at present negotiating for a comprehensive revision of wages and conditions of work. The conclusion of these negotiations would result in a collective agreement which would form a basis for application of the Convention. Copies of the report have been supplied to the employers' and workers' organisations. The same procedure was followed for reports on other Conventions.

#### *Western Samoa.*

The only industrial enterprise of any significance in the territory is the desiccated coconut factory operated by the New Zealand Reparation Estates, where an eight-hour day and 48-hour week is worked. The Western Samoan Government is being advised to consider the necessary regulations to apply the Convention, perhaps subject to modification. Copies of the report have been supplied to the employers' and workers' organisations. The same procedure was followed for reports on other Conventions.

#### *Portugal*

As will have been gathered from the information previously supplied, the letters of ratification concerning the various Conventions ratified by Portugal contain a reservation regarding the non-application to Portuguese possessions. Since the Portuguese Government does not consider it advisable to take a new decision in this respect, this Convention is not applied to the said territories.

However, reports have been drawn up once again, territory by territory, on the basis of the report forms; due account was taken of the general observations made by the Committee of Experts on the Application of Conventions and Recommendations with regard to the reports supplied for the period 1948-1949. These reports repeat, as a rule, the information which is to be found in the Summary of Reports on Ratified Conventions submitted to the 33rd Session of the International Labour Conference (Geneva, 1950) and show that the legislation in force in the Portuguese overseas territories corresponds in practice in the majority of cases to the provisions of the Conventions applied in Portugal.

Reports have been received from the following territories: *Angola, Cape Verde, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, S. Tomé and Príncipe, and Timor.*

\* \* \*

A summary will be found below of the additional information contained in these reports, which otherwise repeat the information analysed in the Summary of Reports laid before the 33rd Session of the Conference.

#### *Angola.*

Information regarding the practical application of the principles set forth in the Convention is given in Legislative Order No. 1840 of 6 November 1946, the text of which was attached to the previous report, and which fixes the standard regulations for the legislation in force concerning hours of work and weekly rest of non-indigenous workers in industry and commercial undertakings, and of taxi drivers.

As regards the last paragraph of Article 1 of the Convention, no line of division has been established between industry, on the one hand, and commerce and agriculture on the other hand; the activities carried out therein have not been classified in the manner prescribed by the Convention with regard to industrial undertakings. It is difficult to make such a classification, since the division is made in accordance with the nature of the work and by means of the integration of personnel in the general factors which characterise the activities of the undertakings concerned.

In virtue of section 6 of the above-mentioned Legislative Order, normal hours of work effectively carried out by taxi drivers may not exceed 48 per week. Workers in public works are free on Saturday afternoons. In private industry, as a result of agreements concluded between employers and workers, hours of work for each working day amount to eight and a half, except for Saturdays when the afternoon is free; however the workers receive their entire wages.

Three reproductions of notices and registers established in conformity with the above-mentioned Order and complying with

the provisions of Article 8 of the Convention are attached to the report.

The control of additional hours, which must as a rule be previously authorised by the labour inspection services, and of the payment of the relevant wage increases is effected, *inter alia*, by the forwarding to these services of the receipt given in this respect by the worker. No provision is made by the legislation in force for a system by which the normal duration of 48 working hours per week may be exceeded as laid down under Article 4.

No agreement has been concluded in virtue of Article 5 of the Convention, since the economic conditions do not require a modification of the normal working schedule.

The supervision of the application of the legislative measures relating to the hours of work is entrusted to the directorate of the civil administration services, to Governors of provinces, to the administrators of the various districts and, in general, to all administrative and police authorities and to labour tribunals. Control and inspection are effected by means of visits to industrial undertakings.

Since the services concerned have not yet established a register of the decisions of courts of law, it has not been possible to supply the texts of such decisions. The position is identical as regards general information regarding the manner in which legislation is applied.

No observations were made by employers' or workers' industrial organisations in this respect. Some employers' commercial organisations have protested against the introduction of the 5½ day week, which is supported by the National Association of Commercial Employees and which the Government does not intend to rescind.

#### *Cape Verde.*

Ordinance No. 3933 of 19 August 1950, to repeal Ordinances Nos. 2441, 2463 and 2520 of 2 May, 13 June and 22 August 1942 respectively.

The above-mentioned Ordinance lays down that hours of work in industrial and commercial undertakings must be fixed in conformity with the provisions of Legislative Order No. 579 of 6 November 1937 which was already examined in the previous report and whose provisions correspond to those of the Convention.

The control of the application of this Legislative Order is entrusted to the administrative, police, and municipal authorities. The officials responsible for this control draw up reports for each contravention which they note; summons of the persons concerned and the recovery of fines for which they may be liable is effected in conformity with the provisions of the general Act.

The Convention is substantially applied in virtue of the legislative measures and the regulations in force. No reports have been made of cases for which additional

hours should have been authorised. No observations regarding the practical application of the provisions of the legislation have been made by any employers' or workers' organisation.

#### *Macao.*

Strictly speaking, there are no industrial undertakings in the territory. Out-work and work relating to crafts are carried out in special conditions in view of the instability of the market and of manpower. By reason of this instability, the system of work is of a special nature and requires measures different from those which could as a rule be adopted in other Portuguese territories. The settling of the few disputes which may arise in this field is entrusted to the administrative authorities.

#### *Mozambique.*

Article 2: In response to the observation made in 1950 by the Committee of Experts with regard to the exemptions from the working schedule, the report supplies the following additional information.

Under section 3 of Legislative Order No. 707 of 5 June 1940, the exemption from the application of any one of the provisions relating to hours of work may be requested for persons employed in positions of trust, management or supervision. The same exemption may be requested for persons engaged in small undertakings who are closely related to their employers. Undertakings which wish to benefit from the exception authorised by this section must make a request to the directorate of the civil administration services which may approve or reject the request according to the reasons put forward.

During the period under review, no undertaking asked for an authorisation to exceed the daily limit of eight working hours by way of compensation for reduced hours of work on one or several days in the week. Nevertheless, in conformity with the labour regulations generally applied in this territory, industrial undertakings exceed the eight-hour working day by 45 minutes on five days of the week in order not to work on Saturday afternoons.

No use has been made of the exception provided for by Article 4 of the Convention.

It has not proved necessary to make a list of the processes specified as being necessarily continuous. Nevertheless, some industrial undertakings have been authorised to organise a system of shifts. This is particularly the case with regard to the "Portuguese Cotton Company", which requested and received the authorisation to organise a system of shifts when building the hydro-electric plant of Revué.

No agreement has been concluded in respect of Article 5 of the Convention.

The direct supervision of the application of laws and regulations is entrusted to police officers who are required to draw up reports for each contravention noted. Owing to the supervision by the administrative authorities and by the police services in close co-operation with the national trade-union leaders, the practical application of the standards regulating hours of work is fully ensured.

Although the competent authorities have been asked to supply information regarding decisions given by courts of law in respect of the application of the legislation in force, this information was not supplied early enough to be included in this report.

The legislative measures regarding hours of work are applied throughout the territory. In view of the fact that trade unions have not yet been organised for some occupations, it is not possible to supply exact figures regarding the number of workers and employees covered by the legislation. Since the information requested in this respect from the competent authorities of the various provinces was not received in time, the responsible services are not able to state the number of additional hours worked.

No observations were received from employers' organisations or national trade unions with regard to the practical application of the legislation in force.

#### *Portuguese Guinea.*

Legislative Order No. 1491 of 26 August 1950.

The recent industrial regulations approved by the above-mentioned Legislative Order and the text of which is attached to the report, define in their first section the undertakings considered to be industrial undertakings and establish the line of division between industry, on the one hand, and commerce and agriculture, on the other.

The questions dealt with in the Convention are at present covered not only by the Code approved by Legislative Order No. 486, which has already been summarised, but also by Legislative Decrees Nos. 24,402 and 26,917 which regulate hours of work in industrial and commercial undertakings in Portugal. The provisions of these Legislative Decrees are already being applied in practice, pending the publication of regulations for this territory which will replace the Code of 1929.

Article 3: In reply to the observation made in 1950 by the Committee of Experts, the report repeats that in cases of *force majeure* resulting from serious accidents or in cases where the threat of important and exceptional damage make it necessary to increase hours of work, employers may allow work to be continued after the normal closing hour but must, within 48 hours, inform the Central Bureau of the civil administration services of this measure; this Bureau is entrusted with the control of the application of regulations regarding

industrial work. In virtue of Ordinance No. 10,420 of 22 June 1943 establishing the legal bases of national trade unions in Portuguese possessions, these bodies are able to supervise the application of labour protection legislation, particularly as regards hours of work, wages, weekly rest and compensation for industrial accidents.

#### *Portuguese Indies.*

Legislative Order No. 1133 of 13 July 1944.

In virtue of this Order, hours of work for employees of industrial and commercial undertakings may not as a rule exceed 48 per week. No decision has been taken regarding the line of division between industry, on the one hand, and commerce and agriculture, on the other.

In cases where good reasons are shown, additional hours of work may be authorised by the administrative authorities, but the wage rates for these additional hours are increased by 50 per cent. or 100 per cent. respectively in cases of work effected by day or by night. In industries where processes are carried on continuously or where, as a result of special circumstances, longer daily hours of work are required, a system of shifts must be organised.

The normal daily hours of work must be interrupted by a rest period of at least two hours.

In cases of *force majeure* resulting from serious accidents or in cases where the threat of serious and exceptional damage necessitates the increase of the hours of work, hours may be extended beyond the usual closing time but employers must inform the administrative authorities of the district of this measure within 48 hours and by registered letter.

All industrial and commercial undertakings must establish a work timetable for their staff in conformity with the provisions of the above-mentioned Order and

must post it up in a conspicuous place. The timetable must show the name of each person employed and his hours of work.

As regards Articles 4, 5 and 6 of the Convention, the report states that these questions are covered by the above-mentioned general provisions. Processes which are considered as requiring to be carried out continuously, in accordance with the definition of Article 4 of the Convention, have not been classified. No agreement has been concluded in virtue of Article 5 of the Convention; the public authority has issued no regulations with regard to the exceptions dealt with in Article 6.

The control of the application of the provisions of the above-mentioned Legislative Order is entrusted to the administrative authorities. No decisions have been given by courts of law in this respect. The services concerned do not have any reports regarding labour inspection; the statistics at present being compiled contain no information regarding the number of workers protected by this Legislative Order or the number and nature of contraventions reported, the number of additional hours worked, etc.

Since there are no representative workers' organisations, no reports concerning the application of Order No. 1133 have as yet been communicated to the only representative employers' organisation, the Commercial Association of Goa.

#### *S. Tomé and Príncipe.*

No complaints and no decisions given by courts of law have been reported concerning the application of the legislative measures and regulations concerning hours of work. The Union of Commercial, Industrial and Agricultural Employees, the only representative workers' organisation, has made no observations regarding the practical application of the relevant legislative provisions.

## 2. Convention concerning unemployment

### *France*

#### *Algeria.*

Ordinance No. 45-1030 of 24 May 1945, respecting the placing of employees and the supervision of employment (L.S. 1945—Fr. 7), extended to Algeria by the Decree of 6 June 1945.

Decree No. 45-1891 of 23 August 1945, issued in application of the above-named Ordinance.

Order of the Governor-General of Algeria, dated 22 February 1946, setting up advisory boards to the departmental employment agencies, as amended by the Decree of 5 July 1946.

Order of the Governor-General of Algeria, dated 23 December 1946, prescribing the methods of applying to Algeria the Ordinance of 24 May 1945 and the Decree of 23 August 1945.

Circular No. 8359 AE/3 of the Governor-General of Algeria, dated 13 July 1948, respecting measures to combat unemployment, as amended by Circulars Nos. 2576 and 15,070 of 7 March and 19 December 1949.

As Algeria constitutes a group of French departments, full information on unemployment in the territory is supplied to the French Government, whose responsibility it is to forward such information to the International Labour Office.

In pursuance of the above-mentioned laws and regulations, the placing of employees must be effected, in Algeria, through the public manpower services (the departmental employment exchanges

and their local branches or agents). No charge is made for placing.

Attached to each departmental exchange is an advisory board on which are represented the administration, delegates elected by the local communities (departments and communes) and the various trade union organisations of employers and workers.

The function of this advisory board is to keep the departmental exchange fully informed of the state of the labour market, with special regard to those branches of industrial occupations where the supply of manpower exceeds or falls short of the demand. The board also considers in an advisory capacity all measures calculated to secure full utilisation of available manpower and the reabsorption of workers without employment. Finally, it ensures contact between occupational organisations and establishments, and public or private bodies and services which make use of manpower.

The aim of this centralised organisation is an effective co-ordination of supply and demand, in order to direct workers towards the most active sectors of the national economy and to exercise effective supervision over the assistance granted to the involuntarily unemployed.

Only one private fee-charging employment agency has been authorised to function. This agency caters for public undertakings (variety artistes) for which there are highly special methods of recruitment.

A number of private free employment services have also been authorised to continue in operation where they were affiliated to bodies pursuing purely disinterested ends, such as trade unions or associations. They are, however, subject to close supervision by the public manpower services to which they have become ancillary.

The advertising of vacancies and applications for employment in the press is supervised in two ways: authorisation must previously be obtained from the administrative authorities, and advertisements must be filed with the regional and departmental manpower services.

Finally, the engagement or dismissal of employees must be declared and, in certain cases, authorised by the public manpower services.

The following figures show the over-all placings of manpower through the departmental employment exchanges of Algeria for the period 1 July 1949 to 30 June 1950: persons placed in employment, 17,053; unsuccessful applications for employment, 23,323; unfilled vacancies, 7,301.

The regulations in force in Algeria make no discrimination between national and foreign workers in respect of admission to the work sites for the unemployed opened by the communes. In practice, however, the question does not arise, as aliens are not permitted to work and

cannot obtain endorsement of a contract unless this is justified by the requirements of the labour market.

The application in Algeria of the above-mentioned laws and regulations is the responsibility of the Governor-General, and is assured through the public manpower service.

With regard to unemployment strictly speaking, the report states that the Circular of 13 July 1948 set up in each commune a local supervisory committee comprising: the head of the commune, two municipal councillors (one for each electoral college), the head of the local employment exchange, and two delegates (one employee and one employer) from the most representative trade union organisations of employers and workers of the district.

The functions of this committee are to compile and keep up to date lists of unemployed persons to be taken on at each work site, to advise as to the dates of opening and closing the site and, more widely, to ensure the proper utilisation of the subsidies obtained for their operation.

The application of the unemployment regulations has not given rise to any decisions by courts of law or administrative courts.

The annual appropriations in the Algerian budget for the opening and operation of work sites for the unemployed vary according to the requirements and the general financial position of the country.

#### *Martinique.*

Orders No. 82 and No. 83 of 16 January 1947, to set up a public employment exchange in Martinique.

Provision is made for the drawing up of statistics relating to the state of the labour market. In view of the small size of the island only one employment exchange has been set up. There are no private employment agencies.

The application of the Convention is entrusted to the Labour and Manpower Directorate.

#### *Réunion.*

Part I of the Ordinance of 24 May 1945, respecting the placing of employees and the supervision of employment, is not applicable to Réunion. At present, there are no private employment agencies. During the year 1949, the labour inspectorate received 473 applications for employment and 418 notifications of vacancies; 386 persons were placed in employment. A special free employment exchange for dockers is in operation at the port of Pointe aux Galets.

#### *Cameroons.*

There are no regulations concerning unemployment. The adoption of such provisions would be unnecessary since

there is no unemployment in the Cameroons. The number of workers is very small.

Persons without work in the towns are not unemployed, but parasites who prefer to live at the expense of others, taking advantage of the custom of hospitality rather than look for employment, which they could find without difficulty.

#### *French Equatorial Africa.*

No regulations providing for benefits or allowances to the involuntarily unemployed have been issued in French Equatorial Africa. While the openings for manpower are sufficient to provide employment for about 50,000 skilled or semi-skilled workmen, there are scarcely 30,000 technicians or skilled and unskilled labourers on the labour market. Hence the problem of unemployment does not exist in the Federation, and even if, in the large urban areas, it did happen to arise for any particular industry, the redistribution of the workers concerned among other industries would be achieved without difficulty.

The general labour inspectorate is giving consideration to the possibility of setting up a free public employment exchange to operate under its supervision with a view to preventing, by the systematisation of local recruitment, all irregularities in the distribution of the labour force. The report has been communicated to the representative employers' and workers' organisations.

#### *French Establishments in India.*

No special regulations have been made in the territory respecting unemployment and the combating of unemployment, but under section 59 of the Decree of 6 April 1937 (Labour Code for the French Establishments in India), industrial associations may establish and maintain information offices for persons seeking workers and persons seeking work. It is difficult to give any exact information (unemployment statistics) because of the continual migration of workers from the French Establishments to Indian territory and vice versa. When employers in the textile industry need to recruit workers, they make application to the most representative trade unions which act as employment agencies. No objection has been raised to this system since the promulgation of the Labour Code.

#### *French Settlements in Oceania.*

This Convention is not applied in the territory.

#### *Madagascar.*

Local Decision of 12 February 1949.

There are no texts to regulate cases of unemployment, which are very exceptional

because of the satisfactory equilibrium between the supply and demand of labour which characterises the labour market.

Article 1 of the Convention : there is no special information to be reported since there are no registered unemployed persons.

Article 2 : A system for the placing of workers was instituted in Madagascar in 1901 ; it was amended in March 1927 and in May 1936 and was finally modified by the Local Decision of 12 February 1949. The system is under the direction of the general labour inspectorate in Madagascar and has only one agency, in Tananarive, which is attached to the provincial labour inspectorate of the same administrative territory. The agency keeps in touch with other districts through labour inspectors or administrative chiefs and corresponds with external services, particularly with the Ministry of Labour, the Ministry for French Overseas Territories and the Delegation of Madagascar at Paris, through the High Commissioner's office. The local press and the radio of Tananarive enable the agency to contact undertakings throughout the territory of the large island. A monthly bulletin supplements the propaganda system which is indispensable to this type of body. On the technical level, the organisation of the agency is largely based on the measures which have proved themselves for many years in France : the classification in files of supply and demand for each occupational group, registers of references, presentation cards, and statistics published periodically by the service concerned.

Although in Madagascar there are no private or paying employment agencies, the Tananarive agency does not yet enjoy either the protection or privileges which it would receive in France under the legislation regarding the control of employment (prohibition regarding the posting of notices, publicity, and also dismissal without notifying the manpower service), or the support which it would obtain through the centre for psychotechnical selection or rapid vocational training. Finally, since this agency has only recently been established in a district which is still governed by complete freedom in labour transactions, it must still obtain the confidence of employers.

Article 3 : It has not been necessary, as yet, to organise an unemployment insurance scheme, but assistance in cash and in kind may be distributed to all persons who are temporarily deprived of their customary means of existence.

The placement of workers is ensured by the Tananarive agency which is under the general labour inspectorate of Madagascar, but social assistance agencies, under the authority of the mayors, are substituted for the labour inspectorate in cases of assistance for persons who do not work.

The report has been communicated to the Federation of Trade Unions for agricultural and forestry workers and stock breeders in Madagascar, the Federation of Trade and Business Associations in Madagascar, and the Dependencies, the French Confederation of Christian Workers and the General Confederation of Labour.

#### *New Caledonia.*

Sections 144-165 of the Decree of 22 December 1938.

The only employment exchanges in existence in the territory are the municipal office of the town of Nouméa and the information office of the Agricultural Department. During the period under review, as in the course of all preceding periods, no vacancies were notified to the office in Nouméa and 10 vacancies were notified to the office of the Agricultural Department which, thanks to the personal intervention of the chairman of the Chamber of Agriculture, placed 15 persons in employment.

In these circumstances, there has been no necessity for the intervention of a supervisory committee of the type provided for in Article 2 of the Convention.

There is no insurance system of the type mentioned in Article 3; in reality, there is an acute manpower shortage in the territory.

The few persons seeking employment are either immigrant French citizens who rapidly find work, or French citizens natives of the territory who can scarcely be considered as involuntarily unemployed persons.

The supervision of the above-mentioned regulations is entrusted to the judicial police.

There were no decisions by courts of law or other courts concerning the application of these regulations.

There were no observations from employers' or workers' organisations. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *St. Pierre and Miquelon.*

Unemployment is combated by workplaces opened for that purpose, in so far as the need arises.

#### *New Zealand*

##### *Cook Islands.*

Unemployment does not exist in the territory at the moment, the largest factor in this position being the traditional system of land tenure which results in wage-earning employment being unnecessary for subsistence. However, a small group of outer-island Maoris in Rarotonga are divorced from the use of their family lands and dependent upon wages for their subsistence. While the position of wage

earners is at present satisfactory, the local administration is watching the position carefully. In the meantime application of the Convention is not considered as warranted in view of the stage of development of the territory.

#### *Western Samoa.*

Unemployment is not a problem in the territory as the social system is such that poverty cannot exist and all families are well endowed with land capable of supplying them with their material wants. The present application of the Convention is therefore regarded as inappropriate owing to the stage of social development.

#### *United Kingdom*

Reports have been received for the following territories:

*Aden, Barbados, Basutoland, Bechuanaland, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, British Guiana, British Honduras, British Somaliland, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Grenada, Hong Kong, Jamaica, Kenya, Federation of Malaya, Malta, Mauritius, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.*

In general, the information contained in these reports is identical with that supplied for the periods 1947-1948 and 1948-1949 and published in the summaries of reports on ratified Conventions submitted to the 32nd and 33rd Sessions of the International Labour Conference (1949 and 1950).

Any new information contained in the reports for the period under review is given below.

#### *Aden.*

A labour and welfare officer has been recruited who is responsible, under the supervision of the district commissioner, for all labour matters.

#### *British Guiana.*

There were 4,051 persons registered for employment, 2,894 vacancies were notified and 2,287 vacancies were filled.

#### *Cyprus.*

The number of labour exchanges was increased to four with the establishment of a temporary exchange in the fourth main town in April 1950.

An advisory committee was set up for the third labour exchange in February 1950. Its constitution and terms of reference and the method of appointment of representative members were the same



as in the case of the two previous committees.

During the period under review, the four labour exchanges dealt with 39,555 applications for employment and placed 20,013 persons.

The labour exchanges continued to give valuable service. The radius of their activity has been increased during the period under review from 10 to 15 miles of the towns in which they are established.

#### *Dominica.*

There is no legislation applying the provisions of this Convention. The Labour Department functions as an unemployment registration office. Workers and employers are encouraged to make use of this service and all possible steps are taken to place workers when the opportunity arises. No committee representing employers and workers has yet been established; the Labour Department is trying to get workers interested. At present, there is practically full employment. Agriculture is the main industry of the island and there is a large peasantry which employs members of its own family. Wage earners on estates usually have their own gardens. There is no system of unemployment insurance. There are no theatrical undertakings in Dominica. No observations have been received from any organisation of employers or workers. Copies of the report were sent to the Dominica Employers' Union and the Dominica Trade Union. This procedure has been followed in respect of the reports on all the Conventions.

#### *Gambia.*

Copies of the reports have been communicated to the Chamber of Commerce and the Gambia Labour Union. This new information is contained in all other reports.

#### *Gibraltar.*

Employment Exchanges and Registration Ordinance, No. 10 of 1949. (Enacted on 28 April 1949; came into force as from 1 January 1950.)

Steps are being taken to establish a labour advisory committee, consisting of representatives of employers and workers to advise on matters concerning the functioning of the employment exchange. The working of the system generally follows the pattern adopted in the United Kingdom, except that all workers are required to "register" prior to taking up employment and employers seeking to engage workers other than Gibraltarians must first obtain the approval of the manager of the central employment exchange before doing so. These exceptional measures are necessary to implement the Government policy of full employment for Gibraltarians. The constitution of the projected

labour advisory committee has not yet been defined, but it is envisaged that it will consist of ten members equally representative of employers and workers under the chairmanship of the Director of Labour and Welfare. A single central employment exchange is sufficient to administer this service. During the period under review, there were 3,861 applications for employment, 8,203 vacancies were notified and 7,688 persons placed in employment. Sufficient copies of the report have been retained for communication to the labour advisory committee when this body is set up. This procedure will be followed in respect of the reports on the other Conventions.

#### *Grenada.*

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

Article 1 of the Convention: No reports have been submitted to the International Labour Office as there is no statistical data on the extent of unemployment in this colony.

Article 2: There are no employment agencies and consequently no central authority; however, in practice the Labour Department does the work of these agencies as explained above.

Article 3: No system of insurance against unemployment have been established.

No decisions were given by courts of law, or other courts, regarding the application of the Convention.

There are no theatrical undertakings in the colony.

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

#### *Jamaica.*

The Government, through the Labour Department, encourages and assists the recruitment of contract workers for employment in the United States and in other territories in the Caribbean area. A small number of seamen was recruited for tankers trading in the East. There is no system of registration whereby the number of unemployed persons can be accurately determined. It is known that the employment situation deteriorated during the year and that the incidence of unemployment is extremely high. A Select Committee of the House of Representatives was appointed in March 1950 to consider measures for the immediate relief of the unemployed. The Government is now studying an interim report of this Committee. During the period under review, the Kingston employment bureau registered 11,660 persons, received notifications of 3,974 vacancies and placed 2,888 persons in employment. There are

no private free employment agencies. No provisions have been made in respect of Article 2 (3) of the Convention. An extract from the Annual Report of the Labour Department for 1949, attached to the Government's report, illustrates what is being done to improve the employment situation in the territory.

#### *Kenya.*

More use has been made of the employment service during the period under review by all sections of the community than in previous years. There were 2,370 applications from European workers, of whom 473 were placed; 563 applications from Asian workers, of whom 173 were placed, and 42,172 applications from African workers, of whom 17,616 were placed. There are now 14 public employment exchanges for African workers in the colony. Nine of these are in urban areas and five in the native land units. Where no exchange exists, District Commissioner Offices act as sub-exchanges. There are in addition two exchanges for Europeans and four exchanges for Asians.

#### *Federation of Malaya.*

In the draft Development Plan which the Federal Legislative Council adopted recently, the draft programme for 1950-1955 provides for the institution of a free Government employment exchange service. It is intended to take the first steps towards the institution of the service in 1951; provision has been made in the draft estimates for 1951 for the seconding to the Federation of two employment exchange officers from the Ministry of Labour in the United Kingdom. These officers will advise on the organisation of an employment exchange service in the Federation. There is also provision in the draft estimates for staff for the exchanges. The Federation continues to enjoy full employment.

#### *Malta.*

During the period under review, there were 16,700 applications for employment and 2,100 vacancies notified; 1,800 persons were placed in employment.

#### *Mauritius.*

The 20 unemployment registration agencies in country districts were closed for the crop season and it was later found necessary to reopen only three. All individual vacancies notified were filled. Registered unemployed to the end of June 1950 totalled 1,056, of whom 312 were placed. The labour commissioner visited Tanganyika Territory in June with a view to finding employment for Mauritians; he considers there may be employment there for a small number of artisans and clerks. This new information was published locally.

#### *Nigeria.*

The report refers to the information previously supplied and gives the following statistical information. During the period under review, there were 37,526 applications for employment, 6,508 vacancies were notified, and 3,296 persons were placed in employment.

#### *North Borneo.*

All reports have been communicated to the tripartite Labour Advisory Board, as well as to the organisations mentioned in the previous report.

#### *Northern Rhodesia.*

The number of labour exchanges in operation in the territory is now nine, and it is estimated that during the past year, 5,000 persons have found employment through them. However, as employers still often neglect to inform the labour exchanges when vacancies are filled, it is impossible to obtain exact figures of the number of Africans placed in employment. There are only two recruiting bureaux, and they operate by licence issued by the Government under the Employment of Natives Ordinance.

#### *Nyasaland.*

This Convention has not been applied in the territory for the reasons set out in the report for the period 1948-1949. During the year 1949, some 2,204 applications for work were received at the eight registry offices maintained; 1,341 vacancies were notified by employers of which 529 are known to have been filled through the registry offices. The largest number of applications was received from young persons requiring employment as clerks, messengers and office boys, and a good number of applicants wished to become motor drivers. Many applicants after registering find work independently and do not bother to notify the registry offices.

#### *St. Helena.*

The average number of unemployed during the period under review was 78.

#### *St. Lucia.*

The report has been communicated to local trade unions and the Labour Advisory Board. This procedure has been followed for all other reports.

#### *St. Vincent.*

One of the duties of the labour commissioner is to collect, prepare and publish statistics relating to unemployment, either generally or in any specific trade, occupation or industry, but statistical informa-

tion is not available for the reasons stated in the previous report.

It is proposed to communicate copies of the report to the Labour Advisory Board, which is composed of representatives of employers and workers, at its next meeting. This procedure is to be followed in regard to all the reports.

#### *Seychelles.*

The recently-seconded labour officer from Mauritius is responsible for the supervision of the application of the legislation. The employment exchange is now in operation. Copies of the report will be communicated to the Seychelles Building Trades Union and the Stevedores and Lighterage Workers' Union, which were registered during the year under review.

#### *Sierra Leone.*

During the period under review, there were 26,537 applications for employment; 16,360 vacancies were notified; 16,360 persons were placed in employment. Figures on unemployment in the colony show that the number of unemployed in the first week of October was 3,296, in the first week of January, 4,517, and in the first week of April, 2,872.

#### *Singapore.*

During the period under review, there were 16,776 applications to the labour exchange for employment. Vacancies notified were 12,687; 7,311 were placed in employment. At the end of the period under review, 16,888 seamen were registered at the seamen's registration Bureau, made up as follows: 11,926 Chinese, 4,097 Malays, 787 Indians, and 78 others. A total of 4,314 seamen were employed through the Bureau in the first seven months of 1950, made up as follows: 2,921 Chinese, 1,233 Malays, 154 Indians, and six others. The report has been communicated to the Labour Advisory Board, which consists of representatives of employers, workers and the Government.

#### *Tanganyika.*

Article 2 of the Convention: In 1949, there were 19 employment exchanges in operation, and during the year 4,988 Africans were placed in employment or enrolled for pre-employment training courses. This total was made up of 2,690 tradesmen, 433 school-leavers and 1,865 unskilled workers. The figure does not include 10 Europeans and two Asians. A total of 5,683 Africans were registered as unemployed at the end of the year on the books of the employment exchanges, but it is probable that a fair number of these unemployed had actually found work and neglected to inform the authorities.

#### *Trinidad and Tobago.*

During the period under review, a total of 2,619 applications for employment were received, 1,567 vacancies notified and 854 persons placed in employment.

#### *Uganda.*

Article 2 of the Convention: One free public employment agency was in operation throughout the past year. In addition, the labour officers at five other centres have helped to place persons seeking employment. Finally, three other employment agencies were set up on 1 July 1950 and the number will be progressively increased.

During the past year, the number of applications for employment came to 2,072, the number of vacancies notified to 1,850 and the number of vacancies filled to 1,333. No committees of the type provided for under Article 2, paragraph 1 of the Convention have been set up, owing to the lack of persons who could be regarded as representatives of employers and workers. There are no private free employment agencies, and therefore the question of the co-ordination of public and private agencies does not arise.

The setting up of the new central labour exchange, intended as the nucleus for a system of exchanges covering the greater part of the Protectorate, was completed in May, and the exchange went into operation in June. In the beginning, it was thought advisable to allow this new service to develop gradually, without undue publicity, so as to avoid disappointment or disillusion on the part of the employers or workers who might expect immediate and far-reaching results. Accordingly, apart from small notices in English and in the local press, no special measures were taken to bring the existence of the exchange to the attention of the public. Nevertheless, a fairly large number of Africans made use of the exchange from the start.

Apart from its main function as an employment agency, the exchange is also responsible for collecting and co-ordinating statistical data for the department, so as to enable the latter, for example, to carry out the general duties of supervision which the application of the workmen's compensation legislation involves. The exchange also collects data useful to the labour commissioner in carrying out his duties of advising on the issue of Temporary Employment Passes under Rule 19 of the Migration (Control) Regulations of 1948.

Progress has been made towards establishing and bringing up to date a body of statistical information relating to employment. In particular, the information concerning migrants has been supplemented. It is obvious, however, that in the course of time more detailed and more accurate information on a large number of subjects

will be necessary. A central register of employers has been set up and the data it contains have proved more reliable than those previously collected. The main source of the information in the new register is the inspection reports submitted by labour officers, and the register is constantly being expanded and brought up to date. Without a system of compulsory registration, this is the best method possible, but it is nevertheless true that the register can never be completely up to date.

#### *Zanzibar.*

During the year 1949-1950, 1,309 applications for employment and 622 notifications

of vacancies, were received; 531 persons were placed in employment by the Bureau. No information is available as to what happened to the persons whom the Bureau was unable to place. It is thought probable that most of them found employment by their own efforts.

\* \* \*

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 in the United Kingdom. This has also been done in respect of the reports on the other Conventions.

### 4. Convention concerning employment of women during the night

#### *France*

##### *Algeria.*

Algerian Labour Code (Book II, sections 21, 22, 23, 24, 25, 27, 28 and 29).

Decree of 30 June 1913, to fix the exemptions and exceptions provided for under sections 17 and 23 to 26 of Book II of the Labour Code, made applicable to Algeria by the Decree of 14 February 1921.

During the period covered by the report, no infringements of the above-mentioned laws and regulations were detected by the labour inspection officials. No use has been made of the exceptions provided for under the Convention and the legislation.

##### *Guadeloupe.*

Sections 21, 22 and 23 of Book II of the Labour Code.

These provisions are strictly observed. The industrial undertakings of Guadeloupe do not work at night, with the exception of sugar factories, during the period of manufacture, and ice-making factories; women are only employed during the day in these undertakings.

##### *Martinique.*

The matter with which the Convention deals is governed by French law.

The legislature has not taken advantage of the exception provided for under Article 7 of the Convention.

The application of the Convention is entrusted to the labour inspectorate. No decisions have been given by courts of law regarding the application of the Convention.

In general, the Convention is applied, but in raw sugar refineries a few women are employed during the night for tasks regularly assigned to their sex (sewing sacks for example). In one case where

women were employed after 10 p.m. in an aerated water factory, the labour inspectorate intervened; 2,200 women wage earners are protected.

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

##### *Réunion.*

The application of the Convention concerning the employment of women during the night has called for no observations. The only undertakings which work at night in Réunion are the sugar refineries, where female labour is not utilised for manufacturing processes. The few women who are employed (between two and five in each undertaking) work as weighers-in when the canes are delivered between 7 a.m. and 5 p.m.

##### *Cameroons.*

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

The information given in the last report is supplemented by the following details. The Decree of 23 August 1945, respecting work by Europeans or assimilated persons in private undertakings in the Cameroons, refers explicitly (section 57) to the provisions of the Convention. The application of the provisions of the Convention is supervised by the labour inspectorate. Section 11 of the Decree of 29 August 1946, respecting the organisation and functioning of the labour inspectorate in the Cameroons, provides (paragraph 2) that the labour inspectors shall have access to all undertakings "by day and by night". No contraventions have been reported by the labour inspectorate.

It has not been considered necessary to communicate the report to the repre-

sentative employers' and workers' organisations; the latter collaborate with the labour inspectorate in order to ensure the application of the legislative provisions.

#### *French Equatorial Africa.*

The report reproduces the information already given.

#### *French Somaliland.*

Decree of 22 May 1936.

Section 8 of the Decree provides that neither women, nor children and adolescents under 18 years of age shall be employed for any work between 9 p.m. and 5 a.m. This provision is strictly observed, and the labour inspectorate has never had occasion to intervene. The employment of women is actually far from common. In Moslem countries, women do not generally engage in gainful occupations. In the town of Djibuti, there are only 200 women in all employed in sorting coffee imported from Ethiopia for re-exportation after processing. Other women are employed in sewing sacks, and some again in looking after children in European families. None of these various occupations involves any kind of night work. Copies of the report have been communicated to the representative employers' and workers' organisations of the territory.

#### *Portugal*

See the introductory note on Convention No. 1.

Reports have been received from the following territories: *Angola, Cape Verde, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, S. Tomé and Príncipe, and Timor.*

A summary will be found below of the additional information contained in these reports, which otherwise repeat the information analysed in the Summary of Reports laid before the 33rd Session of the Conference.

\* \* \*

#### *Angola.*

In reply to the suggestion made in 1950 by the Committee of Experts with regard to the possibility of adopting in due time very simple legislation to comply with the provisions of this Convention, the Government states that there is no night work of women and children, in the territory and that, as a result, the introduction of regulations prohibiting this type of work appears pointless, all the more so since it does not consider it advisable to extend the application of this Convention to all Portuguese possessions. There is no question of authorising night work for women, by reason of the climate.

#### *Cape Verde.*

The statement made by the Government with regard to the introduction of regulations prohibiting this type of work in Angola also applies to this territory. The National Labour Statute, which has been made applicable to Portuguese possessions by Decree No. 27,552 of 5 March 1937, provides (section 31) that work carried out away from home by women and children will be regulated by special provisions in conformity with the requirements regarding morals, health, maternity, family life, education and social interest. No legislative measures have been taken with regard to this section, since women are not employed in any night work.

#### *Macao.*

See the general information supplied under Convention No. 1.

#### *Mozambique.*

There is no industry in the territory in which women are employed at night.

In accordance with the first paragraph of section 1 of Legislative Order No. 707, the following are considered as industrial or commercial undertakings: all offices, shops, warehouses, workshops, factories, building works, urban passenger transport services, and other places in which commercial or industrial activities are carried out. These provisions cover substantially all branches of activity. No line of division has been drawn up between industry, on the one hand, and commerce and agriculture, on the other.

Under section 9 of the Order, the term "night" means a period of at least 12 consecutive hours; no exception to this principle is authorised.

No provision is made for any exception or distinction as dealt with in Article 3 of the Convention.

Article 4 of the Convention is covered by section 5 of the above-mentioned Legislative Order. As regards the exception dealt with in paragraph (a), employers are required to inform the directorate of the civil administration services or the police headquarters of any such measures within 48 hours and by registered letter.

The legislation in force makes no provision for the reduction of the night period envisaged in Article 6 of the Convention.

The period of industrial work throughout the year is fixed in conformity with a schedule approved by the competent authority in agreement with the representative employers' and workers' organisations.

The application of the legislation is entrusted to the directorate of the civil administration services, to the administrative authorities and to the police services. The direct supervision is entrusted

to police officers who are required to draw up reports for each contravention noted. Industry is not much developed. There are no industrial undertakings working continuously.

#### *Portuguese Indies.*

Legislative Order No. 1133 of 13 July 1944.

The only relevant legislative provision is paragraph 2 of section 2 of the above-mentioned Order, in virtue of which women and young persons under 17 years of age may not work in any undertaking before 6 a.m. or after 7 p.m. The supervision of the application of this provision is entrusted to the administrative authorities. No decisions have been given by courts of law regarding this matter.

#### *S. Tomé and Príncipe.*

Ordinance No. 1152 of 15 May 1948.

Night work of women is practically non-existent, for this type of work is only envisaged for incidental and exceptional reasons, in conformity with the provisions of the above-mentioned Ordinance. During the period under review, no decisions were given by courts of law and no proceedings were instituted regarding contraventions of the legislation in force or to the principles established in the Convention.

#### *Timor.*

The control of the application of native labour regulations is entrusted to the Curator for Natives and to his agents in each of the 10 administrative districts of the territory.

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

#### *France*

##### *Algeria.*

Algerian Labour Code (Book II, sections 2, 5, 88, 89, 90 and 106).

The above Code fixes at 13 years the minimum age for admission of children to work in industrial undertakings. Article 2 of the Convention is not fully applied.

The supervision of the application of the Convention is facilitated by the existence of the work cards required for children under 18 years of age, in virtue of sections 88 and 89 of Book II of the Algerian Labour Code. These cards permit the speedy verification of the age of every child.

According to the report of the labour inspectorate for the year 1949, "infringements of the local provisions regarding the age for admission to employment have become extremely rare. Only about 20 cases were detected during 1949; these occurred in public entertainment undertakings, food-preserving factories, fig-drying plants and, particularly, in knot-stitch carpet factories." These infringements were very severely dealt with by the labour inspectorate.

##### *Guadeloupe.*

Section 2 of Book II of the Labour Code.

These provisions are as a rule respected. However, the application of the present education system, together with the total absence of educational centres or vocational guidance schools in the department, results in the fact that children of 13 years of age who have not passed the examination into the sixth class remain with their parents. Such children generally stay at

home up to the age when they may begin to work. A very small number of children are sent out as apprentices before 14 years of age. In this case, they are always placed in the care of managers of undertakings who are friends of their parents. Even for such exceptional cases, the labour inspection services ensures that the children are not employed in dangerous or unhealthy work or work exceeding their physical strength.

No complaints have been received with regard to the employment of children under 14 years of age.

##### *Martinique.*

The matter with which the Convention deals is governed by French laws and regulations. The application of the Convention is supervised by the labour inspectorate. No decisions have been given by courts of law.

The Convention is applied, but the obligation to keep a register (Article 4 of the Convention) is still not properly observed.

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

##### *Réunion.*

Section 2 of Book II of the Labour Code.

As regards the application of Article 4 of the Convention, the report states that registers are generally kept in accordance with the provisions of section 90 of Book II of the Labour Code.

No decisions have been given by courts of law regarding the application of the Convention. In the sugar refineries, children are rarely taken on before attaining

the age of 16 years but, despite the vigilance of the labour inspectorate, children under 14 years of age are sometimes employed in industrial work. Two cases of contravention have come to the notice of the labour inspectorate.

#### *Cameroons.*

Decree of 7 January 1944, to issue regulations governing native labour in the French Cameroons (L.S. 1944—L.N. 1).

This Decree, which prohibits the hiring of the services of children under 12 years of age, provides (section 2) that children between 12 and 14 years of age may not be employed except for light work.

The Decree of 23 August 1945, respecting work by Europeans or assimilated persons, provides (section 60) that children under 14 years of age may not be employed in any undertaking.

Children under 14 years of age are usually engaged in harvesting work which is easy and of a seasonal character and consists primarily of agricultural tasks. The employment of these children is subject to a permit from the head of the administrative area, specifying the nature and the duration of the work to be performed.

#### *French Equatorial Africa.*

Rules governing the employment of child labour were recently laid down in two Territorial Decrees, one issued by the Head of the Territory of the Middle Congo on 23 December 1949, and the other issued by the Head of the Territory of Chad on 31 May 1950. The principle established by these two Decrees, both based on the provisions of the Convention, is that children under 14 years of age may not be employed for wages, in any capacity except that of domestic servants. Accompanying this measure is another provision prohibiting the practice of particularly laborious trades except by adolescents of at least 18 years of age. This provision applies in particular to trimmers, heavy labourers and workers who carry out their duties under dangerous or unhealthy conditions.

Furthermore, the employment of children between the ages of 14 and 18 years is authorised only with the consent of their parents or guardians and by written permit from the labour inspectorate. All night work is prohibited for children between these ages; it is further provided that the work assigned to each child may at any time be examined by a medical practitioner to ascertain whether it is not beyond his strength. The legislation includes provisions for severe penalties in case of contravention.

#### *French Establishments in India.*

Part III of the Decree of 6 April 1937.

It is strictly forbidden to employ children under 14 years of age in industrial under-

takings; children under 18 years of age may not be admitted to employment unless they hold a certificate of physical fitness issued free of charge by a medical practitioner nominated by the Governor. In practice, these provisions are applied in the textile industry of Pondicherry, but the labour inspectorate has sometimes been faced with the difficulty of verifying the ages of children whose births were not registered at the registry office. The same difficulty arises in the case of children born in adjacent territory. Full and complete application of the Convention in the territory does not seem possible.

#### *Madagascar.*

Sections 19 to 23 of Chapter IV of the Decree of 7 April 1938.

Young persons may not be employed in public or private undertakings before the age of 14 years unless they are employed as apprentices, in which case the age limit may be reduced to 12 years. They may only be employed by the day and for urgent and easy work where a large number of specialised workers is required at certain seasons (fertilisation of vanilla, picking of cloves, of ylang-ylang or other flowers, harvesting of coffee, sorting of food-stuffs, picking of tobacco leaves or of citronella, cutting of sisal, etc.). Moreover young persons under 11 years of age may be employed during school holidays and under the supervision of their parents in picking and harvesting.

Young persons under 18 years of age may not be employed in any night work. They may in no case be required to effect supplementary work in addition to the hours laid down for the working day. They may not be compelled to carry, pull or push loads exceeding 20 kilograms. Exceptions to the conditions of work laid down for young persons must in each individual case be submitted in advance to the labour inspector for his decision.

The distinction between industrial and non-industrial undertakings is made in accordance with the criteria laid down in Article 1 of the Convention. The line of division between industry on the one hand and commerce and agriculture, on the other, is sanctioned by custom. Thus, in an industry related to agriculture (rice mills, potato-starch works, sugar refineries, etc.) the Convention applies only to the part of the undertaking in which there is any machinery.

The above-mentioned regulations are valid throughout the territory and are applied. Consequently, up to the age of 14 years, which is considered to be the minimum age for the admission of children to industrial work, no exception to this rule is granted, except at the express request of the family and when, for example, a mother employed in a spinning mill is unwilling to leave her child alone at home. Similar exceptions may be granted when the mother is employed in the cleavage of



mica splittings in an aerated and healthy workshop, if the mother considers it unwise to leave her child in a lonely cabin. The minimum age of admission for children may be lowered to 12 years in vocational schools working under the supervision of representatives of public authorities (inspectors, teachers and assistants). It is necessary to give the age (date of birth) of all persons, whatever their age, who are employed in industrial work. This information is entered in the register which the employer is compelled to hold at the place of work, in conformity with section 78 of the above-mentioned Decree.

Articles 5 and 6 of the Convention do not apply to Madagascar.

The practical application of the provisions of the Convention is entrusted to the labour inspectorate. No decisions have been given by courts of law regarding the application of the Convention. In general, the work of children in the territory is the object of constant administrative supervision and very rarely gives rise to serious observations on the part of the supervisory services. On the contrary, the employers of many undertakings show the greatest solicitude towards young persons (organisation of Christmas parties, etc.).

#### *New Caledonia.*

Decree of 2 March 1939, to apply to New Caledonia Book II of the Labour Code.

Sections 4-6 of Chapter 1 of Part 1 of this Decree read as follows : children under 14 years of age may not be employed in or enter the undertakings enumerated in section 1 of this Decree. This provision applies to children serving as apprentices in these undertakings. Undertakings where only members of the family are employed under the authority of either the father, the mother or a guardian are excepted (section 4).

The labour inspectors may at any time demand a medical examination of all children under 16 years of age already admitted to the above-mentioned undertakings, in order to ascertain whether the work on which they are engaged is beyond their strength. If this is the case, the inspectors are empowered to order the dismissal of such children from the undertaking, on the recommendation of a medical officer nominated by the Governor, and after cross-examination if the parents so request (section 5).

In the orphanages and institutions enumerated in section 1 of this Decree and in which primary education is given, manual or handicraft instruction for children under 14 years of age may not exceed three hours a day (section 6).

All types of work covered by Article 1 of the Convention are included in the much broader definition of section 1 of the Decree of 2 March 1939 which reads as follows : "The following undertakings are covered by the provisions of this section :

industrial and commercial undertakings and their annexes of whatever nature, public or private, secular or religious, even if they have the characteristics of a vocational instruction or of a welfare institution".

It has therefore not been necessary to define the line of division separating industry and commerce from agriculture. The exception provided for in Article 2 of the Convention is broader than that contained in the third paragraph of section 4 of the above-mentioned Decree, which provides that the exempted undertakings are actually placed under the authority of the father, mother or guardian of the young workers.

In virtue of the definitions contained in section 1, paragraph 1 of this Decree, the provisions of the Convention are applicable to all vocational instruction institutions, even if they belong to a public authority.

The keeping of registers of children under 18 years of age is required in section 97 of the Decree, which provides that the heads of undertakings or employers must also keep a register mentioning all the particulars enumerated in sections 95 and 96.

Mayors are required to deliver free of charge to the father, mother, guardian or employer, a record book containing surnames and first names of children of both sexes under 18 years of age, the date and place of their birth and their home address (section 95).

The heads of undertaking or employers enter in the record book the dates of entering and leaving the factory (section 96).

No official model register has been established. The control of the application of the Convention is usually the responsibility of the labour inspector, without prejudice to police supervision where this is necessary.

No decisions were given by courts of law or other courts regarding the application of the Convention.

No contraventions of the regulations were noted during the period under review. Three requests for exceptions made to the labour inspector prior to the hiring of the services of children were refused. No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the representative organisations.

#### *St. Pierre and Miquelon.*

There are no regulations governing this question. Young persons under 16 years of age may not, however, be admitted to the workplaces opened by the administrative authorities. In practice, the employment of children under 14 years of age is extremely rare, occurring only in the case of boys between the ages of 12 and 14 years employed for tasks suited to their strength, such as preparing fish, or in



connection with the unloading of vessels during the school holidays and when adult labour is unobtainable.

#### *United Kingdom*

Reports have been received for the following territories :

*Aden, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, British Guiana, British Honduras, British Somaliland, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Grenada, Hong Kong, Jamaica, Kenya, Federation of Malaya, Malta, Mauritius, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.*

In general, the information contained in these reports is identical with that supplied for the periods 1947-1948 and 1948-1949 and published in the summaries of reports on ratified Conventions submitted to the 32nd and 33rd Sessions of the International Labour Conference (1949 and 1950).

Any new information contained in the reports for the period under review is given below.

#### *Aden.*

Consideration is being given to the introduction of legislation to cover coal bunkering.

#### *Bahamas.*

Employment of Children Prohibition Act, 1938.  
Employment of Children Prohibition (Amendment) Act, 1939.

The national law is in harmony with the provisions of the Convention. Articles 1, 2 and 3 of the Convention are applied by the legislation in force. There is no provision in the legislation covering Article 4, but such provision may be included in the Regulations. The application of the legislation is entrusted to the Governor in Council. No decisions have been given in any court of law. There is no inspection. There are no major industries in the Bahamas. No representations in regard to the working of the Convention have been received from employers' or workers' organisations, as no such organisations exist in the colony.

#### *Barbados.*

Inspection disclosed one or two cases of children under the prescribed age employed in industrial undertakings. Appropriate action was taken.

#### *Cyprus.*

The statement in last year's report that existing legislation gives full effect to the provisions of the Convention, should be

qualified in view of the exempting provision in section 2 of Law No. 47 of 1944 concerning apprenticeship.

The report of the Department of Labour for 1949 indicates that the employment of children and young persons in a wide range of occupations creates problems of great social importance. Protective legislation is in force fixing the minimum ages at which children are allowed to enter different classes of employment, regulating the hours of their work and providing for periodic medical examinations. Children below 14 years of age may not normally be employed in industrial undertakings. As most of them complete their elementary education at the age of 12 or 13 years, provision has been made in the Employment of Children and Young Persons Laws, 1932-1944, permitting children under 14 to be employed as apprentices subject to such conditions as may be prescribed by the commissioner of labour. Unfortunately, the absence of proper apprenticeship and the need for a great number of children to engage in some kind of occupation immediately on leaving school resulted in making this provision of the Laws an expedient for obtaining cheap labour. The Department of Labour resisted this tendency and introduced a model apprenticeship indenture to safeguard the interests of the child and to ensure that proper training would be provided by the employer. So far very few employers have accepted the responsibilities entailed in such apprenticeship agreements, but a start has at least been made.

The number of convictions obtained in 1949 was 148.

#### *Dominica.*

The employment of children under the age of 12 in any occupation, with the usual exception, is prohibited by Leeward Islands Act No. 5 of 1939. This Act has been adapted to Dominica. Section 8 of the Act requires employers in industrial undertakings to keep a register containing particulars of all persons under the age of 16 years; the register must be held available at all reasonable times for inspection by the police.

#### *Fiji.*

Except in remote islands, every industrial undertaking is visited at irregular intervals not less than once a year. During the period under review, labour inspectors discovered 26 industrial undertakings contravening the law by employing children under the age of 15 years. The total number of boys illegally employed was 43, and in each case the employer was required to discharge the child. Several displaced boys were readmitted to school and although hardship was caused to one or two parents through losing the financial assistance of their sons. In the majority of cases alternative employment

was found for the children in agricultural or commercial undertakings, the law permitting them to engage in this type of work if over the age of 12 years. The number of employers who contravened the law by failing to maintain industrial registers was 67, employing 103 youths under the age of 18 years. The number of successful prosecutions for these offences was eight. The fine imposed in the majority of cases was £5. A number of employers were cautioned.

#### *Gibraltar.*

As the number of industrial undertakings in the colony is relatively small, there is no fixed programme of inspection and no set procedure. Under the Education Ordinance, No. 13 of 1950, the school-leaving age is to be raised to 15 years. Amending legislation will then be necessary to raise the minimum age of entry into employment to 15 years.

#### *Grenada.*

Employment of Women, Young Persons, and Children Ordinance (Chapter 75, Volume 1 of the Laws of Grenada), as amended by Ordinances Nos. 20 of 1939 and 9 of 1945. Statutory Rule and Order No. 14 of 1938.

As regards the application of Articles 1 to 4 of the Convention, the report states that the provisions of the local law are identical with those of these Articles. No decisions have been taken to apply the last paragraph of Article 1 of the Convention. In practice, it is unusual to employ persons under the age of 16 years in industrial undertakings and the necessity for keeping a register of persons so employed has not arisen.

The Labour Department carries out regular visits of inspection to all places where women, young persons and children are employed, for the purpose of enforcing the observance of the law; the police also have authority to prosecute if breaches occur. No decisions have been given by courts of law or other courts with regard to the application of the Convention.

There are few industrial undertakings as defined by the law and consequently, very few women, young persons and children are employed. No contraventions of the law were reported during the period under review.

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

#### *Hong Kong.*

With reference to Article 3, a certain amount of technical training is also given in approved homes such as the Po Leung Kuk (Chinese-managed: for girls and women needing assistance), the Salvation Army Homes and the Stanley (Boys') Reformatory. With regard to the practical

application of the legislation, it is pointed out that, during the past year, with the steady influx of refugee families from all parts of China, the proportion of Hong Kong's population born in the colony must be even smaller than previously, thus increasing the difficulties of verifying the dates of birth of young workers. Registered factories and workshops are regularly and frequently inspected. If any tendency to employ children is noted in other industrial undertakings, these are closely investigated and thereafter regularly visited. In the year under review, there were three prosecutions for employing children in an industrial undertaking. Convictions were obtained and the proprietors fined.

#### *Jamaica.*

In framing the legislation in force, guidance was taken from the Convention. Offenders against the provisions of the Prevention of Accidents in Sugar Mills Law are brought before two justices of the peace; offenders against the provisions of the Children and Young Persons Law are brought before a resident magistrate. In the very few cases where there had been apparent contravention of the law, the inspectors felt that a prosecution was not warranted.

#### *Federation of Malaya.*

As the result of an accident to a 12 year-old child in a plantation factory, the manager of the plantation was prosecuted by the Machinery Branch of the Mines Department in July 1949 and fined \$300 for employing a child under the age of 16 years in attendance at or near a machine.

#### *Mauritius.*

The motor-repair industry has been designated under the Apprenticeship Ordinance, 1946. The following statistical information is provided covering young persons employed in industrial undertakings: sugar factories, 154; big workshops, 278; other industries, 821.

#### *North Borneo.*

Labour Ordinance, 1949.

From 1 July to 31 December 1949, the Convention was applied in the manner described in the last report. Since 1 January 1950, when the new Labour Ordinance of 1949 came into force, the Convention has been applied without modification. The definition of "industrial undertaking" in section 2 of the Ordinance embodies that contained in Article 1 of the Convention. No decisions have been taken in regard to the last paragraph of Article 1. Article 2 is implemented by section 72 of the Ordinance, "child" being defined in section 2.

There is no exemption in the Ordinance corresponding to that made by Article 3 of the Convention. Article 4 of the Convention is implemented by section 77 of the Ordinance, "young person" being defined in section 2. No standard specimen of register has yet been prescribed. The administration of the legislation is entrusted to the Department of Immigration and Labour, which consists of a commissioner of immigration and labour (formerly styled the protector of labour), two administrative officers and subordinate staff. In addition, all district and certain other administrative officers are appointed to be assistant commissioners of labour. The application of the legislation is supervised and enforced by the department and by the assistant commissioners; workers have ready access to them at all times for purposes of complaint.

#### *Nyasaland.*

This Convention has been applied with modifications. With the exception of the tea and tobacco factories, almost all the wage-earning employment in Nyasaland is of an agricultural or semi-agricultural nature and there is, as yet, little industrial development.

There is no legislation providing for compulsory education. Government Notice No. 153 of 19 July 1949 revoked Government Notices Nos. 5 and 23 of 1943 which permitted the employment of young persons between the ages of 12 and 14 on light work of a specified character in certain private industrial undertakings. The position now is that no child under 12 years of age may be employed in any public or private industrial undertaking; nor may any young person between the ages of 12 and 14 be employed in any private industrial undertaking other than an undertaking in which only members of the same family are employed.

The Labour Department has been strengthened by the appointment of two additional labour officers; this will enable closer inspection to be maintained than in the past.

#### *Northern Rhodesia.*

Under Ordinance No. 45 of 1949, young persons under 16 years of age may not be employed in an industrial undertaking without a certificate signed by a district or labour officer.

#### *St. Lucia.*

The labour commissioner is empowered with the general administration of the legislation, but the chief of police, harbourmaster or any officer of the customs is empowered to inspect the re-

gister kept by the employer. Any justice of the peace, on complaint by a member of the police force that there is reasonable cause to believe that a child is employed in contravention of the Ordinance, shall empower by warrant under his hand such member of the force to enter and examine such place or any person therein concerning the employment of any child.

#### *Seychelles.*

Supervision of the application of the legislation is ensured by the recently-seconded labour officer from Mauritius. Routine inspections are carried out in all undertakings mentioned in the legislation in force. No contraventions have been reported. Copies of the report will be communicated to the Seychelles Building Trades Union and the Stevedores and Lighterage Workers' Union, which were registered during the year under review.

#### *Sierra Leone.*

It was hoped, during the period under review, to have revised the Employers and Employed Ordinance, 1934, to incorporate in it as many of the provisions of the Convention as possible but, owing to the claims of other legislation, this was not possible.

#### *Singapore.*

A new Children and Young Persons Ordinance was passed in May, 1949 but was not brought into effect until 1 August, 1950. The report has been communicated to the Labour Advisory Board.

#### *Solomon Islands.*

There are now nine, instead of six, administrative officers in the labour inspection service. This information is repeated in other reports.

#### *Tanganyika.*

The reference to the Employment of Women and Young Persons Ordinance now reads "Chapter 82 of the Laws". Six prosecutions were made and six convictions obtained in 1949 for contraventions of the Ordinances issued in pursuance of the Convention.

#### *Uganda.*

The only new information in the report concerns the number of prosecutions for contravention of the Ordinance during the last period and the number of convictions which resulted. There were eight prosecutions and also eight convictions.

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

### *France*

#### *Algeria.*

Algerian Labour Code (Book II, sections 21 to 29).

Decree of 30 June 1913, to fix the exemptions and exceptions provided for under sections 17 and 23 to 26 of Book II of the Labour Code, made applicable to Algeria by Decree of 14 February 1921.

During the period covered by the report, no infringements of the above-mentioned laws and regulations were reported to the labour inspection officials. No use has been made of the exceptions provided for by the Convention and the legislation.

#### *Guadeloupe.*

Young persons under 18 years of age are only employed during the day in those undertakings which carry out night work, such as sugar factories during the period of manufacture and ice-making factories.

#### *Martinique.*

The matter with which the Convention deals is governed by French law. The application of the Convention is entrusted to the labour inspectorate. No decisions have been given by courts of law.

In general the Convention is applied. In raw sugar refineries, a few boys under 16 years of age are employed during the night for laboratory work. About 2,000 wage earners are protected.

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

#### *Réunion.*

Night work is not carried on except by the sugar refineries during the harvesting season (from the middle of July to the end of September), and these undertakings have made it a rule not to take on any employees under 16 years of age. Children over 16 years are employed at night only for work listed as permissible in the Decree of 5 May 1928 (watching the filters, manipulating the juice and water taps and watching the diffusion batteries).

The total number of children under 16 years of age employed during the night by all the sugar refineries is 37.

The labour inspectorate has not discovered any contraventions of sections 21 and following of Book II of the Labour Code.

#### *Cameroons.*

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

Decree of 23 August 1945, respecting the work of Europeans or assimilated persons in private undertakings.

The Decree of 23 August 1945 refers explicitly (section 60) to the provisions of the Convention.

The application of these provisions is supervised by the labour inspectorate. The labour inspectors have access to all undertakings by day and by night.

No contraventions of the provisions of the Convention came to the attention of the labour inspectors. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *French Equatorial Africa.*

There is no new information in the report, except as regards Article 3 of the Convention: by a Decree of the head of the territory of the Middle Congo, dated 23 December 1949, and a Decree of the Head of the Territory of Chad, dated 3 May 1950, employment of children during the night is prohibited.

#### *French Establishments in India and French Settlements in Oceania.*

The reports reproduce the information already given.

#### *French Somaliland.*

Decree of 22 May 1936.

Section 8 of the Decree provides that: "Minors aged more than 13 but less than 18 years may be employed in urgent light work, but only by day. Minors and women shall not be required to perform work of any kind between 9 p.m. and 5 a.m. . . ." These provisions are observed in the territory of French Somaliland. Minors under 18 years of age are not required to perform any kind of night work either in industry or in any other form of employment. Even in the daytime only very limited use is made of the services of children and adolescents. At Djibuti there are a few cases of minors earning wages as kitchen hands or messenger boys.

The supervision of child labour and of the conditions of work of this manpower does not as yet appear to have given rise to any difficulties for the Djibuti inspectorate. Copies of the report have been communicated to the representative employers' and workers' organisations of the territory.

*Madagascar.*

Section 21 of the Decree of 7 April 1938.

This section lays down in particular that minors (young persons under the age of 18) may not be employed on any night work.

Article 1 of the Convention : No decision has been taken with a view to establishing the line of division between industry on the one hand and commerce and agriculture on the other.

Article 2 : The report states that no provision is made in Madagascar in virtue of this Article.

Article 3 : Section 9 of the Decree of 7 April 1938 defines as night work any work which is effected between 10 p.m. and 5 a.m. No coal or lignite mines are worked at night. Children are not employed in night work in bakeries. No exceptions are authorised to the last paragraph of section 10 of the Decree of 7 April 1938 which provides for 11 consecutive hours of night rest where the persons concerned are under 18 years of age.

Article 4 : The cases of *force majeure* and the exceptions envisaged in this Article rarely occur. As a result no regulations have been issued on this subject.

Articles 5 and 6 : These Articles do not apply to Madagascar.

Article 7 : The situations dealt with in this Article have not occurred.

The labour inspection services are responsible for ensuring the application of the provisions of the Convention. No decisions given by courts of law with regard to the application of the Convention have come to the knowledge of the labour inspectorate.

*St Pierre and Miquelon.*

No children are employed during the night in the territory.

*Portugal*

See the introductory note to Convention No. 1.

Reports have been received from the following territories : *Angola, Cape Verde, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, S. Tomé and Príncipe, and Timor.*

A summary of the new information contained in these reports will be found below.

*Angola.*

The statement made by the Government with regard to the introduction of regulations to prohibit the night work of women (see under Convention No. 4) also applies to this Convention.

There is no night work of children in the territory and, in view of the climate, there is no question of authorising such work.

*Cape Verde.*

See under Convention No. 4.

*Mozambique.*

There are no industrial undertakings in which children are employed during the night. The first paragraph of section 1 of Legislative Order No. 707 covers all branches of activity and defines in particular the undertakings to be considered as industrial (see under Convention No. 4). No line of division has been established between industry, on the one hand, and commerce and agriculture on the other. The legislation in force makes no special provision for industrial undertakings in which only members of the same family are employed. Paragraph 1 of section 7 of the above-mentioned Legislative Order provides that women and young persons under 18 years of age may not be employed outside the time limits indicated in the previous report, unless special authorisation is granted by the directorate of civil administration services in exceptional cases and for good reasons, or on the basis of contracts of employment approved by the Governor-General. No exceptions to this provision have been authorised. The legislation in force makes no provision for the exception dealt with in paragraph 2 of Article 2 of the Convention.

Under section 9 of the above-mentioned Legislative Order, the term "night" means a period of at least 12 consecutive hours. Article 4 of the Convention is covered by the above-mentioned provisions of paragraph 1 of section 7 of the Order.

The application of the legislation is entrusted to the directorate of the civil administration services, the administrative authorities and the police services. Supervision is effected by police officers who are required to draw up reports for each contravention noted. Since industry is not much developed, there are no industrial undertakings working continuously.

*Portuguese Guinea.*

There are no industrial undertakings in the territory which work continuously and in which children might be employed at night.

*Portuguese Indies.*

See under Convention No. 4.

*S. Tomé and Príncipe.*

A very strict supervision by means of frequent inspection visits to places of work and the ease with which workers may communicate with the authorities guarantee the effective application of the principles contained in the Convention.

## 7. Convention fixing the minimum age for admission of children to employment at sea

### *United Kingdom*

Reports have been received for the following territories :

*Aden, Bahamas, Barbados, Basutoland, Bermuda, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, British Guiana, British Honduras, British Somaliland, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Grenada, Hong Kong, Jamaica, Kenya, Federation of Malaya, Malta, Mauritius, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.*

In general, the information contained in these reports is identical with that supplied for the periods 1947-1948 and 1948-1949 and published in the summaries of reports on ratified Conventions submitted to the 32nd and 33rd Sessions of the International Labour Conference (1949 and 1950).

Any new information contained in the reports for the period under review is given below.

### *Bahamas.*

Employment of Young Persons Prohibition Act, 1938.

The national law is in harmony with the provisions of the Convention. Articles 1 and 2 are applied by the legislation in force. There are no training schools or training ships in the colony, and no form of register has been prescribed. The Governor in Council is entrusted with the application of the legislation applying the Convention, and application is enforced by the courts. No decisions have been given by any court of law. There is no inspection service. There are no employers' or workers' organisations in the colony.

### *Dominica.*

In practice, children under the age of 14 years are not engaged to work on "ships" as defined in the legislation. There are no school-ships or training-ships in Dominica. The legislation in force permits the employment of children under the age of 14 under an order of detention in a reformatory or industrial school, provided such work is approved and supervised by public authority. The superintendent of police, who may delegate his authority, and the shipping master are responsible for the application of the legislation.

### *Grenada.*

Employment of Women, Young Persons and Children Ordinance (Chapter 75, Volume 1 of the Law of Grenada), as amended by Ordinances Nos. 20 of 1939 and 9 of 1945. Statutory Rule and Order No. 14 of 1938.

As regards Articles 1 to 4 of the Convention, the report states that the provisions of the local law are identical with the provisions of these Articles. In practice, it is unusual to employ persons under the age of 16 years in this type of occupation ; the necessity for keeping a register of persons so employed has not arisen.

The application of the Convention is ensured by the labour officer. Contact is made from time to time by the Department of Labour with the crews of vessels.

No decisions were given by courts of law or other courts regarding the application of the Convention.

No contraventions of the law were reported during the period under review.

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

### *Jamaica.*

The Merchant Shipping (International Labour Conventions) Act, 1925, applied to the Colony by Imperial Order-in-Council of 25 July 1927.

The report refers to the above legislation which covers Article 4 of the Convention.

### *North Borneo.*

Labour Ordinance, 1949.

Until 31 December 1949, the Convention was applied in the manner set out in the last report. Since 1 January 1950 it has been applied by the provisions of the Labour Ordinance, 1949. The definition of "ships" in section 2 of the Ordinance follows the definition of "vessel" in Article 1 of the Convention. Articles 2 and 3 are implemented by section 81 of the Ordinance, "young person" being defined in section 2. No standard form of register has yet been prescribed. The administration of the above-mentioned legislation is entrusted to the Department of Immigration and Labour, which consists of a commissioner of immigration and labour (formerly styled the protector of labour), two administrative officers and certain other administrative officers appointed to be assistant commissioners of labour. The application of the legislation is supervised and enforced by the department ; its officers and the assistant commissioners have wide powers under the Labour Ordinance to enquire into labour matters and to enforce the legislation.

Places and conditions of work are inspected periodically by the officers of the department and by the assistant commissioners; workers have ready access to them at all time for purposes of complaint. On 30 June 1950, there were 54 vessels on the colony's register of shipping, all but nine of them being under 100 tons net register.

*St. Lucia.*

The labour commissioner is entrusted with the administration of the Convention, but the harbourmaster or any customs officer or chief of police can perform the duties of inspection. Shipmasters are required to keep a register of all persons under 16 years of age employed on board

vessels and their books are open to inspection.

*Seychelles.*

Supervision of the application of the legislation in force is assured by the recently-seconded labour and welfare officer from Mauritius.

*Tanganyika.*

The reference to the Employment of Women and Young Persons Ordinance now reads "Chapter 82 of the Laws".

Sections 12, 13 and 14 are now renumbered 11, 12 and 13. The Employment Bill is still in course of preparation.

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

*Australia*

*Papua and New Guinea.*

The report reproduces the information previously supplied and indicates that the Government has taken steps to repeal the provisions excluding native seamen from the protection of the existing legislation in the two territories.

*France*

The report states that this Convention, which has been ratified by France, has not as yet been made applicable to the *Overseas Territories* under the jurisdiction of the Ministry of Overseas France. The Act of 13 December 1926, establishing a maritime labour code in metropolitan France has not been promulgated in these territories, with the exception of Madagascar where its application has been limited to seamen embarked on vessels which are registered and have their home port in metropolitan France. Maritime labour matters are governed generally in the Overseas Territories, on the one hand, by local provisions and, on the other, by the Act of 13 December 1926, applied in fact, as well as by certain provisions of the Commercial Code. The same observations are valid as regards the application of the other maritime Conventions (Nos. 9, 15, 16, 22, 23, 27, 53, 55, 56 and 58).

Any information supplied as regards the legislation and regulations and the practice in force in the associated territories of Cambodia, Laos and Viet-Nam cover the period ending 31 December 1949, at which date the competence and the services were transferred to the framework of the

agreements concluded between France and these States.

. . .

No legislative provisions or regulations provide for any special measures in the case of unemployment. A discharge allowance has, however, been established in French West Africa and Indo-China.

*French West Africa.*

A Decision of 6 June 1950 fixes the amount of the discharge allowance of an African seaman serving on ships registered in one of the ports of French West Africa and discharged without any fault on the part of the seaman concerned. This allowance is equal to the product of a fraction of the monthly wage, varying from 20 per cent. to 30 per cent., according to seniority, multiplied by the number of years of service.

*Indo-China.*

The Indo-Chinese Maritime Labour Code, promulgated by Decree of 19 May 1942 and amended by the Decrees of 29 August and 11 December 1944 and 8 October 1945, provides, on the one hand, for registered seamen 150 piasters per year of sea duty in the service of a shipowner and, on the other, for unregistered staff born in Indo-China, a reduced premium varying according to the duties carried out on board ship.

*United Kingdom*

Reports have been received for the following territories:

*Aden, Barbados, Basutoland, Bermuda, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, British Guiana, British Hon-*

*duras, British Somaliland, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Grenada, Hong Kong, Jamaica, Kenya, Federation of Malaya, Malta, Mauritius, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.*

In general, the information contained in these reports is identical with that supplied for the periods 1947-1948 and 1948-1949 and published in the summaries of reports on ratified Conventions submitted to the 32nd and 33rd Sessions of the International Labour Conference (1949 and 1950).

Any new information contained in the reports for the period under review is given below.

#### *Cyprus.*

Only one steamer, of 258 gross tons, was on the Cyprus Register during the period under review. About 12 seamen were employed. No claims for indemnity were reported.

#### *Grenada.*

The provisions of Article 1 of the Convention have been incorporated in the Merchant Shipping Act of 1925 of the United Kingdom which has been applied to the colony. The report refers to the legislative texts which correspond to Article 2 of the Convention and, with regard to Article 3, states that a seaman is entitled to pursue his claim by action in court in order to recover indemnities.

The application of the Convention is ensured by the Colonial Treasurer in his capacity as shipping master.

No decisions were given by courts of law or other courts with regard to the application of the Convention; no observations have been received from employers' or workers' organisations.

#### *Hong Kong.*

During the year under review four cases were reported of foundering or loss of

Hong Kong registered ships. In all cases, proper indemnities were granted.

#### *Jamaica.*

The definitions of "seamen" and "ship" embodied in the legislation in force are substantially the same as required by the Convention. Section 1 (1) of the Act provides that a seaman is entitled, in respect of each day on which he is in fact unemployed through wreck or loss of his ship during a period of two months from the date of termination of service, to receive wages at the rate to which he was entitled at that date. He is not entitled to receive wages in respect of any day if the owners show that he was able to obtain suitable employment on that day. The provisions of the Act apply even when the seaman's services would in the ordinary course of events have terminated before the expiration of the two months' period, but he is not entitled to receive wages for unemployment not caused by the wreck or loss of the ship. The burden of proving that unemployment was not so caused lies on the shipowner. A seaman may recover monies to which he is entitled by legal action in the same way as he may recover wages due. Supervision of the provisions of the legislation in force is entrusted to the "Officer administering the Government" or persons appointed by him for the purpose. No decisions were given by Jamaican Courts, but case law decisions of the United Kingdom indicate that, where ambiguity occurs, recourse may be had to the language of the Convention for the purpose of assisting interpretation. No observations were received from employers' or workers' organisations.

#### *North Borneo.*

The title "protector of labour" has become commissioner of labour. On 30 June 1950 the ships on the colony's register of shipping had increased to 54, all but nine of these being under 100 tons net register.

#### *Solomon Islands.*

At present 358 persons are employed in vessels.

## 9. Convention for establishing facilities for finding employment for seamen

### *France*

#### *Overseas Territories.*

See General Note under Convention No. 8.

#### *French West Africa.*

Registers of seamen seeking employment on board ship are at the disposal of cap-

tains and shipowners in the Maritime Registry Office at Dakar.

#### *Madagascar.*

The placing of seamen is governed by the provisions of section 223 of the Commercial Code and section 88, paragraph 1, of the Decree of 7 April 1938, establishing native labour regulations.



*Indo-China.*

Section 38 of the Indo-Chinese Labour Code provides for the keeping at the headquarters of each marine district of two registers for the registration of applications for and offers of employment aboard ship; these registers are kept at the disposal of the public and may be consulted there, in lieu of a maritime placement office.

*New Zealand**Cook Islands.*

Apart from subsistence fishing in small craft, the only seafaring in the islands is

carried on in small trading schooners and launches. Owing to the small numbers involved and the stage of social development of the territory, the application of the Convention is not being considered.

*Western Samoa.*

The present application of the Convention to Western Samoa is regarded as inappropriate as no maritime industry exists at present, nor is there any prospect of one developing in the immediate future. The only seafaring carried on by the inhabitants, apart from fishing, is in trade schooners which do not come within the scope of the Convention.

## 10. Convention concerning the age for admission of children to employment in agriculture

*New Zealand**Cook Islands.*

Regulations under the Cook Islands Act, 1915 (New Zealand Gazette 1922).

Regulation 2 states that attendance at school shall be compulsory for all children of both sexes between the ages of six and 14 years. There are at present no regulations prohibiting employment of children of school age along the lines of the Education (School Age) Regulations, 1943, of New Zealand, but the above Regulations form the basis on which such regulations can be drawn up. The New Zealand Government is at present considering the making of such regulations. In the meantime, the application of the Convention is being deferred.

*Western Samoa.*

Contracts of Employment (Indigenous Workers) Ordinance, 1950.

The Government of New Zealand considers that this Ordinance provides the

basis for the extension of the Convention subject to modifications, and the confirmation of the Western Samoan Government is being obtained. Clause 12 of the Ordinance provides that a person whose apparent age is less than 14 years shall not be capable of entering into a contract to which this part of the Ordinance applies. A person whose apparent age exceeds 14 but is less than 16 years shall not be capable of entering into any such contract except for employment in an occupation which is not injurious to the health of persons who have attained the age of 16 years. Any person who aids or abets any employment, and any employer who employs any person, in contravention of the provisions of the Ordinance, commits an offence. The section applies to any contract where the work to be performed is manual labour. A contract means a contract (other than a contract for personal services according to Samoan custom) by which an indigenous worker enters the service of an employer for remuneration in money or in any other form whatsoever. Contracts of apprenticeship are excluded.

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

*France**Algeria.*

Algerian Labour Code, Book III, Part II.

As all French nationals of Algeria have been recognised as French citizens in virtue of the Act of 20 September 1947 (Organic Statute of Algeria), Algerian agricultural

employees enjoy all the rights of French citizens with regard to freedom of association as well as other matters.

*Guadeloupe.*

As regards trade unions, agricultural workers have the same rights as industrial workers. No observations have been received from the organisations concerned.

*Martinique.*

The matter with which the Convention deals is governed by French legislation respecting trade unions and the right to strike. The application of the Convention is entrusted to the same authorities as in France. No decisions have been given by courts of law and no observations have been received from the employers' or workers' organisations concerned.

*Réunion.*

Persons employed in agriculture have the same rights of association and combination as industrial workers. There are 77 trade unions in Réunion, affiliated to the C.G.T. or the C.F.T.C., and 18 agricultural employers' associations affiliated to the C.G.A. These associations function smoothly and no cases relating to the application of the Convention have come before the courts.

*Cameroons.*

Decrees of 4 December 1931 and 7 August 1944.

The Decree of 4 December 1931 authorises the formation of trade unions and rural societies. On the other hand, in accordance with the Decree of 7 August 1944, agricultural workers have the same right as other categories of workers to form trade unions in the territories of Black Africa (*Afrique Noire*) administered by France.

In conformity with these texts, agricultural workers have been able to associate freely and numerous rural co-operatives and trade unions have been formed since 1947.

*French Equatorial Africa.*

Decree of 7 August 1944. Act of 1 July 1901.

The Decree of 7 August 1944, adopted on the recommendation of the African Conference at Brazzaville and issued in French Equatorial Africa by an Order dated 31 August 1944, permits the setting up of industrial associations. Section 1 provides that the purpose of such associations shall be the study and advance of economic, industrial, commercial and agricultural interests. Persons employed in agriculture enjoy the same rights of association and combination as workers in industry and commerce.

The Act of 1 July 1901 respecting affiliation contracts was made applicable to French Equatorial Africa by a Decree of 16 March 1946. Agricultural workers are covered by the provisions of this Act on the same terms as persons employed in industry.

The report has been communicated to the representative employers' and workers' organisations,

*French Establishments in India.*

Section 57 of the Decree of 6 April 1937.

Under the above provisions, several associations of agricultural workers have been formed for the study and defence of the interests of their members. The Convention is applied in the territory.

*French Settlements in Oceania.*

The Convention is not applicable in the territory.

*Madagascar.*

Decree of 19 March 1937, respecting the application in Madagascar of the Act of 25 February 1927 relating to trade unions.

Section 3 of the Decree of 1 August 1938 amended the Decree of 1937 by removing the requirement that all members must speak the French language. However, a local order of 10 October 1938 drew up a list of the persons unfit for trade-union functions; the unfitness of such persons is based on convictions, as laid down in the French Penal Code.

Article 1 of the Convention: The right to associate and combine for agricultural workers is not, in practice, limited in any way and persons employed in agriculture have the same rights in this respect as workers in industry. Moreover, they may not only join occupational associations but may also join agricultural associations within the framework of the regulations regarding the mutual agricultural fund.

The labour inspector is responsible for the supervision of trade unions. The administrative authority ensures the general application of the right to associate and combine and authorises the establishment of mutual, cultural, sport, and other associations. There are seven agricultural trade unions in Madagascar grouping 31,493 members and 26,611 persons paying contributions; there are 11 employers' associations grouping 555 members and 95 persons paying contributions.

*New Caledonia.*

Decree of 16 May 1901, to apply the Act of 21 March 1884 to the territory.

The two above-mentioned texts make no distinction between agricultural workers and other workers or employers. As a result of the Act of 27 October 1946, to establish the Constitution of the French Republic, the exception provided for in section 1 of the Decree as regards foreign workers employed as immigrants no longer exists. There are no restrictions to the right of foreign workers to membership of the various trade unions.

No agricultural workers are members of trade unions, but practically all the 157 workers from Tonkin employed in agriculture or stockraising belong to the Asso-

ciation of Vietnamese Workers set up under the Act of 1 July 1901 which, although it is not a trade union, acts as such in respect of its members. Copies of the report have been communicated to the representative employers' and workers' organisations.

*St. Pierre and Miquelon.*

Agriculture is not at all highly developed in the territory and wage-earning agricultural workers are extremely few. The two or three farms of the archipelago are worked by their owners and members of their families.

*New Zealand*

*Cook Islands.*

Cook Island Industrial Unions Regulations, 1947.  
(New Zealand Statutory Regulations Series, Serial No. 1947/78.)

The above Regulations apply to persons engaged in agriculture with industrial employers and workers, and are in conformity with the provisions of the Convention. Application of the Convention is therefore being proceeded with immediately.

*Western Samoa.*

The stage of social development of the territory does not at present warrant application. When industrial legislation similar to that initiated in the Cook Islands is being considered for Western Samoa, the provisions of this Convention will be taken into consideration.

*United Kingdom*

Reports have been received for the following territories :

*Aden, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, British Guiana, British Honduras, British Somaliland, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Grenada, Hong Kong, Jamaica, Kenya, Federation of Malaya, Malta, Mauritius, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.*

In general, the information contained in these reports is identical with that supplied for the periods 1947-1948 and 1948-1949 and published in the summaries of reports on ratified Conventions submitted to the 32nd and 33rd Sessions of the International Labour Conference (1949 and 1950).

Any new information contained in the reports for the period under review is given below.

*Bahamas.*

There are no legal provisions giving effect to the provisions of the Convention. Ratification of the Convention has had no actual legal effect, nor has it modified any previously existing legislation. Observance of the Convention's provisions can only be enforced by legislation passed by the Bahamas Legislature. There is no organised agricultural labour. There are no organisations of employers or workers ; no observations have been received from any source.

*Barbados.*

An increasing number of agricultural workers have become members of the biggest trade union. There have been a few instances of employers showing antagonism to membership of their agricultural workers in a trade union.

*Cyprus.*

At the end of the year, there were six registered trade unions of agricultural workers with seven branches and a total membership of 881. These figures show a slight increase in membership, but a decrease in the number of trade unions and their branches due to the fact that some of the trade unions combined with other general workers' trade unions.

*Grenada.*

Trade Unions Regulations No. 4 of 1935.

Every trade union must be registered with the Registrar of Trade Unions within three months of its formation. Audited accounts must be submitted to the Registrar of Trade Unions within one month of their submission to the members of the trade union. The majority of trade union members in the colony have been recruited from persons engaged in agriculture.

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

*Kenya.*

There is little likelihood for some time to come of the agricultural workers in the colony forming themselves into trade unions, since the circumstances in which agricultural labour is employed would make this difficult. The formation of staff associations and workers' councils is being encouraged, particularly in those branches of the industry which include factories.

*Mauritius.*

About 5,000 labourers are paying members, out of a potential membership of 60,000.

*Nyasaland.*

Under Government Notice No. 149 of 1949, Trade Unions Registration (Appeal) Rules were promulgated laying down the procedure to be followed in appeals against refusal by the Registrar of Trade Unions to register a trade union.

The report has been communicated to the Central Labour Advisory Board.

*St. Lucia.*

Trade associations are given every assistance and encouragement by the Government.

*Sarawak.*

A combination of agricultural workers which is a trade union by definition must register as such under the Trade Unions Ordinance. A combination of workers which is not a trade union by definition may notify the Registrar of Societies of its existence or apply for registration as a society, whichever it pleases.

*Tanganyika.*

The reference to the Trade Union Ordinances (No. 23 of 1932 and No. 30 of 1941) now reads "Chapter 84 of the Laws".

## 12. Convention concerning workmen's compensation in agriculture

*Belgium**Belgian Congo.*

See under Convention No. 17.

*France**Guadeloupe.*

Act No. 49-1104 of 2 August 1949.

This Act applies to Guadeloupe the legal provisions regarding compensation for industrial accidents. However, this new scheme has not yet been entirely brought into effect by insurance companies for industrial accidents; the latter do not yet come under the administration—or even the effective supervision—of the social security scheme. However, some time before the introduction of the new legislation, the more important agricultural undertakings had assimilated their wage earners, as regards accident risks, to industrial workers who were subject in this respect to the provisions of the Decree of 19 July 1925 concerning the application of the Act of 9 April 1898 to the Antilles and to Réunion Island. In practice, the regulations of the colonial scheme are still applied, with a certain degree of tolerance, in some insurance companies.

*Martinique.*

Decree of 19 July 1925, to extend to Martinique the provisions of the Act of 9 April 1898.  
Decree of 23 May 1927.  
Act No. 49-194 of 2 August 1949.

The Legislative Decree of 19 July 1925 covered accidents caused by mechanically-driven agricultural machinery. The provisions of the earlier Decree were extended by that of 23 May 1927 to cover all injuries to workmen. However, the measures prescribed for the administration of this second Decree have not been adopted. Rules for the application of the Act of 2 August 1949, by virtue of which the Act of 30 Oct-

ober 1946 respecting the prevention of, and compensation for, industrial accidents and occupational diseases became inapplicable to Martinique, are still under consideration at Government level.

The question of the authority responsible for enforcing the application of the provisions of the Convention does not arise at present. The Convention is not applied in pursuance of any laws or regulations but, in practice, quite a large number of agricultural workers are insured against industrial accidents with private companies.

No decisions have been given by courts of law. The workers' organisations ask for speedy implementation of the Act of 2 August 1949.

*Réunion.*

Act of 15 December 1922 respecting workmen's compensation for accidents.

There are no observations on the application of the Convention.

*Cameroons.*

Decree of 7 January 1944, to issue regulations governing native labour in the French Cameroons (L.S. 1944—L.N. 1).  
Order of 14 February 1944.  
Decree of 23 August 1945.

The first two of the above-named texts concern African workers, the last applies to Europeans and assimilated persons. This legislation does not make any distinction between workers; agricultural labourers therefore receive the same advantages as other workers. In 1949, the number of occupational accidents in agriculture was as follows: temporary incapacity of less than 10 days: three; temporary incapacity of more than 10 days: two; permanent incapacity of less than 50 per cent.: one; total number of accidents: six that is, 0.69 per cent. of the total number of industrial accidents.

*French Equatorial Africa.*

There is no scheme of workmen's compensation for accidents applying specifically to agriculture.

*French Establishments in India.*

Section 63 of the Decree of 6 April 1937.

A Decree was issued locally on 26 November 1941 to lay down rules for applying the above Decree. In practice, it is not commonly applied owing to the small number of agricultural undertakings. However, a few accidents have been reported to the labour inspectorate.

*French Settlements in Oceania.*

See under Convention No. 17.

*Madagascar.*

The report refers to information supplied with regard to Convention No. 17. The same regulations are applied in the case of industrial injuries whether they occur in industry or in agriculture. The principle of occupational risk has thus been extended to all branches. As a result, regulations concerning compensation are valid for all agricultural workers.

*New Caledonia.*

Decree of 15 May 1930, to issue public administrative regulations respecting liability for industrial accidents (L.S. 1930—Fr. 9), as amended by the Decree of 26 May 1934.

The above-named regulations do not protect all agricultural workers but only persons employed in the driving and minding of agricultural motor-driven machinery (section 46 of the Decree) and persons employed in forestry work, with the exception of small undertakings (less than three hectares) and the cutting of timber by farmers for their own personal use (section 49 of the Decree). Compensation for accidents incurred by the persons enumerated above is the same as that granted for all other industrial accidents.

After an enquiry has been made, the amount of benefits is fixed by the judicial authority. The supervision of the statements made in this connection is carried out by officials of the judicial police.

With the exception of decisions fixing the amounts of pensions, no judicial decisions were given during the period under review. No contraventions of the regulations in force were reported. These regulations, which are well-known to the beneficiaries, may be considered as being strictly applied. Approximately 300 of the 2,250 workers employed in agriculture, stockraising or forestry are covered by the regulations.

During the year 1949, there were only three accidents and they resulted in temporary incapacity only.

No observations were received from the employers' or workers' organisations con-

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

*St. Pierre and Miquelon.*

The Convention serves no purpose in the territory.

*New Zealand**Cook Islands and Western Samoa.*

A technical expert appointed by the New Zealand Government has recently visited the Cook Islands and Western Samoa to investigate the question of introducing a system of workmen's compensation. His report is under consideration by the New Zealand, Cook Islands and Western Samoan administrations. It is anticipated that, after the report has been fully considered, appropriate legislation will be enacted in the territories, when the provisions of the Convention will be taken into account.

*United Kingdom*

Reports have been received for the following territories:

*Aden, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, British Guiana, British Honduras, British Somaliland, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Grenada, Hong Kong, Jamaica, Kenya, Federation of Malaya, Malta, Mauritius, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.*

In general, the information contained in these reports is identical with that supplied for the periods 1947-1948 and 1948-1949 and published in the summaries of reports on ratified Conventions submitted to the 32nd and 33rd Sessions of the International Labour Conference (1949 and 1950).

Any new information contained in the reports for the period under review is given below.

*Barbados.*

Workmen's Compensation (Amendment) Act, 1949 (not yet in force).

No figures are available showing the number and nature of accidents, although it is known that the majority result in disablement for short periods.

*British Guiana.*

Order-in-Council No. 10 of 1950, made under the Workmen's Compensation (Amendment) Ordinance, No. 14 of 1947.

During the period under review, 7,005 accidents to agricultural workers involving incapacity for three days and over were notified to the Department of Labour. In

May 1949, the Demerara Sugar Board of London wrote proposing that the rate of compensation, which stands at 100 per cent. up to \$50 per month, be reduced to 75 per cent. and that the waiting period be increased from three to seven days. A commission appointed in October 1948, with wide terms of reference to enquire into the sugar industry of British Guiana, also recommended that the rate of compensation be reduced to 75 per cent. As a result of these and earlier representations, the Government appointed on 24 March 1950 a committee under the chairmanship of the commissioner of labour to examine the working of the Workmen's Compensation Ordinance and its amendments. This committee had not reported by the end of the period under review.

#### *British Honduras.*

The report provides statistical information on the number of accidents which occurred in private and Government employment, the number of man-hours lost and the amount of compensation paid and awarded during the period under review.

#### *Brunei.*

A Workmen's Compensation Enactment was passed in May 1950, but had not yet come into force by 30 June 1950.

#### *Dominica.*

There is no system of inspection. Workers usually take their case to their trade union or apply to the labour officer for assistance if any difficulty is encountered. In the case of the union, the cases are passed to a barrister-at-law. If the necessity arises, the labour officer may seek the assistance of the Crown Law Officer, or any commissioner appointed under the Act.

#### *Gibraltar.*

The number of agricultural workers in Gibraltar is negligible and it is not regarded as necessary to enact separate legislation for this class of worker. No representations have been received from organisations of employers and workers concerned regarding the enactment of separate legislation for agricultural workers. Representations have, however, been received from workers' representatives for the introduction of legislation for a comprehensive scheme of workmen's compensation to include all industrial workers.

#### *Gilbert and Ellice Islands.*

Workmen's Compensation Ordinance No. 6 of 1949.

The Convention has been applied by the above-mentioned Ordinance, which provides, in section 5, that if in any employment personal injury by accident arising

out of the cause of employment is caused to a workman, his employer shall pay compensation in accordance with the provisions of the Ordinance. "Workman" is defined in section 2 as a person who has entered into a contract of service with an employer, whether by way of manual labour, clerical work or otherwise, and therefore includes agricultural wage earners. Through the colonial Government, the district administration is responsible for the application and enforcement of the Ordinance; this has only recently been enacted and no cases of its application have been reported in the period under review. There are no organisations of workers or employers in the colony.

#### *Grenada.*

Workmen's Compensation Regulations, No. 34 of 1938.

Workmen's Compensation (Appeal) Rules, No. 44 of 1938.

Agricultural workers are protected by the legislation of the territory. The application of the Convention is ensured by the commissioner for workmen's compensation. The injured worker, or some other person on his behalf, makes application for compensation to the commissioner for workmen's compensation who is also the magistrate. The parties are summoned to court, the circumstances of the accident are examined and an award is made. As a general rule, the worker receives a stipulated compensation upon injury, without recourse to law. In many instances, employers have taken steps to insure the worker against the risks of accident.

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

#### *Jamaica.*

Workmen's Compensation (Amendment) Law, 1941.

Workmen's Compensation (Amendment) Law, 1942.

A committee appointed to review the workings of the Workmen's Compensation Law has considered as impracticable the inclusion of all agricultural workers within the scope of the Law. The recommendations of the committee are now being studied by the Government. Under section 37 of the Law, the Government may require employers to provide annual returns giving particulars of injuries in respect of which compensation has been paid.

#### *Kenya.*

Ordinance No. 72 of 1948 (entered into force on 1 October 1949), replacing the Workmen's Compensation Ordinance No. 54 of 1946.

The main differences between the two Ordinances lie in the provision for the payment of medical aid by the employer (Part III of the 1948 Ordinance) and in

the provision for compensation in certain circumstances in the case of occupational diseases (Part IV of the 1948 Ordinance).

A central accident register has been instituted at the Labour Department headquarters. The average number of agricultural workers employed in any one year is approximately 100,000. The 42 accidents involving agricultural workers during the period under review and resulting in permanent disability are given and their nature is specified.

#### *Federation of Malaya.*

By the end of the year under review, and after consultation with the Federal Labour Advisory Board and numerous other bodies and trade unions representative of both employers and employees, the Department of Labour had completed the draft of a Workmen's Compensation Bill which is intended to take the place of the existing Workmen's Compensation laws. During the year, the Department of Labour dealt with the following cases of accidents to workmen on rubber, coconut, oil-palm, tea and pineapple plantations: 52 fatal cases, amount paid \$77,600.71; 111 permanent disability cases, amount paid \$80,049.74; 339 temporary disability cases (in these cases the workman receives for the duration of his disability half-monthly payments equivalent to half his normal earnings). According to returns collected by the Department of Labour from employers, there were 318,574 workmen on plantations on 31 December 1949. In general, however, these returns only cover plantations of 25 acres or more.

#### *Mauritius.*

There were, 1,895 accidents, of which seven were fatal, and the total amount paid was Rs. 38,360.25. The Labour Advisory Board has recommended that compensation in case of death or permanent total incapacity should be four years' wages.

#### *Nigeria.*

Workmen's Compensation (Amendment) Ordinance, 1950.

The report reproduces the information previously supplied and adds that, as a result of the enactment of the above Ordinance, the benefits of the Workmen's Compensation Ordinance will be extended to all agricultural workers in the service of employers employing not less than 10 persons. At present, the provisions of the Ordinance are limited, in respect of agricultural workers, to those employed on plantations or estates on which not less than 25 persons are employed.

#### *North Borneo.*

The consideration of legislation which has been referred to previously has

resulted in the enactment of the Workmen's Compensation Ordinance, 1950, which came into operation on 1 July 1950 and which will form the basis of the next report. During the drafting of the legislation the requirements of the Convention were kept in view.

#### *Nyasaland.*

The Labour Department has been strengthened by the appointment of two additional labour officers. The report has been communicated to the Central Labour Advisory Board.

#### *St. Helena.*

There was one application under the Ordinance which resulted in payment of the maximum compensation awardable for permanent disablement.

#### *St. Lucia.*

Where there is agreement between the injured workman and the employer, the assessment of the claim is entrusted to the labour commissioner. Approximately 10,982 males and females are covered by the relevant legislation; 184 accidents were reported during the period under review, of which one was fatal and five resulted in permanent partial disablement.

#### *Sarawak.*

Workmen's Compensation Ordinance.

The Workmen's Compensation Ordinance has been in force since 1 April 1950; it is not yet applied to agricultural workers.

#### *Seychelles.*

The draft legislation mentioned in the previous report needs considerable revision in the light of the special conditions prevailing in Seychelles. Therefore, proposals will be drawn up next year.

#### *Sierra Leone.*

There is a new trade union in the Protectorate which aims at organising general workers, including those engaged in agriculture. The other unions do not include agricultural workers at present.

#### *Singapore.*

One fatal accident involving an agricultural worker was reported during the period under review. The report has been communicated to the Labour Advisory Board.

#### *Tanganyika.*

The reference to the Workmen's Compensation Ordinances (No. 43 of 1948 and No. 41 of 1949) now reads "Chapter 263 of the Laws". Sections 29 and 30 of the

Master and Native Servants Ordinances (Chapter 51 of the Laws in the 1929 edition) are renumbered 24 and 25, Chapter 78, in the new edition.

At the labour census taken on 15 September 1949, there were about 192,000 agricultural workers covered by the legislation relevant to this Convention. The total number of African workers injured during the year 1949 was 1,252. No details of the number of agricultural workers included in this figure are available; they will be given in the next report. No case has been reported of deliberate

failure to pay the compensation assessed by the Labour Department.

#### *Uganda.*

The report mentions the promulgation of a new Workmen's Compensation Ordinance, dated 1949, and a new Order (Legal Notice 245 of 1949) issued in pursuance thereof. This legislation, like the legislation of 1946 mentioned in the last report, applies to employment in agriculture on all plantations and estates where commercial crops are grown.

### 13. Convention concerning the use of white lead in painting

#### *France*

##### *Algeria.*

Government Orders of 24 March 1950, issued in pursuance of section 67 of Book II of the Algerian Labour Code (L.S. 1921—Fr. 1).

Decree of 21 March 1914, respecting dangerous work prohibited for women and children, made applicable to Algeria by the Decree of 14 February 1921, as amended by the Decree of 8 August 1930 respecting the use of white lead and sulphate of lead in painting work, made applicable to Algeria by the Decree of 2 September 1933.

During the period from 1 July 1949 to 30 June 1950, no infringements of the provisions of the Convention were reported.

##### *Guadeloupe.*

The presence of white lead or sulphate of lead has not been detected in the paint used by painting contractors, of whom there are very few in the department. However, the competent service gives careful attention to compliance with the relevant Regulations.

##### *Martinique.*

The matter with which the Convention deals is governed by French Regulations. The application of the Convention is enforced by the labour inspectorate.

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

##### *Réunion.*

There are no observations to be made regarding the application of the Convention in Réunion as no paints are manufactured in the department and, according to information given by the Director of Customs, those imported from France contain neither white lead nor sulphate of lead.

#### *Cameroons.*

No case of white lead poisoning has so far been noted by the labour inspectorate, which has not detected any contraventions. No observations were made by the employers' and workers' organisations concerned. Copies of the report have been communicated to the representative local organisations.

#### *French Establishments in India.*

The report reproduces the information already given.

#### *French Settlements in Oceania.*

The information supplied for the preceding period is supplemented by the following details.

The use of white lead, sulphate of lead and any product containing these pigments has been declared as being necessary in the following cases: painting of iron gear on ships and schooners, plates and sea water ballasts and the outside ironwork of buildings.

The employers' and workers' organisations, *i.e.*, the Employers' Union of the French Establishments of Oceania and the Tahitian Trade Union Congress, have been consulted by official letter. The above-mentioned exceptions were laid down by Decree of the head of the territory.

Article 3: The labour inspector has been empowered to authorise the employment of apprentices as an exception to the provisions of this Article, after consultation with the employers' and workers' organisations.

Articles 5 and 6: The local regulations provide that paint prepared either with white lead or with sulphate of lead and red lead may be applied by spraying only



by workers wearing a special protective mask. These paints may be only used by workers wearing special clothing. The pumicing and dry scraping of this paint may be carried out only by workers wearing special masks. The employer must supply these masks and protective garments to his staff and must put wash-stands with soap and towels at the disposal of the painters.

All cases of white lead poisoning must be immediately notified to the labour inspector and checked by the public health officer.

Article 7 : No case of white lead poisoning has officially come to the attention of the authorities up to the present time.

The supervision of the preventive measures against the dangers resulting from the use of white lead falls ordinarily within the responsibilities of the labour inspectorate.

#### *Madagascar.*

The report contains information which is identical with that previously supplied.

#### *French Somaliland.*

French Somaliland has no special regulations concerning the use of white lead, sulphate of lead or any product containing these pigments in painting work.

Actually, the problem does not arise, as the materials used for such work are sent from the mother country where the use of these dangerous pigments is very strictly controlled. As regards the white pigments whose use is authorised by Article 1, paragraph 1 of the Convention, only zinc white is used to any extent in Djibuti. Copies of the report have been communicated to the representative employers' and workers' organisations of the territory.

#### *St. Pierre and Miquelon.*

The report states that the territory has no paint manufacturing industry. The only painting work carried out is for the maintenance of boats and houses, for which use is made of products imported from France or foreign countries and manufactured as prescribed in the Convention.

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

#### *France.*

##### *Algeria.*

Algerian Labour Code, Book II, sections 30-50B and 54.

Decree of 24 August 1906, to organise supervision of the application of the Act of 13 July 1906 respecting the weekly rest, made applicable to Algeria by the Decree of 21 January 1909.

Decree of 14 August 1907, supplementing the schedule of undertakings authorised to grant weekly rest in rotation in virtue of section 3 of the Act of 13 July 1906, made applicable to Algeria by the Decree of 21 January 1909.

Decree of 31 August 1910, to determine exceptions to the general regulations for the weekly rest as regards special workers employed in works where continuous furnaces are used, made applicable to Algeria by the Decree of 10 February 1911.

The Convention, as well as the Algerian labour laws and regulations respecting the weekly rest, are strictly applied in industry in Algeria.

##### *Guadeloupe.*

The provisions of the Labour Code governing this matter are observed in Guadeloupe.

However, for practical reasons, sugar and rum factories may be exempted from the above-mentioned provisions during the period of manufacture. During the six working days, these undertakings work night and day with three shifts, each employed during eight hours in the day

according to a fixed timetable. A system of rotation has been established to prevent the same shifts working on the same timetable. As regards factories requiring one weekly cleaning and greasing, which is generally effected on Sunday, the workers on the shift which normally comes to an end on Sunday morning are kept on at their request, in conformity with the Government Order of 29 December 1937, to effect maintenance work. This means that the weekly rest day is suppressed for factory workers once every three weeks. In cases of damage to machinery, specialists in repairs may also be required to work during the rest day under the same conditions of remuneration as are granted to workers employed in maintenance work.

##### *Martinique.*

Decree of 30 March 1948, to apply sections 30 to 50 (b) of the Labour Code to Martinique.

The application of the Convention is entrusted to the labour inspectorate.

No decisions were given by courts of law. The Convention is applied, but the provisions of Article 7 are not yet fully observed. About 15,000 wage earners are protected.

No contraventions of the provisions of the Convention have been reported; no observations were received from the employers' or workers' organisations concerned.

*Réunion.*

Industrial activities in Réunion are practically limited to the manufacture of sugar and rum, and even during the sugar harvesting season the refineries stop work between 5 p.m. on Saturdays and 7 a.m. on Mondays. These undertakings employ, on Sunday mornings only, a team of some 15 men responsible for ensuring the maintenance and overhauling of the manufacturing plant; such employees enjoy compensatory rest at the rate of one full day for every two half days of Sunday work.

No contraventions of the provisions of the Convention have come to the notice of the labour inspectorate, and no case relating to its application has come before the courts of law.

*Cameroons.*

Decree of 7 January 1944, to issue regulations governing native labour in the French Cameroons (L.S. 1944—L.N. 1).

Order of 14 February 1944.

Decree of 23 August 1945.

These texts, the first two of which apply to natives and the third to Europeans and assimilated persons, must be considered as equivalent to the Convention, since they make the weekly rest compulsory. They stipulate that this rest shall be given, as a rule, on Sunday.

Section 62 of the Decree of 23 August 1945 specifies that the weekly rest "must cover a consecutive period of not less than 36 hours". This provision of the legislation is thus more liberal for the workers than the Convention, Article 2 of which provides for 24 consecutive hours' rest.

In accordance with Article 4 of the Convention, the legislation applicable to the Cameroons authorises exceptions to the weekly rest subject to the compulsory granting of a compensatory period of rest. It should be noted that, in this respect also, the legislation applicable in the Cameroons is more liberal than the Convention, Article 5 of which lays down that provision shall be made for the compensatory period of rest only in so far as it is possible to grant it.

*French Equatorial Africa.*

Section 24 of the Order of 21 December 1933, to provide for the administration of the Decree of 4 May 1922 concerning the labour system in French Equatorial Africa.

The above-mentioned clause, today universally applied in industrial, forestry, agricultural and commercial undertakings, provides that every worker shall enjoy one day of rest after six consecutive days of work. When drawing up public works projects, the general labour inspectorate applies the relevant clauses under the heading "normal hours of opening for workplaces".

Normal hours of opening for workplaces have been fixed at 48 per week, the employer remaining free to fix the daily hours of opening and closing, provided that working hours per day do not exceed eight and a half. For hours of overtime an additional allowance is payable equal to 25 per cent. of the basic hourly wage.

The supervisory service may on occasion issue a directive authorising work on Sundays or holidays when the necessity arises; in this event the staff of the workplace is entitled to compensatory rest and to increased allowances at rates submitted for approval to the supervisory service, which must apprise the labour inspector of them by a report.

*French Establishments in India.*

Sections 23 to 29 of the Decree of 6 April 1937.

This Decree provides for a system of weekly rest in the industries of the territory. Two Orders of 29 October 1937 lay down rules for its application, organise the supervision of the rest day and specify in detail the undertakings authorised to grant the weekly rest in rotation. The regulations in force are strictly observed under the supervision of the labour inspectorate; they never give rise to any dispute and are in harmony with the Convention.

*French Settlements in Oceania.*

The provisions concerning weekly rest are applied in all the undertakings of the territory.

*Madagascar.*

Sections 12 and 13 of the Decree of 7 April 1938.

Weekly rest is compulsory and consists of 24 consecutive hours in every week. As a rule, it is granted on Sundays but, in undertakings where all the staff may not be absent at the same time, weekly rest is granted on another day of the week and by rotation. Apart from weekly rest, public holidays involve compulsory rest. Industries which only work at certain periods of the year or which handle perishable goods may exceptionally be authorised by the labour inspector to suspend the application of weekly rest regulations. Rest on Saturday afternoons may be established and regulated by the Governor-General in the principal towns of the colony. The labour inspectorate supervises the strict observance of these provisions, particularly in industries which work permanently. As a rule, and unless exceptions are authorised by the labour inspector, regulations regarding weekly rest are the same as in France.

The dividing line between industrial and non-industrial undertakings is made

according to the criteria established by the Convention.

Article 2 : The provision laid down in paragraph 1 is applied in Madagascar. As a rule, the day of rest granted falls on Sunday, due account being taken of the workers' religion and of the local customs and traditions.

Article 3 : Establishments which may be grouped under the industrial category as defined in Article 1 of the Convention, and where only members of one family are employed, are exceptional in Madagascar and have full liberty in this matter.

Article 4 : No exceptions have been made with regard to weekly rest on Sundays, except in the cases provided for in section 12 of the above-mentioned Decree with regard to industries where the attendance of permanent staff is required (perishable foodstuffs).

Article 5 : In the case dealt with by this Article, rest is granted by rotation in accordance with the methods applicable in each undertaking.

Article 6 : No official list of the exceptions authorised has been drawn up but, in practice, such exceptions are applied (under the supervision of the labour inspectorate and according to the various cases) to the industrial undertakings covered in section 13 of the Decree of 7 April 1938, to public utility industrial undertakings, such as transport, light-erage, distribution of water and light, and hospital establishments, and to the catering trade and, in general, to food trades, such as baking.

Article 7 : Notification of the day on which collective weekly rest is granted is made verbally and, in addition, its date is known to the persons concerned (local customs) ; in cases where weekly rest is granted on a shift system, the employer is required to post a roster to this effect.

The application of the provisions of the Convention is ensured by the services of the overseas labour inspectorate. No decisions were given by courts of law during the period under review. The Convention is applied on a very liberal basis and the labour inspection services have received no observations from the employers' or workers' organisations concerned regarding its application.

#### *New Caledonia.*

Decree of 2 March 1939, to apply to New Caledonia Book II of the Labour Code.

The scope of application of section 18 of the Decree of 2 March 1939 is broader than that of Article 1 of the Convention, since it includes all industrial or commercial undertakings. The exception provided for in section 18, paragraph 2 of the Decree and relating to undertakings for transport by water and railways is not contrary to Article 1, paragraph 1 (*d*)

of the Convention as there is no inland waterway transport and there are no railways in New Caledonia.

Sections 19, 20 and 21 of the Decree are in full conformity with the requirements of the Convention, since Sunday is the customary day of rest in New Caledonia.

There are no exceptions for industrial undertakings where only the members of one family are employed.

The Decree provides for the following categories of exceptions according to the nature of the undertakings covered by the regulations : (*a*) Undertakings, the closing of which on one day a week might cause serious inconvenience to the public (such as those enumerated in section 26 of the Decree), may grant the weekly rest by a system of rotation. This exception is used in hotels, restaurants, establishments for the sale of alcohol, hospitals, nursing homes and pharmacies, lighting and transport undertakings, undertakings engaged in loading and unloading operations at ports, as well as wireless transmitting stations. (*b*) In other undertakings, where simultaneous Sunday rest would not be in the public interest and would interfere with the normal functioning of the undertaking, the weekly rest day may be granted under the conditions provided for in section 22 of the Decree : on a day other than Sunday to the entire staff of the undertaking ; from Sunday noon to Monday noon ; on Sunday afternoon, with a compensatory rest of one day in rotation every fortnight, or finally, by rotation. The above exceptions may be made use of only if authorised by an Order of the Governor issued after consultation, not only with the employers' and workers' organisations concerned, but also with the Municipal Council and the Chamber of Commerce. No use has been made of this exception. (*c*) Under section 27 of the Decree, in undertakings using continuous furnaces, a rest period corresponding in length to the weekly rest period may be spread over another period. (*d*) In case of urgent work (rescue work, prevention or repairs of accidents) the weekly rest may be suspended subject to the granting of a compensatory rest period of equal duration, in virtue of the provisions of section 28 of the Decree. Under section 29, the rest period of persons employed in maintenance services may be reduced to half a day if their work is essential in order to avoid a delay in the normal resumption of work. (*e*) In virtue of section 32 of the Decree, the municipal authorities may suspend the weekly rest in retail-trade establishments on three Sundays of the year at the most, subject to the granting of a compensatory rest period. This decision may be taken only after consultation with the employers' and workers' organisations concerned. (*f*) In certain seasonal industries defined by Order of the Governor, the weekly rest may be post-

poned. No use is made of this exception. (g) An Order of the Governor, issued in application of section 34 of the Decree, may authorise industries handling perishable goods, or having to cope with periods of exceptional pressure of work, to suspend the weekly rest for not more than twice a year and in such a way that the total number of suspensions does not exceed six a year. No use is made of this exception. (h) Finally, for work carried out in the interests of the national defence, the weekly rest may be suspended temporarily by Ministerial Decision in accordance with section 36 of the Decree.

No special methods have been adopted for consulting occupational organisations; the latter are required merely to reply within a period of one month to any requests for advice which may be addressed to them.

As regards the exceptions mentioned under paragraphs (d), (e) and (f) above, the report states that there is a specific provision to the effect that a corresponding weekly rest must be given to workers who have not been granted their full weekly rest period. On the other hand, as regards the exception mentioned in paragraph (g), the regulations do not call for a weekly rest period but specify that the hours worked during this period will be considered as overtime work and will be paid at the rate provided for by the collective agreements in force, *i.e.*, an increase of 75 per cent. in general.

Use is made only of the exceptions provided for in the case of hotels, cafés, restaurants, establishments for the sale of drink, hospitals, nursing homes, pharmacies, lighting and transport undertakings, loading and unloading operations at ports, wireless transmitting stations and undertakings using continuous furnaces. No use is made of the other exceptions provided for in the Convention. None of the permits provided for in the Decree of 2 March 1939 has been granted by the Governor.

No special models of posters or registers have been drawn up for the supervision of the weekly rest.

The supervision of the application of the Convention is usually within the competence of the labour inspectorate, without prejudice to the activities of the judicial police.

No decisions were given by courts of law or other courts. No contraventions of the regulations were noted and no observations were received from the employers' and workers' organisations concerned. Copies of the report have been communicated to the representative employers' and workers' organisations.

*St. Pierre and Miquelon.*

All workers are granted weekly rest.

#### *New Zealand*

*Cook Islands and Western Samoa.*

The reports reproduce the information previously supplied.

#### *Portugal*

See the introductory note to Convention No. 1.

Reports have been received from the following territories: *Angola, Cape Verde, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, S. Tomé and Príncipe, and Timor.*

A summary will be found below of any new information contained in these reports, which otherwise repeat the information analysed in the summary of reports laid before the 33rd Session of the Conference.

#### *Angola.*

The legislation relating to the Convention is observed; there are very few contraventions, except some cases regarding taxi drivers. An amendment of Legislative Order No. 1840 is being considered in order to avoid such contraventions by the introduction of more efficient supervision. No distinction has as yet been made between industry, on the one hand, and commerce and agriculture on the other. The drawing up of such a line of division is not important, since all workers in the various branches of activity have the same days of rest, that is, Sundays and public and municipal holidays.

No exception has been authorised under Article 4 of the Convention, since all workers are entitled to one day of rest after six working days, and since this day of rest must fall on a Sunday except in special cases. Employers are required to make known the day of rest by means of notices posted up conspicuously in their undertakings. The collective day of rest is always Sunday; however, the directorate of the civil administration services may fix another day for special reasons. Such reasons have not as yet been brought forward. All workers are free on Saturday afternoon.

The application of legislative measures regarding hours of work and weekly rest is entrusted by the directorate of the civil administration services to the Governors of provinces and of the District of Cabinda, to the administrators of the various categories of administrative districts, and to all police and administrative authorities. The supervision of this application is ensured by inspections carried out by supervisory agents in undertakings. Moreover, the national trade unions are required to inform the competent authorities of all cases of contraventions of the legislation which come to their knowledge, in order that the responsible persons may

be held accountable for the failure to apply the relevant provisions.

No decisions were given by courts of law with regard to the application of the legislative measures concerning the provisions of the Convention. The fines prescribed in the legislation were imposed in the case of the few contraventions reported and were paid without giving rise to any disputes. There is no statistical information available regarding the number and nature of these contraventions, in view of the absence of a competent service.

No observations regarding the application of Legislative Order No. 1840 (which ensures the practical execution of the provisions of the Convention) have been received from the employers' or workers' organisations concerned.

#### *Cape Verde.*

The various provisions of the Convention are substantially covered by Legislative Order No. 579 of 6 November 1937 and by section 26 of the National Labour Statutes, the application of which to the Portuguese possessions was effected by Legislative Decree No. 27,552 of 5 March 1937.

The exceptions provided for in Article 4 of the Convention do not apply as regards chemists' shops. In other cases, work carried out on Sundays or on the day which is laid down for the weekly rest-day must be paid at double wage rates.

Article 5, which is covered by section 11 of the above-mentioned Legislative Order, does not apply in practice.

In the industrial undertakings covered by the Convention, weekly rest is always granted on a collective basis. When a different schedule of hours of work is found to be necessary for any worker or group of workers, the employer is required to inform the administrative authority of this fact; the authorisation requested is only granted in exceptional cases. All industrial or commercial undertakings must establish a schedule of hours of work for their staff, in conformity with the provisions of the above-mentioned Legislative Order, which, duly approved by the administrative authority, is posted in a conspicuous place.

Order No. 579 is applied by the administrative, municipal and police authorities. The application of the provisions in force concerning weekly rest has not given rise to any observation up to the present.

#### *Macao.*

For the reasons set out under Convention No. 1, there is no legislation regarding the provisions of the Convention.

#### *Mozambique.*

The legislation in force makes no provision for special regulations in respect of persons employed in industrial under-

takings where only members of the same family are employed. Section 17 of Legislative Order No. 707 lays down that in special cases, and on a justifiable request, the police commissioner or the administrative authority of the district may authorise work on Sunday or on another day which is normally considered as a weekly rest-day. Paragraph 1 of this section provides that persons who are compelled to work on a Sunday or a day considered as a Sunday are entitled to a compensatory day of rest within the following three days. Paragraph 2 of section 17 provides that work effected on a Sunday or holiday must always be paid at double rates, except in the case of persons employed in continuous processes.

In order to obtain the right to make use of exceptions set out under section 17, employers are required to supply, together with their requests for authorisation, the proof that they paid their staff for any additional hours previously authorised and at the overtime rates set out by the legislation.

The period of holidays with pay prescribed by way of compensation for persons employed in some industries who work continuously and who are not entitled to a regular day of weekly rest can only be granted if it has been expressly approved by the directorate of civil administration services, or if it constitutes a clause in a collective agreement.

During the period under review, weekly rest was ensured regularly for all workers, and no total or partial exception was granted under Article 4 of the Convention.

There are no models of notices and registers such as are prescribed under Article 7 of the Convention. Employers are required to submit, for the approval of the higher authorities, the schedule of hours of work drawn up in conformity with the provisions of the legislation or of the duly approved collective agreement. This schedule must be communicated, together with the table showing the names of the persons employed and the hours of rest and weekly rest-day granted to them, and must be posted in a conspicuous place.

Employers' organisations and national trade unions collaborate actively in supervising the application of the provisions of Legislative Order No. 707. The control effected by the administrative authorities and by the police services with the active help of the trade union leaders ensures the application of the measures covering weekly rest. It was not possible to supply the information requested from the competent authorities with regard to decisions given by courts of law in respect of the application of the said Order.

All workers and employees in Mozambique have one weekly rest-day. Since some occupational groups are not yet formed into trade unions, it is not possible to supply exact figures regarding the number of workers protected by the legislation. No observations have been received from the employers' organisations or the na-

tional trade unions with regard to the application of Legislative Order No. 707.

*Portuguese Guinea.*

All the provisions regarding weekly hours are covered by the legislation mentioned under Conventions Nos. 1 and 17.

*Portuguese Indies.*

Legislative Order No. 1113 of 13 July 1944.

The only legislative provisions concerning this Convention are contained in section 5 of the above-mentioned Legislative Order, which provides that all commercial and industrial undertakings must remain closed on one whole day in every week. In exceptional cases and for good reasons, the administrative authority may grant a closing day other than Sunday. This section provides, moreover, that the following are exempted from these provisions: hotel-restaurants, café-restaurants, undertakers' establishments, cinemas and theatres, hospitals, nursing homes, chemists' shops and dry salteries, markets and fairs, bakeries, hairdressing establishments, distribution of daily papers, butchers' shops and ice-making factories. However, persons employed in such undertakings must have

one compensatory period of rest in every week.

Articles 1 and 3 to 7 of the Convention are not covered by any special regulations.

The supervision of the application of the above-mentioned provisions is entrusted to the administrative authorities. No decisions were given by the courts of law on this subject.

*S. Tomé and Príncipe.*

Ordinance No. 1165 of 5 June 1948.

It has not been found necessary to draw up further definitions with regard to the term "industry", since the latter corresponds to the principles laid down in Portugal. Articles 2 to 7 of the Convention are entirely covered by the above-mentioned legislative measures, the provisions of which correspond fully to those of the Convention.

No proceedings for contraventions of the regulations and legislation respecting weekly hours have been brought before the courts of law acting as a labour tribunal, whether by the administrative authorities or the Curator-General for Native Workers. All workers are protected by the legislative measures in force, which are strictly applied and observed.

**15. Convention fixing the minimum age for the admission of young persons to employment as trimmers or stokers**

*France*

*Overseas Territories.*

See General Note under Convention No. 8.

*Madagascar.*

Sections 19, 21 and 25 of the Decree of 7 April 1938 establishing native labour regulations, are applied.

*New Caledonia.*

Section 114 of the Act of 13 December 1926, establishing a maritime labour code, amended by the Act of 11 August 1942 prohibiting the employment of children under 18 years of age as trimmers and stokers, is applied although it has not been promulgated in this territory.

*United Kingdom*

Reports have been received for the following territories:

*Aden, Barbados, Basutoland, Bermuda, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, British Guiana, British Honduras, British Somaliland, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Grenada, Hong Kong, Jamaica, Kenya,*

*Federation of Malaya, Malta, Mauritius, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.*

In general, the information contained in these reports is identical with that supplied for the periods 1947-1948 and 1948-1949 and published in the summaries of reports on ratified Conventions submitted to the 32nd and 33rd Sessions of the International Labour Conference (1949 and 1950).

Any new information contained in the reports for the period under review is given below.

*Dominica.*

Legislation has been drafted to give effect to the provisions of the Convention. No observations have been received from employers' or workers' organisations.

*Grenada.*

The provisions of Articles 1, 2, 3 and 4 of the Convention have been incorporated in the legislation.

Article 5 : Vessels registered at the port of the territory are sailing craft only engaged in intercolonial trade and consequently no trimmers or stokers are registered.

No decisions were given by courts of law or other courts with regard to the application of the Convention ; no observations were received from employers' or workers' organisations.

#### *Jamaica.*

The term " ship " is defined as any sea-going vessel registered in Jamaica as a British ship, excluding craft whose ordinary course of navigation does not extend beyond the seaward limits of the jurisdiction of the harbour authority of the port at which such vessel is regularly employed so long as it is engaged in its ordinary occupation. The provisions of Articles 2, 3, 4, 5 and 6 of the Convention are covered by the legislation in force. Contravention of the Act by the master of a ship is an offence punishable by a fine. Supervision of the application of the Act is entrusted to the " Officer administering the Government " or persons appointed by him for the purpose. No observations have been received from employers' or workers' organisations. No decisions have been given by courts of law.

#### *North Borneo.*

Labour Ordinance, 1949.

From 1 July 1949 to 31 December 1949, the Convention was applied in the manner set out in the last report. Since 1 January 1950, when the new Labour Ordinance of 1949 came into force, the Convention has been applied in accordance with its provisions. The definition of " ship " in section 2 of the Labour Ordinance follows the definition of " vessel " in Article 1 of the Convention. Article 2 of the Convention is implemented by section 80 of the Ordinance, " young person " being defined by section 2. Article 3 is implemented by the provisions of section 80, which would

permit the commissioner of labour to grant the exemption allowed by the Article. The commissioner's power to exempt would be applied only in cases coming within the scope of Article 3 (a) and (b). The exemption contained in Article 4 is not reproduced in the Ordinance. Article 5 is applied by section 81. No standard form of register has yet been prescribed.

The administration of the above-mentioned legislation is entrusted to the Department of Immigration and Labour, which consists of a commissioner of immigration and labour (formerly styled the protector of labour), two administrative officers and subordinate staff. In addition, all district officers and certain other administrative officers are appointed to be assistant commissioners of labour. The application of the legislation is supervised and enforced by the department, its officers and the assistant commissioners having wide powers under the Labour Ordinance, to enquire into labour matters and to enforce the legislation. Places and conditions of work are inspected periodically by the officers of the department and by the assistant commissioners ; workers have ready access to them at all times for purposes of complaint. On 30 June 1950 there were 54 ships on the colony's register of shipping, all except nine of these being under 100 tons net register.

#### *Sarawak.*

The shipping master in Kuching and the superintendents of shipping are aware of the provisions of the Sarawak law on this point and would report to the protector of labour any case in which an attempt was made to sign on any such person.

#### *Tanganyika.*

The reference to the Employment of Women and Young Persons Ordinance now reads " Chapter 82 of the Laws ". The new Employment Bill is still in the course of preparation. Section 13 of the Ordinance is now termed section 12.

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

### *France*

#### *Overseas Territories.*

See General Note under Convention No. 8.

#### *French West Africa.*

The medical examination is compulsory and is taken at the expense of the shipowner. In addition, section 2 of the Decree of 28 May 1942 prohibits the issuing of an identity booklet allowing an African sea-

man to take service aboard a ship, the home port of which is in metropolitan France, unless the seaman has undergone a medical examination.

#### *Madagascar.*

The registration file of the seaman, the contents of which are laid down in the Decree of 7 September 1914, includes a medical examination bulletin drawn up in accordance with the provisions of the



Instruction of 7 May 1946 of the Ministry of the Merchant Navy.

*New Caledonia.*

The following provisions are applied to all registered seamen, although these provisions have not been promulgated in the territory :

Articles 8, 81, 82bis, 85 and 115 of the Maritime Labour Code ;

Decree of 25 May 1943 respecting the physical fitness of seamen, general service agents, apprentice seamen, cabin boys and pilots ;

Instruction of 25 May 1943 modified on 27 August 1943, 30 October 1944, 4 and 22 May, 4 September, 19 October and 22 November 1945 and 23 February 1946 respecting physical fitness of seafarers.

*Indo-China.*

In accordance with the provisions of section 5 of the Maritime Labour Code, the registration of seamen in the list of a crew of a ship of more than 25 gross register tons usually making sea voyages of more than 72 hours' duration is made conditional on a medical examination carried out at the expense of the ship-owner by the ship's doctor or, in the absence of a doctor on board, by a physician designated by the maritime authorities, and stating that the employment on board of the seaman examined does not endanger his health or that of the rest of the crew.

*United Kingdom*

Reports have been received for the following territories :

*Aden, Barbados, Basutoland, Bermuda, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, British Guiana, British Honduras, British Somaliland, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Grenada, Hong Kong, Jamaica, Kenya, Federation of Malaya, Malta, Mauritius, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.*

In general, the information contained in these reports is identical with that supplied for the period 1947-1948 and 1948-1949 and published in the summaries of reports on ratified Conventions submitted to the 32nd and 33rd Sessions of the International Labour Conference (1949 and 1950).

Any new information contained in the reports for the period under review is given below.

*Aden.*

Cap. 47, Laws of Aden (Section 6 and Schedule Part 6).

Articles 1-4 of the Convention are fully applied. The labour and welfare officer and assistant welfare officer are entrusted with the application of this legislation, but no inspection has yet been attempted. There are no employers' and workers' organisations.

*Dominica.*

Legislation to give effect to the provisions of the Convention has been drafted and is receiving the attention of the Government. No representations have been received from employers' or workers' organisations relative to the Convention.

*Grenada.*

Articles 1, 2, 3 and 4 of the Convention have been incorporated in the legislation.

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

*Jamaica.*

See under Convention No. 15.

*North Borneo.*

Labour Ordinance, 1949.

From 1 July 1949 to 31 December 1949, this Convention was applied in the manner set out in the last report. Since 1 January 1950, when the new Labour Ordinance came into force, it has been applied in accordance with its provisions. The definition of "ship" in section 2 of the Labour Ordinance follows the definition of "vessel" in Article 2 of the Convention. Articles 2 and 3 are implemented by section 82 of the Ordinance, the competent authority being the "Health Officer", this term being defined in section 2. There is no exemption for urgent cases, such as that envisaged by Article 4.

The application of the above-mentioned legislation is entrusted to the Department of Immigration and Labour, which consists of a commissioner of immigration and labour (formerly styled the protector of labour), two administrative officers and subordinate staff. In addition, all district officers and certain other administrative officers are appointed to be assistant commissioners of labour. The application of the legislation is supervised and enforced by the Department, its officers and the assistant commissioners having wide powers under the Labour Ordinance to enquire into labour matters and to enforce the legislation. Places and conditions of work are inspected periodically by the officers of the Department and by the assistant commissioners and workers have ready access to them at all times for purposes of complaint. On 30 June 1950,



there were 54 ships on the colony's register of shipping, all except nine of these being under 100 tons net register.

*Sarawak.*

Under section 3 of the Labour Conventions Ordinance, children under the age of 14 years shall not be employed in any public or private industrial undertakings or in any branch thereof or in any ship other than an undertaking or ship in which only members of the same family are employed.

The shipping master in Kuching and the superintendents of shipping are aware of the provisions of the Sarawak law on this point and would report to the Protector of Labour any case in which an attempt was made to sign on any such person.

*Tanganyika.*

The reference to the Employment of Women and Young Persons Ordinance should now read "chapter 82 of the Laws". The new Employment Bill is still in course of preparation. Section 14 of the Ordinance is now section 13.

## 17. Convention concerning workmen's compensation for accidents

*Belgium*

*Belgian Congo.*

Order No. 23/100 of 13 March 1950 fixing the date of coming into force of the Decree of 1 August 1949.

Order No. 23/152 of 12 May 1950 respecting the payment of a provisional contribution.

Order No. 23/153 of 12 May 1950 respecting the notification of accidents.

Order No. 23/155 of 12 May 1950 respecting the procedure for the payment of compensation.

Order No. 23/156 of 12 May 1950 respecting the scale of rates of compensation for permanent disability.

Ministerial Order of 23 June 1950 issued in pursuance of section 20 of the Decree.

Ministerial Order of 23 June 1950 issued in pursuance of Articles 17, 18, 30 and 42.

Ministerial Order of 23 June 1950 issued in pursuance of sections 14, 20, 39 and 40.

Ministerial Order of 23 June 1950 issued in pursuance of sections 17 and 19.

Legislative Order No. 23/212 of 24 June 1950 revising the Decree of 1 August 1949.

The report refers to information supplied for the last period as regards compensation payments to non-indigenous workers.

The legislation organising workmen's compensation for natives, which is contained in the Decree of 1 August 1949, came into force on 1 July 1950 and is based on the principle of a fixed compensation. An industrial accident is defined as an accident which took place during or because of the execution of a contract of employment, apprenticeship, river navigation service or probation. An industrial accident which occurs during the carrying-out of the contract is considered to be due to this, unless proof of the contrary can be given. The contract includes various aspects: the compensation is limited to two thirds of the remuneration calculated on a maximum of 60,000 francs per year. Only material damage is compensated. The employer or the appointed insurer is responsible even in the absence of any fault on his part. No compensation is payable, however, in the case of wilful misconduct of the victim. During the first two years of disability the compensation

is not paid in accordance with the rules applying to industrial accidents but in accordance with those contained in the legislation on the contract of employment. This provision is designed not to overburden the application of the workmen's compensation legislation through the inclusion of minor disabilities. No advantage is taken in the legislation of the exceptions provided for in paragraph 2 of Article 2 of the Convention. The legislation applies to all persons hired under a contract of employment or of apprenticeship; it covers contracts for river navigation service, as well as probationary contracts, including those without remuneration. The Decree includes domestic servants, unless their employers are covered in respect of other workers by the obligation to insure. No distinction is made between manual and non-manual workers. The rate of compensation is fixed in relation to the daily remuneration of the victim or of a fraction of the latter not exceeding 60,000 francs per year and on the following basis: temporary and total disability: two thirds of the daily remuneration; temporary and partial disability: two thirds of the daily remuneration multiplied by the coefficient of disability; permanent and total disability: an annual payment equal to two thirds of the annual remuneration; permanent and partial disability: an annual payment equal to two thirds of the annual remuneration multiplied by the coefficient of disability; for all disabilities: medical, surgical, pharmaceutical and hospitalisation expenses are payable until the expiration of the period of review. The same applies to artificial limbs and surgical appliances which are recognised to be indispensable. The dependants receive the following compensation in case of the death of the victim due to an accident or sickness: wife: 20 per cent. of the annual basic pay; children: 15 per cent. of the annual basic pay, with the maximum equal to the pension which would have been awarded to the victim in the case of total disability.

The exceptions provided for in Article 3 of the Convention have not been introduced.

The compensation payable in case of accident resulting in death or an accident resulting in a permanent disability is paid to the victim or his dependants in the form of a pension. The compensation may be paid in the form of a lump sum when the degree of disability is less than 15 per cent. or when the victim or his dependants take up residence abroad without any intention of returning. In the first case, no authority need intervene to decide on the payment of a lump sum; in the second case, the consent of the Territorial Administration must be obtained.

The compensation is payable as from the 61st day following the beginning of the disability. During the first 60 days the compensation is at the expense of the employer, in accordance with the provisions respecting the contract of employment. Compensation is paid by the employer who is under obligation to carry insurance. The Colonial Disability Fund is entrusted with the payment of compensation. Employers have the right, however, to set up mutual or joint funds on a non-profit basis.

When the condition of the victim calls for the constant help of another person, the judge may grant, for so long as this help is indispensable, an additional annual compensation amounting to not more than one quarter of the regular compensation.

Any agreements entered into between the victim and the Colonial Disability Fund or the mutual and joint funds, are submitted to the court of first instance for confirmation. If there is disagreement between the parties, the dispute is submitted to the courts. A petition for review of the indemnity is possible during three years reckoned from the date of the final decision or agreement between the parties. The petition may be made at any time during the period of review.

The victim is entitled to medical, surgical and pharmaceutical care until the expiration of the period of review. This care is at the expense of the employer or of the appointed insurer.

The victim is entitled to artificial limbs or surgical appliances which are considered indispensable and to their replacement or renewal after normal use. The granting of artificial limbs and surgical appliances may be disputed by the employer or the appointed insurer. There is no provision for replacing the supply of artificial limbs and surgical appliances by compensation in cash. The carrying out of the above obligation is supervised by the courts.

In the case of insolvency of the employer or insurer, the Colonial Disability Fund is entrusted with guaranteeing the payment of compensation to the victims of accidents and their dependants.

The authorities in charge of the application of this Decree and of its supervision

are the Administrator of the territory, the labour inspection service and the courts. In view of the recent enactment of this legislation, it is not possible to give statistical and other data on its application. The Decree came into force on 1 July 1950.

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

### *France*

#### *Guadeloupe.*

Decree of 19 July 1925 concerning the application of the Act of 9 April 1898 to the Antilles and Réunion Island.

The provisions of this Decree were applicable to all foreigners to whom an industrial accident occurred in the Department and whose Governments ensured reciprocal treatment to French nationals living in their country under the same conditions as were granted to their own nationals. The Decree of 19 July 1925 continued in general application until the publication in the Department of the Decree of 2 August 1949 under which the new legislation applicable to France was extended to the Overseas Departments; however, in practice, the old scheme concerning industrial accidents is still applied, except in a few cases where employers apply to their workers the more advantageous provisions of the new scheme.

#### *Martinique.*

The Decree of 19 July 1925, extending to Martinique the provisions of the Act of 9 April 1898.

Act No. 49-1104 of 2 August 1949, extending to Martinique the provisions of the Act of 30 October 1946 respecting the prevention of, and compensation for, industrial accidents and occupational diseases.

Rules for applying the last-named Act are still under consideration at Government level. The same Act provides for readjustment of annuities granted for industrial injury.

The application of the Convention is entrusted to the same authorities as in France, under the provisions of the Act of 1898.

No judicial decisions have been given relating to the application of the Convention.

The application of the Convention extends to about 23,000 wage earners. Figures of the amount of cash benefits and benefits in kind cannot be given because of the overlapping of agricultural, industrial and commercial occupations (available statistics include agriculture). About 60 per cent. of the total benefits granted were in cash. Accidents reported total 2,964, of which 2,922 resulted in temporary incapacity, 40 in permanent incapacity and two in death. It is impossible to estimate the cost of applying the legislation without examining the

accounts of the private insurance companies.

No observations have been received from the employers' or workers' organisations concerned regarding the principles of the legislation, but some complaints regarding scales of annuities for injury have been lodged.

#### *Réunion.*

Act of 3 April 1898 respecting workmen's compensation for accidents.

The total number of wage earners covered by the general legislation respecting workmen's compensation for accidents is about 18,000.

Expenditure on cash benefit represents 20 million francs C.F.A. according to information supplied by the insurance companies, *i.e.*, an average of 1,110 francs C.F.A. for every wage earner covered by the legislation.

The sugar refineries provide their injured employees with medical aid, administered by the practitioner attached to the establishment, and with medicines. According to information supplied by the refineries, total expenditure on benefits in kind is about 5 million francs C.F.A., *i.e.*, an average of 280 francs C.F.A. for every wage earner covered by the legislation.

During the year 1949, 1,466 accidents were reported, of which six resulted in death (four deaths in one motor accident), 73 in permanent partial incapacity and 1,387 in cessation of work with temporary incapacity.

#### *Cameroons.*

Decree of 7 January 1944, to issue regulations governing native labour in the French Cameroons (sections 36-45) (L.S. 1944—L.N. 1).  
Order of 14 February 1944 (sections 37-40).  
Decree of 23 August 1945 (sections 77-84).

The first two of these texts apply to native workers, the third to Europeans and assimilated persons. Compensation is granted in the form of benefits; pensions are paid only in the case of serious accidents in which Europeans are involved. However, the pension system tends to be used increasingly by the insurance companies which, in this respect, apply the national legislation. Employers make increasing use of the insurance companies when they are liable for compensation. The victims of industrial accidents are thus protected against the risk of insolvency of the employers.

Employees hired under contract by the administration are also covered by the pension system.

In the case of native workers, this system, in spite of its advantages, can be applied only with difficulty because of the primitive nature of the civil registers, the instability of the workers and the absence of written contracts. Supervision would

be practically impossible in these circumstances.

However, the Government is making attempts to bring the provisions of the legislation into conformity with those of the Convention and is waiting for an appropriate opportunity to ensure such conformity through the enactment of special legislation on compensation for industrial accidents.

The application of the above-mentioned legislation concerning compensation for industrial accidents is entrusted to the administrative and judicial authorities. The supervision of this application is carried out by the labour inspectorate.

#### *French Equatorial Africa.*

Section 3 of the Decree of 4 May 1922 concerning the labour system in French Equatorial Africa.

Sections 11 and 33 of the Order of 21 December 1931, to administer the above Decree.

The employer is responsible for injuries suffered by day labourers while present at their places of work in working hours. His liabilities in this respect are the same as those which he assumes in respect of recruited workers. He is also responsible for injuries suffered by regular employees while present at their places of work during working hours. If the injury is such as to permit the eventual resumption of work, the employer must defray the cost of medical aid administered to the employee, either by a medical practitioner attached to the undertaking or by a hospital unit under the direction of the administrative authorities. While unfit for work the employee draws half pay; the full rate is payable if he is not treated in a hospital unit. If the injury results in permanent incapacity, the employer is required to pay compensation the amount of which is determined privately between the parties. In case of dispute, the matter is referred to the arbitration board.

In the absence of a procedure for compulsory notification, the statistics of industrial accidents—47 during 1948 for the territories of the Middle Congo, Gaboon and Chad—did not account for the large number of such accidents even in a country so little industrialised as French Equatorial Africa. This gap has now been filled by an Order of 28 June 1950 laying down rules for notification of, and enquiry into, industrial accidents; notification is henceforth compulsory. Compulsory notification leads logically to the idea of compulsory adjustment of claims before the labour inspector, who makes such proposals regarding compensation as he considers fair to the parties. Such mediation by the labour inspector must precede any eventual court action and is governed by section 5 of the Order mentioned above, which provides that "the labour inspector shall fix the compensation which may be payable for injuries resulting from the accident".

Workmen's compensation for accidents is payable to Europeans as well as to Africans for degrees of invalidity estimated by the medical officer.

Thus the principle of compensation for industrial accidents is explicitly stated for the 193,000 or so wage earners of French Equatorial Africa, irrespective of race or occupation.

Compensation rates may not, however, be fixed by the authority competent to issue Regulations, which may intervene in this matter only on the invitation of the legislator. However, in fixing rates consideration is given to certain guiding rules followed by the labour inspectors in carrying out their conciliatory functions described above.

The basis for these guiding rules, as regards African workers, is the rate-for-the-job system adopted in the Decree of 18 June 1945 which was to institute a Native Labour Code, but which was destined not to come into force.

Due account is taken in these rates of the deduction of 10 days at full pay for each degree of invalidity and of 500 days in the case of death when calculating compensation for industrial accidents. This compensation is made in the form of the payment of a lump sum to the victim or his survivors (parents or children); the labour inspectors and chiefs of administrative units try to invest this sum for the benefit of the victim or his survivors either in the deposit and consignment office, the saving funds or in the form of land or livestock.

Parallel with this type of compensation the labour inspectorate is occupied in ensuring for wage earners the benefit of the compensation rates in force in France. This system, which is intended to make up for the temporary lack of legislation, is based on jurisprudence which, in accordance with the theory that contracts are governed by French nationality, included, in a first stage, within the scope of the metropolitan legislation, wage earners employed overseas when the injured person was engaged in France by an undertaking having its head offices in France.

These conditions, laid down by the Supreme Court of Appeal, were limited, in a second stage, to a requirement respecting the head offices in France regardless of the requirement that the person should have been engaged in France. Finally, an award of the Court of Appeal of Dakar of 14 January 1949 introduced a third and doubtless final stage before the intervention of the legislator, by granting the benefits of metropolitan legislation regarding industrial accidents to an employee engaged in French West Africa on the grounds that he had been born in France.

The application of the compensation rates in force in France assumes the granting of compensation in the form of pensions, which are paid all the more easily since the number of Europeans to whom

accidents occur is very small; such persons are entered in the registry office and legally domiciled.

The compensation described above is not supported at present by a compulsory insurance scheme, nor is it distributed, according to the importance of the undertakings, among compensation funds. However, the scheme is to be completely modified under the terms of a Bill at present being examined which will establish, in accordance with rational guiding principles, methods of compensation for industrial accidents occurring to European and African wage earners in the overseas territories of the French Union.

#### *French Establishments in India.*

Sections 63 and 65 of the Decree of 6 April 1937.

Order of 26 November 1941.

These provisions are strictly applied and are in harmony with the spirit of the Convention.

#### *French Settlements in Oceania.*

There exist no Regulations on the compensation of industrial accidents in the territory. A draft Decree establishing a special preventive system was submitted to the Department in June 1950 and is based on the French Act of 1898.

This text will apply to workers and employees in the building industry in plants, factories, construction yards, workshops, inland transport undertakings, water transport undertakings, public stores and certain commercial undertakings, as well as to agricultural undertakings using explosive materials or machinery.

The benefits provided for in case of accidents causing death or permanent disability are lump-sum payments rather than a pension. The daily benefit is paid starting with the fifth day following the accident and is payable by the employer.

Pending the official coming into force of this system, the employers of the territory give the following benefits to the victims of industrial accidents: in the case of death by accident, two years' salary; in the case of total disability, two years' salary; in the case of partial permanent disability, one year's salary; in the case of total temporary disability, two thirds of the weekly salary during 26 weeks and one third for 26 further weeks; in the case of total temporary disability caused by one of the 30 prevalent sicknesses, the same benefits as for total temporary disability due to an accident. These benefits are freely granted by the employers and are covered by the insurance companies.

#### *Madagascar.*

Sections 62 to 66 of the Decree of 7 April 1938.

Any fatal accident, or accident likely to result in an incapacity for work of over

eight days, must be reported by the employer or his substitute within three days of its occurrence to the head of the district or station. All measures must be taken by the employer in order to ensure for the victim of the accident the care necessitated by his condition.

Any accident which occurs to an indigenous worker, whether or not by his mistake, in the course of and as a result of his work, entitles the victim, unless he caused the accident by a wilful act, to an allowance equal to his entire wages for the first five days of incapacity and to half his wages from the sixth day and for a maximum period of 60 days. When the incapacity for work extends beyond 60 days, the procedure for the fixing of compensation due in case of death or permanent incapacity is applied.

The administrative authority to whom an accident is reported proceeds immediately with an enquiry.

In case of death or any permanent incapacity, whether total or partial, established by the medical authorities, the employer proposes the amount of compensation to be paid. If this proposal is accepted by the victim or his survivors, the payment of the sum to the latter is carried out through the administrative authorities. In case of dispute or where the compensation offered is considered to be insufficient by the head of the district, the file is forwarded by the latter to the competent jurisdictional authorities.

The local regulations apply in the widest possible manner and only authorise the few exceptions laid down in French legislation. All accidents occurring to "wage earners", as covered by the classical definition given to this term, are covered by the regulations.

Agricultural workers also come under the local regulations.

The possibility of paying the allowance in the form of a lump sum is provided for under certain reservations and is subject to the opinion of the labour inspector, in virtue of the terms of the above-mentioned circular.

Compensation in cases of incapacity is granted as from the sixth day following the accident and is paid by the employer or by the insurance company to which the latter is bound.

No provision has been made regarding this question, in view of the local customs and traditions, but the labour inspectorate ensures that supplements are granted in such cases.

It is provided that a request for the revision of an invalidity rate should also entail a revision of the pension.

This provision is covered by the regulations. The employer is liable for assistance due to victims of industrial accidents and he must reimburse the administration of the territory for any expenses which the latter may have been called upon to make.

The opinion of the doctor prevails in such cases. If he prescribes the supply

or the renewal of prosthetic or orthopaedic apparatus, these must be supplied by the responsible employer.

It is unusual that compensation to victims of industrial accidents or to their survivors should not be paid; in some cases, particularly if there is some doubt, the labour inspectorate takes all the necessary guarantees in this respect.

Supervision is effected at all administrative levels under the guidance and initiative of the labour inspection services. As a rule, compensation for industrial accidents does not give rise to disputes and the scales are applied in the widest sense. Up to the present no such cases have come before courts of law.

All "wage earners" in private or public employment are entitled to compensation; thus 185,614 wage earners of either sex are covered in Madagascar and 9,556 wage earners are covered in the Comoro Islands.

The report gives a table showing the number and nature of the 1,376 accidents which were reported in the different branches of activity of the territory.

No observations regarding the practical application to Madagascar of the provisions in force with regard to compensation for industrial accidents have been received from the employers' and workers' organisations concerned.

#### *New Caledonia.*

Decree of 15 May 1930, to issue public administrative Regulations respecting liability for industrial accidents (L.S. 1930—Fr. 9), as amended by the Decree of 26 May 1934.

The Decree of 15 May 1930 includes within its scope only industrial and commercial undertakings. The Decree does not include domestic workers or persons carrying out occasional labour outside the undertaking, but does not exclude the other workers covered by the exception authorised under Article 2 of the Convention.

Compensation due in case of an accident which results in death or which causes permanent incapacity is payable to the victim or his dependants every three months or at the end of a given period, in accordance with the methods provided for by section 4 of the Decree. Since these benefits are not transferable or liable to attachment, they may not be paid to any other person; only pensions under the very small annual amount of 100 francs may be commuted for a lump sum, according to the official scale specified in section 22 of the Decree. In the case of a pension, for permanent incapacity, the victim is entitled to request payment in kind up to a maximum of one quarter of the capital necessary for the constitution of the pension. There is no requirement regarding a guarantee of the proper use of this payment in kind.

Compensation in case of temporary incapacity is payable as from the fifth day after the date of the accident if the incapacity for work lasts 10 days at the

most. For a longer period, the daily rate of compensation is payable as from the first day after the accident. This compensation is in all cases at the expense of the employer, who is free to contract individual insurance. No official accident insurance systems exist in the territory. There is no provision at present for special bonuses when the incapacity of the victim necessitates the attendance of another person.

Industrial accidents causing incapacity must be reported within four days to the administrative authority, under penalty of a fine. The labour inspector and the officials of the judicial police are entrusted with the supervision of these reports.

The amount of compensation is fixed by the judicial authority. It has therefore not been necessary to take special measures to supervise the fixing of the amount of compensation. The revision of these amounts may be carried out in the same way as for the fixing of the original sum.

The employer is alone responsible for the expenses of medical, surgical and pharmaceutical assistance as well as, if necessary, hospitalisation or funeral expenses, in accordance with the provisions of section 5 of the Decree. This assistance continues throughout the period of interruption of work caused by the accident. No provision is made at present for the granting of artificial limbs and appliances, unless their use has been prescribed as a remedy, previous to the healing of the injury. In case of the insolvency of the employer, the payment of a pension is ensured by a special guarantee fund provided for in sections 25 to 30 of the Decree.

The amount of benefits is fixed by the judicial authorities after due enquiry. The labour inspector and the officials of the judicial police are responsible for verifying the claims made in this connection.

No judicial decisions were given during the period under review, with the exception of awards fixing the amount of pensions.

No contraventions of the regulations in force were noted during the period under review; these regulations are well known to the beneficiaries and may be considered as being strictly applied.

The following workers are covered by the regulations: 750 in public utility services; 1,390 in mining industries; 2,370 in other industries and transport, and 1,470 in commerce, *i.e.*, approximately 5,980 persons out of a total working population of about 10,100.

No observations were received from the employers' and workers' organisations concerned. Copies of the report have been communicated to the representative organisations.

#### *St. Pierre and Miquelon.*

Decree No. 656 of 31 October 1949.

A scheme of accident insurance for workers was established by Decree as from

1 November 1949. In case of accident resulting in temporary incapacity, insured persons receive compensation at the rate of 200 francs C.F.A. per day. In case of permanent incapacity or fatal injury, an annuity is paid to the injured person or to his widow and orphans under the same conditions and at the same rates as provided for in the Act of 30 October 1946 respecting the prevention of, and compensation for, industrial accidents in France, except that it is calculated on the basis of a nominal monthly wage equal to 60 times the amount of the daily benefit, *i.e.*, 12,000 francs C.F.A. at present. In all cases, the cost of medical, surgical, pharmaceutical and accessory aid is defrayed. In the case of deceased workmen, 6,000 francs C.F.A. compensation for funeral expenses is paid to the family.

This compulsory insurance scheme is financed by employers' contributions ranging from 2 to 4 per cent. of the wages paid.

Insurance against industrial accidents is compulsory for practically all the wage-earning and salaried workers of the territory (dockers, fish-dryers, employees of the administrative authorities and the communes, wage earners and labourers employed by private enterprise, and finally employees in commerce and industry and persons on the same footing).

#### *New Zealand*

##### *Cook Islands and Samoa.*

See under Convention No. 12.

#### *Portugal*

See the introductory note to Convention No. 1.

Reports have been received from the following territories: *Angola, Cape Verde, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, S. Tomé and Príncipe and Timor.*

A summary will be found below of the additional information contained in these reports which otherwise repeat the information analysed in the Summary of Reports laid before the 33rd Session of the Conference.

#### *Angola.*

The legislation concerning industrial accidents covers all workers working for another person and employed in carrying out public or private work. No legislative measures have been taken as regards paragraphs (a), (b) and (c) of Article 1 of the Convention, since the persons concerned are not considered as working for another person. As regards paragraph (d), Act No. 1942 makes no distinction between manual and non-manual workers and fixes the maximum earnings for the calculation of compensation at 50 angolas. Since the above-mentioned Act makes no distinction as regards the type

of work and occupation of workers employed by another person, seamen and fishermen come under the general scheme for protection against industrial accidents which covers all agricultural workers in the same way as industrial workers and commercial employees.

In the case of an accident followed by death, compensation in the form of a pension is paid to the survivors of the victim. The pension fixed for the widow amounts to 25 per cent. of the annual wage for the whole period of widowhood; however, the widow loses this right if she lives in concubinage or in immoral circumstances. If she re-marries she receives a lump sum equal to three annual pension payments.

Compensation for permanent incapacity is paid to the injured person in the form of a pension. The commutation of pensions which do not exceed 240 angolares per annum is authorised if the parties are in agreement or, in the case of pensions not exceeding 120 angolares, if one of the parties makes such a request. In either case, however, commutation is only valid after confirmation is given by a judge who may refuse it if he believes that the pensioner will not use the lump sum as advantageously as the commuted pension. The lump sum resulting from commutation must be equivalent to 85 per cent. of the actual value of the commuted annuity, calculated in the manner prescribed by the Act.

Compensation and pensions are paid by the employer or by the insurance institutions to which the latter may have transferred his responsibility. The law makes no provision for the granting of additional compensation to persons injured in an accident who require the constant assistance of another person. In such a case, when it appears necessary, injured persons are helped under the public assistance scheme.

Hospitals, persons responsible for the direction of various autonomous administrative bodies, and all State services are required to communicate immediately to the labour tribunal the reports concerning supervision as regards the revision of compensation.

Medical, surgical and pharmaceutical assistance is due as from the day on which the accident occurs until the day when the victim has completed his treatment. Assistance is due by the employer or by the insurance institution to which the latter may have transferred his responsibility.

The injured person is entitled to the supply and the regular renewal, at the expense of the employer or the insurance institution, of artificial limbs and surgical appliances, or to additional compensation equivalent to the probable cost of these appliances. The conditions under which these provisions are applied have not been covered by any special regulations and

no measures of control have been taken to this effect.

The legislation makes no provision for the payment of compensation or of a pension to persons injured in industrial accidents in the case of the insolvency of the employer or the insurer. In such cases the public assistance scheme looks after the injured person and gives him the care recognised as necessary.

The application of the legislation and regulations is entrusted to the employers, to the directors of autonomous administrative bodies, to the responsible chiefs of the various State services, to harbour-masters and to hospitals; they are required to inform the tribunals of any accident which may occur. The supervision of the application of these provisions is ensured by the above-mentioned services.

The information referred to in Points IV and V of the report form is not available in view of the absence of services organised to this effect. No observations have been received from the employers' and workers' organisations regarding the practical application of the provisions of the legislative texts regarding the subject matter of the Convention.

#### *Cape Verde.*

Act No. 1942 of 27 July 1946, regarding the right to compensation in cases of industrial accidents or occupational diseases.

Decree No. 31,464 of 12 August 1941.

Decree No. 31,465 of 12 August 1941.

Ministerial Ordinance No. 10,698 of 6 July 1944.

Legislative Order No. 10,049 of 5 August 1950, to amend Legislative Order No. 12 of 27 April 1927.

Legislative Order No. 12 sets out the various categories of persons entitled to compensation in the case of industrial accidents.

Compensation is paid in all cases by the employer as from the day on which the accident occurred.

Section 100 of Decree No. 31,464 establishes measures regarding the revision of pensions.

Medical, surgical and pharmaceutical assistance is due by the employer.

Article 11 of the Convention is covered by section 55 of Decree No. 31,464.

The application of the legal provisions regarding compensation for industrial accidents is entrusted to the administrative and judicial authorities; the latter only intervene when the competent administrative authority has failed in its efforts for conciliation.

Very few decisions are given by courts of law. During the period under review, there was only one case of an attempt at conciliation. The services concerned have no statistical information and no inspection reports or other data in this respect. There were no observations regarding the practical application of the relevant provisions.



*Mozambique.*

Decree No. 14,054 of 6 August 1927.

Ministerial Ordinance No. 10,698 of 6 July 1944, to apply to the Portuguese possessions the code of labour tribunal procedure (Legislative Decree No. 31,646 of 12 August 1941).

In virtue of sections 101 and 105 of the code of labour tribunal procedure, the commutation of pensions is authorised. The competent authority in deciding the conversion into a lump sum is the judge of the labour tribunal. Where commutation may only be authorised through an agreement between the parties, and if one of the parties makes such a request, the judge of the labour tribunal will consider commutation to be inadmissible if the other party, having been duly informed, is opposed to such an action. In cases where the commutation of a pension may be authorised at the request of one party, the judge of the labour tribunal is required to request the opinion of the Public Ministry and may undertake an enquiry by all the means at his disposal regarding the use which the pensioner will make of the lump sum equivalent to the commuted pension. If the information submitted to the judge does not convince him that the said use will be reasonable, he may refuse to give his permission.

The employers responsible in the case of industrial accidents may transfer their responsibility to institutions which are legally authorised to insure against this risk.

The legislation makes no provision either regarding Article 7 of the Convention or regarding the special measures for supervision dealt with in Article 8.

The revision of compensation is established under terms likely to prevent abuse.

No provision is made regarding the granting of additional compensation representing the probable cost of the supply and renewal of surgical appliances.

The procedure for the revision of pensions prevents abuse.

Compensation for temporary incapacity is paid at the place, day and hour at which the employer pays his workers. Pensions due in the case of death or of permanent incapacity are paid once a month in the same place. Moneys relating to compensation due for industrial accidents are not distrainable.

Contracts or agreements concluded between employers and workers and which aim at the renunciation, reduction or liquidation of compensation fixed in the above-mentioned regulations are null and void.

Employers who have failed to communicate to the labour tribunals a report regarding a specified accident are liable to fines.

The absence of an inspection service has not been felt.

The information requested from the competent authorities as regards decisions given by courts of law in respect of the application of the general regulations con-

cerning industrial accidents was not supplied early enough to be included in this report. The services concerned are not in a position to supply the information referred to under Point V of the report form; this was due to the fact that, on the one hand, some occupational groups have not yet been formed and, on the other hand, to the fact that information requested to this effect from the courts of law had not yet been received. A list of the proceedings before the courts concerning industrial accidents is attached to the report. No observations have been received from employers' organisations or from national trade unions in respect of the practical application of the legislation in force.

*Portuguese Guinea.*

Decree No. 27,552 of 1937 regarding the application to the Portuguese possessions of the National Labour Statutes, promulgated by Legislative Decree No. 23,048 of 27 September 1933.

Legislative Decree No. 34,464 of 12 August 1941, to approve the code of labour tribunal procedure.

Ministerial Ordinance No. 11,855 of 27 May 1947, to apply to the Portuguese possessions Legislative Decree No. 27,649 of 12 April 1937 regarding the application of the provisions of Act No. 1942.

The legislation in force is in harmony with the provisions of the Convention.

The report supplies detailed information regarding Act No. 1942, the provisions of which correspond as a whole to those set out in the reports for Angola and Cape Verde.

The application of the above-mentioned legislation and regulations is entrusted to the administrative and judicial authorities; inspection in places of work is carried out by the administrative authorities.

There were no industrial accidents giving rise to decisions by courts of law. As regards Point V of the report form, the report states that the services concerned are not organised in such a way as to enable the supply of the information requested.

There are no representative associations or trade unions of employers or workers.

*Portuguese Indies.*

Act No. 1942 of 25 July 1936, concerning the right to compensation in the case of industrial accident or occupational disease.

Legislative Decree No. 27,165 of 10 November 1936, to amend section 36 of Act No. 1942 respecting the fixing of basic wages for the purpose of calculating compensation to be granted to persons injured in industrial accidents (L.S. 1936—Port. 2 A, B).

Decree No. 27,649 of 12 April 1937, concerning the application of Act No. 1942.

The above-mentioned legislation has been in force since 1945 and its application is ensured by the labour tribunals.

There are no representative workers' organisations and the only employers' organisation is the commercial association of Goa.



*S. Tomé and Príncipe.*

Ordinance No. 1403 of 19 May 1950.

As regards the observation made in 1950 by the Committee of Experts in respect of workers from other Portuguese territories, see the report for the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19).

In order to ensure a perfect control of the application of the principles contained in the Convention, the medical supervision of agricultural workers has been made more thorough by means of the above-mentioned Ordinance. In virtue of its provisions, doctors entrusted with this supervision are nominated by the Government and must register in a special book, drawn up to this effect in each estate or centre of work, all accidents which occur in these places. The following data must be included in the register: the name of the person injured in the accident, the nature of the accident, the type of injuries received, the treatment and its results and the communications forwarded to the authorities responsible for this control. This book may be examined by the State authorities when they carry out their frequent inspection visits to the places of work.

During the period from 1 October 1949 to 30 September 1950, 70 cases were brought before the courts regarding compensation for industrial accidents occurring in rural employment; sentences were given in 32 cases. Accidents occurring in industrial workplaces as such are extremely rare.

*United Kingdom*<sup>1</sup>*Aden.*

Workmen's Compensation Ordinance, Laws of Aden, Chapter 143.  
Workmen's Compensation Rules, 1940.

Article 1 is applied by the Ordinance. The exceptions provided for in Article 2 are covered by the Ordinance, the limit of remuneration for persons employed otherwise than by way of manual labour being 500 rupees a month. Seamen and fishermen are not specifically excluded. Persons in the naval, military or air service of the Crown, and persons in the civil employment of His Majesty otherwise than in the Government of the colony (who are covered by regulations governing civilian employees) are not covered by the Ordinance. There is no agriculture in Aden. Compensation is paid as a lump sum to be "invested, applied or otherwise dealt with for his (*i.e.*, the beneficiary's) benefit as the Court thinks fit". No date for payment of compensation, which is payable by the employer, is specified in the Ordinance. There is no provision in the Ordinance concerning Articles 7 and 10. Periodical payments in cases of temporary inca-

capacity may be reviewed by the court on the application of either employer or workman. There is no provision as regards Article 9, but medical and surgical aid is provided free in the Civil Hospital. Article 11 is covered by section 26 of the Ordinance.

The Court of Small Causes is responsible for the application of the legislation. There is no regular inspection. There is no system of accident insurance for workers. Claims are made individually at court by the injured workers. In 1949, the total benefits paid amounted to 12,523 rupees, an average of 1,391 rupees per person. Nine cases were dealt with by the court during the year. There are no organisations of employers or workers.

*Barbados.*

Workmen's Compensation Act, 1943-2.  
Workmen's Compensation (Amendment) Act, 1943-40.  
Workmen's Compensation Regulations, 1945.  
Workmen's Compensation (Amendment) Act, 1949 (1950-2) (this Act has not yet been proclaimed).

The categories of persons excluded from the scope of the application of the legislation are the four exceptions set out in Article 2, and persons in the civil employment of His Majesty otherwise than in His Government of the colony; persons in the naval, military or air forces of the Crown; members of the police force; and domestic servants employed in private houses. The law contains definitions of "out-workers" and "members of the employer's family". "Casual work" is interpreted in accordance with English Case Law. The limit of remuneration fixed in order to determine the sphere of application to non-manual workers is £250. Seamen on ocean-going ships are covered by such parts of the relevant provisions of the Merchant Shipping Acts, 1894 to 1921 as apply to Barbados by Order-in-Council. There is no statutory provision in respect of persons covered by any special scheme. Agricultural workers are not excluded. In cases of accident resulting in permanent incapacity or death, compensation is payable to the injured person or in the latter case to his dependants in the form of a lump sum, under the Workmen's Compensation Act, 1943-2. There is no provision for payment in the form of a pension. In addition to these two cases, either the employer or the workman may apply to the Judge of the Assistant Court of Appeal for the redemption under certain conditions of half-monthly payments by the payment of a lump sum. A date for the payment of compensation is only fixed in cases of temporary total or partial disablement. In this connection, the Ordinance of 1943 provides that a half-monthly payment shall be payable on the 16th day from the date of the disablement, and thereafter half-monthly during the disablement or during a period of five

<sup>1</sup> Voluntary reports.

years, whichever is the shorter. The employer is liable to pay the compensation, and it is compulsory for him to insure against liability with an accident insurance company. The employer is not liable in respect of a slight injury and certain forms of misconduct. Parts of the administration of the Act are the peculiar concern of the Judge of the Assistant Court of Appeal. Provision for review only obtains in respect of whether or not there has been any change in the condition of the workman, and is restricted to cases where compensation is paid in half-monthly instalments.

There is no provision in the Act regarding Article 9, except that if an employer offers to have an injured workman examined free of charge, the workman must submit himself for such an examination. Article 10 is not applied. Article 11 is applied in so far as a bankrupt employer is concerned, but there is no provision to meet the case of an insolvent insurer.

The application of the legislation is entrusted to the Judges of the Assistant Court of Appeal, the Labour Commissioner in respect of claims coming from Government employees, the Director of Medical Services, and the Clerk of the Assistant Court of Appeal. Apart from the provisions of the Act and the Regulations, there is no administrative machinery to ensure enforcement of the compulsory insurance provisions. Enquiries into the actual working practice of the statutory provisions reveal no ground for complaint. The organisation of the system of accident insurance for workers is outlined in detail in Regulation 51 of Regulations made under section 37 of the Workmen's Compensation Act, 1943.

Excluding seamen and fishermen, the total number of workmen, employees and apprentices employed at the end of 1948 by all enterprises, undertakings and establishments was 67,000. This number includes agricultural workers, all of whom are eligible for benefit. It is not possible to furnish a figure in respect of the number of workmen, employees and apprentices covered by the general provisions regarding workmen's compensation. This is due to the statutory engagement in a number of industries of workers who, though not regular, are not strictly speaking casual, and to the reluctance of some employers to insure all workers covered by this latter and somewhat uncertain category. The total cost of benefits in cash during the period under review was £2,223, representing an average cost of £4 per person. There is no provision for the payment of compensation in kind. The total number of accidents reported was 504, of which seven were fatal. The report has been communicated to the Barbados Sugar Producers' Federation, the Shipping and Mercantile Association of Barbados, and the Barbados Workers' Union.

#### *Basutoland.*

Proclamation No. 4 of 1948, as amended by Proclamation No. 63 of 1948.

The Convention is applied in Basutoland by the above-mentioned legislation.

Under section 1 (2) of the Proclamation, Article 1, paragraph 1 may be applied as regards any employment in any region of Basutoland. The Proclamation does not apply to non-manual workers whose wages exceed £500 a year, (a) persons whose employment is casual and who are not employed in the trade or business of the employer, (b) out-workers, (c) members of the employer's family dwelling in his house or (d) any class of persons declared by Notice of the High Commissioner in the official Gazette not to be workmen. The term "out-worker" and "member of the family" are defined in section 2 of the Proclamation, and "casual employment" in section 1 (2) (b).

Basutoland is an inland territory. Persons employed in the service of the Government of Basutoland and holding offices carrying a pension are covered by Proclamation No. 1 of 1950.

The form in which compensation shall be payable is left to the discretion of the courts.

No compensation is payable in respect of the first seven days of incapacity. It is the employer who is liable for payment of compensation for accident.

Section 17 of the Proclamation provides for review of periodical payments by the courts; section 19 defines the jurisdiction of the courts.

Section 14 of the Proclamation deals with medical examination and treatment of workmen. The nature and duration of such medical treatment is not specified in the Proclamation. It is the employer who must bear the cost of treatment.

The legislation contains no specific provision for the supply of artificial limbs and surgical appliances.

Section 25 of the Proclamation provides for cases of insolvency of employers.

The Proclamation has not been applied to any profession in the interior of Basutoland, since the territory has no industries.

#### *Bechuanaland.*

Workmen's Compensation Proclamation, No. 28 of 1936.

Workmen's Compensation (Amendment) Proclamation, No. 51 of 1948.

Workmen's Compensation (Amendment) Proclamation, No. 39 of 1949.

Workmen's Compensation Rules (High Commissioner's Notice, No. 182 of 1936).

The Proclamation empowers the High Commissioner to apply its provisions to all types of employment except the following: persons whose employment is of a casual nature and not connected with the employer's trade or business, provided that such persons are not employed for the purposes of any game or recreation,

engaged or paid through a club ; out-work-ers, that is, persons to whom materials are given to be processed in premises not under the control of the person supplying such materials ; members of the employer's family dwelling in his house ; and any class of persons whom the High Commissioner may by Notice declare not to be workmen.

So far the Proclamation has been applied only to employment at or about a mine, but consideration is now being given to its application to many other categories of employment. There are very few industrial establishments in the Protectorate.

Compensation for death or permanent injury is payable as a lump sum and not as an annuity. This form of compensation is better suited to the native inhabitants of the territory since it enables them to buy livestock, which is the means of subsistence of 95 per cent. of the population. Periodical payments are prescribed for temporary incapacity. In case of dispute regarding the amount of compensation payable, the courts are empowered to fix the sum.

In the case of temporary incapacity, compensation is payable by the employer as from the eighth day after the injury.

There is no provision for the payment of additional compensation in cases where the injured person must have the constant help of another person.

The application of the legislation is supervised by the district commissioners and the courts. The latter may review the amount of compensation within the limits laid down by the Proclamation.

Proclamation No. 38 of 1949 requires employers to maintain first-aid services and appliances for their workmen, to have injured workmen taken home, or to hospital where necessary, and to defray reasonable medical expenses up to a total of £100 for a maximum period of one year. An injured workman must, if the employer so requires, submit himself to a medical examination.

By Order of the district commissioner, the workman may be provided at the employer's expense with special medical aid. This may include artificial limbs and surgical appliances at a cost not exceeding £200, for a period of two years.

In the event of insolvency of an employer, compensation due to a workman has priority over all debts other than those secured by mortgage, tacit hypothec, pledge or right of retention. If the insolvent employer is insured, his rights against the insurer become vested in the workman.

The application of the law is entrusted to the district commissioners and the courts. There is no inspection, but considering that only about 30 workmen are subject to this legislation, elaborate administrative machinery seems unnecessary.

No cases of contravention of the legislation have come before the courts.

The total number of employees, excluding agricultural workers, is 4,130 ; the report gives their occupational distribution. So far only those engaged in mining (30 in number) are covered by the legislation.

So far as is known to the Government, no accidents have been reported and no compensation in cash or kind has been paid. No observations have been received from employers or workers.

There are no employers' organisations and only one workers' organisation, newly formed, with a membership of about 200. The report has not been communicated to this organisation.

#### *British Guiana.*

Following representations from both organisations of employers and workers, a committee was appointed on 24 March 1950 "to examine the working of the Workmen's Compensation Ordinance, 1934, and its amendments, and to make such recommendations at it may deem fit in regard thereto". The Committee, which is now sitting, has the provisions of the Convention prominently in view and it is hoped that its report will be submitted early in 1951. A report will be made when action has been taken following its recommendations.

#### *British Honduras.*

Workmen's Compensation Ordinance No. 4 of 1942 as brought into operation by Proclamation S.R. and O. No. 12 of 1943, as amended by Ordinances Nos. 7 and 18 of 1943.

The persons included in the scope of the Ordinance, and the exceptions, are set out in the definition of "workman" in section 2 of the Ordinance. Among the persons excluded are those whose remuneration exceeds 1,500 dollars a year, and domestic servants, in addition to the categories of workers excluded in Article 2 of the Convention. Neither of the two exceptions referred to in Article 3 have been embodied in the Ordinance ; agricultural workers are not excluded and are therefore entitled to compensation at the rates laid down. There are no provisions which would authorise the payment of compensation, in cases of death or permanent incapacity, in the form of periodical payments or a pension. In a few instances in the past the court has, however, issued an order for the payment of compensation into a savings account in the Government Treasury and authorised withdrawals therefrom of fixed sums at weekly intervals. This course was adopted when it appeared that compensation monies might be misspent if they were paid in lump sums. A half-payment of compensation shall be payable by the employer on the 16th day from the date of incapacity. There is, as yet, no provision in the local law for the payment of additional compensation in cases where

the injured person must have the constant help of another person. This matter is receiving attention and is being included in certain proposed amendments to the Workmen's Compensation Ordinance which will be placed before the Legislative Council shortly. All claims for compensation, irrespective of amount, shall be determined by the magistrate's court. There is right of appeal to the Supreme Court of the colony. Any half-monthly payment payable under an agreement or any order of the court may be reviewed at any time by the court at the application of either the employer or the workman on the production of a medical certificate that there has been a change in the condition of the workman, or under certain conditions prescribed by regulations. Where the workman is not attended by a medical practitioner, he shall, if so required by the employer, submit himself for medical treatment by a medical practitioner without expense to the workman. The Workmen's Compensation Regulation No. 31 of 1943 prescribes that such medical treatment shall include "any treatment at or in a hospital or other institution". An amendment which would provide that the employer shall provide and pay for medical treatment in every case in which it is necessary was to be brought before the Legislative Council in the near future. Another proposed change concerns the provision by the employer of artificial limbs, not provided for under the existing Ordinance. Part V of the Ordinance ensures payment to the workman in the case of the employer's insolvency or bankruptcy.

The Labour Department supervises the enforcement of the legislation and attends to complaints regarding the compensation due for injuries, settlements being arranged by amicable means wherever possible.

During the calendar year 1949, 85 accidents in private undertakings were reported, three being fatal and five resulting in permanent partial incapacity. The loss of employment through temporary incapacity was 1,623 man-days, involving a total sum of \$4,745.47. At the Public Works Department, 19 accidents occurred, all of which caused temporary incapacity with a loss of 515 man-days of employment; \$561.99 was paid out for compensation. Fourteen claims were lodged at the magistrate's court for settlement in the year 1949; \$5,817.59 was awarded the claimants in 13 instances, nine by mutual agreement and four by order of the court. A total sum of \$3,917.90 was deposited in respect of the compensation payable in 12 cases, and this was distributed by the court to the dependants of the deceased workers.

#### *British Somaliland.*

The Employer's Liability Ordinance (Chapter 60 of the Laws).

The above is the only legislation at present in force which applies any of the provisions of the Convention. A Workmen's Compensation Ordinance, modelled on the Kenya Workmen's Compensation Ordinance of 1948, is in preparation and will be enacted before the next annual report is submitted. By this means, the application of the provisions of the Convention will be provided for. Meanwhile, compensation is being paid to Government employees by Administrative Order, in accordance with the principles laid down in the Kenya Ordinance. The Government is the chief employer of labour.

Articles 1, 2, 3 and 4 are at present applied by Administrative Order.

Compensation is paid by lump sum and not in the form of a pension. This practice will also be covered by a provision of the Ordinance in preparation.

No compensation is paid in respect of the first three days after the accident, where incapacity lasts less than one month. When the Ordinance comes into force, compensation will be payable by the employer, but certain categories of employers will be required to insure against accident.

When the Ordinance comes into force, additional compensation, not exceeding one quarter of the basic amount, will be paid in the case of permanent incapacity such that the injured person must have the constant help of another person.

The employer will be required to defray the cost of medical, surgical and hospital treatment up to a total of £100. He will also be required to defray the cost of supplying, maintaining and renewing artificial limbs and surgical appliances, up to a total of £50.

Compensation payable for accident will be included among priority debts in the event of insolvency of the employer.

The application of the proposed legislation will rest with the courts and the district commissioners.

There are no employers' or workers' organisations in the Protectorate.

#### *Brunei.*

A Workmen's Compensation Enactment was passed in May, but had not yet come into force by 30 June 1950.

#### *Cyprus.*

Workmen's Compensation Laws (No. 30 of 1942, Nos. 2 and 11 of 1944).

Workmen's Compensation Rules of Court, 1945.

Application of the Convention will be ensured by supplementary legislation as and when local conditions permit.

As regards application of Article 1 of the Convention, the report refers to sections 5, 6, 7, 8, 9, 11 and 12 of the law.

The meaning of "workman" determines the scope of the application of the law. The definition covers all workmen, em-

ployees and apprentices in any public or private undertaking subject to the following exceptions : persons whose remunerations exceeds £250 per year ; persons employed to perform work of a casual nature not connected with the employer's trade or business ; out-workers ; members of the employer's family dwelling in his house ; persons employed in agriculture whose employment is not connected with machinery operated by steam, electric or internal combustion engines ; domestic servants ; persons employed as clerical workers or shop assistants ; contractors or sub-contractors who themselves engage other persons independently of the employer ; tributors ; persons employed in the naval, military, or air services of the Crown (but not workmen employed by, or under, the Crown) ; persons in the civil employment of the Crown other than in the Government of the colony.

There are no special schemes in the colony.

The law does not apply to agricultural workers except those whose work is in connection with any steam, electric or internal combustion engines.

There is no provision in the law which requires the payment of compensation in the form of pension where permanent incapacity or death results from injury. The sum allotted to each dependant may be paid to him, invested or otherwise dealt with on his behalf as the court may think fit.

If the incapacity lasts less than four weeks, compensation is payable as from the fourth day after the accident ; if the incapacity lasts more than four weeks compensation is payable from the day of the accident. The compensation is paid by the employer.

Article 8 is applied by section 19 (1), (2), (3) and (4). Review may be made by the court at any time on the application of the worker or the employer. There is no provision to specify the interval or time limit of such reviews.

The Governor in Council may by Order require any employer, or class of employers, to insure with approved insurers in respect of any liability which they may incur under the provisions of the law to any workman employed by them. In case of insolvency of the employer, it is provided that an amount due in respect of compensation shall receive priority for payment over all other debts.

The court is the authority concerned with the application of the law.

There were no decisions by courts of law or other courts as regards the application of the Convention.

The Workmen's Compensation law enlarges greatly the number of people who can claim compensation and also introduces a more efficient system of compensation for injured workmen. Insurance of employers with commercial insurance companies against their liabilities under the law is common. There is no accident insurance

institution and the payment of compensation is effected through the court and on the basis of mutual agreement between the employer and the workmen. The Commissioner of Labour advises the parties concerned on their rights and liabilities under the law.

Accurate figures regarding the scope of application are not available. The total number of workmen, employees and apprentices employed by all enterprises, undertakings, and establishments, excluding seamen, fishermen and agricultural workers, is estimated at 77,000 and the number of workmen covered by the Workmen's Compensation law at 50,000.

The total amount of benefits in cash was £6,094 in 1949, i.e., 2s. per workmen. There are no benefits in kind.

Eight accidents resulted in death, 16 in permanent partial incapacity and 430 in temporary disablement.

No cost is incurred in regard to the application of the Workmen's Compensation law.

Observations regarding the Workmen's Compensation law have been received mainly from the workers' organisations suggesting various improvements which may be summarised as follows : widening of the scope of application by raising the present ceiling of income of persons eligible for compensation and by extending the provisions of the law to certain classes of workers who are at present exempted, *e.g.*, clerical workers and shop assistants ; increase of the amount of compensation payable in all cases ; application of the law to industrial diseases. An amending Bill incorporating the above proposals and effecting other improvements to the law was published in January 1950 but its enactment was still pending at the end of the period under review. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Dominica.*

No legislation has been enacted to give effect to the provisions of the Convention.

#### *Falkland Islands.*

Workmen's Compensation Ordinance, No. 4 of 1937.

Workmen's Compensation (Amendment) Ordinances No. 7 of 1939, 13 of 1948 and 23 of 1949.

Workmen's Compensation Regulations, No. 9 of 1948.

The provisions of the Convention are applied by the above-mentioned legislation. Article 2 defines "workman" as meaning any person. The commissioner for workmen's compensation is entrusted with the application of the above legislation. No decisions were given by courts of law. The manner in which the Convention is applied is felt to be adequate. Copies of the report have been communicated to the Labour Federation.

*Fiji.*

Workmen's Compensation Ordinance, Cap. 81.  
Workmen's Compensation (Amendment) Ordinance, No. 16 of 1946.

Workmen's Compensation (Amendment) Ordinance, No. 8 of 1948.

The Convention is partially applied by the above-mentioned legislation.

Section 5 of the Workmen's Compensation Ordinance substantially conforms with the definition in Article 1 of the Convention, and is not limited to accidents of an industrial nature. Article 2 is applied by the legislation in force. Advantage has not been taken of the exceptions permitted under Article 3, and agricultural workers are not excepted, as provided in Article 4. Article 5 is not fully applied. Lump-sum payments are always made in the event of permanent incapacity or death. There is no legal provision to permit the compensation to be paid in the form of a pension, nor is this considered necessary. The competent authority is the court, and payment is made either through the courts or, with the consent of the injured workman, by the employer's insurance representative. There is no legal enactment to ensure that the compensation paid will be properly utilised. As regards Article 6, the report states that accident compensation is payable as from the first day, provided the incapacity lasts more than four days, and is payable by the employer. Article 7 is not applied. As regards Article 8, the report states that section 18 of the Workmen's Compensation Ordinance enables periodical payments to be reviewed by the courts on the application of the employer or workman. There is no time limit on application for review. An employer shall not be entitled otherwise than in pursuance of an agreement or an order of the court: (a) to end periodical payments except where the workman resumes work and his earnings are not less than the earnings which he was obtaining before the accident, or where a workman dies; (b) to reduce periodical payments except where a workman in receipt of periodical payments in respect of total incapacity has actually returned to work, or where the earnings of a workman in receipt of periodical payments in respect of partial incapacity have actually been increased. The employer is responsible for medical, surgical or pharmaceutical aid under Article 9 of the Convention, within a limit of £12. Thereafter, free treatment is available at Government hospitals to all Indians and Fijians and to workmen of other races who are unable to pay fees. Article 10 has not been applied and is impracticable at the present time owing to the distance of the colony from any country where artificial limbs and surgical appliances are made and fitted and patients trained in their use. Article 11 is not applied. Compulsory insurance is considered

impracticable in respect of the numerous small rural employers. A Government insurance office would require machinery, the cost of which would be disproportionate to the business, and it would meet the same difficulties as private companies. In the nine years' history of workmen's compensation in Fiji, no case is known where a workman has failed to obtain compensation on account of the insolvency of the employer.

The application of the legislation is entrusted to the courts of law. The Labour Department advises and assists workmen when required. All accidents involving incapacity for seven days or more are reportable in writing to the commissioner of labour. In addition, all accidents to Government wage employees, if the incapacity is of four days' duration or more, are similarly reported. All these reports are checked by the Labour Department and advice and assistance are given when sought by employers or employees. No decisions have been given by courts of law except by way of award of compensation.

The total number of workmen in 1949 excluding seamen, fishermen and agricultural workers, was approximately 14,900, and all these workers were covered by the law. The amounts paid in compensation are not available as most cases are settled directly between employer and employed without recourse to the courts. The number of accidents reported for the year 1949 was 374. Of these three were fatal, 17 resulted in permanent total or partial incapacity, while 354 persons suffered temporary incapacity. No figures are available relating to the total cost of the application of legislation regarding workmen's compensation.

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

The reports have been communicated to the members of the Labour Advisory Board who, in equal numbers, represent employers and organisations of workers.

*Gibraltar.*

No legislation applying the Convention is yet in force; the completion of a draft Workmen's Compensation Ordinance at present awaits the acquisition of accident statistics to determine benefit and contribution rates. The Department of Labour and Welfare will administer the Ordinance when enacted. Most industrial workers in Gibraltar are in public employment and are eligible, under their respective departmental regulations, for compensation in the event of injury due to accidents arising from employment.

*Gilbert and Ellice Islands.*

Workmen's Compensation Ordinance, No. 6 of 1949.

The Convention is applied by this Ordinance, which provides that, if in any

employment personal injury by accident arising out of the cause of employment is caused to a workman, his employer shall pay compensation in accordance with the provisions of the Ordinance. A workman is defined as any person who has entered into or works under a contract of service or apprenticeship with an employer, whether the contract is expressed or implied, is oral or in writing, with the following exceptions: persons whose employment is of a casual nature and who are employed otherwise than for the employer's trade or business, not being persons employed for the purpose of any game or recreation and engaged through a club; outworkers; members of the employer's own family dwelling in his house; any person employed otherwise than by way of manual labour whose earnings exceed £360 a year; any class of persons who may by order of the High Commission for the Western Pacific be declared not workmen for the purpose of this Ordinance (none have been so declared) and tributors, being persons granted permission to win minerals, receiving a proportion of the minerals won by them or the value thereof. The compensation payable for permanent incapacity or death shall be paid to the High Commission's Courts, and shall be dealt with for the benefit of persons entitled in such a manner as the courts deem fit. Compensation, which is payable by the employer, is payable for the total period of incapacity, provided that this exceeds four days. An injured workman (when the employer has not at his own expense made suitable arrangements for medical or surgical attendance) shall be entitled to additional compensation from the employer equal to expenses incurred by him for attendance not exceeding £12. Section 19 provides that any periodical payments may be reviewed by the courts at any time upon application of either the employer or the workman. The sum payable as compensation includes the cost of surgical appliances, except as provided for by section 16 (10) of the Ordinance. If an employer has entered into a contract with any insurer in respect of any compensation liability then, in the event of his becoming bankrupt, the insurer shall assume liability for compensation. The legislation has only recently been enacted and no case of its application has been reported in the period under review.

The total number of workmen is about 2,800, all of whom are covered by the general provisions of the Workmen's Compensation Ordinance. See also under Convention No. 12.

#### *Gold Coast.*

Workmen's Compensation Ordinance, 1940.  
Order No. 8 of 1941.

As regards the application of Article 1 of the Convention the report refers to section 5 of the Ordinance.

The provisions of the Ordinance are applied to the categories of workmen specifically set out in Order No. 8 of 1941, as amended.

The Ordinance makes exceptions for any person employed whose earnings exceed £300 per annum, persons whose employment is of a casual nature and who are employed otherwise than for the purpose of the employer's trade or business, excluding persons employed for the performance of a game or recreation or engaged or paid through a club, out-workers, persons whose payments consist in a share of the profits of the undertaking, members of the employer's family dwelling in his house or compound, as well as any class of persons who the Governor may by Order-in-Council declare not to be workmen for the purpose of the Ordinance.

In cases of permanent incapacity or death, the compensation provided for is paid in a lump sum. However, an agreement may be made in writing between the employer and the workman which may provide for periodical payments on condition that the compensation agreed upon shall not be less than the amount payable under the provisions of the Ordinance.

Compensation is not paid for an injury which does not incapacitate the workman for a period of at least one week. Compensation is payable by the employer.

Section 14 of the Workmen's Compensation Ordinance and section 111 of the Labour Ordinance 1948 require employers to report to the district commissioner concerned and to the nearest labour officer, deaths and injuries of workmen in the course of their work. Any periodic payment payable under it may be reviewed by the court on the application of the employer or of the workman. There is no provision concerning the frequency of reviews or a time limit after which compensation is no longer subject to review.

In practice, medical aid is normally provided by the Government medical service and paid for by the employer.

Compliance with the Convention is ensured by the commissioner of labour and the officers of the political administration. Application is supervised by following up reports received and by inspection. Industrial inspection report forms contain questions concerning workmen's compensation. Accident insurance for workers is not compulsory but contractors taking up public contracts with the Central Government are required by terms of their contracts to insure against claims for workmen's compensation. Accurate statistics are not available but returns submitted by employers on 31 December 1949 indicated that at least 155,000 persons were engaged in wage-earning employment; of these, it is estimated that approximately 100,000 are covered by the provisions regarding workmen's compensation. The amount of benefits in cash paid between April 1949 and March 1950 was £8,920 and the aver-



age expense per person covered by legislation was 1.784 shillings. There were no benefits in kind.

During the above-mentioned period, 52 fatal accidents and 389 non-fatal accidents were reported.

No observations were received from employers' or workers' organisations. Copies of the report have been communicated to the employers' and workers' organisations of the territory.

#### *Grenada.*

Compensation for Injuries. Ordinance (Chapter 48 of the Laws of Grenada).

Workmen's Compensation Ordinance (Chapter 248 of the Laws of Grenada).

Workmen's Compensation (Amendment) Ordinances Nos. 14 of 1938, 38 of 1936, 9 of 1939 and 1 of 1944.

Workmen's Compensation Regulations (Statutory Rule and Order No. 34 of 1938).

Workmen's Compensation (Appeal) Rules (Statutory Rule and Order No. 44 of 1938).

The above-mentioned legislation gives effect to the requirements of Article 1 of the Convention.

Section 2 (1) of Chapter 248 provides that "workman" means any person who has entered into, or works under, a contract of service or apprenticeship with an employer, where the contract was made before, or after, the commencement of this Ordinance, and where such contract is expressed, or implied, is oral or in writing; the above term also includes persons engaged in plying for hire any vehicle the use of which is obtained from the owner thereof under any contract of bailment.

The law provides for the following exceptions: persons employed otherwise than by way of manual labour whose remuneration exceeds £200 per year; persons whose employment is of a casual nature and who are employed otherwise than for the purpose of the employer's trade or business not being persons employed for the purpose of any game or recreation and engaged or paid through a club; outworkers; persons in the naval, military or air forces of the Crown; members of the employer's family dwelling in his house; members of the Grenada police force and rural constables; domestic servants and persons employed exclusively as clerical workers and/or shop assistants.

Employment which is of a "casual" nature is not defined by the Ordinance, but the latter defines the terms "outworker" and "member of a family".

The compensation payable in the case of an accident resulting in permanent incapacity or death is paid to the injured person or his dependants in a lump sum. This sum is paid to any person entitled to receive it, unless it is invested or otherwise dealt with on his behalf in such manner as the workmen's compensation commissioner may think fit.

If personal injury is caused to a workman by an accident arising out of, and in

the course of, his employment, his employer is liable to pay compensation; however, the employer is not liable in respect of injuries which do not result in the total, or partial, disablement of the workman for a period exceeding three days.

Additional compensation is not provided for in cases where the injured person requires the constant help of another person.

Half-monthly payments payable as accident compensation may be refused in cases of permanent disablement and may be converted into the payment of a lump sum.

An injured workman is obliged to submit himself to medical examination if the employer offers to have him examined free of charge but, in the absence of such offer, the injured workman must himself pay the cost of medical, surgical and pharmaceutical aid.

The application of the Convention is ensured by the commissioner for workmen's compensation.

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

The average number of persons employed during 1949 in the services falling within the scope of the Ordinance amounted to 1,394 Government workers (artisans, apprentices, etc.) and 252 workers employed in business places (porters, etc.).

No benefits in kind have been paid. The report gives a table showing the causes and nature of nine injuries which occurred during the period under review, together with the amount of compensation allocated.

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

#### *Jamaica.*

Workmen's Compensation Law, Chapter 408 of the Revised Laws.

Workmen's Compensation (Amendment) Law, 1939.

Workmen's Compensation (Amendment) Law, 1941.

Workmen's Compensation (Amendment) Law, 1942.

Under section 3 of the law, an employer is liable to pay compensation to a workman who suffers personal injury by accident arising out of and in the course of employment. The law covers all workmen, the latter being defined as "any person who has entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour or otherwise, whether the contract is express or implied, is oral or in writing, and whether the remuneration is calculated by time or by work done". In addition to the exceptions allowed by the Convention, the following persons are excluded from the scope of the law: persons earning more than



£300 per year ; agricultural workers, except those employed in connection with power or engine-driven machinery ; domestic servants ; clerical workers or shop assistants ; contractors or sub-contractors ; persons engaged in driving motor vehicles or other mechanically-propelled vehicles on roads ; persons in civil employment of His Majesty otherwise than in the Government of the Island ; members of the armed forces. Section 25 of the law makes provision for seamen and fishermen, who are not excluded. Section 5 of the law provides for lump-sum payments where death or permanent total or partial incapacity results from the injury. Any employer and workman may settle a claim to compensation stating in writing the amount to be paid by the employer as compensation. Any such agreement may, on application to the court, be made on judgment of the court, or the court may cancel the agreement and make such order as may be thought just in the circumstances. If, within four weeks after notice of the accident, no agreement has been entered into with the employer, the workman has the right to apply for the enforcement of his claim for compensation. Section 10 of the law provides that the employer shall pay the compensation payable in a lump sum into the court and such sum shall be paid to the person entitled thereto or be invested, applied or otherwise dealt with for his benefit in such manner as the court deems fit. Liability for half-monthly payments may be redeemed by payment of a lump sum if the parties agree or on the application of either party by order of the court. The legislation in force makes no provision for payment of compensation in the form of a pension. The law provides for payment by the employer, in the case of temporary partial or total incapacity resulting from injury, of a half-monthly payment, payable on the 16th day from the date of the incapacity. The Governor is empowered to direct employers to make yearly returns giving particulars of accidents in respect of which compensation has been paid. The law provides that half-monthly payments under the law may be reviewed by a court on the application, under certain circumstances, of either the employer or the workman. Any such payment may be continued, increased, decreased, or ended, or, if the accident has resulted in permanent incapacity, be converted to a lump-sum payment. There is no stated time limit after which compensation is no longer subject to review. Part V of the Law makes provision in cases of insolvency or bankruptcy of the employer. The Governor in Executive Council is empowered under section 38 of the law to make regulations for the carrying out of the provisions of the law.

No decisions have been given by courts of law. Insurance in respect of an employer's liability is not compulsory but

is voluntarily contracted by a substantial number of employers in the island.

No statistical information is available in respect of the period under review. No observations have been received from organisations of employers or workers. Copies of the report were sent to the representative employers' and workers' organisations.

#### *Kenya.*

Workmen's Compensation Ordinance No. 72 of 1948.

Government Notice No. 1,001 dated 30 September 1949 made the Ordinance applicable to all employment within the colony. The Ordinance excludes from the definition of "workman" any person whose employment is of a casual nature and who is employed otherwise than for the purpose of the employer's trade or business, provided that this is not a person employed for the purpose of any gain or recreation or engaged or paid through a club. An "out-worker" is defined as a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, repaired or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the materials or articles. Persons who are considered as members of the employer's family are those members of the family living in his house or its annex. Non-manual workers whose earnings exceed 10,000/- (£500) per year are excluded from the provisions of the Ordinance.

The compensation payable in the case of an accident resulting in permanent incapacity or death is not paid to the injured person or his dependants in the form of a pension. Lump-sum payments of compensation by an employer are paid to the injured workman or his dependants in the case of a fatal accident or are invested for his or their benefit as the court directs. This may be in the form of periodical payments. Lump-sum payments of compensation by the employer to an employee whose earnings do not exceed 100 shillings per month are distributed in accordance with the directions of the labour commissioner after consultation with the district commissioner who is in a position to supervise the proper allocation of the compensation. This normally takes the form of periodical payments.

If the incapacity of the worker lasts less than four weeks, compensation is only payable from the fourth day of the accident. If the incapacity lasts more than four weeks, compensation is payable for the whole period up to a maximum of 96 months. The compensation is payable by the employer himself.

If an injury results in permanent total incapacity of such a nature that the injured

workman must have the constant help of another person, additional compensation amounting to 25 per cent. of the compensation provided for is payable to the injured workman.

The Ordinance makes provision for the compensation to be reviewed by the court on the application of the employer or the workman.

The Ordinance lays down that the expenses incurred by the workmen in respect of medical, surgical and hospital treatment, skilled nursing services and the supply of medicines not exceeding £100 are payable by the employer. The maximum period of duration is 96 months.

Provision is made for the supply, maintenance, repair, renewal of non-articulated limbs or appliances, limited to an amount of £50. There is no provision by which the supply and renewal of artificial limbs and appliances are replaced by the award of additional compensation in cash.

The Ordinance provides that when an employer is insured, in the event of his becoming bankrupt the rights of the employer against the insurers as regards the liability for compensation are vested in the workman. If the employer is not insured, the workman's claim for compensation is included amongst the debts which, in the winding up of a company, receive priority over all other debts. The application and administration of the Ordinance is the responsibility of the labour commissioner and is carried out through labour officers stationed throughout the colony. The reporting of accidents is compulsory.

No decision has been given by the courts as regards the application of the Convention.

As soon as an accident comes to the notice of an employer, he is compelled by law to submit full details of the accident to the nearest labour officer or district commissioner, who investigates the cause of the accident and looks after the interests of the workman in so far as the payment of compensation is concerned. Compensation is assessed by the Labour Department. By administrative arrangements, all Government hospitals and police stations also report all accidents arising out of employment to the labour officer of the district.

The number of workmen covered by the workmen's compensation provisions is 188,633. There is no special scheme in operation.

The total amount of cash benefits paid was £4,625. The average cost of benefits in cash per person covered by the legislation was £6. There were no benefits in kind. The report mentions 735 accidents.

The cost of application of legislation on workmen's compensation for accidents is included as part of the normal expenses of the Labour Department estimates of expenditure.

Copies of the report have been communicated to the members of the Labour Advisory Board and are available for con-

sultation by the chambers of commerce and registered trade unions.

#### *Federation of Malaya.*

Penang S.S. Chapter 69.  
 Malacca S.S. Chapter 69.  
 Perak F.M.S. Chapter 155.  
 Selangor F.M.S. Chapter 155.  
 Negri Sembilan F.M.S. Chapter 155.  
 Pahang F.M.S. Chapter 155.  
 Johore Enactment No. 134.  
 Kedah Enactment No. 134.  
 Perlis Kedah Enactment is applied by Federal Ordinance No. 23 of 1947.  
 Kelantan Enactment No. 43 of 1939.  
 Trengganu Enactment No. 12 of 1356.

A draft Workmen's Compensation Bill has been approved by the Federal Executive Council, and this Bill, if enacted by the Legislature, will bring the workmen's compensation laws in the Federation of Malaya closely into line with the provisions of this Convention.

The existing laws provide for the following compensation in the case of death of an adult : an amount to equal 30 months' wages or \$3,200, whichever is the less, and, in the case of a minor, a sum of \$400 (a minor being a male under 16 and a female under 15 years of age). Where permanent total disablement results, an adult is to receive a sum equal to 42 months' wages or \$4,800, whichever is less, and a minor 84 months' wages or \$4,800, whichever is less. Proportionate sums are payable in the case of permanent partial disablement, in accordance with a schedule listing injuries and the estimated percentage of loss of earning capacity. Where temporary total or partial disablement results from an injury, an adult workman receives approximately half pay up to a maximum of \$60 a month during the period of his disablement or during a period of five years, whichever period is the shorter, and a minor workman receives one third of his monthly wages up to a maximum of \$40 a month ; except that, in the case of both adults and minors, the first seven days of the disablement are not taken into account. A "workman" is defined as meaning any person whose monthly wages do not exceed \$400, employed in any occupation specified in the relevant schedule to the laws. Persons specifically excluded are those whose employment is of a casual nature and who are employed otherwise than for the purpose of the employer's trade or business ; persons in the Naval, Military, or Air Force, or the Police Force ; persons in the civil employment of His Majesty, otherwise than in the Government of the colony ; and holders of pensionable offices within the meaning of the Pensions Ordinance. Other exceptions include persons employed on any estate or plantation on which less than 25 persons are employed. A workman's dependant is also defined. There is no provision in the laws for the exemptions specified in Article 3 of the Convention, and they make no distinction be-

tween workmen in agriculture and workmen in industry; the laws apply, as stated above, only to workmen employed in an occupation listed in a schedule. The legislation in force provides that the commissioner for workmen's compensation shall be responsible for administering the payment of compensation to dependants of workmen whose injuries have resulted in death or of lump sums paid as compensation to minors. In the case of women, minors, or other persons under a legal disability, a lump sum deposited with the commissioner may be invested, applied, or otherwise dealt with for the benefit of the person concerned, during his disability, according to the commissioner's direction. On application by the employer, the commissioner shall furnish a statement showing in detail all the disbursements made (which may, in the case of a deceased workman, include the cost of the funeral expenses to an amount not exceeding fifty dollars, which the commissioner may deduct from the compensation deposited with him). Compensation is payable from the eighth day after the accident under the present legislation (and not from the fifth day, as in the Convention), and it is payable by the employer. The laws provide that any half-monthly payment payable either under an agreement between the parties or under the order of the commissioner may be reviewed by the commissioner on the application either of the employer or of the workman, accompanied by the certificate of a registered medical practitioner that there has been a change in the condition of the workman or, subject to certain rules made under the enactment, on application made without such a certificate. Any half-monthly payment may, on review, be continued, increased, decreased or ended, or, if the accident is found to have resulted in permanent disability, be converted into the lump sum to which the workman is entitled, less any amount which he has already received by way of half-monthly payments. Nothing in the existing law provides that injured workmen are entitled to medical, surgical or pharmaceutical aid, in accordance with Article 9 of the Convention, but an injured workman is in practice treated free in either a Government or his employer's hospital. Provision is made in the laws for the payment of compensation to workmen in the event of insolvency of the employer.

The application of the legislation is entrusted to the commissioners for workmen's compensation, who are usually officers of the Legal Department and hear disputed claims and register agreed claims; and to the Department of Labour. The commissioner for labour or his deputy or assistant may act on behalf of any workman who has been killed and may present the workman's or the dependant's claim before the commissioner for

workmen's compensation. Employers must notify the commissioner for workmen's compensation within 10 days of every accident occurring on the employer's premises and resulting in the death or total or partial disablement of a workman. Such reports are forwarded to the Department of Labour, the officers of which investigate the reports and negotiate claims on behalf of the workmen or the dependants of workmen concerned.

There are no complete or reliable statistics to show the total number of workmen, employees and apprentices covered by the existing workmen's compensation laws. It is estimated, however, that there are at present between 900,000 and 1,000,000 workmen as defined in those laws. The total cost of benefits in cash for the period under review in respect of fatal accidents and of accidents resulting in permanent disability, whether total or partial, was 527,726.72 Malayan dollars. During the year, 159 fatal cases, 318 cases of permanent disability, both total and partial, and 875 cases of temporary disability were reported.

The report has been submitted to the Federal Labour Advisory Board.

#### *Malta.*

Workmen's Compensation Ordinance (Chapter 128).

The Workmen's Compensation Ordinance and certain administrative measures apply substantially the provisions of the Convention. The legislation is to be reviewed shortly. Section 3 of the Ordinance refers to Article 1, and sections 2, 3 and 6 to Article 2 of the Convention. The Ordinance requires all workmen to be insured, but its provisions do not apply to certain categories of workers, including non-manual workers whose annual remuneration exceeds £180. No advantage has been taken of subparagraphs (a), (b) or (c) of Article 2, paragraph 2. The Ordinance applies to seamen and fishermen but excepts local Government workmen holding a pensionable post and workmen employed by the U.K. Government in Malta. The local Government employees and U.K. Government employees excepted under the Ordinance are covered by special schemes. The Ordinance applies also to agricultural workmen. As regards Article 5, a pension is payable to the workman in case of total permanent incapacity and to the widow and orphans in case of death. Where partial permanent incapacity occurs a gratuity may be paid by instalments or in a lump sum at the discretion of the Workmen's Compensation Board. In the case of death where no widow or orphans are left, a gratuity determined by the Board is payable to dependants based on the degree of dependence on the workman's earnings before the accident. Compensation is payable when incapacity

from work occurs exceeding three days, the benefit accruing from the first day of incapacity. Benefit is paid out of the Workmen's Compensation Fund, which derives its income from contributions payable in equal shares by employers and workmen. Article 7 is not applied in view of the fact that the strong family ties existing in the country make such a provision unnecessary. All claimants for benefit are examined by the Workmen's Compensation Board as often as is necessary to determine the duration and extent of incapacity and disablement. By administrative arrangements, all claimants under the Ordinance are provided with free medical, surgical and pharmaceutical aid as is deemed necessary by Government medical officers. The expense is borne by the Malta Government under the general conditions applicable to the State medical services. As regards Article 11 the report states that the Ordinance provides for supplementation from Malta Government funds if, at any time, the balance to the credit of the Workmen's Compensation Fund is insufficient to meet wholly or in part the amounts of compensation or other charges payable from the Fund.

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 workmen 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. All workmen insurable under the Ordinance are registered under the State insurance scheme set up in 1929, and the employer is by law obliged to fix a weekly contribution stamp of twopence on the worker's contribution receipt book, one penny being recoverable from the worker. Offenders are liable to a general penalty in the form of a court fine not exceeding £2 plus 2s. 6d. for each stamp not affixed.

The report gives details of the rates of compensation fixed. There are approximately 60,000 workmen, as defined in the Ordinance. Of this number, about 18,000 are employed by U.K. Government Departments in Malta and are exempted from insurance. The number of local Government employees exempted from insurance by virtue of the retirement rights attached to their post is less than 1,000. The number of persons in insurable employment was approximately 40,000. In the financial year 1949-1950, £7,036 was paid out in benefits, including £2,264 for the payment of pensions. Excluding pensions, the average cost of benefits in cash was just under 24 shillings per insured person. It is not possible to assess the cost of

benefits in kind. The total cost of administration was £4,354 in the same financial year, making a total expenditure of £11,390 for the year. Receipts from contributions, etc., totalled £13,336.

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

#### *Mauritius.*

Workmen's Compensation Ordinance No. 13 of 1931.

Workmen's Compensation (Amendment) Ordinance No. 7 of 1932.

Workmen's Compensation (Amendment) Ordinance No. 13 of 1935.

Workmen's Compensation (Amendment) Ordinance No. 32 of 1937.

Workmen's Compensation (Amendment) Ordinance No. 64 of 1947.

Government Notices Nos. 210 of 1931 and 108 of 1941.

Ratification of a Convention has no actual legal effect and does not modify existing legislation until appropriate laws have been voted by the Council of Government.

Article 2 is applied by the provisions of section 4 (1) of Ordinance No. 13 of 1931. The exceptions provided for in the legislation relate to persons whose remuneration exceeds 3,000 rupees a year (whether manual or non-manual workers); persons employed to perform work of a casual nature not connected with the employer's trade or business, not being persons employed for the purpose of gain, or recreation and engaged and paid by a club; out-workers; members of the employer's family; members of the police force; persons employed in domestic service, unless such employment be in connection with any engine-driven or machine worked by mechanical power; persons who contract or sub-contract for the carrying out of work and thus engage other persons independently of the employer, to perform such work; persons engaged in plying for hire with any vehicle or vessel, the use of which is obtained from the owner thereof under any contract of deposit, agency, loan or hire, in consideration of the payment of a fixed sum or a share in the earnings or otherwise; persons in the civil employment of the Crown otherwise than in the Government of the colony and persons in the naval or military or air services of the Crown.

The words "employment which is of a casual nature and is not for the purpose of the employer's trade or business" are in accordance with precedents set in the United Kingdom.

The words "out-workers" and "member of a family" are defined in the Ordinance.

Civilian employees of the army or navy are covered by the appropriate service regulations. Police would receive compensation not less than that given by law.

The text of the Ordinance No. 13 of 1931 and the subsequent amendments cover agricultural workers as well.

Compensation is paid in a lump sum and in the form of periodical payments to injured workmen suffering from permanent incapacity or to dependants where death results from the injury. A proposal by the Labour Department for the purchase of annuities or some other method of securing a pension in lieu of a lump sum was placed before the Labour Advisory Board and rejected by the representatives of the workers on the grounds that the workers prefer lump sums.

The accident compensation was formerly payable to the injured workman as from the seventh day after the accident, but is now payable after the third day. The compensation is due from the employer.

No provision has been made yet for the payment of additional compensation in cases where the injured workman must have the constant help of another person.

Either party may apply to the court at any time. Officers of the Labour Department investigate all causes of accidents to ensure that the due compensation, if any, is paid. An accident resulting in death or injury to a workman must be reported to the Labour Commission. The industrial court enforces the law.

Any compensation due includes in particular reasonable expenses not exceeding Rs.300 incurred by the injured workman in respect of essential hospital and medical treatment. Every employer shall furnish such appliances and maintain such services for the rendering of first aid to his workmen in case of accident as may be prescribed in respect of the class of business, trade or calling in which he is engaged. The Government hospitals and State hospitals maintain workers free of charge.

Ordinance No. 13 of 1931 makes provision in cases of bankruptcy or insolvency of employers; the amount of compensation due is evaluated and can be secured on movable effects or chattels and on immovable property.

Application of the Convention is ensured by the Labour Department to whom notification of accidents must be sent by the employers. The district labour officers enquire into each case and, if necessary, institute legal proceedings before the industrial court in the name of the injured worker.

No judicial decisions have been given as regards the application of the Convention.

Very few claims for compensation were made before 1938, although the law existed since 1931. Most workers are now apparently aware of their right to compensation and their right to appeal to a labour officer or to an industrial court for assistance in stating their claims.

Workers are quite definite in preferring a lump sum instead of a weekly payment.

The total number of workers covered by the workmen's compensation legislation is 24,900. The total amount of benefits paid for injuries was Rs.17,593.82. The total benefits paid for death caused by accidents was Rs.1,008.50, and the total average expense per worker was Rs.19.46. No payments were made in kind. Of the 954 accidents reported, two resulted in death.

No observations have been received from employers' or workers' organisations. Copies of the report have been communicated to the Mauritius Sugar Producers' Association and the Mauritius Engineering and Technical Workers' Union.

#### *North Borneo.*

During the period under review, the only part of the colony in which workmen's compensation applied was the former Straits Settlement of Labuan, incorporated into the colony on 15 July 1946. There, the Straits Settlements Workmen's Compensation Ordinance, 1933, applied the Convention with modifications. Legislation applicable throughout the colony and replacing the Straits Settlements Ordinance in Labuan was, however, being prepared and came into operation on 1 July 1950. This legislation implements the Convention, with modifications, and will be reported upon in detail in the next report.

#### *Northern Rhodesia.*

Chapter 188 of the Laws of Northern Rhodesia and Regulations issued thereunder.

As regards the application of Article 2, paragraph 1 of the Convention, the report states that the legislation in Chapter 188 of the Laws does not apply to persons in the public service, except in the case of a person who is not covered by any legal provision for the payment of a gratuity or pension in the event of death.

The Ordinance exempts from its scope any person whose employment is casual and not connected with the trade or business of his employer. It also exempts out-workers and workers whose basic rate of pay exceeds £950 a year. Employment of a casual nature is not defined. An out-worker is defined as any person to whom articles or materials are given by an employer to be made up, cleaned, washed, ornamented, finished, repaired or adapted for sale on premises not under the control of the employer.

The above-mentioned Ordinance applies to agriculture.

Compensation in case of accident resulting in permanent incapacity or death is paid to the injured person or his dependants in the form of a pension.

Compensation may be paid wholly or partly in a lump sum with the approval of the workmen's compensation commissioner.

No compensation is payable in respect of the first three days of incapacity if

the incapacity lasts for less than two weeks. In other cases, compensation is payable as from the date of the accident.

Payment of compensation is the liability of the employer. Every employer, except the Governor, must take out an insurance policy for the full extent of his liabilities to all the workmen employed by him.

The amount of compensation may be reviewed at any time within five years of the award.

The Ordinance is enforced by the workmen's compensation commissioner.

No decisions have been given by courts of law or other courts regarding the applications of the Convention.

With certain exceptions, persons whose basic earnings do not exceed £950 a year are workmen within the meaning of the Workmen's Compensation Ordinance (Chapter 188 of the Laws).

Insurance with registered insurers against employers' prospective liability is compulsory. The Governor may, however, grant exemption.

Insurers and employers exempted from insurance, must submit monthly and annual returns to the workmen's compensation commissioner. All agreements as to compensation must be approved by this officer and lump-sum payments, except those to Africans, are subject to this control. Disputes must be referred to him for attempted settlement before resorting to the court.

The total number of workmen is not known to the Department. Seamen, fishermen and agricultural workers are, however, workmen if their basic rates of wages do not exceed £950 a year.

There is no differentiation between benefits in cash and those in kind. The latter consist of the food and lodging as well as the medical aid supplied during the period of incapacity.

Total benefits paid during the year 1949 came to £37,712, not counting the cost of medical aid supplied by employers who have approved medical aid schemes.

During the year, compensation was payable for 4,034 accidents reported. Of these, 61 were fatal and 432 resulted in permanent incapacity.

The insurance year is from 1 March to the last day of February.

The administration costs of insurance companies for the year 1949-1950 came to £16,854.

The administration expenses of exempted employers are not known.

Insurers are required to pay one per cent. of their premium income to the Government, and exempted employers must also pay one per cent. of what would normally be payable as premium.

The cost of applying the Ordinance is borne by the Government.

During the year 1949, a committee set up to investigate the making of the Ordinance and to make any recommendations, submitted its report to the Government.

### *Nyasaland.*

Workmen's Compensation Ordinance No. 2 of 1944, as amended by Ordinance No. 15 of 1946 and Ordinance No. 6 of 1949 (Chapter 132 Laws of Nyasaland, 1946 Edition).

Government Notice No. 40 of 1946.

Government Notice No. 41 of 1946, as amended by Government Notice No. 30 of 1948.

Government Notice No. 175 of 1946.

Existing legislation does not cover in full the provisions of the Convention.

Subsection 2 of section 2 of Ordinance No. 2 of 1944 provides that the Governor in Council may, by Order, apply the Ordinance to any employment or to any employment in any specified part of the Protectorate subject to the exceptions mentioned in the proviso in subsection 1 of section 2 of the Ordinance. The Workmen's Compensation (Application) Order, 1946 applies the Workmen's Compensation Ordinance to the occupations specified in the Schedule to the Order. Apprentices are covered in the definition of workmen given in subsection 1 of section 2 of the Ordinance. Section 4 of the Ordinance provides for its application to workmen employed under the Crown with certain exceptions. The Ordinance specifies the exceptions which have been made in the local legislation. In addition to the exceptions specified in Article 2 (a), (b), (c) and (d), of the Convention, the Governor in Council may, by Order, declare any class of persons not to be workmen for the purpose of the Ordinance. No such Order has yet been made.

The Ordinance exempts from the definition of "workman" any person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business, not being a person employed for the purposes for gain of any kind or recreation or engaged or paid through a club. If any doubt arises as to whether a person comes under this exemption or not, it will be for the Court to decide. "Out-workers" are defined in section 3 (1) of the Ordinance. "Member of the family" is defined in section 3 (1) of the Ordinance and in the case of natives in the First Schedule to the Ordinance. Any person employed otherwise than by way of manual labour whose earnings exceed £500 per year is exempted from the definition of "workmen".

The Workmen's Compensation Ordinance, 1944, is applied to any person employed on any plantation or estate.

The compensation payable to the injured workman or his dependants where permanent or partial incapacity or death results from the injury, is payable in the form of a lump sum. In cases of temporary incapacity, the compensation is payable in the form of periodic payments or in a lump sum. It has not yet been found practicable to provide for the payment of compensation in the form of a pension in the case of accidents resulting in permanent incapacity or death. The court is the authority to decide

whether the compensation should be by periodic payments or a lump sum in cases of temporary incapacity. When the compensation is paid in a lump sum, it is paid to the court and any sums so paid shall be paid to the person entitled thereto or be invested, applied or otherwise dealt with for his benefit in such manner as the court thinks fit. In the case of the death of a workman, the distribution of the compensation among the dependants is in the discretion of the court and the sum allotted to any dependant may be paid to him or be invested, applied or otherwise dealt with for his benefit in such manner as the court thinks fit.

The employer is not liable under the Ordinance in respect of any injury which does not incapacitate a workman for a period of at least one week from earning full wages at the work on which he was employed. Compensation when due, is payable by the employer.

The Ordinance provides that the employer must report to the district commissioner of the district every death of a workman and every accident suffered by a workman which involves injuries likely to result in death or which have resulted in incapacitating the workman from following his normal employment for 14 days. Such report must be made in writing in scheduled form as soon as practicable after the occurrence of the death or accident. Officers of the Labour Department follow up reported cases where necessary. Any periodic payment payable under the Ordinance may be reviewed by the court on application either of the employer or of the workman.

The provisions of Article 9 are not completely covered by the Ordinance, though certain provisions are made for medical examination and treatment without expense to the workman. However, every employer shall, if procurable, provide his employee with proper medicine and also with medical attendance during illness and the necessary medical aid, etc., which would normally be provided by the employer in the case of accidents.

No provision is made in the Ordinance with regard to the supply and renewal of artificial limbs or surgical appliances.

The provisions of the law in cases of bankruptcy of the employer are contained in section 26 of the Ordinance. The Governor in Council may make rules prescribing returns to be made by employers and insurers and prescribing procedures, forms and fees and generally for the purpose of giving effect to the Ordinance. The chief justice may make rules of court for regulating proceedings before the court under provisions of the Ordinance and for the fees payable in respect thereof.

Application of the above-mentioned legislation is entrusted to the officers of the provincial and district administrations and the Labour Department.

No judicial decisions have been given by the courts as regards the application of the Convention.

Statistics are not available as regards the scope of application of the Convention or the benefits paid in cash or in kind. There were 46 accidents reported during 1949. Of these, nine were fatal, 13 involved permanent incapacity and 24 temporary incapacity. Compensation paid amounted to £231, with 13 cases pending. In minor cases of temporary incapacity, full wages were paid during the period of incapacity. No compensation was payable in five cases.

No statistics are available on the cost of application of the legislation.

No observations were received from employers' or workers' organisations concerning the practical application of the legislation.

The report has been communicated to the Central Labour Advisory Board.

#### *Uganda.*

Workmen's Compensation Ordinance, 1946  
(from 1 July to 31 October 1949).

Workmen's Compensation Ordinance, 1949  
(from 1 November 1949).

With regard to the application of Articles 1 and 2 of the Convention, the report indicates that the scope of the Workmen's Compensation Ordinance of 1949 is determined by Schedule. The application of the 1946 Ordinance was identical.

The exceptions provided for under Article 2, paragraphs 2 (a) to (c) of the Convention are also to be found in the text of the legislation for Uganda. They are defined in the same terms as those used in the Convention. No other definition or legal interpretation of those terms has been given.

As for the exception mentioned in Article 2, paragraph 2 (d), the report states that the non-manual workers excluded from the application of the Ordinance are those whose remuneration exceeds £500 a year.

Payments of compensation in respect of temporary incapacity are made periodically. All payments of compensation in respect of permanent incapacity or death are made in the form of lump sums. At the present stage of the territory's development, it is not possible to guarantee the proper utilisation of such lump sums.

Payment of compensation is due as from the third day after the accident. When incapacity lasts for a month or more, compensation is due as from the first day of incapacity and is payable by the employer himself.

When a medical practitioner certifies that a workman permanently and totally incapacitated needs the constant help of another person, compensation is increased by one quarter.

All industrial accidents which might result in a claim for compensation must be reported to the district commissioner



or the labour officer by the employer. Where an employer and a workman agree on the compensation to be paid, the agreement is subject to the approval of the labour commissioner or a person appointed by him. Where no such agreement exists, the court may determine the amount of compensation. In the case of injury to a workman whose earnings do not exceed a prescribed amount, the compensation must be paid to an officer and the officer transfers it to the workman, or to his dependants in the case of a deceased workman. Payments may be reviewed by agreement between the parties or by order of the court. There is no time limit for such review.

Under the provisions of the Ordinance, injured persons are entitled to all reasonable medical aid, including surgical and hospital treatment, medical services and pharmaceutical supplies up to a value of £100. Injured persons are also entitled to the supply, maintenance and renewal of artificial limbs and surgical appliances up to a value of £50. These expenses must be defrayed by the employer.

There is no provision for the renewal of artificial limbs and surgical appliances to be replaced by the award of additional cash benefit.

In the event of insolvency of the employer or the winding up of a company, the rights of the employer against the insurers, when the employer is insured, become vested in the workman. Debts in respect of workmen's compensation for accident have priority over others in the case of bankruptcy.

The application of the Ordinance is enforced by the labour commissioner. Inspections of places of employment are carried out by the officers of the Labour Department.

There have been no decisions by courts of law or other courts regarding the application of the Convention.

No system of accident insurance for workers exists in the territory, but employers often insure with private companies.

The Ordinance empowers the Governor in Council to require an employer or class of employers to insure in respect of the liabilities which they incur under the provisions of the Ordinance to workmen employed by them. This section has not yet been applied.

There are no statistics for the territory on which a statement of the exact scope of the application of the Convention could be based. The total expenditure on benefits in kind amounted to 61,102/-. In the absence of any statistical information on the number of persons covered by the legislation, it is impossible to give any indication of the average amount of cash benefit. There is no information regarding benefits in kind. Seventy-eight accidents were reported. It is not

possible to give a schedule of these accidents according to their nature.

Application of the Ordinance is part of the duty of the Labour Department and to a limited extent of the provincial administrator and the courts. No statement of the cost entailed by the application of the legislation can be given as it is not separately estimated.

No observations have been received from employers or workers.

#### *St. Lucia.*

Workmen's Compensation Ordinance No. 7 of 1941.

Workmen's Compensation (Amendment) Ordinance No. 4 of 1942.

Workmen's Compensation Regulations, Statutory Rules and Orders 1942, No. 58.

Article 2 is applied by sections 2, 17 and 18 of the Workmen's Compensation Ordinance No. 7 of 1941. The limit of remuneration for non-manual workers is £200 per annum. The Ordinance applies to agricultural workers.

Article 5 is applied by section 18 (1 and 2) of the Ordinance. The commissioner for workmen's compensation is the competent authority to decide how payments should be made.

In the case of incapacity which lasts less than four weeks, no compensation shall be paid in respect of the first three days. The compensation is payable by the employer. No provision is made for the payment of additional compensation to a worker injured in such a way as to require the constant help of another person. Any half-monthly payment payable under the Ordinance either under agreement between the parties or by order of the commissioner, may be revised by the commissioner, on the application either of the employer or the workman, accompanied by the certificate of a qualified medical practitioner that there has been a change in the condition of the workman or, subject to the regulations made under the Ordinance, on application made without such certificate. Any half-monthly payments may, on review, be continued, increased, decreased or ended, or if the accident is found to have resulted in permanent disablement, be converted to the lump sum to which the workman is entitled, less any amount which he has already received by way of half-monthly payments. Part 1 (B) of the regulations under the Ordinance and section 7 of the Workmen's Compensation Ordinance also apply. Part IV of the Ordinance applies Article 9, and section 14, (1, 2 and 3) applies Article 11.

The Ordinance is administered by the magistrate, District No. 1, who is also the commissioner for compensation. As there is no distinction between workmen's compensation in industry or in agriculture, the same figures are applicable as those submitted for accidents under Convention No. 12.



*Sarawak.*

Workmen's Compensation Ordinance, 1949.  
 Government Gazette Notification, No. S 125 of 16 December 1949.  
 Order by Governor in Council, respecting to application of the Ordinance to certain employments.  
 Government Gazette Notification, No. S 126 of 16 December 1949 (appointing 1 April, 1950 as the date of coming into force of the Ordinance).

The terms of the legislation are not yet equal to those of the Convention. As regards Article 2, the report states that exceptions to the application of the legislation may be "any class of persons whom the Governor in Council may by order declare not to be workmen for the purpose of this Ordinance". No such orders have been made. The Governor in Council may by order apply the Ordinance to employments other than those specifically excepted in the Ordinance. Section 2 excepts casual workers, out-workers, members of the employer's family dwelling in his house, and any person employed otherwise than by way of manual labour whose earnings exceed \$400 a month. The Ordinance does not include fishermen, but includes a person employed as the master of or as a seaman in a ship, and employed on board any registered ship.

Compensation payable in the case of an accident resulting in permanent incapacity or death is paid to the injured person or his dependants as a lump sum, but in the case of the death of a workman the sum is paid into court, which decides how the sum shall be paid for the benefit of the dependants. The employer is liable for the payment of compensation, but is not liable in respect of any injury which does not incapacitate the workman for a period of at least one week from earning full wages at the work at which he was employed. Where an injury results in permanent total incapacity of such a nature that the injured workman must have the constant help of another person, additional compensation shall be paid amounting to one quarter of the amount which is otherwise payable. The protector of labour is responsible for general supervision, and he may act at all times on behalf of the workman. In the case of temporary incapacity, he may approve or withhold approval for commutation of periodical payments by a lump sum in certain cases, and may approve and register agreements between an employer and an injured workman. Deaths of workmen must be reported to district officers or the nearest native officer; circuit courts have powers generally to make orders. Review of compensation may be by action before the protector, by agreement subject to certain safeguards, or by a court. Injured labourers are entitled to hospital accommodation and equipment and medical attendance and treatment, including diets while in hospital.

Where the workman is not attended by a medical practitioner, he may be required

by the employer to submit himself for treatment by a medical practitioner without expense to the workman. There is no provision fixing the duration of the medical aid. There is no statutory provision for the supply of artificial limbs and surgical appliances. There is no maker of such appliances in the country. Section 28 of the Ordinance makes provision for the payment of compensation to workmen in the event of the employer becoming bankrupt. There is no system of compulsory insurance.

The number of workers covered by the workmen's compensation provisions is not known. During the period under review, no accidents were reported and no benefits paid.

See also under Convention No. 42.

*Sierra Leone.*

Workmen's Compensation Ordinance, 1939, as amended up to 1946 (Cap. 268 of the Laws of Sierra Leone, 1946 edition).

Workmen's Compensation (Application to Certain Employments) Order-in-Council, 1940 (Public Notice No. 79 of 1940).

Workmen's Compensation (Notification of Injuries) Rules, 1940 (Public Notice No. 118 of 1940).

Workmen's Compensation (Application to certain Employments) (Amendments) Order-in-Council, 1941 (Public Notice No. 39 of 1941).

Workmen's Compensation (Notification of Injuries) (Amendment) Rules, 1943 (Public Notice No. 48 of 1943).

Workmen's Compensation (Court) Order, 1947 (Public Notice No. 94 of 1947).

The law of the territory is not fully in harmony with the provisions of the Convention. Ratification has not itself had any legal effect.

The present Workmen's Compensation Ordinance covers accidents only. Such accidents must arise out of and in the course of the worker's employment in certain occupations specified by the Workmen's Compensation (Application to Certain Employments) Order-in-Council, 1940. The maximum amount payable to a worker permanently and totally incapacitated is a sum equal to 42 months' earnings or £750 whichever is less. Where death results from the injury, the maximum amount payable to a worker's dependants is 30 months' earnings or £600, whichever is less. The Ordinance applies to all workmen, and the expression "workman" is defined in section 2 (1). It includes all persons who are employed under a contract of service or apprenticeship. Exceptions have been made in respect of the four categories of persons set out in paragraph 2 of Article 2. Further exceptions have been made in respect of tributors and of employees of His Majesty otherwise than in His Government of Sierra Leone. Injuries which result in temporary incapacity, whether total or partial, are compensated by periodical payments, whereas injuries resulting in permanent incapacity,

whether total or partial, are compensated by lump sum payments. If the worker dies as the result of his injury, compensation is payable on a somewhat lower scale to those members of his family who were dependent upon him up to the time of his death. Provision is also made for the payment of damages where it can be shown that the injury was caused by the negligence or wilful act of the employer. "Employment of a casual nature" has not been defined by the Ordinance; the term "out-worker" is defined. "Members of the employer's family" have not been specifically defined though it is probable that the definition of "member of the family", which is intended for a worker's family would be acceptable. The limit of remuneration is fixed at £500 in the Ordinance. The employments to which the Ordinance has been applied include certain seamen. They do not include fishermen. The only class of persons exempted because they are covered by some special scheme is that concerning employees of His Majesty otherwise than in His Government of Sierra Leone. It is understood that in all cases of injury that occur, the compensation paid is not less favourable than that payable under the law of the territory. The Ordinance does not apply to agriculture, except that employment on any plantation or estate on which not less than 25 persons are employed is included in the list of employments in the legislation. As there are no plantations of this size in Sierra Leone, the inclusion of this employment is without effect.

Compensation payable in the case of an injury resulting in permanent incapacity or death is paid to the court; the court has authority to distribute the sum so paid as it thinks fit. It is not usual for compensation to be paid in the form of a pension. Compensation is payable as from the fourth day following the date of the injury, if the incapacity lasts less than four weeks. In all other cases, compensation is payable as from the first day of incapacity, with the minimum requirement that an injured worker must be incapacitated for at least one week. Compensation is payable by the employer. No additional compensation to provide for the constant help of another person is payable under the present Ordinance. Supervision generally is entrusted to the court. No time limit has been set after which compensation is no longer subject to review. As regards Article 9, free medical treatment is provided for an injured worker under section 15 of the Ordinance, but workers are not entitled to surgical and pharmaceutical aid under the existing law. There is at present no legal provision for the supply and renewal of artificial limbs and surgical appliances to injured workers. The Ordinance gives an injured worker certain rights in the event of insolvency of an employer, being a company, but only if the employer had entered into a contract

with insurers in respect of liability under the Ordinance.

The authority in all cases of workmen's compensation is the court. In practice, the Labour Department acts in an advisory capacity and assists both employers and workers to settle claims. In course of time, it is expected that the trade unions will play a greater part than at present in looking after the interests of their members. During the period under review the only cases brought before the court were straightforward claims for settlement in accordance with the Ordinance. There is general observance of the provisions of the Ordinance by all the reputable employers, including the Government, the largest employer. There may be instances in which smaller employers—particularly those whose places of business are in the remoter parts of the country—do not observe their obligations, but very little information is available. Labour officers now pay frequent visits to all parts of the territory and it may be expected that the numbers of such cases will decrease.

The total number of workmen, employees and apprentices (excluding seamen, fishermen, and agricultural workers), is approximately 70,000; 60,000 of these are covered by the ordinance, and approximately 1,000 persons employed by His Majesty otherwise than in His Government are covered by a special scheme. Cash compensation paid in the year ended December, 1949 was £2,932, equal to an average of £5 per person injured during the same period. No benefits were paid in kind. There were six fatal and 523 non-fatal accidents during 1949.

There has been some expression of opinion from trade unions that existing legislation requires revision. This is accepted by the Government, but it is desirable that the law relating to workmen's compensation should be approximately the same in all four West African colonies, and arrangements to this end are now well advanced. It is hoped to introduce a new Ordinance during 1951.

The report has been communicated to the Sierra Leone Council of Labour.

#### *Solomon Islands.*

A King's Regulation to provide for workmen's compensation is under consideration. Meanwhile, the matter can be controlled, if necessary, by the application of the Imperial Workmen's Compensation Acts.

#### *Singapore.*

Workmen's Compensation Ordinance, 1933. Chapter 70, 1936 Edition of the Laws of the Straits Settlements.

The Ordinance is not fully in harmony with the provisions of the Convention, which has been applied to Singapore sub-

ject to modifications in respect of Articles 7, 9 and 10. The legislation applies to any workman as defined in section 2 of Chapter 70, *i.e.*, to any person who is employed on wages at a rate not exceeding \$400 a month, in any such capacity as is for the time being specified in the Second Schedule to the Ordinance. Persons excepted from this definition include persons whose employment is of a casual nature and who are employed otherwise than for the purposes of the employer's trade or business; members of His Majesty's Naval, Military or Air Forces; persons in the civil employment of His Majesty otherwise than in His Government of the colony; the holders of pensionable office, within the meaning of the Pensions Ordinance; members of the police force of the colony. The Second Schedule defines a "workman" as any person employed in a number of occupations, including workers in factories and workshops where power is not used, provided that at least 50 persons are employed; and workers on estates or plantations on which not less than 25 persons are employed. Agricultural workers are not excluded from the scope of the Ordinance. As regards Article 3, the report states that there are no special schemes in Singapore. There is no provision for periodical payments of compensation in the event of permanent disability or death of a workman. Lump sum payments are specified under section 5 (1) (a), (b) and (c). No payment of compensation in respect of a workman whose injury has resulted in death and no payment of a lump sum as compensation to a minor shall be made otherwise than by deposit with the commissioner for workmen's compensation, who is a Government officer appointed by the Governor. The Ordinance does not specify the period after the accident within which compensation is payable in the case of permanent disablement. In the case of temporary disablement, a half-monthly payment is payable on the 16th day after the expiry of a waiting period of seven days from the date of the disablement, but earlier payment is usually made. The compensation is payable by the employer. As regards Article 8, the report states that the legislative provisions dealing with review are given in sections 7, 8 and 9 of Chapter 70. There is no time limit within which an application for review of a half-monthly payment must be made. Section 17 of Chapter 70 safeguards the interests of injured workmen or their dependants in the event of insolvency of the employer.

Under the Workmen's Compensation Ordinance, an employer is required to make an immediate report to the commissioner for workmen's compensation on any accident involving injury to any workmen. Copies of such reports are sent to the Labour Department and an officer of the Department ensures that the labourer is paid whatever money is due to him. Should

a dispute occur as to the amount of compensation due, the commissioner for labour is empowered to appear on behalf of the labourer or his dependants before the commissioner for workmen's compensation who adjudicates the case. The commissioner for workmen's compensation is a law officer not in any way connected with the Labour Department.

The total number of workmen employed, excluding seamen, fishermen and agricultural workers, is 112,708, of whom 93,799 are covered by the Workmen's Compensation Ordinance. During the period under review the total cost of benefits in cash was \$103,711.51. There were 48 fatal accidents, 25 cases of permanent partial disablement and 1,897 cases of temporary disablement. The cost of application of the legislation is not known; most employers take out insurance policies with insurance companies.

The report has been communicated to the Labour Advisory Board.

#### *Swaziland.*

Swaziland Workmen's Compensation Proclamation, No. 25 of 1939, extended to employment at or about mines by High Commissioner's Notice, No. 12 of 1939, as amended by Proclamation No. 64 of 1948.

The Convention was accepted on 4 January 1949 with reservations regarding Articles 2, 6 and 7. The Convention is applied by the above-mentioned Proclamation, which renders an employer, in any class of employment to which the Proclamation applies, liable to pay compensation to a workman who is injured in the course of his employment, and to his dependants if the workman is killed or dies as a result of the injury. The rates of compensation are as follows: in the case of death resulting from the injury, a sum equal to 40 months' wages or £800, whichever is less; in the case of permanent total incapacity, a sum equal to 48 months' wages or £1,000, whichever is less; in the case of permanent partial incapacity, a proportion of the amount which would have been payable for permanent total incapacity; in the case of temporary incapacity, periodical payments to be calculated in accordance with certain safeguarding provisions contained in section 8 of the Proclamation. The limit prescribed in respect of non-manual workers is an annual wage of £500. The Proclamation has so far only been applied to the mining industry. The Proclamation provides that compensation be payable in a lump sum to the courts of the territory which may direct that the sum in question shall be paid, applied or otherwise dealt with for the benefit of the person entitled to it in such manner as the court thinks fit. Compensation is payable by the employer, and, in the case of incapacity, only as from the seventh day after the accident.

Twenty per cent. higher compensation is payable in cases of permanent total incapacity.

Awards are subject to review by the courts, and either the employer or the workman may apply to the courts to fix the compensation payable. There is no provision for medical aid, etc., at the expense of the employer, but almost all cases of injuries in this category are Africans who receive free hospital treatment, etc., in any case. The Proclamation safeguards the employee in the case of the employer's insolvency.

Application of the Proclamation is entrusted to the courts of the territory. All mines and machinery are visited twice yearly by inspectors.

There is no known decision of any court of law regarding the application of the Convention. No detailed statistical information is available.

There are no representative organisations of employers or workers in the territory.

#### *Tanganyika.*

Workmen's Compensation Ordinance (Chapter 263) of 2 December 1948.

This Ordinance, which came into force on 1 July 1949, is applicable to workers of all races. Before it was issued, no legal provisions for the payment of compensation for bodily injury sustained by non-African workers existed in the Territory. The payment of compensation to such workers could be obtained only by civil action.

In the case of African workers, there existed in sections 24 and 25 of the Master and Native Servants Ordinance (Chapter 78) a provision which applied also to native workers from other African territories.

A definition of "workman" is to be found in section 2 (1) of the Ordinance. Section 4 provides that the Ordinance is applicable to workmen employed by the administrative authorities.

A casual worker is defined in paragraph (b) of section 2 (1) of the Ordinance. Persons considered as members of the employer's family are not defined by the Ordinance. The remuneration for non-manual workers above which compensation is not payable has been fixed at 10,000/- a year.

The Convention has been applied to all workers; the categories mentioned in Article 3 have not been specifically excluded under the Ordinance.

The Convention has been applied to workers employed in agricultural undertakings.

Compensation payable in the case of an accident resulting in the permanent incapacity or death of the worker is paid either to the injured person or to his dependants in the form of a lump sum. The Ordinance empowers officers of the Pro-

vincial Administration to determine the form and manner in which these lump sum payments shall be made in the case of workmen whose earnings do not exceed a prescribed amount. This amount has been fixed at 200/- a month. It is not feasible to require guarantees for the proper use of the compensation paid, although in practice distribution to workers is done in consultation with the local native authorities.

The Ordinance states that no employer shall be liable in respect of any injury which incapacitates the workman for a period of less than five consecutive days from earning full wages at the rate for which he was employed.

The Ordinance provides that, where an accident results in permanent total incapacity of such a nature that the injured person must have the constant help of another person, additional compensation shall be paid amounting to one quarter of the amount which is otherwise payable. The amount of compensation payable in respect of permanent total incapacity resulting from an injury has been fixed at a sum equal to 48 months' earnings or 20,000/-, whichever is less, provided that the minimum amount payable in such cases shall not be less than 1,500/-.

Measures of supervision are applied by the Labour Department and the courts. Methods of review of compensation are prescribed in section 18 of the Ordinance. Such review may take place at any time and no time limit has been fixed.

No limit has been fixed for the duration of medical, surgical and pharmaceutical aid to which workers are entitled. The Ordinance provides for medical aid, consisting of surgical and hospital treatment, nursing services and the supply of medicines, the whole amounting to a sum not exceeding 2,000/-. Such expenses must be defrayed by the employer.

The Ordinance requires employers, where necessary, to defray the reasonable expenses incurred in respect of the supply, maintenance, repair and renewal of artificial limbs and surgical appliances to an amount not exceeding 1,000/- in all. No provision is made for the supply and renewal of such appliances to be replaced by the award of additional cash benefit. No measures are laid down to prevent abuses, but section 3 of the Ordinance provides for disputes regarding the necessity for, or the nature or extent of, such medical aid to be determined by the court.

The application of this legislation is enforced by the officers of the Labour Department during their routine tours of inspection. The Ordinance requires employers to report all accidents for which compensation is payable. The courts and the labour officers record all payments of compensation.

There have been no court decisions concerning the application of the Convention.

No system of accident insurance for workers exists in the territory, although many employers insure with private companies.

In 1949, the total number of workers, employees and apprentices employed by all the undertakings and all the establishments of the Territory, including seamen, fishermen and agricultural workers, was about 490,000, all covered by the general provisions regarding accident insurance for workers. No special compensation scheme exists.

The total amount of compensation paid in cash came to 65,647/-, including payments made during the period 1 January to 30 June, 1949, *i.e.*, before the Workmen's Compensation Ordinance came into force. Benefits under the earlier legislation were much smaller than under the later. Since the Workmen's Compensation Ordinance was put into effect only on 1 July 1949, it is not possible to state the average amount of cash benefit paid per person covered. Likewise, no information can be given regarding the average amount of benefits in kind, but the report lists the causes of the 1,250 accidents reported. No details of expenses incurred are available; the cost of applying the legislation is borne by the Labour Department.

No observations have been received from the employers' and workers' organisations regarding the application of the legislation.

#### *Zanzibar.*

There is no special legislation to apply the provisions of the Convention. The law respecting workmen's compensation for accidents is contained in the Labour Decree, 1946 (No. 11 of 1946). A Bill entitled "A Decree to provide for com-

pensation to workmen for injuries suffered in the course of their work" was introduced in the Legislative Council during December 1949 and referred to a Select Committee.

This Bill, the text of which closely follows that of the Workmen's Compensation Ordinance which has been put into operation in each of the three neighbouring territories of Tanganyika, Kenya and Uganda, seeks to introduce a more comprehensive system providing more substantial compensation for the workmen concerned.

Part V of the Labour Decree prescribes the circumstances in which compensation is payable for injury to workmen. It is very limited in its effect. Section 30 provides for compensation only if the accident is proved to have been caused by the negligence of the employer.

Decree No. 11 of 1946 provides for the payment of compensation by instalments or otherwise, as the court thinks fit, but the amount of compensation payable may not exceed a maximum sum equivalent to two years' wages.

The date from which compensation is payable, in the case of incapacity, is fixed by negotiation with the employer or by order of the court.

Decree No. 11 of 1946 places an obligation on the employer to provide common medicines or remedies for simple hurts and ailments and to obtain medical aid for workmen in the case of a serious injury or ailment, at the employer's cost, if the workman lives at his place of employment or elsewhere than at his home.

The application of the above-mentioned legislation is the responsibility of the labour officers and the local administrative officers.

There is no system of accident insurance for workers.

## 18. Convention concerning workmen's compensation for occupational diseases

### *Belgium*

#### *Belgian Congo.*

Order of the Regent of 16 November 1949, establishing a list of occupational diseases entitling indigenous workers to the payment of compensation.

Ministerial Order of 21 November 1949 laying down the medical conditions which indigenous workers suffering from pneumoconiosis must fulfil to have this sickness considered as an occupational disease.

Order No. 23/154 of 12 May 1950, respecting the notification of diseases.

Order No. 23/157 of 12 May 1950, containing the list of industries, occupations, work or operations which may cause occupational disease.

See also the list of legislation given under Convention No. 17. This legislation applies only to indigenous workers.

Article 1 : The report refers to the reply given for Convention No. 17 as regards the principles of the legislation and the rates of compensation in the case of industrial accidents. The rates of compensation of occupational diseases are identical with those applying in the case of industrial accidents. The modifications and adaptations considered as necessary are the following : An occupational disease is a disease caused by the carrying out of a contract ; it must be classified as such and the industries, occupations, work or operations which might cause it must be specified. In the case of industrial accidents, a request for review of the compensation, based on a worsening or an improvement of the disability of the victim, is possible during a period of three years.

In the case of an occupational disease, this period is extended to 10 years. This difference is due to the fact that the development of occupational diseases is often slower.

The authorities entrusted with the application of the Decree and with its supervision are the Administrator of the territory, the labour inspection service and the courts.

The Decree came into force on 1 July 1950. No details of its application can be given in view of its recent coming into force.

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

#### *France*

##### *Guadeloupe.*

The regulations concerning compensation for industrial accidents also apply with regard to compensation for occupational diseases. However, no cases of such diseases have been reported by the specialists. This is due to the fact that the only industries or trades where diseases recognised as a result of the trade might be incurred are the handling of animal remains, which is done on a small scale, and the loading, unloading and transport of goods.

##### *Martinique.*

The Act of 25 October 1919 has not been made applicable to Martinique. However, Act No. 49-1104 of 2 August 1949 has extended to Martinique the provisions of the Act of 30 October 1946 respecting the prevention of, and compensation for, industrial accidents and occupational diseases. Rules for the application of the Act of 2 August 1949 are still under consideration at Government level.

The question of the authority responsible for enforcing the application of the Convention does not arise at present; there are no decisions by courts of law to report, as the Convention is not applied.

##### *Réunion.*

Act of 25 October 1919.

Almost the only industries of the department are those for the manufacture of cane sugar and rum; since the labour inspection service was set up, it has not been notified of a single case of occupational disease. It therefore appears that the occupations, industries or manufacturing processes existing in Réunion do not give rise to any of the diseases or forms of poisoning listed in the schedule to the Convention.

##### *Cameroons.*

See under Convention No. 42.

##### *French Equatorial Africa.*

Occupational diseases are not expressly covered by the labour regulations applying in French Equatorial Africa; at present, these regulations are based on the provisions of the Decrees of 4 May 1922 and 29 July 1942 and the Orders issued in application thereof on 21 December 1935 and 22 October 1942.

However, if a worker suffers a disease which is considered to be occupational in accordance with the definitions given in this respect by the Decree of 31 December 1946, compensation for the latter would be continued in the case of permanent incapacity on the basis of the compensation rates for industrial accidents. Thus, although the Decree of 31 December 1946 has not been promulgated in French Equatorial Africa, its provisions would be taken into consideration in estimating an occupational disease contracted by a person earning his living overseas. However, no cases of such diseases, which, in general presuppose the handling of products employed in large-scale industry, have occurred up to this date in French Equatorial Africa.

##### *French Establishments in India.*

No legislation has been drawn up for the territory. Owing to the lack of regulations, no claims in respect of occupational disease have been addressed to the labour inspection offices. However, in view of the probability of poisoning by certain substances, the application of the Convention might usefully be considered.

##### *Madagascar.*

See under Convention No. 42.

##### *St. Pierre and Miquelon.*

Because of their extreme rarity in the territory, no provision for compensation in respect of these diseases was made at the time when the insurance scheme previously described was inaugurated. The matter is, however, to receive further consideration.

#### *Portugal*

See the introductory note to Convention No. 1.

Reports have been received for the following territories: *Angola, Cape Verde, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, S. Tomé and Príncipe, and Timor.*

A summary will be found below of any new information contained in these reports, which, in addition, repeat information previously examined in the Summary of reports laid before the Conference at its 33rd Session.

##### *Angola.*

The legislation concerning industrial accidents is based on the principle that

the employer should organise work in such a way as to afford satisfactory conditions of safety for his workers. The employer is responsible for any accidents which may occur, since it is assumed that he has not taken the necessary measures to prevent them. He is required to pay the relevant compensation and all medical, surgical and pharmaceutical expenses until the recovery of the injured person or, if necessary, until the incapacity for work resulting from the accident has been duly reported. No limit has been fixed for compensation rates. The general principles of the legislation concerning compensation for industrial accidents are applicable to the following occupational diseases: (a) poisoning by lead, its alloys or compounds and their sequelae; (b) poisoning by mercury, its amalgams and compounds and their sequelae; (c) poisoning from colouring substances and solvents; (d) poisoning from industrial dust, gases or fumes, as, for example, gases from wireless and other batteries and gases from internal combustion motors and refrigerating machinery; (e) pathological disorders resulting from the action of X-rays or radioactive substances; (f) anthrax; (g) occupational dermatitis.

The application of the legislation is entrusted to the labour tribunals in accordance with the method adopted for industrial accidents. The supervision of this application is ensured by the employers, the various administrative services, all State services and hospitals.

The information requested under Points IV and V of the report form are not available in view of the lack of services set up to this effect. No observations have been received from the employers' or workers' organisations concerned with regard to the practical application of the legal provisions relating to the Convention.

#### *Cape Verde.*

Legislative Decrees Nos. 31,464 and 31,465 of 12 August 1941.

Ministerial Ordinance No. 10,698 of 6 July 1944.  
Legislative Orders Nos. 859 of 21 April 1945 and 1049 of 5 August 1950.

The legislation in force aims at ensuring for workers a minimum wage enabling them to provide for their wants, at ensuring assistance required during illness and the payment of a pension to the widow and survivors in the case of death. Article 2 of the Convention is covered by section 2 of Legislative Order No. 12 of 27 April 1927, and by the above-mentioned Legislative Order No. 859. The supervision of the application of legislative measures is ensured by the administrative, police and judicial authorities.

#### *Mozambique.*

Act No. 83 of 24 July 1913.

Ordinance No. 643 of 13 October 1917, to approve the general regulations concerning industrial accidents.

Legislative Decree No. 31,646 of 12 August 1941, to approve the code of procedure for labour tribunals.

Ministerial Ordinance No. 10,698 of 6 July 1944, to apply to the Portuguese possessions the code of procedure for labour tribunals.

General regulations for the protection of workers incurring an occupational disease have been specially established under Act No. 83 and the above-mentioned general regulations concerning industrial accidents. The code of procedure for labour tribunals covers, in the first chapter of Book III, legal proceedings relating to compensation for occupational diseases.

Whenever an occupational disease occurs, the employer or his representative and the sick person or a member of his family are required to inform the judge of the labour tribunal within 24 hours of this fact. On receipt of the communication, the judge prescribes a medical examination; should this examination show any incapacity whatever, the judge orders an attempt at conciliation. In the case of death, the judge orders an autopsy.

The report gives detailed information regarding the provisions of the legislation relating to compensation rates for industrial accidents which are applicable in the case of occupational diseases and which it is not possible to summarise.

Since the majority of the industries or occupations corresponding to the occupational diseases and poisonings referred to in Article 2 of the Convention do not exist in Mozambique, no mention is made of them in the legislation. The relevant provisions in the general regulations concerning industrial accidents (section 2, paragraph 2) are therefore drafted in generic terms.

The application of the legislative measures is ensured by the labour tribunals. The lack of an inspection service has not so far been felt. No observations have been received from the employers' organisations or the national trade unions regarding the practical application of the legislation in force.

#### *Portuguese Indies.*

Act No. 1942 of 25 July 1936, concerning the right to compensation in the case of an industrial accident or occupational disease.

Legislative Decree No. 27,165 of 10 November 1936, to amend section 36 of Act No. 1942, respecting the assessment of the wage for the purpose of calculating the compensation due to persons injured in industrial accidents (L.S. 1936—Port. 2 A, B).

Decree No. 27,649 of 12 April 1937, concerning the application of Act No. 1942.

The above-mentioned legislative measures concerning compensation for industrial accidents are applicable in the case of occupational diseases. There are no other legal provisions in this matter.

The application of the legislative measures in force is ensured by the labour tribunals. No decisions were given by courts of law regarding the provisions



of the Convention. The competent services have been informed of no case of compensation for an occupational disease during the period under review. There are no representative workers' organisations; the only employers' organisation is the Commercial Association of Goa.

*S. Tomé and Príncipe.*

During the period under review and during previous years, no cases of occupa-

tional disease were noted during the frequent inspection visits to places of work.

*Timor.*

The report reproduces the information supplied for Convention No. 17 in respect of the compensation rates prescribed by the national legislation for injuries resulting from industrial accidents; it refers to sections 16 and 17 of Act No. 1942 as regards conditions governing the payment of compensation for occupational diseases.

**19. Convention concerning equality of treatment for national and foreign workers as regards workmen's compensation for accidents**

*France*

*Guadeloupe.*

The compensation scheme for industrial accidents in force is also applicable to foreigners whose Governments grant the same advantages to French nationals in their territory.

*Martinique.*

Decree of 19 July 1925, to extend to Martinique the provisions of the Act of 9 April 1898.

The application of the Convention is entrusted to the same authorities as in France, under the provisions of the Act of 1898. No decisions were given by courts of law.

The number of workers protected is about 200 (British subjects for the most part, employed as vacuum panmen in sugar mills and in domestic service, building and agriculture).

No observations have been received from the employers' and workers' organisations concerned.

*Réunion.*

Act of 9 April 1898.

The scheme of workmen's compensation for accidents is the same for foreign as for national workers. There are 1,388 foreigners working in the department, including 878 Chinese, 78 Indians, 18 Mauritians (British), 411 Pakistanis and three of miscellaneous nationalities. They are mainly employed in commerce (Chinese, Indians and Pakistanis) and in the sugar industry (Mauritians).

Twelve industrial accidents involving foreign workers occurred during the year 1949; none of these resulted in incapacity lasting more than a fortnight.

*Cameroons.*

Decree of 23 August 1945.

This legislation, which applies to Europeans and assimilated persons, makes no

discrimination as to the nationality or residence of workers and their dependants in so far as compensation for industrial accidents is concerned.

No special agreements have been concluded under Article 2 of the Convention.

The payment of benefits for industrial accidents (lump-sum payments or pensions) is made through the intermediary of the head of the administrative area (regional head); the file is then passed on to the labour inspectorate for supervision of compliance with the regulations. In the case of complaint, the file is passed by the labour inspectorate to the competent judicial authorities, i.e., the courts of first instance.

*French Equatorial Africa.*

The regulations and practice concerning compensation for industrial injuries make no distinction between foreign workers and workers who are French citizens.

No industrial accident occurring to a foreigner has been reported up to the present. Under the regulations regarding such accidents the principles regarding compensation laid down in section 59 of the Act of 30 October 1946 concerning compensation for industrial accidents would normally be applied in the case where the injured person could be assimilated to a worker expatriated from Europe.

The principle of the speciality of colonial legislation does not recognise legally section 59 of the Act of 30 October 1946. Nevertheless, in view of the assumption defined above, the methods of compensation described in the Act might be taken into consideration.

Section 59 provides that "alien wage-earning employees who have suffered accidents and who cease to reside in France shall receive a capital sum equal to three times the amount of their annual remuneration as full compensation. The same provision shall apply to their alien dependants who cease to reside in France



so, however, that the capital sum shall not exceed in this case the value of the pension according to the scale mentioned in section 60. The alien dependants of an alien employee shall receive no compensation if they are not resident in France at the time of the accident."

These provisions may be modified by international treaties or agreements within the limits of the compensation provided for in the Act.

African workers from the territories of foreign powers benefit from the compensation rates for industrial accidents which are guaranteed to French Africans, provided they are engaged in paid employment within the Federation.

#### *French Establishments in India.*

Sections 63 to 65 of the Decree of 6 April 1937.  
Order of 26 November 1941.

The legislation respecting workmen's compensation for accidents is comprised in the above measures, which make no distinction between French nationals and foreigners. Foreigners are given every facility for settling claims for compensation.

#### *French Settlements in Oceania.*

This Convention is not applicable in the territory.

#### *Madagascar.*

As a whole, the local regulations regarding compensation for industrial accidents are applied without any discrimination as to the nationality of the beneficiary. In some cases, when the foreigner intends to leave the territory, he is given the right to take, subject to the consent of the labour inspectorate, a lump sum instead of a pension; this results in a definite settlement for the accident. No special regulations have been issued in this respect. A foreigner who considers the compensation provided for under the regulations of the territory to be insufficient may always appeal to common law jurisdiction in order to obtain damages.

#### *New Caledonia.*

Decree of 15 May 1930, to issue public administrative regulations respecting liability for industrial accidents (L.S. 1930—Fr. 9), as amended by the Decree of 16 May 1934.

Section 4 of the above Decree lays down no condition as regards residence for the payment of pensions to nationals and their dependants. On the other hand, foreign workers and their dependants who cease to reside in French territory receive as sole compensation a lump sum equal to three times the annual pension which had been allocated to them. The dependants of a foreign worker do not receive any compensation if, at the time of the

accident, they were not resident in French territory.

The judicial authorities fix the amount of compensation, after an investigation has been made. The verification of the statements made in this connection is entrusted to the labour inspector and the officials of the judicial police.

With the exception of awards fixing the amount of pensions, no judicial decisions were given during the period under review. No discrimination was made between national and foreign workers as regards claims in respect of compensation for accidents.

During the period under review, no observations were received from the employers' and workers' organisations concerned. Copies of the report have been communicated to the representative organisations.

#### *St. Pierre and Miquelon.*

The scheme of workmen's compensation for accidents set up by the Order of 31 October 1947 applies without discrimination to national and foreign workers.

Section 20 provides, however, that foreign workmen injured in industrial accidents who cease to reside in the territory shall receive in full settlement of compensation claims a lump sum equal to three years' annuity payments. The same applies to their dependants who, being foreigners, cease to reside in the territory. Foreign dependants of a foreign workman receive no compensation if, at the time of the accident, they are not residing in the territory.

#### *Portugal*

See the introductory note to Convention No. 1.

Reports have been received for the following territories: *Angola, Cape Verde, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, S. Tomé and Príncipe, and Timor.*

A summary will be found below of any new information contained in these reports, which, in addition, repeat information previously examined in the Summary of Reports laid before the Conference at its 33rd Session.

#### *Angola.*

The application of the legislation is ensured by the labour tribunals. The latter are duly informed by the employers, the administrative authorities, the State services concerned and the hospitals, of industrial accidents which may have occurred. No decisions were given by courts of law. There are no statistics showing the number of foreign workers and their occupations. No observations have been received from employers' or workers' organisations regarding the application of the legislative measures relating to the provisions of the Convention.

*Cape Verde.*

In conformity with section 19 of Legislative Order No. 12 of 27 April 1927, national and foreign workers are covered by identical legal provisions as regards their treatment in respect of compensation for industrial accidents. The application of the relevant legislation is ensured by the administrative police and judicial authorities. Since there is no inspection service as such, the control of this application is ensured by the said authorities. No observations have been received regarding the practical application of the above-mentioned legislative provisions.

*Macao.*

No special legislative measures have been taken with regard to compensation for industrial accidents. When such a case occurs, the legislation in force in Portugal is applied.

*Mozambique.*

As regards Article 1 of the Convention, the report gives the following text of section 28 of the general regulations regarding industrial accidents:

"Workers and employees injured by an industrial accident, together with their representatives, are no longer entitled to any pension whatever should they cease to reside in Portuguese territory. However, in the case of foreigners, they are entitled, in one payment, when leaving the province, to a sum equal to three times the annual pension granted to them. The foreign representatives of a foreign worker are entitled to no compensation unless they are resident in Portuguese territory at the time of the accident. These provisions may be amended, as regards the maximum compensation fixed by the regulations, with regard to foreigners whose countries grant equal advantages to Portuguese workers."

The application of the legislation is ensured by the labour tribunals. During the period under review, no cases concerning the provisions of the Convention were reported. No observations have been received from the employers' or workers' organisations regarding the practical application of the legislation in force.

*Portuguese Indies.*

No special legislative measures have been issued on this subject. In conformity with the general legislation referred to in the report on Convention No. 17, and particularly with section 3 of Act No. 1942 of 27 July 1936, aliens who meet with industrial accidents in Portuguese territory, together with their heirs and representatives, enjoy the same rights as Portuguese nationals even if they reside outside Portugal, provided the legislation of their countries ensures reciprocal treatment for Portuguese workers.

*S. Tomé and Príncipe.*

In reply to the observation made in 1950 by the Committee of Experts regarding the lack of foreign workers or employees in this possession, the report states that Native workers coming from other colonies and who receive compensation as a result of accidents, are all workers from other Portuguese territories.

*United Kingdom*

Reports have been received for the following territories:

*Aden, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, British Guiana, British Honduras, British Somaliland, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Grenada, Hong Kong, Jamaica, Kenya, Federation of Malaya, Malta, Mauritius, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.*

In general, the information contained in these reports is identical with that supplied for the periods 1947-1948 and 1948-1949 and published in the summaries of reports on ratified Conventions submitted to the 32nd and 33rd Sessions of the International Labour Conference (1949 and 1950).

Any new information contained in the reports for the period under review is given below.

*Bahamas.*

Workmen's Compensation Act, No. 25 of 1943.

Ratification of the Convention has not modified previously existing legislation. There are no special legislative provisions covering Articles 1, 2 and 4 of the Convention. Application of the above-mentioned legislation is entrusted to the Supreme Court. No decisions were given by courts of law. There are no inspection services, and no statistics are available in regard to foreign workmen. No observations have been received regarding the application of the provisions of the Convention.

*Barbados.*

Workmen's Compensation (Amendment) Act, 1949 (not yet in force).

No statistics are available concerning foreign workers in Barbados, but the number is small.

*British Honduras.*

The report provides statistical information on the number of accidents which occurred in private and Government employment, the number of man-hours

lost and the amount of compensation paid and awarded during the period under review.

*Brunei.*

A Workmen's Compensation Enactment was passed in May, 1950, but had not yet come into force on 30 June 1950.

*Dominica.*

Foreign workers receive equality of treatment under the legislation in force. No observations relating to the Convention have been received from any employers' or workers' organisations.

*Falkland Islands.*

Workmen's Compensation (Amendment) Ordinance, No. 23 of 1949.

The above Ordinance contains minor amendments to the existing legislation.

*Gilbert and Ellice Islands.*

Workmen's Compensation Ordinance No. 6 of 1949.

The Ordinance does not differentiate between national and foreign workers. Payment of compensation to both foreign and national workers resident outside the colony but inside the United Kingdom or His Majesty's Dominions is governed by section 33 of the Ordinance, which provides that the High Commissioner may make regulations regarding the transfer of appropriate monies. There are no special provisions for the payment of compensation to national or foreign workers residing outside His Majesty's Dominions. No special agreements have been made with other States Members concerned in accordance with Article 2 of the Convention. See also under Convention No. 12.

*Grenada.*

Compensation for Injuries Ordinance (Chapter 48 of the Laws of Grenada).

Workmen's Compensation Ordinance (Chapter 248 of the Laws of Grenada).

Workmen's Compensation (Amendment) Ordinances Nos. 14 and 38 of 1936, 9 of 1939 and 1 of 1944.

Workmen's Compensation Regulations (Statutory Rule and Order No. 34 of 1938).

Workmen's Compensation (Appeal) Rules (Statutory Rule and Order No. 44 of 1938).

As regards the application of paragraphs 1 and 2 of Article 1 of the Convention, the report states that the workmen's compensation legislation in force in the colony does not provide for any discrimination against foreign workmen in cases of workmen's compensation for industrial accidents.

Article 2 : No special agreements have been made to provide for compensation for industrial accidents happening to workers whilst temporarily or intermittently employed in the territory of another State

Member of the International Labour Organisation.

Article 3 : Legislative provision has been made in the colony for workmen's compensation for industrial accidents as mentioned above.

Article 4 : No modifications have been made in the laws and regulations in force on workmen's compensation during the period under review.

The application of the Convention is ensured by the commissioner for workmen's compensation. No decisions were given by courts of law or other courts with regard to the application of the Convention. There are no foreign workers in the colony. No observations have been received from employers' or workers' organisations.

*Jamaica.*

Workmen's Compensation (Amendment) Law, 1939.

Workmen's Compensation (Amendment) Law, 1941.

Workmen's Compensation (Amendment) Law, 1942.

The Governor may appoint such medical practitioners to be medical referees for the purpose of the law as he may determine. The provisions of Article 2 of the Convention are observed in the tripartite agreement between the Government of Jamaica, the agricultural workers and the employers in the United States. A copy of the agreement is appended to the report on Convention No. 50. There is no provision in the law for any inspection service. Statistics regarding foreign workers in Jamaica are not available, as the number of such workers is very small.

*Kenya.*

Workmen's Compensation Ordinance, No. 72 of 1948.

Article 1 : There is no discrimination. No restriction has been imposed on payment of compensation due to an injured foreign workman or to his dependants who reside outside Kenya.

No accident involving a foreign worker was reported for the period under review.

*Federation of Malaya.*

By the end of the year under review, and after consultation with the Federal Labour Advisory Board and numerous other bodies and trade unions representative of both employers and employees, the Department of Labour had completed the draft of a workmen's compensation Bill which is intended to take the place of existing workmen's compensation laws.

No statistics are available to show the number of foreign workers in the Federation, although incomplete returns collected from employers by the Department of Labour show that, on 31 December 1949,

there were 90,096 Malays, 164,158 Chinese, 203,141 Indians, 20,163 Javanese, and 1,849 other "labourers", as defined in various Labour Codes and Ordinances, in employment. It is estimated, however, that there are at present in the Federation between 900,000 and 1,000,000 "workmen", as defined in the existing workmen's compensation laws. There are no statistics to show the number and nature of accidents to foreign workers, but the total number of cases in which the Department of Labour acted on behalf of workmen under the workmen's compensation laws during the year under review was as follows: 159 fatal cases, amount paid \$311,260.32; 318 permanent disability cases, amount paid \$216,466.40; and 875 temporary disability cases (in this case the workman receives, for the duration of his disability, half-monthly payments equivalent to half his normal earnings).

#### *North Borneo.*

The consideration of legislation which has been referred to previously has resulted in the enactment of the Workmen's Compensation Ordinance, 1950, which came into operation on 1 July 1950 and will form the basis of the next report. During the drafting of the legislation, the requirements of the Convention were kept in view.

#### *St. Lucia.*

There is no discrimination between local and foreign workers.

#### *Sarawak.*

There is no legislation which would tend to distinguish between the treatment for national and foreign workers as regards workmen's compensation for accidents, and no measures have been taken or are contemplated regarding such a distinction.

#### *Seychelles.*

The draft legislation mentioned in the previous report needs considerable revision in the light of the special conditions prevailing in Seychelles. Proposals, therefore, will be drawn up next year.

#### *Singapore.*

The returns made by employers on 31 March 1950 of those in their employment provide the following figures for labourers, *i.e.*, skilled or unskilled manual workers, but not including clerks, shop assistants, domestic servants, self-employed workers, etc.: 76,389 Chinese; 1,211 North Indians; 18,071 South Indians; 5,923 Malaysians (Sumatrans, Javanese, etc.); and 651 others. The report has been communicated to the Labour Advisory Board.

#### *Tanganyika*

The reference to the Workmen's Compensation Ordinance (No. 43 of 1948, as amended by No. 41 of 1949) now reads "Chapter 263". Sections 29 and 30 of the Master and Native Servants Ordinance (Chapter 51 of the Laws) are now renumbered 24 and 25 in Chapter 78 of the Ordinance.

#### *Uganda.*

Workmen's Compensation Ordinance 1949 (in force as from 1 November 1949).

Article 4 of the Convention: The effect of the application of the Ordinance of 1949 has been to increase benefits, but it has not introduced any modifications of principle into the legislation.

Information supplied by the larger employers shows that in 1949 they had in their service 55,155 Africans not indigenous to the territory. Among these workers, 13,257 were employed in agriculture, 11,934 in industry and 24,964 in other occupations.

During the past year, 72 accidents to non-indigenous Africans were reported. A final settlement of the question of compensation payments has been reached in 58 cases.

#### *Union of South Africa*

##### *South-West Africa.*

Proclamation No. 27 of 1924, as supplemented and amended by Ordinance No. 14 of 1930 and Proclamations No. 7 of 1931, No. 29 of 1939 and No. 11 of 1945.

Government Notice No. 154 of 1924, to lay down rules for the application of Proclamation No. 27 of 1924.

Proclamation No. 3 of 1917, as amended by Proclamations Nos. 6 of 1924, 6 of 1925, 16 of 1935 and 4 of 1939.

Government Notice No. 18 of 1939.

The above-mentioned legislation contains no special provisions relating to the payment of compensation for industrial accidents to workers and their dependants residing outside the territory, either in the case of South African nationals or in the case of aliens. No conditions as to residence being stipulated in the legislation, workers and their dependants, whatever their nationality, enjoy equality of treatment without such conditions. No special arrangements have been made with other Members. The legislative provisions respecting compensation for industrial accidents have not been modified in any way during the period covered by the report. The report contains information on the legislation applicable to persons other than natives employed in mines and works. Magistrates, in their capacity as native commissioners, are responsible for drawing up and lodging with employers claims by natives for compensation for industrial accidents. In case of dispute, the matter would come before the Compensation Board, where the natives would be

represented either by a member of the Native Affairs Branch of the Administration or by a magistrate. For Europeans, applications for compensation are ordinarily made directly to the employer but they may also come before a Compensation Board whose composition and jurisdiction are explained in the report. Appeals against its decisions can be made to the high court of the territory.

The authority responsible for ensuring the implementation of the legislation applicable to natives employed in mines or works is the Secretary for South-West Africa. It is the duty of employers to report all accidents involving a native worker to the district magistrate, who forwards the relevant information to the competent authority for decision as to the amount payable. The magistrates carry out half-yearly inspections on which reports are forwarded to the competent authority. In case of dispute or failure by the employer to pay the amount due, the matter comes before a Board consisting of the magistrate of the district as chairman, a nominee of the employer and a medical officer appointed by the Adminis-

trator; there is no appeal against the decisions of the Board.

No decisions were given by courts of law during the year.

Apart from a few Europeans, most of the foreign workers in the territory are natives from Angola employed in mines, domestic service and agriculture; those employed in domestic service and agriculture are not covered by the legislation. The reports of the district magistrates and, in the case of mines, of the inspectors of mines, show that all accidents have been reported, and it can therefore be stated that the amounts due in compensation have been paid in every case. The number of "foreign natives" is about 15,000, including 1,000 employed in mines and works. Five accidents were reported during the year and the amounts due were paid in every case. Information concerning the number and occupational distribution of European foreign workers resident in South-West Africa and the number and nature of the accidents in which they may have been involved is not available. There are no employers' or workers' organizations.

## 21. Convention concerning the simplification of inspection of emigrants on board ship

### *New Zealand*

#### *Cook Islands.*

The only significant emigration of Cook Islanders is to New Zealand, where some Cook Island Maoris—principally women—go to domestic service or to learn trades. This migration is under supervision, and persons desiring to leave the islands are subject to examination for health and character. Such emigration is not organised, and special emigrant vessels are not used. From 1 January 1940 to 25 July 1950, 621 men and 884 women left the Cook Islands to come to New Zealand, while, from 31 March 1940 to 31 March

1949, departures of Cook Islanders from New Zealand (but not necessarily returning to the islands) totalled 171 men and 223 women. Application of the Convention is not being considered as the type of emigration envisaged by the Convention does not yet exist in respect of the territory.

#### *Western Samoa.*

Emigration as contemplated in the Convention is negligible in respect of Western Samoa and application of the Convention is not intended.

## 22. Convention concerning seamen's articles of agreement

### *France*

#### *Overseas Territories.*

See General Note under Convention No. 8.

#### *French West Africa.*

A Decision of 6 June 1950 lays down various rules concerning the conditions of employment of seamen on board ships and, in particular, the wage which is determined according to the kind of ship and

voyage, the right to certain allowances and to holidays, the nature of the food ration, etc.

#### *Cameroons.*

The employment contract of officers serving on ships in the territory includes a clause to the effect that the contract is governed by the provisions of the Act of 13 December 1926 establishing the Maritime Labour Code.

*Madagascar.*

The provisions of Book II, Part 8 of the Commercial Code which covers the employment of seafarers, remain in force as regards ships registered in the territory, although they have been specifically repealed by section 134 of the Act of 13 December 1926 in respect of ships registered in metropolitan France.

*New Caledonia.*

The Act of 13 December 1926 is applied to all registered native seamen, although it has not been promulgated in the territory.

*Indo-China.*

The contract of employment of seamen is governed by sections 2, 6, 7 and 8 to 26 of the Maritime Labour Code for Indo-China. These sections provide, in particular, the inclusion in the articles of agreement of the clauses and requirements of the contract which must be approved by the maritime registration authorities; the contract must mention the service and the duties, the amount of the salary and the allowances. It expires, in the absence of provisions to the contrary, at 24 hours' notice. Finally the obligations of the seaman and of the shipowner are defined.

*New Zealand**Cook Islands, Western Samoa.*

See under Convention No. 9.

*United Kingdom*

Reports have been received for the following territories:

*Aden, Bahamas, Barbados, Basutoland, Bermuda, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, British Guiana, British Honduras, British Somaliland, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Grenada, Hong Kong, Jamaica, Kenya, Federation of Malaya, Malta, Mauritius, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.*

In general, the information contained in these reports is identical with that supplied for the periods 1947-1948 and 1948-1949 and published in the summaries of reports on ratified Conventions submitted to the 32nd and 33rd Sessions of the International Labour Conference (1949 and 1950).

Any new information contained in the reports for the period under review is given below.

*Bahamas.*

Bahamas Laws, Cap. 140.  
Imperial Merchant Shipping Act, section 261.

The national law is not in harmony with the provisions of the Convention. Ratification has had no legal effect. No means appear to be available to enforce the provisions of the Convention. In view of the fact that there is no Bahamas legislation in force other than the Imperial Merchant Shipping Act, the report by the United Kingdom for the period under review should be read, *mutatis mutandis*, as applicable to the Bahamas. Application of the legislation is entrusted to the Governor in Council and the harbourmaster. There is no information available regarding inspection services. No decisions have been given by any court of law. There is no system of inspection and no statistics are kept. There are no relevant employers' or workers' organisations.

*Barbados.*

During the calendar year 1949, 1,067 seamen were engaged and 979 were discharged. No contraventions were reported.

*Dominica.*

Legislation to give effect to the provisions of this Convention has been drafted, and is receiving the attention of the Government.

*Fiji.*

The number of seamen who entered into articles of agreement between 1 July 1949, and 30 June 1950 was 770. No contraventions were reported. There are nine ships registered in the colony which are not employed on short-coasting or inter-insular trade. The owners, as far as can be ascertained (some of the vessels concerned are now operating in New Zealand or Australian waters and never return to Fiji), comply fully with the requirements of the Merchant Shipping Act, 1894, Part II.

*Hong Kong.*

During the year under review, 28,666 seamen have been engaged and 24,988 seamen discharged by the Mercantile Marine Office. The Marine Department has promoted a scheme for the issue of continuous discharge books to *bona fide* Chinese seamen analogous to those used in the United Kingdom. Owing to the political change in China, seamen have shown an increasing interest in owning a discharge book as it not only is a true record of service at sea but also serves as identification of the seaman.

*Jamaica.*

Imperial Merchant Shipping Acts.  
 Marine Board Law (Chapter 316 of the Revised Laws).  
 Recovery of Seamen's Wages Law (Chapter 335 of the Revised Laws).  
 Repatriation of Distressed Seamen Law (Chapter 337 of the Revised Laws).

Under the terms of the Merchant Shipping Act, 1894, the master of every ship (except a coaster of less than 80 tons) must enter into an agreement with the members of his crew with regard to the engagement of the crew. Ships belonging to the Crown are exempted. The definitions of the terms "vessel", "seaman", "master" and "home-trade ship" given in the above legislation are in conformity with those set forth in the Convention. The legislation in force covers the provisions of Article 3 of the Convention. The superintendent may grant the master of the ship a certificate to the effect that agreement with the crew was executed in accordance with the legislation. Before proceeding to sea, the master must produce such certificate to the officer of customs. The master of a foreign-going ship must deliver his agreement with the crew to the superintendent within 48 hours after the ship's arrival at her port of destination or upon the discharge of the crew, whichever happens first.

As regards Article 4, there is no direct prohibition of this sort in the legislation in force, but it may be implied. The Merchant Shipping Act states "every stipulation in any agreement inconsistent with any provisions of this Act shall be void" and enumerates places at which a seaman may sue for any sum due as wages, not exceeding £50, before a court of summary jurisdiction. As regards Article 5, the legislation provides that the master shall sign and give to a seaman discharged from his ship a certificate of his discharge in a form approved by the Government. No provisions have been made in respect of paragraph 2 of the Article.

As regards Article 6, paragraphs 1-3 (1-9) are covered by the legislation. As regards paragraph 3 (10), the legislation provides that an agreement shall contain details about the nature and, as far as practicable, the duration of the intended voyage or engagement. Running agreements shall not extend beyond six months, except where the owner of two or more home-trade ships above 80 tons makes an agreement with an individual seaman. No provisions have been made in respect of paragraph 3 (11), but in respect of 3 (12), the legislation provides that every agreement with the crew shall include: regulations as to conduct on board and as to lawful punishment; stipulations within the law as to advances and allotment of wages; clauses permitting the engagement of single seamen after the execution of an agreement with the crew; the Repatriation of Distressed Seamen Law states that

any agreement under which a seaman is engaged on any foreign ship proceeding from Jamaica to any place outside the colony shall have a clause for repatriation.

There are no provisions in respect of Article 7, but Article 8 is covered by the legislation. As regards Article 9, the legislation provides that an agreement may be terminated in any port before a superintendent; such terminations have to be by mutual consent. Not less than 24 hours before discharge or payment off a statement concerning wages due must be handed to the seaman or the superintendent by the master of the ship. Provisions are made for home-trade ships. Provision is made for compensation to seamen improperly discharged. There is nothing in the legislation contrary to the provisions of Article 10 and it is recognised that an agreement will terminate on a certificate being granted (as provided in the legislation) to the effect that the seaman cannot by reason of unfitness proceed on the voyage. The circumstances in which a master may immediately discharge a seaman are not specified; in the case of foreign-going ships, the legislation provides that every case of discharge must come before the superintendent. Articles of agreement may include regulations as to discharge of the seaman. Every settlement of wages signed by the seaman, as required in the legislation, operates as a mutual discharge.

In application of Article 12, the legislation provides that a seaman may demand his immediate discharge in accordance with any clause in his agreement with the master of the ship. Cases of termination of agreement must come before a superintendent or any other appropriate authority. Any such termination of agreement must have the mutual consent of both parties to the agreement. The legislation also provides that if a seaman in the United Kingdom gives 48 hours' notice of his intention to the master of the ship to absent himself from his ship or his duty, the court shall not cause him to be conveyed on board his ship. The same provisions apply in respect of Article 13. As regards Article 14, the legislation provides for the issue of a certificate of discharge to the seaman. The legislation requires that details of discharges be entered in the official log book. It is also provided that the master shall make and sign a report of the seaman's character or may state that he declines to give an opinion upon such particulars. The superintendent before whom the discharge is made may, if the seaman desires, give to him or endorse on his certificate of discharge a copy of such report.

The Merchant Shipping Act, 1894, makes the Government responsible for the superintendence of merchant shipping and seamen. Accordingly, the Governor of Jamaica has appointed a surveyor of ships for any purposes of the Act to be carried into

effect in the colony. Legal proceedings are regulated by the Merchant Shipping Act. The Recovery of Seamen's Wages Law lays down that all disputes and complaints within certain limitations arising between any master and seaman may be determined by two justices of the peace whose decision is to be final. Any person committing a breach of the provisions of the Repatriation of Distressed Seamen Law shall be liable on summary conviction before a resident magistrate.

No decisions have been given by courts of law. No statistical information is available for the period under review. No observations have been received from employers' or workers' organisations.

#### *Tanganyika.*

The reference to the Shipping Ordinance now reads "Chapter 162".

### 23. Convention concerning the repatriation of seamen

#### *France*

##### *Overseas Territories.*

See General Note under Convention No. 8.

##### *French West Africa.*

The repatriation of a seaman to his port of embarkation is always required, regardless of the kind of voyage, by virtue of the provisions of section 8 of the Decree of 28 May 1942, which was mentioned under Convention No. 16. If the seaman has been disembarked for disciplinary reasons, he is repatriated at his own expense, but the shipowner generally advances this sum for the person concerned.

##### *Madagascar.*

The repatriation of seamen is governed by the provisions of section 262 of the Commercial Code.

#### *New Caledonia.*

On the one hand, the Act of 13 December 1926 establishing the Maritime Labour Code and, on the other, the Decree of 28 May 1942 laying down the rates of expenses for treatment, residence and repatriation of injured or sick merchant seamen, are applied in the territory.

#### *Indo-China.*

Under section 7 of the Maritime Labour Code for Indo-China, all seamen not disembarked for disciplinary reasons recognised as such by the maritime authorities, may ask to be repatriated to their port of embarkation if they have been disembarked by the captain. The seaman loses the right to such repatriation if he is disembarked at his own request. Repatriation may take place either by sea or by railway.

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

#### *France*

##### *Guadeloupe.*

Only one collective agreement concluded between the association of employees and the groups of employers contains provisions compelling the employer belonging to the group having signed the agreement to assist his workers, should they fall sick during work. This assistance consists of the payment of the entire wages for the first three months of the sickness and half the wages during the following three months, provided the employee had been employed with the same person for at least one year.

Another agreement, which had been concluded between the trade union of industrial and agricultural employees and the association of sugar producers and which contained provisions for the same advan-

tages, was denounced last year by the employers' organisation concerned.

##### *Martinique.*

The Ordinance of 4 October 1945 respecting the organisation of social security was, in principle, extended to Martinique by the Decree of 17 October 1947. The decision as to the date on which the provisions thus adopted in principle are to become applicable is to be given in a separate text. There are already some private schemes, for example, the General Transatlantic Company's optional scheme for its employees. There are some collective agreements, covering certain employees in commerce (the clothing, dispensing, and wholesale and retail food trades), under which wage payments at full rates are maintained



for two or three months, and at half rates for the two or three months following.

#### *Réunion.*

The Convention is not applied in Réunion.

#### *Cameroons.*

There is no sickness insurance system in the Cameroons applying to workers in industry and commerce and to domestic workers.

It should be noted that the Decree of 7 January 1944, governing work by Africans in the French Cameroons, compels employers to provide the necessary medical attendance for workers in case of sickness.

#### *French Establishments in India.*

There are no regulations. In practice, employers in the textile industry of Pondicherry grant their employees leave at half pay in case of sickness for a period which varies according to whether the person in question is a manual worker or a salaried employee. In the absence of any self-governing institution specialising in sickness insurance policies, it is felt that there would be no point in applying the Convention.

#### *French Settlements in Oceania.*

See under Convention No. 17.

#### *Madagascar.*

There are no texts regarding sickness insurance for workers in industry and commerce or for domestic servants, but the question is at present being examined and a system based on French legislation is being envisaged.

#### *New Caledonia.*

No comprehensive sickness insurance scheme exists at present. Only immigrant workers under the authority of the immigration service are entitled to certain benefits laid down in their contracts of employment. The payment of sickness benefits is ensured by the local immigration service in virtue of the local Order No. 1,123 of 28 September 1949.

The following provisions of this Order relate to this guarantee: Any employer making use of the services of a worker covered by section 1 must make payments to the competent authority by virtue of industrial accident and sickness insurance premiums.

These premiums cover: (a) industrial accidents: the benefits provided for by the legislation in force. When the pension is increased by reason of an inexcusable fault on the part of the employer, this increase is borne entirely by the employer; (b) sickness: medical care, in accordance

with the usual rates; pharmaceutical supplies; hospitalisation expenses in a hospital unit, according to the usual rates, for the worker as well as for his wife and dependent children.

The pension is paid directly to the pensioner; all other payments are reimbursed to the employer within the limits indicated above, or, in his absence, to the person having incurred the expenses, upon proof of the amount paid and the reason for these expenses (section 2).

The provisions of section 2 may also be extended upon request to workers covered by a share-farming contract; in this case, the payments are at the expense of the person concerned (section 3).

The rate and methods of payment of the compensation covered by the present Order are fixed by an Order issued on the recommendation of the central manpower council (section 5).

This insurance functions wholly at the expense of the employers, regardless of the activity in which they are engaged. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *St. Pierre and Miquelon.*

Order of 30 October 1948.

A compulsory sickness insurance scheme for the following categories of employees was set up as from 1 November 1948 by the above Order: dockers, fish-dryers, employees of the administrative authorities and the communes, wage earners and labourers employed by private enterprise, and finally employees in commerce and industry and persons on the same footing. This scheme provides for the granting of daily benefit to an insured person certified by the medical practitioner treating him to be physically incapable of continuing or resuming his employment. This present rate of daily benefit is 200 francs C.F.A. The scheme is financed by employers' contributions.

#### *United Kingdom*

Reports have been received for the following territories:

*Aden, Barbados, Basutoland, Bechuanaland, Bermuda, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, British Guiana, British Honduras, British Somaliland, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Grenada, Hong Kong, Jamaica, Kenya, Federation of Malaya, Malta, Mauritius, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.*

In general, the information contained in these reports is identical with that supplied for the periods 1947-1948 and 1948-1949

and published in the summaries of reports on ratified Conventions submitted to the 32nd and 33rd Sessions of the International Labour Conference (1949 and 1950).

Any new information contained in the reports for the period under review is given below.

#### *Aden.*

It has not been possible to devise any system which would secure a satisfactory working of any insurance scheme for sickness, old age and invalidity, primarily because the great bulk of the labour in Aden is composed of immigrant workers from the Yemen who spend a few years only in the colony and then return home.

#### *Basutoland.*

The only new information in the report concerns the fee payable by natives for medical treatment at Government dispensaries. This fee now amounts to two shillings for each attendance, whereas at the time of the last report it was only one shilling.

#### *Cyprus.*

During 1949, the Government (regular employees) social insurance fund was extended to the regular employees of Cable and Wireless Ltd. (193 contributors with 128 dependants).

Rule 12 relating to the eligibility of contributors has been amended as follows: "Every regular employee shall be examined by the physician and if the physician certifies that he is capable of work and that he does not suffer from a chronic disease which affects, or is likely to affect, his general state of health, he shall become a contributor to the fund".

Article 6 of the Convention is applied through Rule 3. The committee of management has been enlarged by inclusion of the Director of Public Works on the employers' side and by increasing the number of trade unions' representatives to three.

Rule 32 relating to the computation of the parturition period has been amended to read as follows: "A female contributor may for parturition purposes be granted up to 26 days' leave with pay in addition to any leave that may be granted under Rule 19".

The figures obtained from the 1946 census statistics indicate that the number of employed persons was 29,785 in industry, 1,672 in commerce and 2,238 in domestic service.

The number of contributors on 30 June 1950 was 2,791 and the number of dependants 5,568. A number of voluntary schemes covering approximately 6,000 contributors are in operation.

The total amount of benefits in cash was £4,572 8s. 8d. during the period 1 July 1949 to 30 June 1950, *i.e.*, £1 12s. 7d. per

insured person. The total cost of benefits in kind during that period was £3,077, *i.e.*, 7s. 3d. per insured person (including dependants). The total financial resources during the same period were £10,322.

The financial resources were supplied by contributions from the employers (Government and Cable and Wireless Ltd.), amounting to £5,161, and by the contributions of an equal amount from the insured persons.

#### *Dominica.*

No legislation has been enacted to give effect to the provisions of the Convention, industry being in its infancy and as yet confined to the manufacture of agricultural products. No observations relevant to the Convention have been received from any employers' or workers' organisations.

#### *Hong Kong.*

Since the previous report, the medical facilities of the colony have been further developed. Various philanthropists have set up a dispensary in the new territories, a clinic for some of the boat population, and trachoma clinics, while Government and private doctors give their services at an out-patient evening clinic in one of the most crowded areas of Victoria. Chinese welfare associations, which have been fostered by the Government (Social Welfare Office), provide free medical facilities in seven clinics in Victoria: but even these improved facilities fall short of the demands of the present large population. There is now partial control of immigration, but even so the population fluctuates considerably.

#### *Kenya.*

Ordinance No. 72 of 1948.

Part III of this Ordinance deals with the payment of medical aid by the employer. Section 9 makes provision for periodical payments during the worker's temporary incapacity. Under the new Ordinance, fees at standard hospital rates for all necessary treatment are payable by the employer in respect of each day during which the injured African workman remains in the hospital or receives treatment.

#### *Malta.*

The Convention has not yet been applied in Malta. The scheme for health insurance which the Government had under consideration last year has had to be abandoned owing to financial stringency. Copies of the report have been supplied to the General Workers' Union, the Chamber of Commerce and the Federation of Malta Industries.

*St. Lucia.*

Sick benefits are paid by friendly societies established throughout the Colony and the majority of the workers in question belong to such societies.

*Seychelles.*

The application of the provisions of the Ordinance is supervised by the labour and welfare officer seconded from Mauritius. Copies of the report will be communicated to the Seychelles Building Trades Union and the Stevedores and Lighterage Workers' Union, which were registered during the period under review.

*Tanganyika.*

The reference to the Workmen's Compensation Ordinance now reads "Chapter 263".

*Trinidad and Tobago.*

The committee appointed by the Government to consider the practicability of establishing a contributory health insurance scheme found that the introduction of a comprehensive scheme to cover the whole population was at present impossible. It recommended instead an experimental scheme, limited to certain geographical areas and industries, which the Government found unacceptable in principle.

**25. Convention concerning sickness insurance for agricultural workers***United Kingdom*

Reports have been received for the following territories:

*Aden, Barbados, Basutoland, Bechuanaland, Bermuda, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, British Guiana, British Honduras, British Somaliland, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Grenada, Hong Kong, Jamaica, Kenya, Federation of Malaya, Malta, Mauritius, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.*

In general, the information contained in these reports is identical with that supplied for the periods 1947-1948 and 1948-1949 and published in the summaries of reports on ratified Conventions submitted to the 32nd and 33rd Sessions of the International Labour Conference (1949 and 1950).

Any new information contained in the reports for the period under review is given below.

*Basutoland, Malta, St. Lucia, Trinidad and Tobago.*

See under Convention No. 24.

*Dominica.*

There is a comparatively large number of peasants and tenant gardeners who are employed part-time on estates. They

employ others to help them on their holdings. No observations have been received relevant to the Convention from any employers' or workers' organisations.

*Federation of Malaya.*

A committee representative of all interested parties has been appointed by the Government of the Federation of Malaya to study questions which are connected with the implementation of the Convention. These include the review of the medical and health provisions of the Labour Code, and medical and health services on estates and mines and other places of employment in rural areas. The committee is to make recommendations for any changes that may seem desirable.

*Nyasaland.*

This Convention has not been applied by the Nyasaland Government because, in the present stage of the development of the Protectorate, application of the Convention is not practicable. However, under section 28 (c) of the Native Labour Ordinance, 1944 (Chapter 77 of the Law of Nyasaland, 1946 edition), the employer is required to provide his employee with proper medicine, if procurable, and also with medical attendance during illness.

*Seychelles.*

The application of the provisions of the Ordinance is supervised by the labour and welfare officer seconded from Mauritius.

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

Sections 33 and following of Book I of the Labour Code, as amended by the Act of 1 August 1941, made applicable to Algeria by the Decree of 29 December 1941 (Home-workers).

Sections 44 (a) and 44 (b) of the Algerian Labour Code (pay sheet and pay book).

Ordinance of 14 August 1943, respecting the revision of wages in Algeria.

Act of 11 February 1950, respecting collective agreements and the procedure for settling collective labour disputes, made applicable to Algeria in pursuance of section 22 thereof.

Before the coming into force of the Act of 11 February 1950, the system of wage fixing in industry and commerce in Algeria was subject to the provisions of the Ordinance of 14 August 1943, respecting the revision of salaries. Under this Ordinance, proposed wage regulations were drawn up by regional or departmental committees comprising an equal number of representatives of the employers' and workers' organisations concerned, as well as representatives of the administrative authorities. These regulations were communicated to the Governor-General of Algeria, who was responsible either for making them applicable by Order to all the occupations and areas in question, or for forwarding them with his remarks to a central committee under the Governor-General and made up according to the same system of representation as that applying to regional or departmental committees. This central committee, taking into account the remarks of the Governor-General, examined the proposed regulations forwarded to it and gave its considered opinion, on the basis of which wage regulations were issued by the Governor-General.

The wage regulations in industry and commerce established through Orders issued by the Governor-General of Algeria in pursuance of the Ordinance of 14 August 1943 provided: a basic hourly wage, at a single rate applicable to all manual workers, below which no employee of normal physical fitness could be remunerated, the establishment of a scale of wages graduating from coefficient 1 for ordinary manual workers to coefficient 2 for unclassified workers, and the fixing of a minimum and a maximum rate for each occupational category except manual work.

The regulations established for homeworkers by the Act of 1 August 1941 have remained in force; the wages fixed have followed the development of wages for other categories of workers.

The system of wage fixing by regulations initiated under the Ordinance of 14 August 1943, must be considered superseded as the result of the promulgation of the above-mentioned Act of 11 February 1950. One of the main objects of this Act is the return to the free fixing of wages through collective agreements; it also provides for the fixing by Decree of a guaranteed minimum wage for all occupations. Until the conclusion of collective agreements, the wage Orders issued in pursuance of the previous regulations remain provisionally in force, with the exceptions of provisions designed to establish a maximum wage.

At the time of the payment of wages, the person concerned must receive a voucher stating his name and occupation, the amount of the gross remuneration earned and, where necessary, the nature and amount of the various deductions from

the gross remuneration, as well as the amount of the net remuneration. The entries on the pay sheet must also appear in what is known as a pay book; the labour inspectors may request the surrender of this book at any time.

During the period under review, 1,187 infringements of the wage laws and regulations were reported by the officers of the labour inspectorate; proceedings were instituted in 180 cases. The most frequent cases concerned lack of occupational classification or the failure to enter this classification in the pay book and the pay sheet. The number of complaints regarding the payment of salaries below the regulation rates has considerably diminished and the application of the wage regulations has proved on the whole satisfactory.

#### *Guadeloupe.*

Order of the Minister of Labour and Social Security of 30 March 1948.

This Order provides that, for the time being, decisions concerning wages should be taken in overseas departments by means of prefectorial orders after consultation with the joint trade boards, the composition of which will be decided by a decision of the prefect.

In February 1949, an inter-ministerial decision was issued bringing the wages in Guadeloupe into line with those paid in the first zone of the Paris region, minus 12 per cent. Moreover, since the Act of 11 February 1950 concerning collective agreements provides at the end of section 22 that its provisions are applicable in Guadeloupe, wages may be established according to the same methods as are employed in France.

#### *Martinique.*

The matter with which the Convention deals is governed by French wage regulations adapted for Martinique by prefectorial orders adopted after consultation with the employers' and workers' organisations. The Act of 11 February 1950 respecting collective agreements is applicable to Martinique, and a minimum wage for all occupations will be fixed as soon as possible, after the employers' and workers' organisations have been consulted.

The application of these regulations is entrusted to the labour inspectorate and the ordinary courts. No decisions have been given by the courts. The Convention is applied, except in certain small undertakings (mainly commercial) whose financial position seems insecure, and for trial periods. The observations of the workers' organisations take the form of reporting individual cases where the regulations are not observed. A relatively small number of complaints has been presented through trade-union channels.

*Réunion.*

The number of homeworkers is very small, though there are some engaged in the manufacture of vacoa bags, hats of cuscus grass and Gilaos lace. Moreover, only the women who make lace can properly be considered as homeworkers, being provided with woven materials and thread by private persons.

The other persons occupied at home gather the materials of their trade themselves (vacoa fibre and cuscus grass) and sell their products, mainly to individuals (rarely to dealers); thus, they are not confined to particular patterns or models and are free to sell to whom they choose. Their legal position is closer to that of craftsmen.

It is estimated that there are about 300 lace makers, 300 women making vacoa bags, 200 women hatmakers and 15 journeymen tailors.

It has not proved possible to fix wage rates for lace making. This local industry, which is the only artistic activity on the island, actually embraces a very wide range of manufactures and, according to the amount of trouble taken and the nature of the thread and woven material, the time required to complete work may easily vary in the ratio of one to 10.

Finally, the minimum rates fixed for journeymen tailors are the same as the ruling rates for workshop staff.

No contravention of the legislation respecting homeworkers has come to the attention of the labour inspectorate. The application of the Convention gives rise to no observations.

*Cameroons.*

Decree of 7 January 1944, to issue regulations governing native labour in the French Cameroons (L.S. 1944—L.N. 1).

Decree of 23 August 1945, respecting work by Europeans and assimilated persons.

The setting up of detailed methods for the fixing of minimum wages is particularly necessary in the Cameroons. The relevant legislation provides for collective agreements between employers and workers.

In the case of African workers, the wages may not in any case be less than a minimum fixed by order of the head of the territory, issued on the recommendation of the local labour office (Decree of 7 January 1944, section 25).

In view of the shortcomings of the legislation and pending the application of a new Labour Code, now being prepared for the overseas territories, the local Government, on the suggestion of the labour inspectorate, has instructed the labour offices to function on a joint basis. These bodies include an equal number of employers' and workers' representatives. The administrative authority and the labour inspectorate take part in the discussion in an advisory capacity, give advice and register the agreements concluded.

The minimum wage is revised periodically in accordance with changes in the cost of living.

In the absence of collective agreements, the starting minimum wage for Europeans and assimilated persons may be fixed by order of the head of the territory made after consultation with the representative groups of employers and workers.

The Order of 26 September 1946 laid down the composition of the joint committees, which consist of an equal number of employers' and workers' representatives. The most recent text which fixes minimum wages for Europeans and assimilated persons is the Decree of 16 May 1949.

The regulations make no distinctions between categories of industries or undertakings in so far as minimum wage fixing machinery is concerned. The wage is based on the minimum living standard. This minimum wage fixing machinery has been found to be effective.

*French Equatorial Africa.*

Orders of 5 October 1946.

Under the very general provisions of section 3 of the Decree of 4 May 1922, the Order of 21 December 1935 introduced minimum wages fixed at the time at one franc per day.

The minimum wage is adaptable to the right to lodging for persons recruited by undertakings in the bush and to the issue of a standard ration, whose composition is established by an Order of 17 December 1934 at a daily equivalent quantity of 3,400 calories.

As a rule, rations are granted only in the bush, and particularly in unfertile regions; a deduction is made from the wage at its monetary value as established when the minimum wage for the place of employment was fixed. The minimum wage is established by the head of the territory after its approval by the Governor-General. It is examined by the Advisory Labour Boards, which, consisting of an equal number of employers and workers, are placed under the chairmanship of the territorial labour inspector in accordance with the Organic Order of 26 May 1948.

The budget, in accordance with which minimum wages are at present established, consists of the following nine items: food, fuel, lighting, clothing, bed-clothes, furniture, lodging, laundry, duties and taxation.

On this basis, the minimum wage was fixed in January 1950 at 68 francs in Brazzaville, 62 francs in Pointe-Noire, 42 francs in Bangui and 40 francs in Fort-Lamy. In 1947, the minimum wages in these places were fixed at 20, 18, 15 and 14 francs respectively. Since this date, the increase has been constant.

However, it is possible to speak of a factual regulation of wages as from 1946, when two Orders were issued on 5 October to regulate the wages paid to work-

ers and employees employed in undertakings in French Equatorial Africa. These two texts confirm the idea of a minimum wage but elaborate it considerably by prescribing the establishment of a basic wage for each occupational qualification according to certain grades within the categories established for each branch of activity.

Occupational qualifications and corresponding wages are examined by joint technical boards; these boards, which are placed under the chairmanship of the labour inspector, group together the qualified representatives of employers and workers from each branch of activity as nominated by the most representative organisations, or failing this, by the chambers of commerce, agriculture and industry in the case of employers, and by the head of the territory in the case of wage earners.

In each territory, local orders have classified the employments in accordance with the above-mentioned bases, which are established in such a way as to correspond to the average manual skill of the African wage earner. The occupations concerned are: the machinery industry and metal handicrafts (Orders of 15 January, 24 March, and 30 June 1947 for the Middle Congo, Oubangui-Chari and Chad); drivers of motor vehicles (Order of 8 October 1947 for Gaboon); building and quarrying (Orders of 15 January, 24 March and 20 June 1947 for the Middle Congo, Oubangui-Chari and Gaboon); mining (Order of 27 June 1947 for Gaboon); wood industries (Orders of 15 January and 24 March 1947 for the Middle Congo and Oubangui-Chari) and commercial employees (Order of 29 October 1946 for Gaboon).

The Order of 23 May 1947, which classified employment in the Chad territory, has been completely redrafted and contains in its new form a very detailed classification of the branches of activities of interest in this territory.

It is not necessary to point out the advantages of these qualifications which encourage Africans to perfect their vocational training and thus enable them to improve their standard of living. In this respect, it is important that the difference in wage rates should be sufficiently in favour of the highest qualifications in the craft. The difference in wages resulting from the official wage fixing is at present 4.5 between the first category, that of unskilled labour, and the fifth category, which contains highly skilled workers.

The disputes which may come to light when classifying workers are within the competence of occupational juries whose organisation and terms of reference are covered by the Order of 21 July 1947.

Minimum wage rates are compulsory for employers and African workers. They may in no case be diminished, even in cases where the parties are agreed. On the other hand, no ceiling beyond which

wages may not be increased has been established.

The application of provisions regarding wages—as of all provisions regarding labour regulations—is ensured by the labour inspectorate, which carries out periodical supervision of the pay slips and registers which the employer is required to keep in each undertaking.

#### *French Establishments in India.*

Decree of 6 April 1937.

Decree of 23 August 1946.

Section 12 of the Decree of 6 April 1937 provides for the setting up of a wages committee for workers engaged in weaving at home. The Decree of 23 August 1946 empowers the heads of territories to fix minimum wages after consultation with a joint wages commission, but makes no stipulation regarding methods of fixing minimum wages. In practice, the joint wages commissions have full discretion to adopt, with the approval of the competent authority, whatever method seems fair to them, having regard to the rise in the cost of living and the pressing needs of the workers. The application of the Convention is not thought essential.

#### *French Settlements in Oceania.*

The minimum wage has been fixed in the territory at 115 francs (Pacific rate) per 8-hour working day, starting from 1 April 1948, for unskilled workers over 18 years of age who receive neither food nor lodging. This applies to establishments, undertakings or plantations of all kinds, public or private. The minimum wage is reduced, in certain areas of the territory, in the case of young workers under 18 years of age, and in the case of disabled workers. The wage in question is automatically revised when the cost-of-living index varies by more than 10 per cent. Minimum-wage regulations were adopted after consultation of a joint wages committee composed of representatives of the Tahitian Trade-Union Council and of the Employers' Union of the French Settlements in Oceania. The minimum wage thus fixed is applied by all undertakings and no complaints concerning its application have so far been received by the labour inspectorate.

#### *Madagascar.*

Section 46 of the Decree of 7 April 1938.

Minimum wages with or without rations are established, regardless of the trade or employment of the person concerned, for each category of individuals (men, women, children) by the Governor-General, after consultation with the local agencies and the central labour agency, on the basis of the vital needs of a family in the various towns and districts of the terri-

tory; due account is taken of a normal amount of rest-days and days on which the worker is unwell. Minimum wages thus established in virtue of section 46 of the Decree of 7 April 1938 are permanently posted up in French and in the native language in the local districts.

The procedure for fixing the minimum guaranteed wage rates has been improved during the four previous years and provides for the following: consultation with local agencies on a district level; securing the opinion of the advisory labour committees with regard to the economic branch; securing the opinion of the central labour advisory council, which replaced the central agency provided for in section 46, and which has its headquarters in Tananarive under the chairmanship of the Governor; securing the opinion of the representative assembly, of which 60 elected members are of native origin. The High Commissioner issues regulations only after receiving all these opinions and after proceeding, if he considers it necessary, to careful enquiries into wages and prices. All advisory bodies are composed on a joint basis. Thus the central advisory council includes six employers' representatives and six workers' representatives nominated by the most representative occupational organisations. The Order establishes the minimum wage for male and female labour for each province and district.

Articles 1 and 2 of the Convention are not of major importance in Madagascar.

Article 3: The minimum wage rates may not be lowered. All breaches in this respect are reported and penalised. The practice of collective agreements is not in use in Madagascar.

Article 5: No discrimination is made between wage earners, particularly as regards the type of industry. The minimum wage applies to all unskilled and unspecialised labourers who hire out their services to any employer. This minimum wage applies to all workers except apprentices. A labourer may ask for a wage greater than the legal minimum wage and there are many cases where the employer in need of labour agrees to offer a higher wage, for no provision in the local regulations fixes a maximum wage. This minimum wage does not apply to persons who carry out a trade or craft and even to those who, although not in possession of the trade qualifications, have acquired some specialised knowledge. In the case of task or piece work, wages are calculated in such a way as to ensure a minimum daily wage at least equal to the wage paid per day in accordance with section 48 of the Decree of 7 April 1938. As regards the application of this provision, the legal hours of work serve as a basis in estimating the task (eight hours per day); in practice—and particularly in agriculture—task work is fixed by

an agreement between the parties on the basis of a working day of approximately five hours, since agricultural workers wish to be free in the afternoon or part of the afternoon.

Article 4: Official publications and the posting of notices in certain places (agencies, etc.) and at the entrance of undertakings enables the persons concerned to know the minimum wage rate. If necessary, competent officials and, in all cases, labour inspectors, ensure that the workers are aware of the official wage rates. Moreover, labour inspectors carry out a constant supervision in this respect, check the employers' registers, ensure that workers have been correctly paid by questioning them in the absence of the employers and, if need be, draw up reports both in cases of insufficient wages and in cases of arrears in wages. The decisions of courts of law may apply the penalties prescribed in the regulations contained in the Decree of 7 April 1938 fixing the amount of fines applicable in cases of breaches of the regulations regarding the payment of wages, failure to apply the minimum wages, in case of breaches of the provisions regarding payment for night work, which must be paid at an increased rate and, finally, breaches of the provisions regarding the prohibition of fines.

No observations regarding the practical application of the provisions of the Convention have been received from the employers' and workers' organisations concerned.

#### *New Caledonia.*

*Decree of 23 August 1946.*

The scope of application of this Decree includes not only industry and commerce but all undertakings or establishments of any kind.

There is no provision for general consultations with employers' and workers' organisations but rather with a joint committee, the members of which are nominated by the representative occupational organisations. The minimum wages fixed in this manner are subject to no exceptions, either individually or by collective agreement. No use has been made as yet of the possibility of fixing minimum wages, provided for by the above Decree. However, the fixing of minimum wages for the main occupational categories is at present being studied for the various parts of trades.

Apart from the usual publicity given to all administrative measures, the scales of minimum wages must be posted in workplaces and in places where the staff is taken on and paid. Contraventions of the provisions of the above-named Decree are punishable by fines, specified in section 6 of the Decree.

There is no restriction to the right of every worker to recover the sum due to him in respect of wages below the mini-



mum; this debt is a preferential claim on the same basis as all those relating to wages.

The supervision of the application of these regulations in respect of the trades covered by the Convention is entrusted to the labour inspectors, without prejudice to the activities of officials of the judicial police. No decisions were given by courts of law concerning the application of these regulations. During the period under review, no observations were received from employers' or workers' organisations concerning the application of these regulations. Copies of the report have been communicated to the representative organisations.

#### *St. Pierre and Miquelon.*

Decree No. 46-1868 of 23 August 1946.

Minimum wages are fixed in conformity with the provisions of the Convention by order of the head of the territory adopted after consultation with a joint commission consisting of himself as chairman, the labour inspector, and an equal number of workers' delegates and employers' delegates nominated by the industrial associations.

The supervision of the application of minimum wage orders is entrusted to the labour inspector.

#### *New Zealand*

##### *Cook Islands.*

Cook Islands Industrial Unions Regulations, 1947.

These Regulations contain provisions for the settlement of disputes on industrial matters (including rates of wages). The procedure may result in a negotiated collective agreement or arbitration award. A workers' union has been registered under the Regulations, and is at present negotiating an agreement with the administration and local employers. The membership rule of the union covers practically all classes of workers and the proposed agreement, the first to be negotiated by the union, is as wide in its coverage. Rates of wages of all classes of workers are at present being paid in accordance with a decision of a special wage tribunal, consisting of an industrial magistrate from New Zealand and three representatives of employers and workers respectively, which met in Rarotonga in June 1946 and recommended substantial increases in wages for all classes of workers. These rates were put into effect with the agreement of all parties and were revised in 1948. The provisions of the Regulations are considered to provide arrangements for the effective regulation of wages, and application of the Convention is not being proceeded with.

#### *Western Samoa.*

Employment for wages is a very minor feature of the Samoan economic structure, and therefore the need for wage-fixing machinery has not manifested itself to any extent. During 1948-1949, the Government was concerned as to the wage rates and hours of casual labour. Accordingly, a commission was set up and a new scale of wages for casual labour employed by the administration was fixed, to take effect from 1 January 1949. It is expected that the importance of the Government's position as an employer will suffice to make the new rates affect those paid generally by private employers; in the meantime, application of the Convention is being deferred as it is considered that the stage of development of the community does not as yet warrant this step.

#### *United Kingdom*

Reports have been received for the following territories:

*Aden, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, British Guiana, British Honduras, British Somaliland, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Grenada, Hong Kong, Jamaica, Kenya, Federation of Malaya, Malta, Mauritius, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.*

In general, the information contained in these reports is identical with that supplied for the periods 1947-1948 and 1948-1949 and published in the summaries of reports on ratified Conventions submitted to the 32nd and 33rd Sessions of the International Labour Conference (1949 and 1950).

Any new information contained in the reports for the period under review is given below.

#### *Bahamas.*

Labour Minimum Wage Act, No. 32 of 1936.  
Labour Minimum Wage Order-in-Council, 1937.

As regards Article 1, the law is substantially in harmony with the provisions of the Convention. As regards Article 2, there are no organisations of employers and workers in the colony which would be affected by the legislation. Article 3 is covered by sections 2 and 3 of the Act. The machinery has not been used since the legislation came into force. There are no relevant statistics. Certain minimum wages were fixed in 1936 and 1937 but these are now obsolete. The Labour Office is responsible for the application of the legislation in force. No need for enforcement has yet arisen and there are no inspection facilities. No decisions have



been given by courts of law. The Convention has been formally applied and no observations have been received in the past ten years. There are no representative employers' or workers' organisations in the colony.

#### *Barbados.*

Wages Board (Bridgetown Shop Assistants) Order, 1950.

The wages board for shop assistants had not met by the end of the year.

#### *Bechuanaland.*

The report indicates that the Proclamation in force has not yet been invoked. It was enacted more as a precautionary measure than as a measure that was immediately needed, since only a very small proportion of the population receives wages in cash and there has consequently been no need hitherto to fix minimum wages. The demand for labour tends to exceed the supply and, this being so, workmen can generally get quite satisfactory wages from their employers.

#### *British Guiana.*

Minimum Wages (Georgetown and New Amsterdam Watchmen) Order, 1949.

The report refers to the above Order, which was one of the two minimum wages orders in operation during the period under review. Statistics are given for wages payable to watchmen in virtue of this Order.

#### *Cyprus.*

There is no index of wages corresponding to the cost-of-living or retail-price index but all the evidence appears to show that, while prices tended to fall in the first six months of 1949, wage movements did not show the lag normal in such circumstances. On the contrary, the indications are that the general level of wages fell more than in proportion to prices. For a considerable section of employment, *e.g.*, the Government, the armed forces and certain mining undertakings, wages and salaries were tied to the official cost-of-living index. In the building and construction trades, minimum wages tended to remain constant while they did not actually fall; the range between the maximum and minimum rates remained constant. There were reductions in the catering trades and in domestic service, while in agriculture wages fell by as much as 50 per cent. in many areas, including the Famagusta district, and more particularly the Paphos district, where wages were already lower than elsewhere in the island. Minimum salaries fixed for shop and office employees under an Order-in-Council made under the Minimum Wage Law in 1944, when both sala-

ries and prices were lower than today, began again to have significance.

During the period under review, representations were received from trade unions urging the fixing of minimum wages for agricultural workers employed in a certain part of the Paphos district. The Government considered the proposal but found it inopportune to make a Minimum Wage Ordinance at that time.

#### *Dominica.*

Labour (Minimum Wage) Act, No. 11 of 1937, of the Leeward Islands, adapted to Dominica by Ordinance No. 19 of 1939.

Statutory Rules and Orders, No. 34 of 1944.

Section 2 (1) of the above Ordinance empowers the Governor to fix minimum wages by Proclamation whenever he is satisfied that wages in any occupation are unreasonably low. The Rules enacted under the legislation, referred to above, lay down the powers and duties of Advisory boards. These boards are appointed by the Governor, after consultation with representatives of employers and workers, when the need arises. Under the chairmanship of the Crown Law Officer, they are composed of equal numbers of representatives of employers and workers and submit their recommendations to the Governor.

No statement of any prescribed minimum wage is allowed by the Act. The labour officer is empowered under the Minimum Wage (Agricultural Labourers) Proclamation to issue a permit for the payment of wages at less than the prescribed minimum to persons who are not able-bodied, such rates being fixed after consultation with the employer and the applicant or his trade-union representative.

No statistics are available, but it is estimated that 5,000 agricultural workers of both sexes are covered by minimum wages. Recently, minimum rates for unskilled agricultural workers were adopted as a result of voluntary negotiations between representatives of Government departments and the workers' trade union. These rates have been accepted by employers throughout the colony. This course of action was adopted after the employers' trade union had refused to negotiate with the workers' union. Minimum wages are fixed for shop assistants and bakers, whose number is estimated to be about 500. Section 6 (7) of the Ordinance provides for the appointment of an officer with power of entry and inspection for the purpose of securing proper observance of the legislation. Under section 4 (4) of the Ordinance, workers may recover wages short paid by order of a magistrate after the conviction of the employer.

The labour officer is responsible for the enforcement of the legislation which permits recovery of wages within two years

of the time of the offence. No decisions have been given by any court of law regarding the application of the Convention. No observations have been received from any organisations of employers or workers.

#### *Fiji.*

Organisations of workers continued to secure improved wages and other conditions of employment by collective bargaining and this appears to have encouraged such organisations to prefer this method to wage fixing by Government.

#### *Gambia.*

Labour (Amendment) Ordinance, 1950 (No. 2 of 1950).

The report draws attention to the enactment during the period under review of the above Ordinance providing for the setting up of boards for the regulation of wages and conditions of employment under Part V of the Labour Ordinance, 1944. Copies of the report were sent to the Chamber of Commerce and the Gambia Labour Union.

#### *Grenada.*

Labour (Minimum Wage) (Shop Assistants) Order No. 48 of 1947.

Department of Labour (Amendment) Order No. 4 of 1950.

As regards the application of paragraphs 1 and 2 of Article 1 of the Convention, the report states that the legislation empowers the Governor in Council to fix minimum rates of wages and all other matters connected with the payment of wages in any industry or occupation. This has been applied to the agricultural industry and to shop assistants in commerce. The policy of the Government, however, is to encourage the regulation of wages and other conditions of employment by collective bargaining.

There is no wages council in the colony but the functions of wage fixing are performed by a Labour Advisory Board. This board is constituted by the Governor under authority of section 4 of the Department of Labour Ordinance No. 16 of 1940. A new board is appointed annually. The various organisations of employers and workers are represented on the board and there is an independent chairman who is a Government official. The board advises the Government on all questions connected with labour including wages and conditions of work generally and in any industry or occupation.

The Governor in Council fixes the statutory minimum wages upon receiving the recommendation of the Labour Advisory Board; in this connection, however, no such order made by the Governor in Coun-

cil can become operative until approved by resolution of the legislative council.

No abatement of the minimum rates of wages with the general or particular authorisation of the competent authority is permissible and advantage has not been taken of the exception provided in paragraph 2 (3) of this Article of the Convention.

The report contains a list of the occupations for which a minimum wage has been established (agricultural labourers, workers employed in the preparation of spices for export, shop assistants) and shows the number of persons covered and the minimum wages. Government road workers received the same wages as agricultural labourers.

The Labour Department is responsible for the enforcement of the legislation and administrative regulations; regular visits of inspection are paid to workplaces falling within the scope of the legislation and employers' records of wages are examined and workers are interrogated if necessary. Workers who have been paid less than the minimum wage rates are entitled by law to recover the amount of underpayment for a period of three months. No decisions have been given by courts of law, or other courts, regarding the application of the Convention and no observations were received from employers' or workers' organisations.

#### *Hong Kong.*

During the period following the re-occupation of the colony the position regarding wages for almost all artisans and workers in the colony has continued to improve, largely as a result of agreements and the general stabilisation to be expected over so long a period. Unfortunately the cost of living as a whole has shown no tendency to decline and, at the end of 1949, the cost-of-living allowance which, for artisans, is based on the cost of food, reached a higher figure than at any previous date. This was largely due to difficulties of supply of many products, including rice, which formerly were imported from the Chinese mainland with little or no restriction. Since the end of the year, the position has been stabilised and the cost of living in general is falling in consequence. Wages in practically all industries have reached, and are maintaining, a satisfactory level with the exception of one or two small industries.

In the last report reference was made to the weaving industry which was cited as a possible subject for a trade board. However, as a result of joint consultations at the Labour Department piece rates in this industry were more or less stabilised and wages can now be considered more satisfactory. Furthermore, the introduction on a small scale of more modern machinery has increased the earning power of a section of this industry.

*Jamaica.*

Minimum Wage (Printing Trade) Proclamation, 1949.

Minimum Wage (Biscuit Trade) (Kingston and St. Andrew) Proclamation, 1949.

The Minimum Wage Law declares shopkeepers, dealers and traders as employers for the purpose of the Law. After consultation with all interested organisations of employers and workers, the labour adviser makes recommendations to the Governor in Executive Council who may appoint Advisory Boards. In appointing representatives of employers and workers, due regard is paid to representation of the various classes of employers and workers in the trade. Employers in an occupation to which a minimum wage is applicable are obliged by law to keep, in respect of the persons in their employ, records of wages to show that the provisions of the Law are being complied with. During the period under review, 1,478 inspections were carried out; 41 cases were taken to court.

*Mauritius.*

Minimum Wages Ordinance, No. 36 of 1950.

The above-mentioned Ordinance repeals and replaces the legislation previously in force. Article 1 of the Convention is applied by sections 3 and 7 of the Ordinance; Article 2 is applied by sections 5 and 7. Although the Ordinance has not yet been used, organisations of employers and workers would normally be asked to nominate representatives to the Minimum Wages Advisory Board. Article 3 is applied by sections 5 and 6 and schedules. The Ordinance does not allow for abatement of the statutory minimum wage by collective agreement. The repealed Ordinance covered only wages and manual workers but the new Ordinance covers holidays as well as wages, and all workers. Employers and workers have to be represented on the advisory boards. The report lists a number of Government Notices (referred to in previous reports) which have been re-enacted under this new Ordinance.

*Nigeria.*

Minimum Wage Fixing (Stevedore and Dock Labour in the Port of Lagos) Order-in-Council, No. 26 of 1949.

Conditions of Employment (Retail and Ancillary Trades) (Lagos and Colony) Order-in-Council, No. 6 of 1950.

Minimum Wage Fixing (Retail and Ancillary Trades) (Lagos and Colony) Order-in-Council, No. 7 of 1950.

Minimum Wage Fixing (Catering Trade) (Lagos and Colony) Order-in-Council, No. 8 of 1950.

Conditions of Employment (Catering Trade) (Lagos and Colony) Order-in-Council, No. 9 of 1950.

The report refers to the information previously supplied and explains that

Chapter XIII of the Labour Code Ordinance is the main regulating legislation concerned with the creation of minimum wage fixing machinery in the territory. The Governor in Council is empowered to fix minimum wages and conditions of employment in occupations where the terms of employment are low and the bargaining power of the workers weak. It also provides for the creation of Labour Advisory Boards for the purpose of conducting enquiries and making recommendations for the consideration of the Governor in Council. During the period under review, the above Orders-in-Council were promulgated as a result of this procedure.

The report includes statistics for the period under review in a table showing the minimum wage rates laid down in the above-mentioned Orders-in-Council, such figures as are available of the number of establishments in existence and the number of workers they employ. The term of office of the Labour Advisory Board for Lagos and Colony expired in May 1950. No new board has yet been appointed as consideration is being given to a revision of the constitution and procedure of this and the "protectorate" boards. It is hoped to provide for wider representation of the employers and workers engaged in the occupations in question and for a better means of obtaining the reaction of informed public opinion to recommendations made concerning wages and conditions of employment.

*North Borneo.*

Until 1 January 1950, when the new Labour Ordinance of 1949 came into force, the Convention was applied in the manner set out in the last report. Since that date, the Convention has not been applied as the new Ordinance contains no provision implementing the Convention. It was considered that minimum wage fixing machinery properly forms a subject for separate legislation, and the special legislation required will be enacted as the opportunity arises. It is emphasised that at present the prevailing shortage of labour in the colony operates to keep wages at a high level.

*Northern Rhodesia.*

Article 2 of the Convention is applied under section 3 (4) of the Minimum Wages and Conditions of Employment Ordinance. A board has been appointed in conformity with this provision.

*Nyasaland.*

Wages and Conditions of Employment Ordinance No. 32 of 1949.

This Ordinance provides the machinery for fixing wages and conditions of employ-

ment in occupations or industries in which it is considered that wage rates are unreasonably low, or conditions of employment unsatisfactory. Under the provisions of the Ordinance, Standing Advisory Boards have been set up in each of the three provinces of the Protectorate. These boards are required to meet not less than four times in any one year and are required to keep rates of wages and conditions of employment constantly under review and may from time to time make recommendations to the Governor in Council. Advisory Boards can also be appointed when required in respect of any particular occupation or undertaking. The Governor in Council, after consideration has been given to the recommendations of any Advisory Board, may, by Order published in the *Gazette*, prescribe rates of wages and conditions of employment for any occupation or undertaking in the Protectorate.

Standing Advisory Board Rules, 1950, were published under Government Notice No. 42 of 1950.

Government Notice No. 61 of 1947, which fixed a minimum wage for the southern province, remained in force until 30 June 1950, when it was revoked by the Minimum Wage Order, 1950, published under Government Notice No. 154 of 1950 which prescribed a minimum wage to apply to the whole Protectorate with effect from 1 July 1950.

Article 1 of the Convention is applied without modification through section 2 of the Ordinance No. 32 of 1949.

Article 2 is applied without modification. The Standing Advisory Board Rules, 1950, provide for the appointment of Standing Advisory Boards in each of the three provinces, on which are included representatives of workers and employers.

Article 3 is applied without modification. Under the Constitution of the Standing Advisory Boards, the representation of Africans and unofficial Europeans is equal. Though some of the official members represent Government departments which employ labour they may be regarded as safeguarding the workers' interests. There is no provision in local legislation for any abatement to the minimum rates of wages once they have been prescribed.

Article 5: Government Notice No. 61 of 1947 fixed the minimum basic wage for unskilled male African labour liable to pay tax in all districts of the southern province at 12s.6d. per ticket of 30 working days, exclusive of food or cash allowance in lieu thereof.

Government Notice No. 154 of 1950 revoked Government Notice No. 61 of 1947 and prescribed a minimum basic wage at 17s. 6d. per ticket of 30 working days, exclusive of food or cash allowance in lieu thereof, for the same class of labour and made this minimum wage applicable to the whole of the Protectorate.

Statistics of the number of workers affected are unfortunately not available.

Article 4: This Article is fully implemented by Ordinance No. 32 of 1949. Section 7 of the Ordinance provides penalty for not complying with the Order prescribing conditions of employment. Section 8 provides penalty for paying less than the minimum wage, and the employer in such cases may be ordered by the court to pay in addition to any fine, such sum as appears to the court to be due by reason of the fact that the employer has paid the employee wages at less than the minimum rate during any time during the preceding two years. The Minimum Wage Order must be published in the *Government Gazette* (section 3 of Ordinance No. 32 of 1949) and is also made known to Africans by officers of the provincial and district administration and through the native authorities and African provincial councils.

For the purpose of investigating any complaint, or otherwise securing the proper observation of the provisions of the Ordinance, the labour adviser, any district commissioner or police officer of or above the rank of assistant superintendent, or any officer who is authorised by the Labour Department in writing, has the power of entry on premises of an employer, and inspection of records (section 11 of the Ordinance). Normally the duties of inspection are carried out by officers of the Labour Department.

The Native Labour (Form of Permanent Record) Notice, 1950, made under section 26 (1) of the Labour Ordinance (Chapter 77 of the Laws of Nyasaland, 1946 edition), prescribes the form of labour register to be kept by employers with effect from 1 January 1951, from which inspecting officers will be readily able to verify the rates of wages paid.

No judicial decisions have been given by the courts as regards application of the Convention. No observations have been received from employers' or workers' organisations concerning the practical application of the Convention.

The report has been communicated to the Central Labour Advisory Board.

### *St. Lucia.*

Statutory Rule and Order No. 18 of 1950.

The advice of the Labour Advisory Board is usually accepted by the Government. With the growth of responsible trade unions, collective agreements have been concluded and wage increases for workers in the sugar industry, at the docks, in the building trades and the tobacco industry have been secured by this method.

*St. Vincent.*

Department of Labour (Agricultural Workers) Order, No. 18 of 1943, as amended by Department of Labour (Agricultural Workers) Order, No. 30 of 1950.

The above-mentioned Order provides for an increase in the cost-of-living bonus on the basic wage rates for male and female agricultural labourers and also for an increase in the minimum piece-rates for the digging of arrowroot and picking of cotton.

*Seychelles.*

Proclamations Nos. 3 and 5 of 1950.

Proclamation No. 3 applies the minimum wage to all male labourers over 18 and all female labourers and No. 5 applies the minimum wage to all workers. A qualified labour officer, seconded from Mauritius, supervises the application of the provisions of the law. Penalties for contravention are provided in Proclamation No. 3. This Proclamation was the result of recommendations made by a wages committee, on which all sections of the community were represented. Recommendations of a similar committee, whose terms of reference covered women working for 33 1/2 hours a week, juveniles, artisans and apprentices, were referred to the main wages committee, who had not, however, concluded their consideration of the recommendations by the end of the period under review. Copies of the report will be communicated to the Seychelles Building Trades Union and the Stevedores and Lighterage Workers' Union, which were registered during the year.

*Sierra Leone.*

Wages Boards (Mining Workers) (Establishment) Order-in-Council, 1949 (Public Notice No. 36 of 1949).

Commissioner of Labour's Directions—Public Notices Nos. 27 of 1948 and 59 of 1949.

Government Notices Nos. 698, 806, 869 and 887 of 1949, and Nos. 164 and 274 of 1950.

During the period under review, one employer was convicted and fined for failure to keep records of wages in respect of workers employed by him who were entitled to the recognised terms and conditions of employment resulting from a Joint Industrial Council Agreement. There has been a marked improvement amongst Asian and African employers, as regards compliance with the requirements of the Ordinance and there have been fewer cases involving deliberate underpayment. Trade unions have urged the Labour Department to carry out more inspections and the wages inspection service has been progressively improved.

*Swaziland.*

The demand for labour far exceeds the supply, a condition likely to continue for a

long time. Competition for labour has meant a general improvement in wages, and recent large-scale developments will increase the labour shortage and raise the general conditions of labourers.

*Tanganyika.*

The reference to the Minimum Wage Ordinance now reads "Chapter 83". New wage-fixing legislation has been drafted and came before the Legislature in August 1950. Regarding Article 5 of the Convention, the report states that the minimum wage rates laid down by Administrative Instructions for unskilled Government employees in the towns of Dar-es-Salaam and Tanga was raised early in the year to Sh.1/75 per day and Sh.1/70 per day respectively.

*Trinidad and Tobago.*

A wages council has been established in the sugar industry and a commission of enquiry has been appointed to consider whether a wages council should be established in the distributive trades. No minimum rates of wages have been fixed.

*Uganda.*

Minimum Wages Ordinance (No. 32 of 1949).  
Employment (Amendment) Ordinance (No. 28 of 1949).

Legal Notice No. 301 of 1949.

Article 1 of the Convention : Section 3 (1) of the Ordinance provides that the Central Labour Advisory Board may, with the approval of the Governor, fix the minimum wages to be paid to any class of workmen in the Protectorate as a whole or in any province, district, town or area. Section 3 (4) provides that a provincial Labour Advisory Board may, on instructions from the Central Advisory Board, enquire into the rates of wages paid and allowances made to any class of workmen for whom it is proposed to fix a minimum wage. The provincial Advisory Boards may also formulate recommendations which are forwarded to the Central Advisory Board. Employment Ordinance No. 13 of 1946, as amended by Ordinance No. 28 of 1949, provides for the constitution of the Central and provincial Labour Advisory Boards.

Article 2 : There are no employers' and workers' organisations in the territory suitable for the kind of consultation provided for in this Article.

Article 3 : The minimum wage fixed is binding on the employers and workers concerned. There is no provision allowing for the reduction of minimum wage rates. The report refers in this connection to the comments under Article 15.

Article 4: The general application of the provisions of the Minimum Wages Ordinance is enforced by the Labour Department. Inspections of places of employment are carried out by the officers of the Labour Department, and during these inspections, special attention is given to the rates of wages being paid. The fullest possible publicity was given to the promulgation of the Minimum Wages Orders. Paragraphs 5 (1) and (2) and 6 (1) and (2) of the Ordinance provide adequately for the application of Article 4, paragraph 2 of the Convention.

Article 5: During the past year, two Orders have been issued in pursuance of the Minimum Wages Ordinance, No. 32 of 1949. The Minimum Wages (Kampala) Order (Legal Notice No. 301 of 1949) applies to the area comprising the municipality of Kampala and lays down that as from and including 1 January 1950, no person may employ a workman within the

specified area at wage rates less than those set out in a schedule appearing in the report (money wages, ration and housing allowances, etc.). The Minimum Wages (Jinja Township and Environs) Order (Legal Notice No. 334 of 1949) applies to the town of Jinja and its environs as stated in a schedule to the Order. The details of this Order are identical with those of Legal Notice No. 301 of 1949 referred to above. There are no statistics giving the exact number of workmen covered by these two Orders, but they will be available next year.

No decisions have been given by courts of law or other courts regarding the application of the Convention. There is no statistical information as to the number of workers covered by the Orders. No observations have been received from the employers' or workers' organisations.

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

### *Australia*

The reports received for *Papua, New Guinea, Nauru* and *Norfolk Island* repeat the information previously supplied; however, for *Papua* the following legislation is mentioned: Navigation Ordinance, 1889-1938 and Navigation (Loading and Unloading) Regulations made thereunder.

### *Portugal*

See the introductory note on Convention No. 1.

Reports have been received for the following territories: *Angola, Cape Verde, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, S. Tomé and Príncipe* and *Timor*.

A summary will be found below of any new information contained in these reports which repeat information previously summarised in the Summary of Reports laid before the Conference at its 33rd Session.

### *Angola.*

It has not proved necessary to issue legislative measures on this subject.

### *Cape Verde.*

Since the weight of packages consigned from within the frontiers of this territory with a view to exportation is inferior to the limit fixed by the Convention, the Convention does not apply in practice in this possession.

### *Macao.*

The report refers to the general statement made with regard to Convention No. 1, and to the explanations supplied by the Portuguese Government representative to the Conference Committee on the Application of Conventions and Recommendations, in respect of the observation made by the Committee of Experts concerning special conditions relating to navigation in this territory.

### *Mozambique.*

The Convention is covered in Portugal by Decrees Nos. 20,611 of 11 December 1931 and 21,024 of 24 March 1932. These Decrees have not been extended to this possession and no legislative measures have been taken in this respect, as this has not been considered necessary.

### *Portuguese Indies.*

Since it has not yet proved necessary to take measures in respect of the Convention there is no legislation in this territory on this subject.

### *S. Tomé and Príncipe.*

In practice, packages consigned to the Customs with a view to exportation or to transport to one of the two islands of this possession, have their weight marked on them by the senders. The customs services are responsible for checking this marking.

## 29. Convention concerning Forced or Compulsory Labour

*Australia*

*Nauru, Norfolk Island, New Guinea and Papua.*

The reports received for these territories reproduce the information previously supplied and refer to the publication of the Papua and New Guinea Act of 1949.

*Belgium*

*Belgian Congo.*

The report reproduces the previously supplied information.

*France*

*Algeria.*

No forced or compulsory labour is exacted in Algeria.

*Guadeloupe.*

Forced or compulsory labour has never been practised in Guadeloupe. Penal labour, which was normally employed for the requirements of public communities, was paid and recruited with the consent of the persons concerned. This practice was suppressed several years ago.

*Martinique, Réunion.*

There is no forced or compulsory labour.

*Cameroons.*

All recourse to forced or compulsory labour has effectively ceased in the Cameroons with the promulgation, on 26 April 1946, of the Act No. 46-645 of 11 April 1946, respecting the suppression of forced labour in the overseas territories.

The report specifies that the following customary services in the villages are still permitted if they are carried out with the agreement of the persons concerned and for the protection of the health of the community: the maintenance of the buildings used in the villages by the Native community and, in particular, of the markets; sanitary measures; upkeep, improvement and construction of tracks and local roads in the vicinity of the communities; the repair of village hedges. No constraint has been permitted on the part of the administrative officials for the carrying out of these services, which are spontaneously and freely accepted by the population.

Taxes are payable in kind and the taxpayers may not be freed from this obligation by work. No case of physical constraint has been noted.

All necessary instructions have been given to the competent authorities to carry out any legal action which may appear indicated in cases of contraventions of the legislation.

After the inevitable disturbances in the labour market, due to the suppression of the system of forced recruiting, a system of free labour was instituted and is governed by the interplay of supply and demand. Copies of the report have been communicated to the representative organisations of the territory.

*French Equatorial Africa, French Establishments in India, French Settlements in Oceania, St Pierre and Miquelon.*

The reports are identical with those previously supplied.

*French Somaliland.*

Under section 3 of the Decree to regulate native labour in Somaliland, dated 22 May 1936, the recruiting of workers is completely unrestricted throughout the territory. The section reads as follows: "Work shall be voluntary throughout the territory of French Somaliland. Natives and other persons placed on the same footing (irrespective of sex) who have attained the age of 18 years may be employed in public or private undertakings by the day or permanently."

The Djibuti labour inspectorate has never had to deal with any difficulties or complaints in this matter.

None of the undertakings in the territory have any difficulty in finding labour—at any rate unskilled labour—and operations for obtaining labour by the direct or indirect use of force would therefore in this case be pointless.

The work exacted in Djibuti from convicted prisoners is light, and includes cleaning and sweeping the Government buildings and helping in the municipal highways service (watering trees and removing household rubbish). In the inland districts of the territory—Dikhil, Ali-Sabieth and Tadjourah—persons serving prison sentences are sometimes employed for the maintenance of main tracks leading to Government stations, in case of emergency or circumstances beyond the control of the authorities. Under no circumstances is the labour of prisoners placed at the disposal of any person or association other than the public authorities, who exercise constant supervision over the work they are required to perform. Nor could there possibly be any overlapping between the light work exacted from prisoners and public works, which in the normal course remain the



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

#### *Madagascar.*

Apart from the details given below, the information is identical with that previously supplied. Mention is no longer made of the utilisation of voluntary workers by military authorities in districts where there was rebellion. However, under Article 18 of the Convention, mention is made of the *bourjanes* employed in administrative transport and who receive two free meals per day in addition to the minimum wages fixed by the Order of 2 March 1949.

#### *New Caledonia.*

In reply to the observation made in 1950 by the Committee of Experts on the Application of Conventions and Recommendations, as regards the exception provided for by paragraph 1 of section 49 of the local Order No. 1,195 of 19 November 1941 (authorising the utilisation of penal labour by private employers), the report states that no practical use has ever been made of this exception. A legislative text abolishing the exception is now being prepared. The new text, as regards which the General Council must be consulted, will probably not come into force until the middle of the second half of 1950, owing to the time required for this consultation. The proposed drafting reproduces the wording of Article 2, paragraph (c), of the Convention.

In this connection, the report refers to an enquiry made during the period under review regarding the 34 persons convicted by courts of law and able to work, out of a total number of 38 persons so convicted. This enquiry shows that 22 of the persons in question were employed in the penitentiary and 12 outside the penitentiary on behalf of the public authorities.

#### *Italy*

##### *Italian Somaliland.*

Act No. 274 of 29 January 1934.  
Legislative Decree No. 917 of 18 April 1935.

The period between 1 April 1950 (date on which the trusteeship powers of the British administration were handed over to the Italian administration) and 30 June 1950 (end of the period to which the present report refers) is so short that it has not been possible to supply very detailed information regarding the application of the Convention. However, the above-mentioned legislation prevents the exaction of forced and compulsory work; there is at present no such exaction, even in cases where such labour might be con-

sidered as a temporary measure or in the public interest. There is no military or compulsory service. Forced or compulsory labour for the benefit of private individuals, companies, etc., has not been authorised. No type of constraint such as is envisaged in Article 6 of the Convention has been imposed. Local chiefs have not been authorised to have recourse to compulsory labour for public works and they do not enjoy any personal services. Forced or compulsory labour has never been imposed as a tax for the transport of persons or goods and the administration has not had recourse to the exaction of compulsory agricultural labour. No observations were received regarding the application of the Convention.

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

#### *New Zealand*

##### *Cook Islands and Western Samoa.*

The reports reproduce the information previously supplied.

#### *United Kingdom*

Reports have been received for the following territories:

*Aden, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, British Guiana, British Honduras, British Somaliland, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Grenada, Hong Kong, Jamaica, Kenya, Federation of Malaya, Malta, Mauritius, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.*

In general, the information contained in these reports is identical with that supplied for the periods 1947-1948 and 1948-1949 and published in the summaries of reports on ratified Conventions submitted to the 32nd and 33rd Sessions of the International Labour Conference (1949 and 1950).

Any new information contained in the reports for the period under review is given below.

##### *Bahamas.*

There is no legislation to give effect to the provisions of the Convention as forced labour is unknown in the Bahamas.

##### *Basutoland.*

The exaction of labour under the custom known as "matsema" has now been abolished.



*Bechuanaland.*

There has been no recourse to compulsory cultivation, except in the cases mentioned later in the report.

Article 25: No legal proceedings have been instituted in pursuance of the Convention.

The five conditions laid down in Article 10 of the Convention and mentioned in the remarks of the Committee of Experts on the annual reports in 1949 are observed in connection with the exaction of compulsory labour. The Native Authorities are well aware of the limits of their powers and the district commissioners ensure that these powers are not exceeded. It must be emphasised that recourse to compulsory labour involving any large body of men (except for convicted prisoners) is rare, except for the few days during which tribal lands are ploughed for the benefit of the tribes. Similarly, personal services to the chiefs under section 33 (1) (c) of the Native Administration Proclamation are almost entirely, if not entirely, limited to the ploughing of tribal lands.

As to the question regarding approved employment other than public works, raised by implication in the Committee's report, the phrase in section 25 (1) (a) of the Native Administration Proclamation (No. 32 of 1943), "or such other employment and for such period as may be approved by the Resident Commissioner" was taken from the Northern Rhodesian legislation (Northern Rhodesia Native Authority Ordinance, No. 9 of 1936). The provision has never been used.

As regards the compulsory cultivation referred to in section 25 (1) (c) of the Proclamation, the report states that in most tribes the members are required to spend two or three days a year in cultivating the tribal lands. The produce of these lands belongs to the tribe, not to any individual member of it, and is a safeguard against famine or shortage. Occasionally, when a tribe happens to have a surplus, some of the grain is sold to a less fortunate tribe and the proceeds are paid into the Native Treasury.

Famine is by no means unknown in the Protectorate and tribal lands are a most useful means of reducing the risk. The practice falls entirely within the scope of the provisions of Article 19 of the Convention.

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

The powers given to native authorities under the provisions mentioned in connection with the application of Article 1 of the Convention (see last report) are exercised very sparingly and their use is tending to decrease.

*Falkland Islands.*

The Convention is inapplicable as there is no forced labour in the Falkland Islands.

*Gambia.*

Permission to exact forced labour can be obtained only from the Governor of the Colony, who is the highest authority. All workmen, including those who may be employed on forced or compulsory labour, are covered by the Workmen's Compensation Ordinance. There are no collective punishment laws which exact forced or compulsory labour from workmen in punishment for crimes. There are no mining or underground undertakings and forced labour can only be exacted for communal services or emergency. The International Labour Organisation will be notified if at any time forced labour is used. Complaints regarding the exaction of forced or compulsory labour are brought to the notice of the district commissioner. There are no special proceedings, other than those previously summarised, providing for a method of notification. The method of inspection applying to voluntary labour can also apply to forced or compulsory labour. Section 4 of the Forced Labour Ordinance provides for adequate penalties to any person who exacts or causes forced labour to be exacted. No observations were received. Copies of the report were sent to the Chamber of Commerce and the Gambia Labour Union.

*Gilbert and Ellice Islands.*

The report states, as regards Article 15 of the Convention, that this Article is not applicable since there is no forced labour in the colony.

*Kenya.*

Use of compulsory labour was restricted to the use of headquarters in one district in the colony. Under Government Notice No. 756 of 17 November 1935 and in accordance with Article 18 of the Convention, the number of men ordered out to perform compulsory labour was 209, who performed a total of 485 man-days of labour. The labour was confined exclusively to the carrying of loads for administrative officers on tour and never exceeded four hours a day; in some cases it was for three hours per day only. These porters were paid wages varying from 40 cents to 70 cents per day, and they were normally paid as soon as they reached their destination. No sickness or death was reported.

*Federation of Malaya.*

The Department of Labour's final draft of the new Bill referred to in last year's report has now been completed and was about to be put before the Labour Advisory Board when the report was drafted.

*North Borneo.*

In accordance with the obligation laid upon the Government of the colony by

Article 18 of the Convention, the abolition of portage has been under constant consideration. As a result of the progressive rehabilitation of the colony from the effects of the Japanese occupation and of war devastation, and against the background of the traditional acceptance by the native of portage as a communal duty as well as a method of wage earning, the Government consider that the continued existence of any "menace of penalty" connected with such employment was an anachronism of legislative changes and have accordingly abolished compulsion for portage. This has been done by the Forced Labour (Unification and Amendment) Ordinance, 1950, which amended the prohibition of the Forced Labour Ordinance, 1933, and by the coming into force of the Native Administration Ordinance, 1950, which amended the Native Administration Ordinance, 1937.

Copies of both these amending Ordinances are attached to the report. The first of these Ordinances came into force on 28 June and the second on 1 October 1950. The period under review in this report is therefore not affected by this legislation which will form the basis of the next report.

#### *Nyasaland.*

Forced Labour (Repeal) Ordinance (No. 4), 1950.

Any form of forced or compulsory labour is now illegal, subject to the observations under Article 2 with regard to the powers of native authorities under section 8 of Chapter 74 of the Laws of Nyasaland, 1946 edition.

The report has been communicated to the Central Labour Advisory Board.

#### *Sarawak.*

Local Authority Ordinance No. 12 of 1948.  
Local Authority (Provision of Transport) Regulations, 1949.

These Regulations have been made as a direct result of the Convention. The law appears to be in full harmony with the Convention.

Under Article 1 of the Convention, the report states that the Government will suppress forced or compulsory labour in all its forms within the shortest possible period. Under section 69 of the Local Authority Ordinance, the Governor in Council has power to make Regulations to prescribe the conditions subject to which, and the terms on which, a person may be required to perform work or render services under the provisions of the Ordinance or any By-law or Order made thereunder, and to prescribe the kinds of minor communal services which may be required of the members of a community and the manner in which

such communities shall be consulted thereon (section 69 (K)).

"Order" in section 69 (L) refers to an order to furnish transport for the movement of Government officers or for members or officers of a local authority when travelling on duty, or for stores belonging to or distributed by the Government or the local authority, or, if in the opinion of the local authority there is very urgent necessity for such other persons as the local authority may direct.

Under section 27 a local authority may, with the approval of the Governor in Council, make By-laws which shall be operative throughout the whole local area or in certain parts of the local area. Under section 27 (*jj*) any able-bodied male person is required, whenever it appears to the local authority that there is or there is likely to be a famine or a deficiency of food supplies, to cultivate land to such extent and with such crops as will secure an adequate supply of food for the support of such person and those dependent on him. These Regulations may also require any able-bodied male person (section 27 (*kk*)) to work at, or in connection with, such minor communal services on such terms and for such periods as may be prescribed in the Bye-laws, or as the Governor may otherwise approve, provided that in such Bye-laws are contained provisions for the consultation of the community concerned, prior to the exaction of such services.

It is not at present feasible to abolish compulsory labour for transport owing to the undeveloped state of communication and transportation systems in the territory and the scantiness of population in many areas.

Article 2: There are no compulsory military service laws in the territory. Sub-paragraph (*c*) is applied. There are no provisions in the legislation of the territory for exacting work or service in the case of an emergency. Under sub-paragraph (*e*), the report refers to section 27 (*kk*) mentioned above in connection with Article 1 of the Convention.

No compulsory work has been exacted during the period under review.

Article 3: The competent authority is in fact, the highest central authority in the territory, the Governor in Council.

Article 4: There is no such compulsory labour in the territory.

Article 5: No such concessions exist in Sarawak.

Article 6 is observed by the officials of the territory.

Article 7 is applied. No chief enjoys personal services.

Article 8 is applied. The Governor-in-Council is the responsible authority. It is the duty of a headman to furnish transport on the order of a local authority (section 44) subject to the local authority (Provision of Transport) Regulations,

1949. The resident may exercise the powers of a local authority in respect of any rural area in his division and so may a district officer within his district, subject to the direction and control of the Resident.

Article 9 : Sub-paragraphs (a) and (b) of the Article are applied by administrative instruction. Porterage is only compulsory in those areas in which persons do not normally work for wages, and the rates are fixed by the Government, taking circumstances into consideration. Compulsory porterage is only resorted to when volunteers are not forthcoming. Sub-paragraph (d) is applied through the Local Authority (Provision of Transport) Regulations, 1949. No more than 25 per cent. of the able-bodied males in a village can be called out (Regulation 5) and for not longer than eight days from home (Regulation 7) and for not longer than 16 days in a year (Regulation 8).

Article 10 : Forced labour is not exacted as a tax or for the execution of public works.

Article 11 is applied, either through Regulations or through administrative practice. Not more than 25 per cent. of the male population may be taken at any one time. In practice it is a very much smaller percentage.

Article 12 is applied by Regulation. Labour may not be exacted during more than 16 days in a year and the issuing of the certificates mentioned in paragraph 2 of this Article is provided for.

Article 13 : Regulation 7 (2) lays down that no porter shall ordinarily be required to travel a greater distance in any one day than by reason of the amount of energy expended and the fatigue incurred is substantially equivalent to an average working day of eight hours, after the nature of the route, the weight of the load, the season and all other relevant factors have been taken into consideration, provided that in special circumstances the porter may be required to travel further than the limit laid down in this paragraph, but in such a case he shall be entitled to be remunerated at rates higher than normal rates. Regulation 8 (2) embodies paragraph 2 of this Article.

Article 14 : Although the Regulations provide for remuneration in cash or kind, the normal practice is to pay in cash ; but where services are of an insignificant nature or extend over an insignificant period of time, the worker shall be remunerated either in cash or kind on such basis as the Governor may direct. Paragraph 2 does not apply. It is the practice to pay the porter himself, but he may expressly authorise another person to collect his pay. The provisions of paragraphs 4 and 5 are applied in practice.

Article 15 : Whether the Workmen's Compensation Ordinance, 1949, applies to such workers has not yet been considered,

but it seems probable that compensation would be paid at smaller rates. Arrangements would be made in the cases cited under paragraph 2 for subsistence and maintenance of the worker.

Article 16 : No workers residing in the territory are transferred under the conditions provided in this Article and this provision does not therefore apply.

Article 17 : No works of this kind are performed by compulsory labour.

Article 18 : As soon as communications are in such a state as to enable Government officers to travel without having recourse to compulsory porterage, the system will be abolished. The provisions of paragraphs 1 (a)-(f) are applied. The maximum which may be demanded of a porter is four days' journey away from his home. The workers may be requisitioned during eight days in any month of the year and during a maximum of 16 days in the year. The persons authorised to call for this type of labour are the headmen, acting under the order of a local authority and only for the transport of persons or goods. The application of paragraph 2 is implied in Regulation 6 and explicitly stated in Regulation 7, the latter reproducing practically word for word the text of paragraph 3 of Article 18.

Article 19 : Section 27 (jj) of the Ordinance empowers the local authority, with the approval of the Governor in Council, to make By-laws "requiring any able-bodied male person whenever it appears to the local authority that there is or is likely to be a famine or a deficiency of food supplies, to cultivate land to such extent and with such crops as will secure an adequate supply of food for the support of such person and of those dependent on him". No such By-laws have as yet been made and recourse has not been had to this practice.

Article 20 : There are no provisions for collective punishment in Sarawak law.

Article 21 : There are no underground workings in Sarawak mines and, even if there were, compulsory labour would not be permitted.

Article 23 : Regulation 11 makes provision for complaints and investigations.

Article 24 : District officers are most careful to ensure that the provisions of the regulations are strictly adhered to.

Article 25 : The illegal exaction of forced labour is not a penal offence in the territory, but the Slavery Ordinance (Chapter 79 in the Laws of Sarawak, Revised edition) provides that "every person in the colony shall be free".

There have been no decisions in a court of law regarding application of the Convention. There have been no difficulties in applying the Convention within the limits of the legislation. There are no representative organisations of employers and workers.

*Sierra Leone.*

During the period under review, 505 man-days were worked by 505 men on portage, and 50 man-days were worked on maintenance and repairs to buildings (an average of one day per man). No labour was used for the maintenance and construction of War Department roads. This labour was exacted in two districts only and averaged three to five hours on portage and eight hours on building a day. It was paid at standard rates.

*Tanganyika.*

The report mentions various changes in the titles of legislation. It also notes that the Restriction of Employment Ordinance (Chapter 71), which had not been mentioned in past reports, empowers the Governor to restrict the employment of porters for the transport of merchandise or articles of any description on specified roads. The Memorandum on the Recruitment, Care and Employment of Government Labour is being revised, and a new employment Bill is in the course of drafting. Regarding Article 10 of the Convention, it is stated that the intention of the Legislature was to afford tax defaulters the means of earning the amount required to pay their taxes and that it does not impose any kind of forced labour. The report contains some statistical information relevant to this Article. Regarding Article 18, it is noted that a request for the transport of samples of iron ore over country where no negotiable roads or tracks existed was not granted. Appended to the report is an annual schedule of labour requisitioned in the territory during the year, showing the nature of the work—portage (Article 18), work exacted from tax defaulters, minor public works (Article 10) and work for native authorities (Article 7)—the number of workers employed, the total number of man-days worked, the death and sickness

rates, the average figures for hours worked per day and the wage rates.

*Uganda.*

Appended to the report, in conformity with Article 22 of the Convention, is a schedule showing the number of persons from whom labour is exacted under Article 10 of the Convention, the number of persons from whom it is exacted under Article 18 for the transport of persons and goods and the number of labourers called out. This schedule, which gives separate figures for the various provinces, shows that compulsory labour has not been used except for the transport of persons and goods. The figures given in the schedule are slightly higher than those in the last annual report. Nevertheless, the statement in the latter, to the effect that the use of compulsory labour is progressively disappearing from the territory, still holds good. The increase in cases of coercion for the transport of persons and goods is mainly due to the filling of administrative posts vacant during the war years and to the actual expansion of the administrative staff which has accompanied the recent development of the territory.

*Zanzibar.*

The only new information in this report concerns the Orders providing for compulsory cultivation (Article 19 of the Convention). The Orders issued during the past year are contained in Government Notices No. 196 of 1949 and Nos. 24, 55 and 56 of 1950. They impose an obligation on the inhabitants to place under cultivation areas of one acre, half an acre, or a quarter of an acre, as the case may be, of rice, cassava, pulses or sweet potatoes, within a specified time limit. An acre of cassava can be cultivated in a month's work and the preparation of an acre of rice land takes half that time.

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

*New Zealand**Cook Islands.*

See under Convention No. 1.

*Western Samoa.*

Shopping Hours Ordinance, 1931.  
Shopping Hours Ordinance, 1936.

There are no regulations in the territory specifically restricting the hours of work of employees in commerce and offices, but these are indirectly affected by the two Ordinances mentioned, concerning closing hours of shops. The hours when shops may be open for business are

restricted to between 8 a.m. and 12 noon and 2 p.m. and 5 p.m. on weekdays, and between 8 a.m. and 12.30 p.m. on Saturdays. The hours of work of employees in shops and commercial establishments are also affected by the hours of work of employees of the administration. These are 8 a.m. to 12 noon and 1 to 4 p.m. daily, Monday to Friday, a 35-hour week. In practice, therefore, it may be assumed that a working week of less than 48 hours is at present normal. The Western Samoan Government is being advised to consider an Ordinance which will serve as a basis for extension of the Convention, possibly with modification.

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

#### *New Zealand*

##### *Cook Islands.*

See under Convention No. 12.

##### *Western Samoa.*

Suitable regulations are being studied in the light of the report of a technical expert on workmen's compensation who recently visited the territory.

#### *United Kingdom*

Reports have been received for the following territories :

*Aden, Barbados, Basutoland, Bermuda, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, British Guiana, British Honduras, British Somaliland, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Grenada, Hong Kong, Jamaica, Kenya, Federation of Malaya, Malta, Mauritius, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.*

In general, the information contained in these reports is identical with that supplied for the periods 1947-1948 and 1948-1949 and published in the summaries of reports on ratified Conventions submitted to the 32nd and 33rd Sessions of the International Labour Conference (1949 and 1950).

Any new information contained in the reports for the period under review is given below.

##### *Aden.*

A labour and welfare officer has now been appointed and the introduction of legislation and the setting up of machinery to enforce the Convention is under consideration.

##### *British Honduras.*

The question of the application of the provisions of this Convention will be considered by the Labour Advisory Board in the near future after matters of more importance have been dealt with.

##### *Falkland Islands.*

The Convention is applied by the Shipworkers' Protection Regulations, 1949, issued under the terms of the Shipworkers' Protection Ordinance, No. 10 of 1937. Because of the limited amount of shipping calling at the Falkland Islands, the Convention has little practical application.

##### *Gibraltar.*

A draft Notification of Accidents and Occupational Diseases Ordinance was published on 7 September 1950 which will require that accidents and diseases arising from employment shall be properly notified, thus replacing the voluntary reporting hitherto prevailing. The purpose of this legislation is to provide reliable statistics on which to base contribution and benefit rates for a Workmen's Compensation Ordinance. During the period under review, 26 accidents involving absence from work for more than three days have been reported. None proved fatal. Representations have been made by the Gibraltar Confederation of Labour for the introduction of a scheme of workmen's compensation. They were advised that it was the aim of Government policy to introduce a suitable scheme as soon as accurate and reliable information was available. This is being given the highest priority in the legislative programme.

##### *Hong Kong.*

During the period under review, the monthly average of vessels over 60 tons entering and leaving the port was 642 and 631.5 respectively. Thirteen accidents, none fatal, were reported. Nine were the result of falling objects and four were due to falls.

##### *Jamaica.*

Labour Officers (Additional Powers) Law, 1943.

The ratification of the Convention has had no legal effect in the colony. Regulations under the Dockworkers' (Protection Against Accidents) Law are being drafted and guidance will be taken from the provisions of the Convention. The above-mentioned Law empowers labour officers and inspectors appointed by the labour adviser to carry out inspections of all places to which the Dockworkers' (Protection Against Accidents) Law applies. From time to time, such inspections have been made and have led to recommendations. At the moment, however, there is no legal power to enforce such recommendations in respect of any dock which happens to be part of a factory. The provisions of the Factories Law and Regulations apply to any dock which is part of a factory. There is one such dock in operation and two more are under construction. Other docks are governed by the Dockworkers' (Protection Against Accidents) Law. All references to the Factories Law and Regulations must be

taken as applying solely to docks which are part of factories. With regard to such docks, the Regulations provide that "all floors, steps, stairs, passages and gangways shall be of sound construction and properly maintained".

No provisions have been made in respect of paragraph 2 (2)-(5) of Article 2. The Dockworkers (Protection Against Accidents) Law empowers the Governor in Privy Council to make regulations in respect of the provisions of Articles 4, 5, 7, 8, 9 (1, 2 (1), (4), (6)), 11 (2, 5, 6, 8) and 14 but no such regulations have yet been made. The Factories Regulations contain provisions in respect of Article 7 (1) but no provisions have been made in respect of paragraph 2. Nor have provisions been made in respect of paragraphs 3, 7, 8 and 9 of Article 9, but the Factories Regulations cover the provisions of paragraph 6 of the same Article. For the purposes of the Factories Regulations, a competent person is one qualified by training and experience to undertake examinations of machinery, gear and steam boilers and to report on the condition of such machinery.

The provisions of Article 10 are covered by the Factories Regulations. There are no provisions in respect of paragraphs 1, 3, 4 and 7 of Article 11. In respect of Article 12, the Factories Regulations require that effective provision be made for giving warning in case of fire in any building in which explosives or inflammable substances are stored or used ; precaution-

ary measures must also be taken in places where work is done inside any confined space in which dangerous fumes are likely to be present. The Factories Regulations make provision for the requirements of Article 14. There are no provisions granting the exceptions and exemptions under Article 15. There is no information regarding the existence of any reciprocal agreements of the type mentioned under Article 18.

#### *Kenya.*

The district locomotive superintendent acts as inspector for the issue of certificates under Schedule E of the Harbour Regulations, 1945. The same official keeps records of all port and contractors' equipment concerned. The average number of workmen employed daily in the port is 4,000. No contraventions were reported during the year. During the period under review there were 157 accidents.

#### *St. Lucia.*

No effect has been given to the Convention but the matter of insurance for the workers in question is under consideration by the shipping authorities and the dock workers' union.

#### *Tanganyika.*

The Factory Bill has come before the Legislature.

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

#### *France*

##### *Algeria.*

Algerian Labour Code (Book II, sections 2 and 5, 58 to 63, 88 to 90).

Act of 21 March 1941, as amended by the Act of 11 August 1941, respecting the position of certain categories of workers as regards labour legislation, applicable to Algeria by Decree of 3 February 1942.

The above-named legislation fixes at 13 years the age for the admission of children to employment in commercial undertakings and in the liberal professions.

It is not possible to make use of the exceptions provided under Article 3 of the Convention.

The exception authorised under Article 4 of the Convention is also provided for in section 59 of Book II of the Algerian Labour Code.

Supervisory measures for commercial undertakings are provided in sections 88, 89 and 90 of Book II of the Algerian Labour Code ; penalties for infringements are laid down in sections 159 and following.

No infringement of the Algerian laws and regulations was detected during the period 1 July 1949-30 June 1950.

##### *Cameroons.*

Decree of 7 January 1944, to issue regulations governing native labour in the French Cameroons (section 3) (L.S. 1944—L.N. 1).

The above-named Decree prohibits the hiring of the services of children under 12 years of age. No distinction is made between industrial and non-industrial work. The Decree lays down that children between 12 and 14 years of age may only be hired for light work and that their employment is subject to the issue of a permit by the regional officer. The work in question consists of seasonal harvesting.

The labour inspectorate supervises the strict application of these provisions. Contraventions have been noted on very rare occasions.

The Decree of 23 August 1945, respecting work of Europeans and assimilated persons, provides that children under 14

years of age may not be employed in any undertakings.

This legislation is in conformity with the provisions of Articles 2 and 3 of the Convention.

#### *Guadeloupe.*

Since section 2 of Book II of the Labour Code which regulates the matter covered by the Convention is not applicable to agriculture, the labour inspection service can only note—without being able to carry out repressive supervision—the employment of a small number of children under 14 years of age in this branch of activity, particularly during the long school holidays. These children are employed either in weeding, together with their parents when the latter are employed in task work, or in the keeping of livestock, together with their father whose place they may sometimes take for short periods. When children under 14 years of age are employed in light agricultural work independently of the work of their parents, this is nearly always at the request of the latter.

Moreover, since school-leaving age is fixed at 14 years for all children, the latter may not therefore, in principle, be employed before this age in any kind of paid work.

#### *Martinique.*

The matter with which the Convention deals is governed by French laws and regulations, including the Act of 21 March 1941. The application of the Convention is entrusted to the same supervisory authorities as in France. No decisions have been given by courts of law.

The Convention is applied even in occupations not covered (domestic service, for example); no contraventions have been reported, but the obligation to keep a register of children is not always observed.

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

#### *Réunion.*

Children between the ages of 13 and 14 years are sometimes employed for light work—gathering cane straw and looking after grazing animals—in the agricultural undertakings of Réunion. No cases relating to the application of the Convention have come before the courts of law.

#### *French Establishments in India.*

No regulations have been issued. In practice, no undertakings or establishments, except orphanages and charitable institutions, employ children under 14 years of age.

#### *French Settlements in Oceania.*

Local Decree of 24 March 1924.

Under the terms of this Decree no employment contract may be entered into legally unless the worker has reached the age of 14. Children under 14 years are not employed in agricultural undertakings but may occasionally be employed therein to do everyday work of a family character.

#### *Madagascar.*

Sections 19-23 of the Decree of 7 April 1938.

The report supplies, as regards the legislation, information identical with that given for Convention No. 5.

Article 1 is applied. In general, child work is subject to constant supervision and no breaches have so far been reported. However, exceptions may be granted to families when the head of the family or the mother states that he or she is unable to be parted from the child without risk. In such cases, parents may be accompanied by their children and the latter may carry out, in their presence, non-industrial and easy tasks. This occurs particularly in agriculture.

Articles 2 and 3 : Subject to the reservations made in these Articles, children under school-leaving age may be employed in light work during the school holidays ; trade-union organisations are regularly consulted on all questions regarding this type of work.

Articles 4 and 5 : The provisions of these Articles are respected.

Article 8 : All the types of work listed in section 20 of the above-mentioned Decree are considered as light work, with the exception of the cutting of sisal.

Articles 6 and 9 are not applicable in Madagascar.

The labour inspectors responsible for supervision verify, in particular, the age of the children ; in addition, ages must be noted in the employer's register. Observations are made to the employer if the information regarding the age of the children is proved to be false.

No decisions have been given by courts of law or other courts regarding the application of the Convention. No observations concerning the practical application of the provisions of the Convention have been received from the employers' and workers' organisations concerned.

#### *New Caledonia.*

Chapter 1, Part I of the Decree of 2 March 1939, to apply to New Caledonia Book II of the Labour Code.

The main provisions of the Decree are sections 4, 5 and 6 already quoted under Convention No. 5.



The following special provisions for theatres and itinerant trades are contained in sections 58 and 60 of the same Decree :

Children of both sexes under 13 years of age may not be employed as actors, extras, etc., in public performances given in the theatres and in non-mobile café entertainments (section 58).

The Governor may exceptionally authorise the employment of one or several children in theatres for the performance of specific plays (section 59).

Any person who employs children under 16 years of age in dangerous feats of strength or in dislocation exercises and any person other than the father or mother exercising the profession of acrobat, tumbler, charlatan, exhibitor of animals, circus director, who employs in his performances children under 16 years of age, is punishable by a fine provided for in section 132 of Book II of the Code. Fathers and mothers exercising the above-mentioned professions who employ in their performance their children under 12 years of age are punishable by the same fine (section 60).

The provisions are not applicable in their entirety to fishing, agriculture, the liberal professions and domestic workers.

Apart from the exceptions provided for in sections 58, 59 and the last paragraph of section 60 of the Decree of 2 March 1939, no provision is made for exceptions to the minimum age of 14 years, which corresponds with the compulsory school-leaving age.

During the period under review, no use was made of the exception authorised in section 59 of the Decree. In any case, the

provisions of section 60 prohibit all dangerous employment in theatrical occupations.

Sections 76 to 80 of the Decree of 2 March 1939 are in compliance with the provisions of Article 5 of the Convention.

In view of the fact that children under 18 years of age are seldom employed in the undertakings covered by sections 77 and 78, it has not been necessary to make use of the special local regulations provided for in these sections. For the same reasons, it has not been necessary to lay down regulations, other than those contained in section 6 of the above-mentioned Decree, in respect of itinerant trades and professions.

Contraventions are punishable by fines provided for in sections 112-127 and 132 of this Decree. No contraventions of the regulations were reported during the period under review.

The supervision of the application of these regulations is usually within the competence of the labour inspectorate but may also be ensured by the officials of the criminal police.

There were no decisions by courts of law concerning the application of the regulations.

No infractions to these regulations were reported during the period under review.

No observations were received from the employers' and workers' organisations. Copies of the report have been communicated to the representative organisations.

*St. Pierre and Miquelon.*

See under Convention No. 5.

### 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

#### *France*

#### *Guadeloupe.*

In the new Overseas Departments, only one social insurance scheme is applicable as from 1 July 1948 to insured persons in agricultural and non-agricultural occupations. Only old-age insurance has been brought into effect ; its compulsory field of application is limited to wage earners and assimilated persons in all occupations including domestic service.

All wage earners and assimilated persons regardless of their nationality are compulsorily subject to social insurance, whatever their age and the amount or nature of their remuneration, with the one reservation that contributions on annual remuneration exceeding 150,000 francs should only be calculated on the basis of this figure. The following categories are ex-

cluded from compulsory insurance : children under school-leaving age (14 years), persons engaged on their own account in commerce, handicrafts or a liberal profession, officials, and seamen who come under a special insurance scheme.

Later Decrees to fix the methods of applying the right to sickness, long-sickness, invalidity and life insurance benefits and maternity benefits, will also establish the regulations concerning the maintenance of rights of persons already compulsorily insured with regard to voluntary insurance.

Until the publication of the text concerning old-age insurance, the scheme set out in the Ordinance of 2 February 1945 remains in force. Under this scheme an allowance is granted to aged wage earners who are not pensioners. The age of admission is 65 years, or 60 years in the case of incapacity for work.



The financing of a social security scheme rests on the principle of the payment of compulsory contributions and the principle of sharing these contributions exclusively between wage earners and employers. The worker's contribution amounts to 4 per cent. and the employer's contribution to 5 per cent. The worker's contribution is reduced to 1 per cent. in the case of workers over 65 years of age.

The technical and financial organisation of the social security scheme applies to all beneficiaries of social security legislation, including persons engaged in agricultural occupations. It comprises a general social security fund administered by a governing board of 30 members of whom two thirds are elected workers' representatives and one third elected employers' representatives. In addition, there are : one elected representative of the fund staff, two representatives elected by the doctors of the department, two persons nominated by the Minister of Labour and Social Security at the suggestion of the governing board, and one person elected by the family association.

The administrative and financial control is ensured by the Regional Social Security Directorate, which is directly subordinate to the Minister of Labour and Social Security, the Inspectorate of Finance and the Audit Office. The report enumerates the courts before which may be brought difficulties arising out of the application of social security regulations and regulations concerning beneficiaries or employers.

Foreign workers are compulsorily insured under the same conditions as French workers.

As regards the granting of allowances to aged wage earners, foreigners whose Governments grant the same advantages to French nationals living in their territory may only benefit from this scheme if they reside in Guadeloupe territory. The required period of residence is 15 years. The allowance is granted to all claimants regardless of their nationality only if their total resources, including the allowance, does not exceed 45,000 francs per annum for an unmarried person and 60,000 francs for a married couple. Since 1 January 1950, the annual rate of the allowance amounts to 22,500 francs in districts assimilated to towns of over 5,000 inhabitants and to 18,000 francs in other districts.

#### *Martinique.*

Decree of 17 October 1947 extending in principle to Martinique the provisions of the Ordinance of 4 October 1945 respecting the organisation of social security.

Two Decrees of 30 March 1948 have been issued to apply the above legislation. The regulations are almost the same as those in force in France, apart from certain differences in rates of benefit. The

regulations cover about 20,000 wage earners.

#### *Réunion.*

The legislation in force in Réunion respecting compulsory old-age insurance for wage earners in industrial undertakings is identical with that in force in France except in the following respects.

The highest annual wage on which contributions are payable has been fixed at 75,000 francs C.F.A.

Insurance is financed as follows : for wage-earning employees in general, by contributions from the employer and the worker equal to 5 per cent. and 4 per cent. of the wage respectively ; for domestic servants, by contributions of 5 per cent. and 4 per cent. respectively based on an annual wage by the job of 21,180 francs C.F.A. for men and 10,584 francs C.F.A. for women ; and for share-croppers by a contribution of 1.80 francs C.F.A. per year per 25 square metres, payable only by share-croppers farming between 2,500 and 25,000 square metres for one or more proprietors.

The report indicates that, on 31 December 1949, compulsory insurance covered 13,283 wage earners registered in industry and agriculture, but the work of registration was still in progress and the total number of insured workers is at least four times as high.

There were no pensioners at the beginning of the last annual period, and no pensions were awarded or ceased to be paid during the said period. The first awards were made in 1950. There were no expenses and no non-contributory pensions. The total receipts amounted to 115 million francs C.F.A. for industry and agriculture.

#### *Cameroons.*

No general compulsory old-age insurance system exists in the Cameroons.

#### *French Establishments in India.*

No regulations have been issued. The territory has no funds or self-governing institutions dealing in old-age insurance. However, the personnel (wage earners and salaried employees) of the textile factories receive from their employers on reaching the age of 55 a pension assessed according to length and continuity of service. It is impossible to apply the Convention in the territory.

#### *French Settlements in Oceania.*

The Convention is not applied in the territory.

#### *Madagascar.*

Regulations on this subject are at present being examined and the provincial

labour inspectors have been requested to proceed with an enquiry with the chambers of commerce and workers' and employers' organisations. It is not therefore possible to supply at present a valid report on this question.

#### *New Caledonia.*

No old-age insurance system exists at present. The introduction of such a system could only be effected by means of an Act extending to the territory the general provisions concerning social security.

Consideration is being given at present to a system, not of old-age insurance but of assistance to certain aged workers; this system is comparable with that known in France as the old-age assistance scheme. The payment of such assistance would have to be made by the family allowances fund to workers of French nationality within the competence of this body by reason of their occupation. Under the provisions of existing social security legislation, this system would therefore only be applicable to aged workers in industry, commerce, the liberal professions and agriculture.

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

#### *St. Pierre and Miquelon.*

There is no insurance of this type in the territory.

#### *United Kingdom*

Reports have been received for the following territories:

*Aden, Barbados, Basutoland, Bechuanaland, Bermuda, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, British Guiana, British Honduras, British Somaliland, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Grenada, Hong Kong, Jamaica, Kenya, Federation of Malaya, Malta, Mauritius, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.*

In general, the information contained in these reports is identical with that supplied for the periods 1947-1948 and 1948-1949 and published in the summaries of reports on ratified Conventions submitted to the 32nd and 33rd Sessions of the International Labour Conference (1949 and 1950).

Any new information contained in the reports for the period under review is given below.

#### *Aden.*

It has not been possible to devise any system which would secure a satisfactory working of any insurance scheme for sick-

ness, old age and invalidity, primarily because the great bulk of the labour in Aden is composed of immigrant workers from the Yemen who spend a few years only in the colony and then return home.

#### *Bechuanaland.*

There is no legislation and no administrative instruction relating to the Convention.

#### *Dominica.*

Agriculture is the main occupation of the island. Industry consists chiefly of the manufacture of agricultural products and provides employment for a comparatively small number of workers. There are about 300 persons employed in commercial undertakings. These people are now engaged in forming a trade union and are likely to request the introduction of the scheme. There are no outworkers in Dominica. The scheme is not in force for domestic servants.

#### *Gibraltar.*

During the period under review, 320 persons received assistance, the total expenditure being £9,776. Representations have been received from the Gibraltar Confederation of Labour for the introduction of legislation to provide a comprehensive scheme of contributory old-age pensions; a reply was sent indicating that it was the aim of Government policy to provide such a scheme when sufficient statistical information was available to enable a satisfactory scheme to be prepared.

#### *Federation of Malaya.*

A Bill providing for the institution of a provident fund for employees is under consideration by the Federal Executive Council. "Employee" is defined to include persons earning not more than \$250 monthly, employed in factories, mills, workshops and mines in which not less than 10 persons are employed; shops, restaurants and theatres in which not less than five persons are employed; and Government and municipal services.

#### *Mauritius.*

The position regarding insurance is unchanged but there is now a non-contributory old-age pensions scheme providing Rs. 15 per month at the age of 65 for those without means and at the age of 45 in the case of blind persons.

#### *St. Lucia.*

A committee appointed to consider the matter has now reported and the Government of the colony is considering what steps can be taken in the light of this report.

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

#### *France*

##### *Guadeloupe.*

See under Convention No. 35.

##### *Martinique.*

Decree of 17 October 1947, to extend to Martinique the provisions of the Ordinance of 4 October 1945 respecting the organisation of social security.

Two Decrees of 30 March 1948 have been issued to apply the above legislation. The regulations are almost the same as those in force in France, apart from certain differences in rates of benefit. These regulations cover between 30,000 and 35,000 wage earners.

##### *Réunion.*

The compulsory old-age insurance scheme for wage earners in agricultural undertakings is the same as that established for industrial and commercial occupations; the statistical information supplied in the report on the application of Convention No. 35 includes both industry and agriculture.

##### *Cameroons.*

See under Convention No. 35.

##### *French Establishments in India.*

No regulations have been issued. No specialised self-governing fund or institution exists in the territory. The report states that, in view of the traditional system of agriculture which prevails and the predominance of smallholdings, there is no occasion to extend the provisions of the Convention to the agricultural wage earners of the territory.

##### *French Settlements in Oceania.*

The Convention is not applied in the territory.

##### *Madagascar and New Caledonia.*

See under Convention No. 35.

##### *St. Pierre and Miquelon.*

There is no insurance of this type in the territory.

#### *United Kingdom*

Reports have been received for the following territories:

*Aden, Barbados, Basutoland, Bechuanaland, Bermuda, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, British Guiana, British Honduras, British Somaliland, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Grenada, Hong Kong,*

*Jamaica, Kenya, Federation of Malaya, Malta, Mauritius, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.*

In general, the information contained in these reports is identical with that supplied for the periods 1947-1948 and 1948-1949 and published in the summaries of reports on ratified Conventions submitted to the 32nd and 33rd Sessions of the International Labour Conference (1949 and 1950).

Any new information contained in the reports for the period under review is given below.

##### *Dominica.*

Agriculture is the main industry of the island. There is a large peasantry employing members of its own family. Wage earners employed on estates usually cultivate their own food gardens. There is no scheme of compulsory old-age insurance in Dominica. No observations have been received from any organisation of employers or workers concerning the application of the Convention.

##### *Gibraltar.*

The number of agricultural workers in Gibraltar being negligible, legislation envisaged to provide old-age pensions will apply equally to all workers. During the period under review, 320 persons received assistance, the total expenditure being £9,776. No separate observations have been received from organisations of employers or workers in respect of agricultural workers.

##### *Federation of Malaya.*

A Bill providing for the institution of a provident fund for employees (defined as workers on a plantation of 25 acres or more in extent) is under consideration by the Federal Executive Council.

##### *Mauritius.*

The position regarding insurance is unchanged but there is now a non-contributory old-age pensions scheme providing Rs. 15 per month at 65 years for those without means and at 45 years for blind persons.

##### *St. Lucia.*

A committee appointed to consider the matter has now reported and the Government of the colony is considering what steps can be taken in the light of this report.

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

*France*

*Guadeloupe.*

The compulsory sickness insurance scheme is not applied to workers in private employment.

*Martinique.*

Decree of 17 October 1947, to extend to Martinique the provisions of the Ordinance of 4 October 1945 respecting the organisation of social security.

The decision as to the date on which the above provisions shall become applicable is to be given in a separate text.

*Réunion.*

The Convention is not applied in Réunion.

*Cameroons.*

Decree of 7 January 1944, to issue regulations governing the work of Africans in the French Cameroons (L.S. 1944—L.N. 1).

Decree of 23 August 1945, concerning work by Europeans and assimilated persons in private undertakings.

The above-named legislation makes compulsory the payment of benefits to the victims of industrial accidents which result in total or partial incapacity.

While the system of pensions is not provided for in the above-named Decrees, it is being used increasingly by the insurance companies in the case of European workers. The labour inspectorate fully approves this method of compensation and recommends it as a means of settlement in the case of accidents which occur in the administrative sector.

*French Establishments in India.*

There are no regulations. However, the textile factories award their employees an invalidity pension for incapacity certified by the staff medical practitioner, if the worker in question has reached the age of 40 and has completed 15 years of service in the same establishment. In view of the lack of insurance institutions and the precariousness of homework, local conditions do not readily lend themselves to the application of the Convention.

*French Settlements in Oceania.*

The Convention is not applied in the territory.

*Madagascar.*

See under Convention No. 35.

*New Caledonia.*

No compulsory invalidity-insurance system exists at present for workers in industrial and commercial undertakings. Such a system could be set up only through the application of social security regulations to the overseas territories.

Because of the present very high level of costs of production (lack of markets, small size of undertakings, low labour productivity), the application of such regulations could probably only take place in the territory on a progressive basis. It is possible that the introduction of an invalidity-insurance system may not be among one of the most urgent measures to be introduced.

At present, in virtue of collective agreements, certain workers receive sickness benefits in the form of full wages, followed by half pay during a period varying according to the incapacity of the worker and ranging from two weeks to several months. Copies of the report have been communicated to the representative employers' and workers' organisations.

*St. Pierre and Miquelon.*

There is no insurance of this type in the territory.

*United Kingdom*

Reports have been received for the following territories:

*Aden, Barbados, Basutoland, Bechuanaland, Bermuda, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, British Guiana, British Honduras, British Somaliland, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Grenada, Hong Kong, Jamaica, Kenya, Federation of Malaya, Malta, Mauritius, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.*

In general, the information contained in these reports is identical with that supplied for the periods 1947-1948 and 1948-1949 and published in the summaries of reports on ratified Conventions submitted to the 32nd and 33rd Sessions of the International Labour Conference (1949 and 1950).

Any new information contained in the reports for the period under review is given below.

*Aden.*

It has not been possible to devise any system which would secure a satisfactory working of any insurance scheme for sickness, old age and invalidity, primarily because the great bulk of the labour in Aden is provided by immigrant workers from the Yemen who spend a few years only in the colony and then return home.

*Dominica.*

Industry, which is in its infancy, consists of the manufacture of agricultural products and provides employment for a comparatively small number of workers. No observations have been received from any organisation of employers or workers

concerning the application of the Convention.

*Federation of Malaya.*

A Bill providing for the institution of a provident fund for employees is under consideration by the Federal Executive Council. "Employee" is defined to include persons earning not more than \$250 monthly employed in factories, mills, workshops and mines in which not less than 10 persons are employed; shops, restaurants and theatres in which not less than five persons are employed; and Government and municipal services.

*Mauritius.*

The position regarding insurance is unchanged but there is now a non-contributory old-age pensions scheme providing Rs. 15 per month at 65 years for those without means and at 45 years for blind persons.

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

*France*

*Algeria.*

The Algerian Assembly adopted on 30 June 1949 fundamental principles of the agricultural social insurance system.

*Guadeloupe.*

The compulsory sickness insurance scheme is not applied to workers in private employment.

*Martinique.*

See under Convention No. 37.

*Réunion.*

The Convention is not applied in Réunion.

*Cameroons.*

See under Convention No. 37.

*French Establishments in India.*

There are no regulations providing for compulsory insurance in agriculture. The systems of smallholdings and of casual labour by wage earners do not admit of such a scheme, and the Convention cannot therefore be applied in the territory.

*French Settlements in Oceania.*

The Convention is not applied in the territory.

*Madagascar.*

See under Convention No. 35.

*New Caledonia.*

See under Convention No. 37.

*St. Pierre and Miquelon.*

There is no insurance of this type in the territory.

*United Kingdom*

Reports have been received for the following territories:

*Aden, Barbados, Basutoland, Bechuanaland, Bermuda, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, British Guiana, British Honduras, British Somaliland, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Grenada, Hong Kong, Jamaica, Kenya, Federation of Malaya, Malta, Mauritius, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.*

In general, the information contained in these reports is identical with that supplied for the periods 1947-1948 and 1948-1949 and published in the Summaries of Reports on ratified Conventions submitted to the 32nd and 33rd Sessions of the International Labour Conference (1949 and 1950).

Any new information contained in the reports for the period under review is given below.

*Aden.*

As there is no agriculture in the colony, the Convention is not applicable.

*Dominica.*

Agriculture is the principal occupation of the island. There is a large number of peasants who are employed part-time on estates. These people employ members of their own family or other workers to assist them on their holdings. No observations have been received from any organisations of employers or workers regarding the Convention.

*Gibraltar.*

It is not envisaged that there will ever be a sufficient number of workers in agriculture in Gibraltar to warrant the intro-

duction of separate legislation to provide compulsory invalidity insurance for this class of worker. In general, legislation framed to this end would apply equally to all workers.

*Federation of Malaya.*

A Bill providing for the institution of a provident fund for employees (defined as workers on a plantation of 25 acres or more in extent) is under consideration by the Federal Executive Council.

*Mauritius.*

The position regarding insurance is unchanged but there is now a non-contributory old-age pensions scheme providing Rs. 15 per month at 65 years for those without means and at 45 years for blind persons.

#### 41. Convention concerning employment of women during the night

*Belgium**Belgian Congo.*

The report reproduces the information previously supplied.

*France**Algeria.*

Algerian Labour Code (Book II, sections 21 to 25, 27 to 29).

Decree of 30 June 1913, to fix the exemptions and exceptions provided for in sections 17, 23 to 26 of Book II of the Labour Code, made applicable to Algeria by the Decree of 14 February 1921.

During the period under review, no infringements of the above-mentioned laws and regulations were reported by the labour inspection offices. No use has been made of the exceptions authorised under the Convention and the legislation.

*Martinique.*

See under Convention No. 4.

*Réunion.*

See under Convention No. 4.

*Cameroons.*

The report refers to the information given under Convention No. 4 and adds that, in addition to the provisions of this latter Convention, Convention No. 41 provides, in exceptional circumstances, for the substitution in the definition of the "night" period, of the interval between 11 p.m. and 6 a.m. for the interval between 10 p.m. and 5 a.m. The report adds that these provisions have not been applied in the Cameroons and that Convention No. 41 has never been implemented in the territory.

The reports for the *French Establishments in India, French Settlements in Oceania and Madagascar*, repeat the information previously supplied.

#### 42. Convention concerning workmen's compensation for occupational diseases

*France**Martinique.*

The provisions of the Act of 25 October 1919 have not been made applicable to Martinique. However, Act No. 49-1104 of 2 August 1949 has extended to Martinique the provisions of the Act of 30 October 1946 respecting the prevention of, and compensation for, industrial accidents and occupational diseases. Rules for the appli-

cation of the Act of 2 August 1949 are still under consideration at Government level.

The question of the authority responsible for enforcing the application of the Convention does not arise at present, and there are no decisions by courts of law to report as the Convention is not applied.

*Réunion.*

See under Convention No. 18.

*Cameroons.*

Decree of 7 January 1944, to issue regulations governing native labour in the French Cameroons (section 135) (L.S. 1944—L.N. 1).  
Decree of 23 August 1945 (Sections 77-84).

In virtue of the above-named Decrees (the first of which concerns African and the second Europeans and assimilated persons), compensation for occupational diseases is placed on the same basis as that for industrial accidents. In fact, occupational diseases are very rare in the Cameroons. The only cases of accidents are those connected with benzene in the quinine manufacturing laboratories at Dschang or cases of ankylostomiasis in mines and quarries where the soil is humid.

The report adds that it does not therefore seem appropriate to apply the provisions of Conventions Nos. 18 and 42 to the territory.

*French Establishments in India.*

There are no regulations in force concerning occupational disease. However, as there are three textile factories in the territory, and as cotton manufacturing processes are apt to give rise to industrial diseases among the workers, there is a definite need for measures corresponding to the provisions of the Convention to be worked out for the territory.

*French Settlements in Oceania.*

The report states that the Convention is not applied in the territory since there are practically no occupational diseases. However, workers who are laid up because of sickness due to their work receive medical care at the expense of the employer and are generally paid benefits equal to half their wages until they resume their work.

*Madagascar.*

The administrative provisions laid down with regard to compensation for industrial accidents are applied wherever possible to compensation for occupational diseases. In this case also the part played by the doctor prevails. The difficulty inherent in local employment conditions does not always permit the labour inspector to intervene. Agriculture is the chief branch of activity; however, agricultural workers (43.08 per cent.) are generally irregular in their work. They hire out their services intermittently—five to 10 days in every month—and not always to the same employer. It is true that these workers very rarely contract an occupational disease, but if they should it would be difficult to protect them.

All sick persons receive free treatment in the numerous hospital establishments of the island (567 hospitals, infirmaries, dispensaries, etc.). For example, 8,028,053 visits were made during 1949 and 54,069

natives received hospital treatment. Free medical treatment is thus given on a very wide scale and makes up for the scarcity of texts with regard to occupational diseases. In the case of workers in permanent employment, that is workers who remain in the service of a particular undertaking, an occupational disease which is diagnosed by the medical social centre of the undertaking or by a doctor of the administration is treated at the trouble and expense of the employer, who acts on his own initiative or at the request of the labour inspector. No particular observations have been reported in regard to this question. Thus a worker who incurs an occupational disease is never abandoned. However, provision is being made for legislation to establish precisely the obligations of employers in the field of compensation for occupational diseases.

*New Caledonia.*

The Industrial Accident Regulations contained in the Decree of 15 May 1930, as amended by the Decree of 26 May 1934, have not yet been applied to the territory of New Caledonia in so far as compensation for occupational diseases is concerned.

The only occupational diseases encountered in the territory and covered by the Convention are the following: white lead poisoning in the polygraphic industries; anthrax infection in stockraising, meat-packing and canning; silicosis in silica mines; arsenic poisoning in the handling of cattle; pathological disorders produced by X-rays in health establishments and epitheliomatous infections in the handling of inflammable minerals and the tarring of roads.

No cases of these diseases have been noted.

No observations were received from the employers' and workers' organisations concerned. Copies of the report have been communicated to the representative organisations.

*St. Pierre and Miquelon.*

See under Convention No. 18.

*New Zealand**Cook Islands.*

See under Convention No. 12.

*Western Samoa.*

See under Convention No. 12.

*United Kingdom*

Reports have been received for the following territories:

*Aden, Barbados, Basutoland, Bechuana-land, Bermuda, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, British Guiana, British Honduras, British Somaliland, Gambia, Gibraltar, Gilbert and Ellice*

*Islands, Gold Coast, Grenada, Hong Kong, Jamaica, Kenya, Federation of Malaya, Malta, Mauritius, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.*

In general, the information contained in these reports is identical with that supplied for the periods 1947-1948 and 1948-1949 and published in the summaries of reports on ratified Conventions submitted to the 32nd and 33rd Sessions of the International Labour Conference (1949 and 1950).

Any new information contained in the reports for the period under review is given below.

#### *Aden.*

Although there is a considerable trade in hides and skins, there has never been a case of anthrax, but very careful watch is kept.

#### *British Guiana.*

The Convention is not at present applicable to the colony since no diseases have as yet been specifically notified as peculiar to industry as obtaining in the colony. A committee was appointed on 24 March 1950 to inquire into the workings of the Workmen's Compensation Ordinance, but had not reported by the end of the period under review. The provisions of the Convention are being considered by the committee.

#### *Brunei.*

A workmen's compensation enactment was passed in May 1950, but had not yet come into force by 30 June 1950.

#### *Dominica.*

The substances listed in the Schedule to the Convention are not used in any trade, industry or process in Dominica and there are no known cases of occupational diseases. No observations relevant to the Convention have been received from any employers' or workers' organisation.

#### *Falkland Islands.*

Workmen's Compensation (Amendment) Ordinance, No. 23 of 1949.

The above Ordinance contains minor amendments to the existing legislation.

#### *Gibraltar.*

A draft Notification of Accidents and Occupational Diseases Ordinance was published on 7 September 1950. During the period under review, representations have been received from the Gibraltar Con-

federation of Labour for the introduction of a comprehensive scheme of workmen's compensation. The Union was informed that the provision of a scheme was the aim of policy of the Government and was being given the highest priority.

#### *Gilbert and Ellice Islands.*

Workmen's Compensation Ordinance, No. 6 of 1949.

Compensation is payable to all workers of whatever nationality who sustain personal injury in the course of their employment. The rate of compensation, if death results and there are dependants, is a sum not exceeding 36 months' earnings or £600, whichever is the less, but not less than £100. If there is permanent total incapacity, the sum is 48 months' earnings or £750, whichever is the less, but not less than £125. For permanent partial incapacity, the rate paid is a percentage (as specified in a Schedule to the Ordinance) of the sum which would have been allowable had incapacity been total. For temporary incapacity, such payment is made as may be agreed on, or as a court may order. The first six diseases listed in the schedule of the Convention are prescribed to be occupational diseases in section 10 (6) of the Ordinance. Other diseases may be so declared by the Resident Commissioner, and the remaining four would be so declared if there was any likelihood of their occurring. The trades in the colony are few and none give rise to occupational diseases as prescribed. See also under Convention No. 12.

#### *Hong Kong.*

It is intended to include an extensive schedule of occupational diseases in the draft Workmen's Compensation Ordinance, which, although it has not yet been enacted, has been used as a basis for discussion when interviewing employers and employees regarding compensation for injury sustained whilst on duty. Many cases of compensation have been dealt with during the period under review and further progress has been made. Generally speaking, this interim period is proving a very satisfactory introduction to the Ordinance, and its provisions are becoming increasingly known. A number of employers have already taken out insurance to cover sums payable under the First Schedule, while several large industrial concerns are already making awards in accordance with the draft Ordinance. Only in a few cases has any difficulty been experienced in obtaining compensation payments. In some instances, this has been due to lack of capital, since many Chinese industries are operated on a bare minimum. When the Ordinance is in force it will be necessary for these concerns to find some method of group or other insurance which will cover their liabilities.



No cases of occupational diseases have yet come to the notice of the Labour Department, probably because the colony as a whole is not heavily industrialised and few industries make extensive use of chemicals and other substances likely to cause occupational diseases.

#### *Jamaica.*

A committee appointed by the Governor in Executive Council is considering "whether any special arrangements should be made by the Government for the regulation of employment and the welfare of workers in the bauxite industry, having regard to special conditions of such employment likely to prevail".

#### *Kenya.*

Workmen's Compensation Ordinance, No. 72 of 1948.

Article 1, section 35 of the Ordinance provides that compensation shall not be less than if disablement or death had been caused by accident. All employees are covered by the legislation except those specifically exempted by section 2 of the Ordinance and qualified by section 4. Section 6 provides that, in case of death, a sum equal to 36 months' earnings or 14,000/- (whichever is the less) be paid to dependants wholly dependent on the deceased. The amount to be paid to dependants which were not fully dependent is fixed by a court order. If there are no dependants, reasonable medical and burial expenses are paid. Where permanent total incapacity results, a sum equal to 48 months' earnings or 20,000/-, whichever is less, plus one quarter of the above if the constant help of another person is required, is paid. Where permanent partial incapacity results, two cases may arise. For an injury specified in the second schedule to the Ordinance, the sum paid is such a percentage of the compensation as would have been payable in the case of permanent total incapacity specified. Section 8 of the Ordinance specifies that the percentage must be equal to the percentage loss of earning capacity caused by the injury. As regards an injury not specified in the second schedule to the Ordinance, the sum paid is such a percentage of the compensation as would have been payable in the case of permanent total incapacity. The percentage will be in proportion to the loss of earning capacity permanently caused by the injury. Compensation for occupational diseases is assessed and paid as for industrial accidents.

Article 2: No occupational disease was discovered in the colony. Nevertheless, a schedule of the most likely diseases was included as Schedule III to the Ordinance. The schedule closely follows that in the Convention.

The application and administration of the Ordinance are in the hands of the labour commissioner and/or labour officers. The matter comes within the scope of the normal inspecting duties of labour officers. The reporting of accidents is compulsory (section 14 of the Ordinance). Accident and compensation registers are kept at all labour offices with master registers at the department headquarters where an expert in workmen's compensation is employed.

No decisions have been given by the courts.

The medical officers have not reported any incidence of silicosis in processes which might give rise to such cases.

No observations have been received from organisations of employers and workers.

Copies of the report have been communicated to the members of the Labour Advisory Board and are available for consultation by chambers of commerce and registered trade unions.

#### *Federation of Malaya.*

By the end of the year under review, and after consultation with the Federal Labour Advisory Board and numerous other bodies and trade unions representative of both employers and employees, the Department of Labour had completed the draft of a Workmen's Compensation Bill which is intended to take the place of the existing workmen's compensation laws. 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. 19 for information regarding the total number of cases handled by the Department of Labour in 1949.

#### *Nigeria.*

Workmen's Compensation (Amendment) Ordinance, 1950.

The report refers to the above Ordinance, enacted in September 1950 and clause II of which enables the Governor in Council to extend the benefits of the workmen's compensation law to cases of incapacity or death caused by occupational diseases.

#### *North Borneo.*

The consideration of legislation which has been referred to previously has resulted in the enactment of the Workmen's Compensation Ordinance, 1950, which came into operation on 1 July 1950 and which will form the basis of the next report. During the drafting of the legislation, the requirements of the Convention were kept in view.

#### *Sarawak.*

Workmen's Compensation Ordinance, 1949.  
Government Gazette Notification, No. S 125 of 16 December 1949.

Order by Governor in Council with respect to application of the Ordinance to certain employments.

Government Gazette Notification, No. S 126 of 16 December 1949 (appointing 1 April 1950 as the date of coming into force of the Ordinance).

The legislation covering this Convention is the same as that covering Convention No. 17. The present list of diseases and toxic substances is not in accordance with the schedule to the Convention but is in accordance with the corresponding lists in neighbouring British territories. The following diseases or toxic substances are not yet included: mercury, anthrax, silicosis, halogen derivatives of hydrocarbons in the aliphatic series, pathological manifestations due to radioactive substances and X-rays, primary epitheliomatous cancer of the skin. The following toxic substances are included in Sarawak legislation but not in the Convention: carbon-monoxide, carbon-dioxide. Steps are being taken to improve the legislation to bring it into conformity with the Convention as soon as neighbouring British territories are prepared to do so.

Compensation is payable to workmen incapacitated by occupational diseases, or in case of death, to their dependants, exactly as if the disease were an industrial accident. Under section 6 (1) of the Ordinance, the contracting of the disease is deemed to be a personal injury by accident. The employer is not liable unless the injured workman has worked for six months for him. Compensation for industrial accidents is payable in respect of injuries, whether causing death or not, if arising out of and in the course of an industrial employment and some others. Industrial employments are generally those in industrial undertakings to which various protective Conventions (minimum age, etc.) apply. The rates payable in respect of an occupational (industrial) disease are the same as those for an industrial injury. Where death results and the workman leaves dependants who are wholly dependent, compensation is 30 months' earnings or \$3,200, whichever is the less. The amount is less when the dependants are not wholly dependent, and is limited to the cost of burial and medical expenses when the workman dies without dependants. In the case of permanent total incapacity, compensation is eight months' earnings or \$4,800, whichever is less, but no compensation shall be less than \$320. An increase of a quarter of this sum shall be paid when the workman must have the constant help of another person. In the case of permanent partial incapacity a percentage of the compensation which would be payable for permanent total incapacity is payable. The First Schedule to the Ordinance gives the percentage capacity for certain injuries. In the case of temporary incapacity the compensation is half the difference between the earnings

before and the earnings after the accident. The protector of labour, the deputy protectors of labour, (*i.e.*, all district officers) and the courts are responsible for the administration of the legislation. There is as yet no regular system of inspection. There has been no survey of industries, and so far no claims for compensation for an industrial disease.

There are no separate organisations of employers and workers in Sarawak.

See also under Convention No. 17.

#### *Seychelles.*

The draft legislation mentioned in the previous report has been found to be in need of considerable revision in the light of the special conditions prevailing in Seychelles.

#### *Sierra Leone.*

It is intended to accept as occupational diseases those set out in the schedule which are likely to occur locally. Drafting of a completely revised version of the Workmen's Compensation Ordinance has been delayed by pressure of other work on the Labour Department.

#### *Singapore.*

The report repeats information previously supplied and gives revised figures showing the number of workers employed in dangerous trades or industries on 31 March 1950. The report has been communicated to the Labour Advisory Board.

#### *Tanganyika.*

The reference to the Workmen's Compensation Ordinance now reads "Chapter 263". No legal decisions relevant to the application of the Convention were given by the courts during the year under review.

#### *Uganda.*

Workmen's Compensation Ordinance, 1949 (in force from 1 November 1949).

Article 1, paragraph 1 of the Convention: Compensation is payable in respect of any accident which prevents a workman from earning full wages for a period of five consecutive days or more.

Paragraph 2: Compensation payable for total but temporary incapacity is one half of the amount by which the workman's earnings are reduced as a result of the injury. In case of death, a lump sum equivalent to 36 months' earnings is payable. In case of partial permanent incapacity, the compensation payable is a prescribed proportion of 48 months' earnings.

Compensation granted in case of occupational disease is calculated in the same way as compensation for industrial injury.

Article 2: Poisoning by mercury, etc., phosphorus poisoning and poisoning by the halogen derivatives of hydrocarbons are not included as occupational diseases, as Uganda has no industries in which these substances are used. Silicosis, too, has not been included in the list of occupational diseases, as there are at present no means of diagnosing it. On the other hand, one disease not mentioned in the Convention—cyanide poisoning—has been included.

The application of the Convention is the responsibility of the labour commissioner and members of the department. No decisions by a court of law or other court regarding the application of the Convention has been reported. No cases of occupational disease have been reported since the Ordinance came into force on 1 November 1949.

The report has not been communicated to the employers' and workers' organisations, as the territory has no such organisations which are representative.

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

##### *France*

There are no sheet-glass works in *Algeria, Guadeloupe, Martinique, Réunion,*

*French Equatorial Africa, the French Establishments in India, the French Settlements in Oceania, Madagascar, or St. Pierre and Miquelon.*

#### 44. Convention ensuring benefit or allowances to the involuntarily unemployed

##### *France*

##### *Algeria.*

Ordinance No. 45-1030 of 24 May 1945, respecting the placing of employees and the supervision of employment (L.S. 1945—Fr. 7), extended to Algeria by Decree of 6 June 1945.

Decree No. 45-1891 of 23 August 1945, respecting the application of the above-named Ordinance.

Order of the Governor-General of Algeria, dated 22 February 1946, to set up advisory boards to the departmental employment agencies, as amended by the Order of 5 July 1946.

Order of the Governor-General of Algeria, dated 23 December 1946, to prescribe the methods of applying the Ordinance of 24 May 1945 and the Decree of 23 August 1945 to Algeria.

Circular No. 8359 AE/3 of the Governor-General of Algeria, dated 13 July 1948, respecting measures to combat unemployment, as amended by Circulars, Nos. 2576 and 15,070 of 7 March and 19 December 1949.

The essentially agricultural character of Algerian economy, as well as the practice over a large part of the territory of devoting areas to the production of a single product (which, for climatic and geographical reasons, is the only course possible), result in considerable seasonal unemployment during slack seasons in agriculture.

Apart from the steps taken to improve general conditions of production and exchange and to develop the country's industrial potential, this unemployment is combated by the opening of temporary communal work sites for the unemployed, financed jointly by grants from the

Algerian budget and the budgets of the departments and communes.

Unemployed persons receive a daily allowance in return for work performed at the sites. The amount of this allowance is fixed by the prefect of the department for each site, at a figure between the minimum wages of agricultural workers in the first wages category for the first and third zones (at present 250 and 200 francs), taking into account local conditions.

The persons concerned are also entitled to relief from the normal public assistance services and to the allocation of food and clothing.

Admission to the communal work sites for the unemployed is open to persons who are temporarily unemployed as well as to country workers, settled or nomad, who are usually unoccupied during the slack season in agriculture and who are in need of assistance until they resume work.

There is no provision for an allowance to workers who are partially unemployed.

Section 6 (3) of the Ordinance of 24 May 1945 provides that "every employee seeking employment shall be bound to apply for registration with the departmental manpower service or its local branch". Section 7 of the same Ordinance provides that "in any locality in which there is no branch of the departmental manpower service, the mayor shall be responsible for receiving and entering in a special register all notices of vacancies and applications for employment". Copies of these notices are

forwarded within three days of the receipt thereof to the departmental manpower service.

Admission to communal work sites for the unemployed is not subject to any conditions other than those provided for in Articles 10 and 12 of the Convention. Applicants are not required to comply with a qualifying period, to have terminated a waiting period or to attend a course of occupational training. If a worker refuses the employment obtained for him by the labour exchange where he is registered, his name is removed from the list of unemployed persons. The following considerations are, however, taken into account: the nature of the employment offered, having regard to the occupation of the person concerned, the place where it is performed, and the family resources of the worker.

The communal work sites for the unemployed are, in principle, of a temporary nature; the opening of such sites corresponds generally with slack seasons in agriculture. Admission to the sites is conditional upon a proved state of need verified by the local supervisory committee whose compositions and functions are described below. Daily allowances to unemployed persons are paid in money.

The regulations in force in Algeria make no discrimination between national and foreign workers in respect of admission to work sites for the unemployed. In practice, however, the question hardly arises, as aliens are permitted to work only as additional manpower where this is justified by prevailing requirements.

The application in Algeria of the above-mentioned laws and regulations is the responsibility of the Governor-General, and is assured through the public manpower services.

With regard to unemployment as such, the Circular of 13 July 1948 set up in each commune a local supervisory committee consisting of: the head of the commune, two municipal councillors (one for each electoral college), the head of the local employment exchange, and two delegates (one employee and one employer) from the most representative trade union organisations of the district. The functions of this committee are to establish and keep up to date lists of unemployed persons to be taken on at each work site, to give advice as to the dates of opening and closing the sites and, more widely, to ensure the proper utilisation of the subsidies obtained for their operation.

The application of the unemployment regulations has not given rise to any decisions by courts of law or administrative courts.

The amount of the annual appropriations in the Algerian budget for the opening and operation of the work sites for the unemployed varies according to requirements and the general financial position of the country.

#### *Martinique.*

No laws or regulations relating to the matter with which the Convention deals are applicable in Martinique, and the Convention is not applied.

#### *Réunion.*

The Legislative Decree of 6 May 1939 was not extended to Réunion when it was enacted and does not appear in the list of instruments made applicable to Réunion at the time when it became a department under the Decrees of 30 March 1948. Consequently, the department has no system ensuring benefit or allowances to the involuntarily unemployed. Article 3 of the Convention is not applied either, and in cases of partial unemployment no benefit or allowances are payable to unemployed persons whose employment has been reduced.

#### *Cameroons.*

See under Convention No. 2.

#### *French Establishments in India.*

There are no regulations providing for unemployment. However, there does exist in the textile factories of Pondicherry a system whereby workers who have completed a minimum of 285 full working days are entitled, on the days when there is no work for them, to benefits amounting to four annas for adults and two annas six pies for children under 18 years of age. In view of the small area of the territory and its limited resources, a scheme of assistance to the involuntarily unemployed such as is provided for in the Convention is not considered feasible.

#### *French Settlements in Oceania.*

The Convention is not applied in the territory.

#### *Madagascar.*

There is no legislation in Madagascar regulating the question covered by the Convention.

Benefits in cash or in kind are granted to the persons concerned by the social assistance agencies, but special regulations have not been issued with regard to any scheme or combination of schemes regarding compulsory or voluntary insurance.

Assistance granted by the social assistance agencies is available for all persons, without distinction as to occupation, should they be temporarily deprived of resources; provision is not made for any exception.

Articles 3 and 6 to 9 do not apply in Madagascar.

The above-mentioned measures of assistance are, as a rule, temporary and are subject either to unfitness for work or non-availability of work, or to registration with an employment agency.

Since the granting of compensation or of an allowance is not made under special legislation, there is no provision for disqualification.

The social assistance agencies take due account of the recommendations contained in Article 100 of the Convention, since they refuse to assist any person who has been offered employment, subject to the reservations provided for in this Article.

Failing the organisation of a scheme for unemployment benefits which, moreover, would not be justified in view of the position of the local labour market, benefits are only granted to persons in need.

Social assistance agencies decide, after enquiry and according to the particular case, the type of benefits to be granted (compensation, food, clothing, etc.).

There are no tribunals for the settlement of questions regarding claims for compensation; such claims may only be examined by a social assistance board sitting together with the mayor of the commune.

Measures for assistance only apply to persons residing in the territory of the commune.

Foreigners residing on the territory of the commune have the same rights as nationals, and under the same conditions, to all available measures of assistance.

The application of the above-mentioned provisions is entrusted to the social assistance agencies working in collaboration with the labour inspection services and the employment agencies.

#### *New Caledonia.*

There are at present no provisions concerning the payment of unemployment benefits in the territory and its dependencies.

In view of the fact that there is a slight general shortage of manpower, it does not seem necessary, at least at present, to envisage the setting up of a system of assistance for involuntarily unemployed persons. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *St. Pierre and Miquelon.*

See under Convention No. 2.

#### *New Zealand*

#### *Cook Islands, Western Samoa.*

See under Convention No. 2.

#### *United Kingdom*

Reports have been received for the following territories:

*Aden, Barbados, Basutoland, Bechuanaland, Bermuda, Brunei, Cyprus, Dominica,*

*Falkland Islands, Fiji, British Guiana, British Honduras, British Somaliland, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Grenada, Hong Kong, Jamaica, Kenya, Federation of Malaya, Malta, Mauritius, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.*

In general, the information contained in these reports is identical with that supplied for the periods 1947-1948 and 1948-1949 and published in the summaries of reports on ratified Conventions submitted to the 32nd and 33rd Sessions of the International Labour Conference (1949 and 1950).

Any new information contained in the reports for the period under review is given below.

#### *Dominica.*

Agriculture is the main industry of the island. There is a large peasantry employing members of its own family. Workers employed on estates usually own or rent land for food gardens. At present there is practically no involuntary unemployment. There is no scheme in operation to give effect to the provisions of the Convention. No observations have been received from any organisations of employers or workers concerning the Convention.

#### *Jamaica.*

No measures have been taken to give effect to the provisions of the Convention and the ratification itself has no legal effect. No decisions have been given by courts of law and no observations have been received from employers' and workers' organisations.

#### *Kenya.*

The objective of the Convention is one of the social security measures for which the colony is not yet ready. The Government, therefore, has recourse to exemption granted under Article 35 of the Constitution of the I.L.O. There was no involuntary unemployment in the colony.

#### *Federation of Malaya.*

The Colonial Office states that in the Federation of Malaya at the present time there is neither the organisation, trained staff nor funds necessary to operate a national scheme for unemployment insurance or to supervise voluntary schemes. It is considered that the establishment of an employment exchange service, which does not yet exist, is a prerequisite to the introduction of an insurance scheme and also that the difficult problems of identification will first have to be solved. In these

circumstances the Government of the Federation of Malaya consider that it is impossible to apply the provisions of the Convention at present.

#### *Mauritius.*

During the inter-crop season, a maximum of 133 adult males were employed on relief works.

#### *St. Helena.*

During the period under review, an average of 78 men were employed on relief works. The estimated cost for relief for 1950 amounted to £3,900 out of a total budget of £111,071.

#### *Sarawak.*

There is no legislation, and no measures are taken to provide benefits or allowances to the involuntarily unemployed. Such persons may be assisted by voluntary bodies or take up farming.

#### *Trinidad and Tobago.*

The committee appointed by the Government to explore the possibility of introducing a system of contributory unemployment insurance found that the introduction of such a scheme was impracticable, and added that, until the economic and financial conditions of the colony improved, together with expansion and development of industrialisation, there was little prospect of the possibility of introducing such a social service in the colony.

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

#### *France*

##### *Algeria.*

According to information supplied by the Mines Department, which is responsible (under the same conditions as in the metropolitan territory) for labour inspection in mines, no woman is employed on underground work in Algerian mining undertakings.

##### *Cameroons.*

The provisions of the Convention could not be applied in the Cameroons since none of the activities carried out in the territory involves work underground; the mines are all surface mines in which women are not employed.

##### *French Equatorial Africa.*

The mining industries in French Equatorial Africa do not make use of female labour.

There are no mines in the departments of *Guadeloupe*, *Martinique* and *Réunion*.

##### *French Establishments in India.*

As there are no mines being worked in the territory, the question of employing women in underground labour does not arise.

##### *French Settlements in Oceania.*

The Convention is not applied in the territory.

##### *Madagascar.*

There are no mining establishments in Madagascar in which women are employed in underground work.

##### *New Caledonia.*

Decree of 2 March 1939, to apply to New Caledonia the provisions of Book II of the Labour Code.

Section 55 of the above Decree provides that "young girls and women may not be employed on underground work in mines, surface mines and quarries".

No use has been made of the exceptions provided for in Article 3 of the Convention.

Supervision of hygiene and safety conditions in mines, surface mines and quarries is entrusted to the mines engineer of the territory without prejudice to the activities of officials of the judicial police.

No decisions were given by courts of law or other courts concerning the application of these regulations.

No contraventions of the regulations were detected. The latter are, moreover, applicable only to the two mining establishments (chromium mines) carrying out underground work.

No observations were received from employers' and workers' organisations. Copies of the report have been communicated to the representative organisations.

##### *St. Pierre and Miquelon.*

No mining work is done in the territory.

*New Zealand**Cook Islands.*

There are no known mineral resources of commercial value in the territory and therefore application of the Convention is not being considered.

*Western Samoa.*

There are no known mineral resources of commercial value in the territory and therefore application of the Convention is not being considered on the grounds that the type of enterprise envisaged by the Convention does not exist in the territory.

*Portugal*

See the introductory note on Convention No. 1.

Reports have been received for the following territories :

*Angola, Cape Verde, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, S. Tomé and Príncipe, and Timor.*

A summary will be found below of any new information contained in these reports, which repeat information previously summarised in the summary of reports laid before the Conference at its 33rd Session.

*Cape Verde.*

Since there are no mines within the meaning of Article 1 of the Convention, none of the provisions of the Convention are applicable in this possession.

*Mozambique.*

There are at present no major mining industries being actively worked in the possession ; such an industry may, however, be developed in the near future, and in this case the required measures relating to the Convention will certainly be taken.

*Portuguese Indies.*

Since there is no underground work whatever in this possession no legislation relating to the Convention has been issued.

*United Kingdom*

Reports have been received for the following territories :

*Aden, Barbados, Basutoland, Bechuanaland, Bermuda, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, British Guiana, British Honduras, British Somaliland, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Grenada, Hong Kong, Jamaica, Kenya, Federation of Malaya, Malta, Mauritius, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, Sarawak, Seychelles, Sierra Leone, Singa-*

*pore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.*

In general, the information contained in these reports is identical with that supplied for the periods 1947-1948 and 1948-1949 and published in the summaries of reports on ratified Conventions submitted to the 32nd and 33rd Sessions of the International Labour Conference (1949 and 1950).

Any new information contained in the reports for the period under review is given below.

*Jamaica.*

No underground work in mines is carried on in Jamaica.

*North Borneo.*

Labour Ordinance, 1949.

Legal effect has now been given to the provisions of the Convention by section 78 of the Labour Ordinance, 1949.

*Tanganyika.*

The reference to the Employment of Women and Young Persons Ordinance now reads "Chapter 82".

Article 2 of the Convention : The reference to section 14A (1) of the Ordinance which appeared in last year's report is to be replaced by the reference "section 14 (1)".

*Union of South Africa**South-West Africa.*

Mining Consolidation and Amendment Proclamation (No. 4 of 1940).

Government Notice (No. 26 of 1940), to lay down rules for the application of the above.

The national legislation is fully in harmony with the provisions of the Convention. Although it applies only to the extraction of minerals and guano and to metal mines, it does not in practice conflict with the definition of "mine" given in the Convention. Article 2 is applied. Regarding Article 3, it is noted that, subject to the approval of the inspector of mines, a white woman can perform the duties of a manager. However, in practice, no such case has arisen or seems likely to arise. The law contains no provisions authorising the exemptions provided for under Article 3 (b), (c) and (d) of the Convention, but in case of need the administrator can give such authorisation. No request for exemption has yet been made or granted.

Supervision is exercised by the Mines Department and, where necessary, by the courts of the territory. The report gives details regarding the examination of native workers employed in the mines ;

underground inspections are carried out at frequent intervals by the inspector of mines. No decisions have been given by courts of law and no contraventions have been reported. The economic situation and the state of the labour market are

such that there has never been any call for the employment of women in work underground and the principle of prohibiting it is now firmly established. Hence the application of the Convention has presented no difficulties.

#### 47. Convention concerning the reduction of hours of work to forty a week

##### *New Zealand*

##### *Cook Islands.*

The New Zealand Government considers that the stage of social development of the community does not permit application.

##### *Western Samoa.*

Available evidence shows that the hours

of work observed in the territory are, with the exception of administrative and probably some commercial occupations, generally more than 40 but less than 48 a week. The possibility is that application of the Convention may not be practicable at the moment due to economic repercussions, but the Western Samoan Government is being consulted on this point.

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

##### *France*

##### *Algeria.*

Algerian Labour Code (Book II, sections 6 and 7).

Decree of 13 February 1937, issued in application of the Forty-Hour Week Act of 21 June 1936, respecting hours of work in the glass industry, made applicable to Algeria by Decree of 8 June 1937.

No proceedings were instituted by the labour inspection officers between 1 July 1949 and 30 June 1950 for infringements of the above-mentioned laws and regulations. The application of the legislative provisions has not given rise to any diffi-

culties or to any observations from employers' or workers' organisations.

There are no glass-bottle works in *Guadeloupe, Martinique, Réunion, French Equatorial Africa, the French Establishments in India, the French Settlements in Oceania, Madagascar, New Caledonia, or St. Pierre and Miquelon.*

##### *New Zealand*

##### *Cook Islands, Western Samoa.*

The Convention is not applied as no works covered by it exist nor is there any present prospect of their being introduced.

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

##### *Belgium*

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

Act of 10 September 1947, approving the Convention on Recruiting and Contracts of Employment of Indigenous Workers.

Decree of 16 March 1922, respecting the contract of employment between indigenous workers and civilised masters.

Order No. 476 bis/AIMO of 8 December 1940 respecting the hygiene and safety of workers.

Decree of 15 June 1921 respecting the hygiene and safety of workers.

Decree of 19 July 1926, respecting the emigration of indigenous workers outside the territory of Ruanda-Urundi.

Decree of 16 March 1950 establishing the Labour Inspectorate.

Provincial measures of application respecting the recruitment, hiring, equipping, fitting

out, rationing, physical aptitude, housing, hygiene, safety, supervision and repatriation of workers, as well as the acclimatisation of recruited and hired workers.

The Decree of 16 March 1922 provides that the following persons are exempted from the obligation of possessing labour permits: a person who recruits or hires indigenous workers for himself, does not have more than 10 such workers in his service at any one time (this number may be increased to 50 in the case of porters engaged for not more than 15 days' service); a person who, acting for a private individual or an association whose sole agent he has been for at least three months, does not increase beyond 10 the number



of indigenous workers hired on his initiative.

The Colonial Charter prohibits formally the placing of constraint upon indigenous workers to work on behalf of or for the profit of individual persons or associations. Section 57 of the Decree of 16 March 1922 provides for the punishment of any person using violence, threats, false promises or fraudulent practices either to recruit or hire indigenous workers. Section 58 provides for special protective measures in the case of contracts of employment. The matters covered in subparagraphs (b) and (c) of Article 4 are regulated under section 44 of the Decree of 16 March 1922. The provincial authorities make wide use every year of the powers conferred upon them, in restricting the recruiting and hiring operations of indigenous labour, taking into account the political, social and economic situation of the populations for which they are responsible. On the other hand, any request for the surrender or allotment of real property is investigated by the judicial authorities; the manpower needs of the undertaking and the possibilities offered by the nearby indigenous communities are studied with particular care so as to obtain full particulars for the responsible authorities as regards the advisability of granting or refusing the allotment.

The Colonial Administration has taken steps with a view to avoiding any disorganisation of communal life because of excessive withdrawals of manpower. The availability of labour is calculated in taking into account the various points mentioned in this Article of the Convention. Whenever the demographic, social or political situation of the communities require it, the provincial Governors prohibit the withdrawal of manpower; 19 provincial Orders concerning 98 of the 125 territories of the Congo were issued in this respect by the provincial Governors between 1 July 1948 and 30 June 1949. The proportion of workers authorised to leave their communal environment for work in a distant region does not exceed 10 per cent. of the adult able-bodied males; 15 per cent. of the males may accept work in their locality; the total withdrawal may not exceed 25 per cent. of the adult able-bodied men.

It is a basic principle that only adult indigenous workers may legally enter employment.

The recruiting of the head of a family does not involve the recruiting of any member of his family. The administration always encourages the recruited workers to be accompanied by their families regardless of the employment entered into by the worker. The workers are not separated from their wives and children who have accompanied them to their place of employment and remain there with them. The employer is, in fact, under obligation to provide housing for the wife and children accompanying the worker and steps are

taken for guaranteeing the privacy of the family quarters (Order of 19 April 1949). The continuous needs for manpower, on the one hand, and the restrictions in the way of recruiting laid down by the administration on the other, with a view to safeguarding the vital interests of the indigenous communities, have induced the employers to seek the stabilisation of their manpower; the presence at the place of work of the family of the recruited workers has proved to be the best means of securing this stabilisation; the majority of employers of labour have well understood this point and encourage the presence of families.

The administration has not insisted on any particular policy as regards the grouping of workers under suitable ethnical conditions. However, most of the employers of labour do follow such a policy whenever the division of work permits it, since this method is usually favoured by the workers.

Public officials may not intervene directly in the recruiting of workers; the private persons themselves must look for the men they need. From 1 July 1948 to 30 June 1949 there was no recruiting for public works. The workers needed for this purpose presented themselves spontaneously.

The Decree of 16 March 1922 provides for sanctions in case of any violence, threats, false promises, and fraudulent practices resorted to in the recruiting or hiring of indigenous workers.

The recruiting takes place under the immediate supervision of the territorial authority which verifies that no pressure is being brought to bear on the recruited workers. An administrative circular discourages the practice of recruiting premiums paid by the employers to the indigenous authorities and specifies that if such premiums were paid they would have to be contributed to the funds of the indigenous communities.

The legislation in force is in conformity with the provisions of Article 13. The authorities responsible for the issuing of manpower licences may refuse, suspend or withdraw these licences, if the petitioner or holder has been found guilty of serious violation, or of repeated violations, of the legislation respecting the contract of employment or the protection of indigenous workers; if judicial proceedings have been instituted because of the above-mentioned violations; or if he does not offer adequate moral guarantees. The provincial Governor may decide that the issuing of a licence is made conditional on the payment of security and may fix the amount thereof. The provincial Governors make use of this authority. The officials of the Administration ascertain whether the necessary measures have been taken for the protection of the health and wellbeing of the recruited workers. At the request of the authority entrusted with the issuing of the licence, any recruiting agent is

under obligation to give the names and places of origin of the indigenous workers recruited and any information he may have on what has happened to them. The agents of associations engaged in recruiting receive a fixed salary rather than remuneration proportional to the number of workers recruited. The manpower licence authorising recruitment is valid up to 31 December of the year when it is issued. The conditions of issuing, refusing, withdrawing or suspension of a licence are laid down in section 2 of the Order 476 bis of 8 December 1940.

Section 36 of the Decree of 16 March 1922 makes it incumbent upon a person who has recruited indigenous workers to give to the latter as soon as they have agreed to being sent to a place authorised by the licence, a written statement indicating the place and date of recruitment, their destination, the conditions of payment and the duration of the proposed contract. This statement must be left in the possession of the recruited worker even after he has taken up his work or has been repatriated. Section 36 of the Decree of 16 March 1922 requires that the worker be given, immediately upon the signing of the contract, a work book drawn up in conformity with Appendix V of the Order of 8 December 1940.

The recruiting of workers in Ruanda-Urundi for employment in the Belgian Congo is governed by legislation which is in conformity with the provisions of the Convention. All the regulations taken in this respect in the Belgian Congo have been made applicable to Ruanda-Urundi. Since 1945 the Tanganyika Sisal Growers' Association has recruited workers in Ruanda-Urundi under recruiting licences which are regularly issued to them. So as to avoid long voyages by public means of land transport, transportation by air has been envisaged. The conditions under which these trips by Dakota aircraft take place are supervised by the labour inspection service of Tanganyika Territory and are considered very satisfactory. A draft agreement is under consideration between the Uganda and Tanganyika Territory on the one hand and Ruanda-Urundi on the other with a view to supervising the recruitment and employment of workers from one country who have offered their service in the other country.

Section 58 of the Decree of 16 March 1922 respecting the contract of employment ensures the protection of workers and especially of recruited workers. The territorial officials and the labour inspectors are entrusted with the application of the legal provisions. The labour inspectorate was set up on 1 July 1950.

There were no decisions by courts of law concerning the application of the Convention. The reports of all the provinces indicate that at all levels the application of the provisions concerning recruitment of workers have the full attention of the

authorities with a view to satisfying the needs for manpower, as well as to protecting the native communities; the legislation is fully applied. There is no special information as regards the journey and the acclimatisation of the recruited workers or as regards their repatriation. Copies of the report have been communicated to the representative organisations of employers and workers.

#### *New Zealand*

##### *Cook Islands, Western Samoa.*

The reports contain information identical with that previously supplied.

#### *United Kingdom*

Reports have been received for the following territories:

*Aden, Barbados, Basutoland, Bechuanaland, Bermuda, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, British Guiana, British Honduras, British Somaliland, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Grenada, Hong Kong, Jamaica, Kenya, Federation of Malaya, Malta, Mauritius, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.*

In general, the information contained in these reports is identical with that supplied for the periods 1947-1948 and 1948-1949 and published in the Summaries of Reports on ratified Conventions submitted to the 32nd and 33rd Sessions of the International Labour Conference (1949 and 1950).

Any new information contained in the reports for the period under review is given below.

##### *Barbados.*

Recruiting of Workers (Amendment) Regulations, 1949.

All workers engaged offered themselves spontaneously for employment. In the 1949 Report of the Labour Department, it is stated that only 442 men were engaged for work abroad. The Department was responsible for the recruitment of 236 of these workers; the others were recruited by persons licensed by the Department.

##### *Bechuanaland.*

Native Labour Proclamation (No. 56 of 1941). Regulations (High Commissioner's Notice No. 1 of 1942).

Although the Convention has not yet been applied to the territory, the legislation mentioned above allows for the application of the rules it lays down.

The exemptions granted under Article 3 cover the following operations: operations

undertaken to recruit native workers by or on behalf of employers who do not employ more than 50 workers ; operations for the engagement of personal and domestic servants for work within the territory ; and operations undertaken under section 22 of the Bechuanaland Protectorate Native Administration Proclamation, 1934.

Article 4 : Section 4 of the Proclamation provides that chiefs and headmen shall not act as recruiting agents or exercise pressure on natives who are possible recruits. They may not receive any remuneration for, or special inducement to, assistance in recruiting. The Resident Commissioner has power under the Proclamation to fix the maximum number of adult males that may be recruited from any area.

Article 5 : It has not been necessary to impose any restrictions during the past year.

Article 6 : Section 27 of the Proclamation stipulates that non-adults may not enter into a contract, but the Resident Commissioner has power, with the consent of the young man's parents, to permit him to enter into a contract for light employment with adequate safeguards for his welfare. No such recruitment took place during 1949.

Article 7 : Section 24 of the Proclamation stipulates that no contract is binding on the family or dependants of a worker unless it contains express provision to that effect. Workers are not normally accompanied by their families.

Article 8 : Section 20 (2) of the Proclamation corresponds to this Article, but its provisions have not been used during the year.

Article 9 is covered by section 4 (1) of the Proclamation, and the district commissioners are responsible for seeing that the law is observed.

Article 10 : The report refers to section 4 (2) of the Proclamation and to the comments made in connection with Article 9 of the Convention.

Articles 11, 12 and 13 are covered by sections 5 and 13 of the Proclamation. The recruiter is required to prove to the Resident Commissioner that he is a fit and proper person to exercise his functions, and to furnish financial or other security for the payment of wages due. The maximum remuneration which a licensee who is the agent of another licensee may receive is £1.4s.0d. for each worker recruited (section 1 (42) of the High Commissioner's Notice). A licence is valid for one year (section 5 of the Proclamation). A licence may be cancelled if the recruiting agent has failed to furnish the necessary security or if, in the opinion of the Resident Commissioner, his conduct makes it undesirable that he be allowed to continue to act as a recruiting agent (section 14 of the Proclamation).

Article 14 is covered by sections 7, 8 and 9 of the Proclamation.

Article 15 : There are no worker-recruiters in the territory.

Article 16 is covered by section 23 (1) and (5) of the Proclamation.

Article 17 : A specimen of the pass given to each recruited worker will be found in Schedule B to the High Commissioner's Notice (section 1 (42)).

Article 18 is applied under the Proclamation.

Article 19 is applied under section 31 of the Proclamation.

Article 20 is applied under section 32 of the Proclamation, but the Resident Commissioner is empowered to waive the requirements of paragraph 1 of this Article in respect of the payment of expenses by the recruiter, if he is satisfied that the worker's travelling expenses have been taken into account in fixing the wages.

Article 21 is covered by section 31 (1) of the Proclamation.

Article 22 is covered by section 33 of the Proclamation.

Article 23 is covered by section 24 of the Proclamation.

Article 24 : The great majority of workers recruited in the Bechuanaland Protectorate are engaged for work in the Union of South Africa. No agreement has been concluded between the two Governments and none seems necessary. The present system has been in force for many years and has worked smoothly and to the satisfaction of workers, employers and the Government.

The application of the law respecting recruitment of labour is entrusted to the district commissioners, who can be relied upon to see that the Proclamation is observed. There is no labour inspectorate, as such, in the territory.

No cases of contravention of the Proclamation have come before any court.

Generally, the Proclamation follows closely the provisions of the Convention, and much of the language of the Convention is reproduced word for word in the Law, which is adequately applied and fully safeguards the workers without imposing any hardships on employers or recruiters.

No reports have been communicated to the employers' or workers' organisations. There are no employers' organisations in the territory, and only one workers' organisation, very recently formed.

#### *Dominica.*

Recruiting of Workers, Ordinance No. 3 of 1943.

Recruiting of Workers, Statutory Rules and Orders Nos. 2 and 33 of 1944.

Section 2 (2) of the Ordinance defines a recruiter as follows : any person within the meaning of this Ordinance who by himself or through others procures, en-

gages, hires or supplies or undertakes or attempts to procure, engage, hire or supply workers for the purpose of being employed by himself or by any other person, so long as such worker does not spontaneously offer his services at the place of employment or at a public emigration or employment office or at an office conducted by an employers' organisation and supervised by the Government. "Worker" means a person who is intended to be employed in work of any kind, whether manual or clerical.

No exceptions such as those dealt with in Article 3 of the Convention have been made either in the Ordinance or in the Regulations.

No measures have been taken by the competent authority under the provisions of Article 4. The necessity has not arisen.

Section 2 of Regulation No. 2 of 1944 ensures the application of Article 5. There has been no recruitment during the period under review.

Section 5 of Regulation No. 2 of 1944 permits the recruitment of workers between the ages of 16 and 18 years with the consent of their parents or guardians provided the conditions of employment are stated in the article and approved by the district magistrate who must satisfy himself that the work is suitable and that the welfare of the juvenile is sufficiently safeguarded.

Paragraph 1 of Article 7 of the Convention is applied under section 3 (1) of the Ordinance. Section 3 (2) requires the licensing officer to take the measures necessary to give effect to paragraph 2 of this Article. Paragraph 3 of Article 7 is applied under section 3 (3) of the Ordinance and paragraph 4 of the Article is applied under section 3 (4) of the Ordinance. There has been no recruitment in the colony during the period covered by the report.

The policy provided for in Article 8 has been adopted and the licensing officer may, under section 4 of the regulations, make it a condition of the licence to recruit.

No provision such as that described in Article 9 exists in the law. Public offices do not recruit for private undertakings.

Article 10 is inapplicable in the territory.

Section 3 (1) of the Ordinance prohibits recruitment without licence.

Subparagraphs (a), (c) and (d) of paragraph 1 of Article 13 are covered by section 3 (2) of the Ordinance. Article 13 is applied, with the exception of paragraph 3. No licences for recruiting have been issued. The law requires that no licence shall be valid for a period exceeding one year.

Article 14 is covered by section 13 of Regulation No. 2 of 1944.

The policy laid down in Article 15 has been adopted. For the purposes of the Ordinance "worker-recruiter" means a

person who, being employed as a worker, is authorised in writing by his employer to recruit other workers on behalf of his employer but who does not receive any remuneration or other advantage for such recruiting. Worker-recruiters are not required to obtain recruitment licences.

Section 5 of the Ordinance requires a magistrate to satisfy himself that the conditions of Article 16 have been observed.

Section 6 of the regulation covers the provisions of Article 17.

Paragraphs 1 and 2 of Article 18 are provided for in section 10 of Regulation No. 2 of 1944. No provisions have as yet been thought necessary with regard to paragraph 3 of Article 18, but power to make regulations has been conferred on the Governor in Council by section 16 of the Ordinance. As indicated elsewhere in this report, there has been no recruitment in the territory and no difficulty in meeting the requirements of this Article in case of recruitment is envisaged.

Articles 19, 20 and 21 have been adopted and are provided for in sections 7 and 8 of the regulations.

No provision has so far been made for the adoption of Article 22.

Article 23 is covered by section 9 of Regulation No. 2 of 1944.

There has so far been no need to enact or enforce laws to meet the requirements of Article 24. Recruitment of workers from the colony for any other territory is very unlikely in the immediate future.

The following persons are responsible for the application of the Convention: the labour officer who is licensing officer, the superintendent of police and the magistrates. No decisions have been given by courts of law or other courts with regard to the application of the Convention. No observations have been received from employers' or workers' organisations. Copies of the report have been communicated to the Dominica Trade Union and the Dominica Employers' Union.

#### *Fiji.*

The report reproduces the information previously supplied and adds that the number of recruiting licences issued during the period under review was two, as in the previous period.

#### *Gambia.*

Recruiting of Workers Ordinance (No. 1 of 1940).

Recruiting of Workers (Amendment) Ordinance (No. 10 of 1941).

These Ordinances have been issued to give effect to the Convention.

Regarding the application of Article 2 of the Convention, the report refers to section 2, paragraph 2, of Ordinance No. 1 of 1940.

Article 3 : The report refers to section 3 of the Ordinance. Regarding the exception provided for under Article 3 (a) of the Convention, the report states that the number of workers prescribed has been fixed at 30.

As to the exception provided for under Article 3 (b), the report states that no definite radius has been fixed.

Article 6 : The report refers to section 6 of the Ordinance. The Governor can permit persons under 18 but over 14 years of age to be recruited with the consent of their parents or guardians for employment upon light work.

Article 10 : The report refers to section 5 of the Ordinance.

Article 11 : The report refers to section 4 of the Ordinance.

Article 13 : The report refers to section 4 of the Ordinance.

Article 15 : The report refers to section 10 of the Ordinance.

Article 16 : The report refers to section 7 of the Ordinance.

Article 18 : The report refers to section 7 of the Ordinance.

Article 19 : The report refers to section 8 of the Ordinance.

Article 20 : The report refers to section 8 of the Ordinance.

Article 21 : The report refers to section 9 of the Ordinance.

Recruited workers must be brought before a magistrate or a labour officer who must satisfy himself that the provisions of the legislation have been observed and that the worker has not been subjected to pressure of any kind or recruited by mistake or misrepresentation.

Inspections are carried out by the labour officer. Contraventions are punishable by fine or imprisonment.

No decisions by courts of law or other courts have been given in connection with the application of the Convention.

No observations have been received from the representative employers' and workers' organisations. Copies of the report have been communicated to the Gambia Labour Union and the Chamber of Commerce, Bathurst.

#### *Gold Coast.*

Nine cases of illegal recruiting were brought before the courts and eight convictions were obtained in the period under review.

#### *Grenada.*

Recruiting of Workers Ordinance No. 17 of 1939, as amended by Ordinance No. 5 of 1941.

Recruiting of Workers Regulations (Statutory Rule and Order No. 81 of 1941), as amended by the Regulations (Statutory Rule and Order No. 58 of 1942).

The local law does not provide for any exceptions with regard to Articles 1, 2 and 3 of the Convention.

Article 4 : The necessity for the measures contemplated in this Article has not arisen.

Article 5 : No recruitment took place during the period under review. It has not been found necessary to apply the methods outlined in paragraphs 1 and 2 of this Article of the Convention.

Article 6 : Persons under 18 years of age are not recruited ; however, persons under 18 but over 16 years of age may be recruited with the consent of their parents or guardians for employment upon light work, provided the conditions of employment are stated in writing and approved by the magistrate of the district in which the young person is recruited or to be employed ; the latter must satisfy himself that the work is suitable and that the welfare of the young person is sufficiently safeguarded.

Article 7 : It has not been found desirable in the past to encourage recruited workers to be accompanied by their families.

Article 8 : The licensing officer may make it a condition of permitting recruiting, that the recruited workers shall be grouped at the place of employment in suitable ethnical conditions. The licensing officer, from time to time, requires the employer to submit information concerning the conditions under which the recruited workers would be required to live, for instance, housing facilities, methods of preparation of meals, etc. ; he must satisfy himself that the arrangements are suitable for ethnical purposes before granting a licence for recruitment.

Article 9 : No person is permitted to recruit workers unless he first obtains a licence from the licensing officer. Intervention by public officers has not been resorted to in order to ensure recruiting for works of public utilities.

Article 10, 11 and 12 : No person is permitted to recruit workers unless he has obtained a licence from the licensing officer. The latter may, in his discretion, issue a licence if he is satisfied that the applicant is a fit and proper person to be granted a licence, if the prescribed security has been furnished and if he is satisfied that adequate provision has been made for safeguarding the health and welfare of the workers to be recruited.

Article 13 : The fees payable to a licensee or his agent for recruiting work are not regulated by law. No licence is issued for a period exceeding one year ; a licence may be renewed if the licensing officer is satisfied that the conditions on which it was granted have been complied with. A licence may be cancelled in any case where the licensee has been convicted of an offence under this Ordinance, or the regu-

lations made thereunder, or has not complied with the conditions with which it was granted, or is guilty of misconduct which, in the opinion of the licensing officer, renders him no longer a fit and proper person to hold a licence; the licensing officer may suspend any licence pending a decision of the court, or the making of any enquiry which he considers necessary. Licensees may appeal to the Governor.

Article 14 : No person may assist a licensee in a subordinate capacity in the actual recruiting operations, unless he has been approved by the licensing officer on the written application of the licensee who is responsible for the proper conduct of such assistants.

Article 15 : The law gives a definition of "worker-recruiter"; the latter may not receive any remuneration or other advantage.

The provisions of the Ordinance and regulations made thereunder apply, unless otherwise expressly provided, to worker-recruiters as if they were licensees. However, worker-recruiters may recruit only in such areas as may be prescribed, and may not make advances on wages to recruited workers.

The law does not provide for any specific type of supervision of the operations of worker-recruiters but they are, of course, subject to the general penalty for breaches of the Ordinance.

Article 16 : Recruited workers must be brought before a magistrate and be medically examined. The latter must satisfy himself that the provisions of the Ordinance have been observed and that the worker has not been subjected to pressure or recruited by misrepresentation or mistake.

Article 17 : The licensing officer requires as condition of granting a licence, the issue to each worker, who is not engaged at or near the place of recruiting, of a document in writing containing such particulars as the authorities may determine. In addition to the necessary travel documents, the Labour Department provides recruited workers with copies of the contract.

Article 18 : The local law provides for the medical examination of all recruited workers prior to their departure from the colony.

Articles 19 and 20 : The expenses of the journey of recruited workers and their family to the place of employment, including all expenses incurred during the journey, are borne by the recruiter or employer. The report contains the texts relating to methods and means of transport and to the health, and maintenance of recruits during their journey. Section 8 of Ordinance No. 17 of 1939 reproduces the text of Article 21; its provisions apply to the family of the worker, either in the cases laid down by the Convention or in the case of death.

Article 22 : The local law does not deal with the question of advances of wages to recruited workers.

Article 23 : This Article is applied.

Article 24 : The circumstances and the amount of recruiting have not necessitated the measures provided for in this Article.

The labour officer is responsible for enforcing the provisions of the law relating to recruitment of workers. No decisions have been given by courts of law, or other courts, with regard to the application of the Convention and no observations were received from employers' or workers' organisations.

#### *Hong Kong.*

The position locally has been altered since before the war by the fact that whereas labour was previously recruited in China and only passed through the colony it is now being sought in Hong Kong itself.

In August 1949, 527 Chinese mechanics and labourers left the colony for Nauru and Ocean Island with prospective contracts for 12 months, renewable for a further 12 months if the worker so desired. The departure of this group brought the number of workers recruited from the New Territories since the war to 1,762. The population of the New Territories is probably about 200,000, so that this temporary exodus is unlikely to have any deleterious social consequences. An interesting sidelight on the voluntary nature of this recruitment and on the reputation of all parties concerned is the fact that it was largely at the request of the inhabitants themselves that the required labour has been drawn from the New Territories rather than, as in former years, from the Chinese mainland.

#### *Jamaica.*

In framing the legislation in force, guidance was taken from the Convention. The definitions of "recruiter" and "worker" as set forth in the legislation conform substantially with those of the Convention. The provisions of paragraphs 1, 2 and 5 of Article 13 are covered by sections 4 and 7 of the legislation in force; as regards paragraph 3, the regulations require a licensed recruiter to keep full and complete records of all receipts and disbursements in connection with the recruitment of workers; as regards paragraph 6, the legislation provides that the licensing officer may cancel the licence of a person who has been convicted of an offence under the law or who has not complied with the conditions or is guilty of conduct deemed to render him unfit to hold a licence. The regulations in force require an applicant for a licence to supply, in addition to the other requirements, a recommendation as to his character signed

by a resident magistrate or inspector of police before a licence is issued to him. The provisions of Article 15 of the Convention are covered by the legislation in force. No provisions have been made to cover paragraph 2 of Article 16. As regards Article 17, the regulations prescribe the form a Workers' Memorandum of Information should take. The legislation in force covers paragraphs 1 and 2 of Article 18, but there are no provisions in respect of paragraphs 3, 4 and 5. With regard to Article 19, the regulations make provision for the transportation of workers to the place of employment and stipulate that suitable vessels and vehicles shall be used, but no provisions have been made in respect of the remaining clauses of the Article. The provisions of Article 20 are covered by sections 11 and 13 of the regulations and section 9 of the law. Article 21 is fully covered by section 8 of the law. Article 22 is covered by sections 11 and 14 of the law and regulations respectively. As regards Article 23, the Governor is empowered to make regulations, but, in fact, no such regulations have been made. In respect of Article 24, the provisions of the legislation are not applicable to the recruitment of workers for any foreign country or place which has been proclaimed by the Governor under the provisions of the Emigrants' Protection Law. A list of "proclaimed places" is given. No provisions have been made in respect of paragraphs 2 and 3. Paragraph 4 is covered.

During the period under review, 1,307 workers went to the United States. On 30 June 1950, 1,588 workers were in the United States under contract.

#### *Kenya.*

No professional recruiters' licences were in operation during the period under review. The only recruiting permitted is by an employer (private recruiter) for his own *bona fide* personal or business service exclusively, or by a person in such employer's regular, permanent and exclusive service. Both the employer and his worker-recruiters must be licensed. This licence is issued by the district commissioner or labour office and is for a specific period of time and also a specified area.

#### *North Borneo.*

During the period under review, the Convention was applied in the territory not only by the legislative texts mentioned in the previous report but also by Part III of the Labour Ordinance, 1949 which came into operation on 1 January 1949. All the Articles of the Convention have been applied by the Labour Ordinance, 1949, and by the Recruiting Rules, 1940, which remain in force. There is nothing to add to the report given for the previous period

except that the title protector of labour has become commissioner of labour.

#### *Nyasaland.*

Under Article 3 of the Convention, the report indicates that the provisions of this Article are included in section 34 of Ordinance No. 4 of 1944. No exceptions have been granted under (a) or (b) of Article 3 of the Convention. However, the legislation excludes from the definition of recruiting operations for the hiring of personal and domestic servants and non-manual workers, except when undertaken by persons engaged in professional recruiting.

Three minor infringements of the law were reported during the year. These concerned planters who, without a permit, engaged labour from the other provinces for work on their estates in the Central Provinces. The offenders were cautioned.

The report has been communicated to the Central Labour Advisory Board.

#### *Solomon Islands.*

During the period under review, there were three licensed professional recruiters in the territory.

#### *Sarawak.*

Government Notification No. 68 of 1949.

In exercise of the powers conferred upon him by Regulation 4 of the Passport Regulations 1947, the Chief Secretary decided that any person intending to leave the colony for the purpose of performing manual labour on estates or in mines, quarries, factories, mills, for transport undertakings, or under contract for the construction or maintenance of works of a public nature, in North Borneo, shall, before his departure, deposit with the Secretary for Inland Affairs or a Resident, such sum of money as such officer may determine in accordance with the said regulation.

#### *Seychelles.*

Ordinance No. 17 of 1949.

Regulations under Ordinance No. 17 of 1949.

The report states that regulations prescribing the records to be kept were issued in February. Article 17 is applied by section 5 of the regulations issued in February which provides that the worker shall be issued with a copy of the contract of service. Article 22 is applied with a limit of one month under section 10 of the above regulations. A qualified labour officer has been seconded from Mauritius, who is responsible for the supervision of the application of the provisions of the Convention. Workers for the dependencies of Mauritius, Agalega and Diego Garcia were recruited during the year under contracts of service not exceeding two years. A Mauritian fishing concern engaged a number of fishermen on



an experimental basis, the contract of service being for two months. Copies of the report will be communicated to the Seychelles Building Trades Union and the Stevedores and Lighterage Workers Union, which were registered during the year.

#### *Singapore.*

Seventy-nine workers, including one dependant, have applied to the employment exchange during the period under review for work in Borneo.

#### *Swaziland.*

Native Labour Regulations Proclamation, No. 19 of 1913.

Swaziland Native Labour (Written Contracts) Proclamation, No. 6 of 1943.

Application of the Convention to Swaziland has been reserved, but the above proclamations cover most of the important Articles of the Convention so that, while it may be true to say that the Convention has not been applied to the territory in full, it may be claimed that the main objects of the Convention have been provided for. No statistical information is available as regards recruits for small agricultural and other undertakings in the territory, but the only large mining undertaking, the Havelock Abestos Mine, recruited 775 indigenous workers during the calendar year 1949. During the 12 months ended 31 May 1950, there were 7,441 indigenous recruits for employment in mining and other large undertakings beyond the borders of the territory. These

figures include large numbers who offered their services spontaneously and whose employment might not fall strictly within the meaning assigned to the word "recruiting" in the Convention. Recruited labourers, properly so called, are considered to form not more than 30 per cent. of the total.

#### *Tanganyika.*

The report notes various changes in the titles of legislation.

The general remarks on the application of the Convention contained in the report for 1949 still apply. On 30 June 1950, there were only two professional recruiters left in the territory. During 1949, 36,830 workers were recruited. The remarks made in the report for 1949 regarding the definition of the term "recruited" also still apply. The policy of encouraging large employers' organisations to undertake recruiting operations in preference to individuals is still adhered to wherever possible.

In this respect, the reference to "organisations of native recruiters" in the report of the Committee of Experts is incorrect. The Ordinance to set up a statutory organisation called the "Labour Supply Corporation" has not yet been put into effect.

#### *Uganda.*

The only new information in the report concerns the promulgation of a new Employment (Amendment) Ordinance (No. 28 of 1949).

### 51. Convention concerning the reduction of hours of work on public works

#### *New Zealand*

##### *Cook Islands.*

Hours of work on public works projects in the territory are in general longer than those fixed by the Convention, application of which is not being considered owing to the stage of social development of the territory.

#### *Western Samoa.*

The hours of work actually observed in the territory on such projects are between 40 and 48 per week. The Western Samoan Government is being consulted on the possibility of legislation by way of Ordinance to facilitate the application of the Convention, possibly subject to modification.

### 52. Convention concerning annual holidays with pay

#### *France*

##### *Algeria.*

Algerian Labour Code (Book II, section 54 f and 54 n).

Decree of 1 August 1936, to lay down certain methods for the application by the Act of 20 June 1936 respecting annual leave with pay (L.S. 1936—Fr. 6 B).

Decree of 14 October 1936, respecting annual leave with pay in ports (L.S. 1936—Fr. 6 D).

Decree of 18 January 1937, to lay down rules for the application of the Act of 20 June 1936 respecting annual holidays with pay in the building industry and in public works.

Decree of 3 April 1938, issued in application of the Act of 20 June 1936 and the Decree of 1 August 1936 respecting annual leave with pay (carrying over of leave from one year to the next, etc.) in Algeria.

Decree of 27 February 1939, respecting the application of section 54 (i) of Book II of



the Labour Code to public entertainment undertakings.

Decree of 29 August 1945, respecting holidays with pay in Algeria.

Decree of 5 June 1946, to impose in Algeria penalties as regards the granting of holidays with pay.

Decree of 5 August 1946, respecting the system of holidays with pay in Algeria.

Order of the Governor-General of Algeria, dated 29 April 1938, respecting conditions for the functioning of approved paid holiday compensation funds for port undertakings.

Decree of the Governor-General of Algeria, dated 10 February 1942, to lay down rules for the application of the legislation respecting holidays with pay to male and female homeworkers.

Decree of the Governor-General for Algeria, dated 6 November 1947, respecting the depositing of the current liquid assets of funds for holidays with pay.

Algerian laws and regulations are more favourable to employees than the Convention itself, the only apparent exceptions being the following points: the possibility of accumulating leave with pay for two years (Decree of 3 April 1938), and the substitution for leave in the case of homeworkers by compensation equal to 4 per cent. of the wage (Order of 10 February 1942).

The legislation has become deeply rooted in the custom of the country; in general, the labour inspectorate has had to intervene only to rectify certain errors in the calculation of compensation for paid leave.

Attention must however be drawn to the tendency of certain wage earners to ask for compensation instead of leave. This is contrary to the spirit of the legislation and the labour inspectorate has taken energetic measures in this connection. However, it is impossible in practice to establish infringements when they are committed by persons who often work for different employers and whose compensation for paid leave is paid directly by a compensation fund.

During the period 1 July 1949-30 June 1950, 475 infringements of the laws and regulations respecting holidays with pay were reported by the labour inspection officer; proceedings were instituted in 93 cases. Nevertheless, only one tenth of these infringements related to the principle of leave with pay. The others were cases of non-compliance with the supervisory measures enjoined upon employers and which are essential in order to ensure the strict application of the provisions of the laws and regulations.

#### *Guadeloupe.*

Act of 20 June 1936.

Act of 30 March 1938.

The application of the Act of 20 June 1936 is governed, in conformity with the Decree of 14 December 1936, by the two Government Orders of 25 June 1938 to regulate conditions under which holidays are granted and the conditions of work of the funds which are responsible for this type of payment. Within the framework

of these regulations, another occupational fund has been established, with separate occupational sections, to deal with compensation.

Since then, the Act of 30 March 1938 has extended the relevant metropolitan legislation to the department. The provisions of the new scheme are respected as regards benefits to survivors and the labour inspection service very rarely receives any claims in this respect.

The same fund continues to work under the scheme for compulsory affiliation in the case of occupations where wage earners are not normally employed continuously and with regard to voluntary affiliation in other cases. In this last category, several undertakings, where staff is permanently employed, grant annual holidays directly to their workers; in other undertakings the workers receive payments through the fund.

#### *Martinique.*

The matter with which the Convention deals is governed by French laws and regulations. The application of the Convention is entrusted to the labour inspectorate. No decisions have been given by courts of law.

The Convention is applied, but the provision in Article 7 for the keeping of a register is not always observed.

#### *Réunion.*

Act of 20 June 1936.

Decrees of 1 August and 26 September 1936, 10 November 1937, 12 November 1938, 1 July 1939, and 13 April 1940.

Acts of 21 March and 12 April 1941, 31 July 1942, and 20 July 1944.

Ordinance of 13 August 1945.

Acts of 18 and 29 April 1946, 19 August 1946 and 8 June 1948.

Annual holidays exceeding six days in length may be divided into parts. One part of the holiday must consist of at least six working days, falling between two days of weekly rest. In Réunion, all undertakings except one (a mechanical workshop which takes advantage of the slack season to overhaul the sugar refineries) grant holidays as a single period. Registers of holidays with pay are properly kept in the department.

No decisions have been given by courts of law.

The usual holiday season coincides with the school vacations (24 December to 1 March); the reference period used for the calculation of holidays due is 1 January to 31 December. As the sugar harvest ends in the middle of December, holidays are granted to the whole staff of the sugar refineries during the first fortnight of January.

During the year 1949 the labour inspectorate had to deal with about 150 claims relating to the legislation respecting holidays with pay. It had no difficulty in securing strict application of the law and noted no contraventions.

*Cameroons.*

The labour regulations applying to Africans contain no provisions relating to holidays, but numerous private undertakings follow the regulations adopted for the auxiliary staff of the administrative services in granting their workers the minimum holiday of 12 working days per year.

Pending the application of the Labour Code for the overseas territories (which provides for compulsory holidays with pay), the labour inspectors take every opportunity, when claims in this connection are brought to their attention, to urge employers to grant annual leave to their employees.

No distinction is made in practice between the different categories of undertakings enumerated in Article 1 of the Convention.

The annual holiday is compulsory for Europeans and assimilated persons.

The Decree of 23 August 1945 (section 63) lays down that the employee is entitled to five days' holiday for each month of actual service. Section 64 specifies that an employee is entitled to a holiday after the completion of 24 months' service. In accordance with the proposals put forward by the labour inspectorate, the judicial authorities have decided that, in the case of the termination or breaking of a contract of employment, the employee may claim his right to an annual holiday, even if he has not completed the period of 24 months referred to above, the length of the holiday being proportionate to the services actually rendered. The worker receives his regular wages. The sum due is paid to him at the latest on the day before his departure on leave. Copies of the report have been communicated to the representative employers' and workers' organisations.

*French Equatorial Africa.*

The right to leave for European and African wage earners has not been regulated by any text up to the present, but the matter has been the object of judicial decisions. The latter are all the more important since colonial leave for expatriated workers corresponds to requirements other than those covered in the paid holidays introduced in France by the Act of 20 June 1936. It must be pointed out that colonial leave aims at enabling the European agent to refresh himself, both physically and intellectually, in his home environment and possibly to seek a new employment. Therefore, colonial leave occurs at the end of the engagement or, under the reservation of a serious fault of the agent, on the termination of the contract, whilst paid holidays of the metropolitan type are granted during employment.

In the desire to make up for the absence of special legislation or regula-

tions regarding colonial leave, the tribunal of the Seine, in a judgment given on 2 July 1947, pronounced itself in favour of a veritable presumption of leave, based on custom in respect of European wage earners employed overseas. The following shows the position taken by the tribunal:

"In virtue of section 1135 of the Civil Code, agreements require all the consequences which justice, tradition and the law give to the obligation; moreover, section 1160 provides that the clauses which are in constant use must be considered as being included in a contract: granting, to persons who have been employed for over two years, paid leave amounting to two and a half months for each year spent in the colony. Failing the inclusion in the contract of such a clause, the parties were required to submit to this custom, whilst it might have been avoided by means of a formal clause."

The report also refers to an award of the Social Section of the Supreme Court of Appeal, which defines as follows the method by which leave must be granted in the event of an annulment of the engagement:

"In virtue of paragraph 7 of Section 4 of the collective agreement of 2 January 1937, 'in all cases where a contract is annulled, the employed person is entitled to the immediate granting of leave in proportion to the time passed since the last period for which leave had been granted'."

The employed person is entitled to spend his long leave either in France or in the colony, and no clause in the collective agreement prohibits the resigning employed person from obtaining employment in another undertaking. This results, in particular in the fact that the beneficiary of colonial leave may legally decide to spend it in the colony. This liberal interpretation does not apply as regards repatriation itself, for which no compensatory benefits may be paid in cases where the beneficiary is paid.

Apart from these jurisprudential references, the collective agreements of French West Africa may be considered, by reason of the joint basis on which they were drawn up, as valid for overseas territories in Africa. Under these agreements, four months' leave for every 20 months of service is granted to expatriated wage earners in permanent employment and apply leave based on the system of paid holidays in France in the case of activities characterised by the precariousness of the employment, such as probationary periods and assignments limited to the carrying out of a certain task.

The general labour inspectorate, taking into account these elements, maintains, when reviewing the standard contracts intended for the definition of contractual relations between employers and European wage earners, the principle of deducting colonial leave on the minimum basis of

five days for every month of service ; this deduction does not include deductions for absence resulting from industrial accidents, occupational diseases or periods of rest for women on confinement. In the case of European agents who are not permanently employed, the deduction of paid holidays granted during the hiring of services must be at least equal to 15 days in the year.

Africans employed by the administration under private law are entitled to paid holidays equal to 15 or 30 days in the year for those who are in permanent employment ; this normally assumes the drawing-up of a contract.

If African wage earners in private employment do not as a rule benefit from paid holidays calculated on such a generous scale, it should, however, be pointed out that in those cases where undertakings employ permanent labour, a tradition is being established under which staff will be granted an annual holiday of 15 days.

This inequality of treatment will come to an end with the passing of the labour code for overseas territories and the development of trade-union organisations ; the latter will be called upon to participate in the drawing up of collective agreements, which have a large place in the draft code mentioned above.

#### *French Establishments in India.*

Section 31 of the Decree of 6 April 1937.

Workmen, women and children are entitled, after one year of continuous service in an undertaking to two weeks' annual holiday with pay, including at least 12 working days. The Decree also provides that workers who have been continuously employed for six months shall be entitled to one week's leave with pay, including six working days.

Rules for the application of section 31 of the above-mentioned Decree are contained in a local Order of 29 April 1938, which authorises the division of such leave into two periods, one of eight days and the other of seven. The length of continuous service is calculated either from the day of the worker's entry into service or from the date on which he became entitled to his last holiday with pay, as the case may be. The period of continuous service is not deemed to be interrupted either by days of illness which elapse without termination of the work contract, or by lying-in periods in the case of women, or by periods of absence authorised by the head of the undertaking. The amount due in respect of leave with pay must be paid to the person concerned before his departure on leave. In practice, the principle laid down by these two measures is also followed in most of the collective agreements entered into since 1940. The 12 working days are divided into two parts : six days are granted in January each year,

beginning on the day of the local Brahmin Festival of Pongal (which falls on 13 or 14 January) ; the other six days are spread over the yearly round of public holidays and local festivals. One collective agreement, that of the workmen of Ashram, provides for leave with pay consisting of 23 days distributed over public holidays, local festivals and days when the superior of the monastery goes on his round of visits.

In view of the extent to which the large number of public holidays and local festivals, both Brahmin and Catholic, reduce the number of working days, employers and employees have always been willing to adapt themselves to local conditions by applying the above-mentioned principles only in part. Consequently, it does not seem expedient to apply the Convention.

#### *French Settlements in Oceania.*

No local regulations call for the compulsory granting of annual holidays with pay but the Labour and Manpower Council has officially recommended this practice. In fact, many undertakings give their staff an annual holiday on full pay of 12 working days on the condition that the worker has put in at least 270 days' work during the relevant period.

#### *Madagascar.*

Sections 67 and 68 of the Decree of 7 April 1938.

Every worker is entitled, after being employed for one year with the same employer, to a holiday with full pay for 10 days provided he has supplied an average of 20 days' work per month. Wages due are paid at the beginning of the holiday. These are minimum regulations and may be exceeded.

Article 1 : The above-mentioned regulations apply to all indigenous workers, men or women, to whatever trade or undertaking they belong. No line of division is drawn between undertakings or establishments according to their nature. No exception to the above-mentioned provisions is authorised.

Article 2 : Annual holidays with pay always include six working days. Apprenticeship contracts provide for the granting of annual holidays of at least 12 working days (as a rule 15 days). The local customs provide for the exceptions mentioned in the third paragraph of this Article. The division into parts of paid annual holidays is authorised. Employers grant an annual holiday which exceeds the legal minimum in the case of employees or workers who have been in their service for over two years.

Article 3 : Payment for periods of holiday (including advantages) is the same as for periods of employment.

Article 4 : Provision is made under section 68 of the Decree of 7 April 1938 for

the cases of nullity dealt with in this Article.

Article 5 : No provisions have been made in virtue of this Article.

Article 6 : This provision is generally respected.

Article 7 : The register which the employer is required to keep at the place of work in virtue of section 78 of the Decree of 7 April 1938 must include such registrations.

Article 8 : The penalties in question are provided for under section 91 of the Decree.

The labour inspection services ensure the strict application of the legislative provisions regarding holidays with pay. No decisions have been given by courts of law with regard to the practical application of the provisions of the Convention.

As a rule, the Regulations of 1938 have been exceeded and in industry, commerce, transport, etc., permanent employees generally receive an annual holiday of 15 days. In agriculture and mines, members of the staff attached to the undertaking enjoy similar rights regarding holidays. When a person is in the employment of a specified undertaking for over two years and gives satisfaction, the length of the holiday may be extended. In many cases, 15 days' holiday are granted, but the customary holidays for traditional feast days, burials, marriages, exhumations, etc., are granted in addition.

#### *New Caledonia.*

Chapter VI of Part I of the Decree of 2 March 1939, to apply to New Caledonia the provisions of Book II of the Labour Code.

The main provisions of the above-named Decree are the following :

Every wage-earning or salaried employee, or apprentice employed in an industrial or commercial occupation, or liberal profession or in a co-operative society, and every journeyman and apprentice belonging to a handicraft workshop is entitled, after one year of continuous service in the undertaking, to continuous annual leave with pay for at least a fortnight, including at least 12 working days. If the normal holiday in the undertaking is given after six months of continuous service, the wage-earning or salaried employee, journeyman or apprentice is entitled to a continuous leave with pay for one week.

The above provisions do not affect any customs or any provisions of collective labour agreements which provide for longer leave with pay (section 48).

The wage-earning or salaried employee, journeyman or apprentice receives for his holiday a daily allowance equal to (1) the remuneration which he would have earned during the period of leave if he is paid at a time rate ; (2) the average remuneration which he received for an equivalent period during the year preceding his annual leave

if he is paid on any other basis (section 49).

For the purpose of fixing the allowance, account must be taken of family allowances and accessory advantages and allowances in kind of which the person concerned is deprived during his annual leave (section 50).

Any agreement concluded by a wage-earning or salaried employee, journeyman or apprentice to relinquish his right to the leave provided for by the preceding provisions (even in return for compensation) is null and void (section 51).

In the occupations, industries and branches of commerce in which wage-earning and salaried employees, journeymen and apprentices are not normally continuously employed throughout the year in one and the same undertaking, the methods for the application of the provisions of Chapter VI shall be determined by Order of the Governor in a Decree (section 52).

A Decree issued by the Governor in Privy Council shall specify the other methods for the application of the provisions of this Chapter, and the supervision of the observance thereof (section 53).

The special methods of application and supervision mentioned in section 53 above are covered by Local Order No. 314 of 25 March 1937.

All work covered by Article 1 of the Convention is actually included in the much wider definition of section 48 of the above Decree, the scope of application of which includes all industrial, commercial and liberal professions, co-operative societies and handicraft workshops. It has, therefore, not been necessary to draw a line of division between the industrial and commercial occupations covered by the Convention and those not covered. No use has been made of the exception authorised under Article 1, paragraph 3, of the Convention.

The length of the period of leave for all persons covered, whatever their age, is at least 12 working days per year of continuous service. Public and customary holidays are not considered as working days, there is no possibility of confusing holidays with pay and sick leave.

No division of leave into parts is authorised for the occupations covered by the Convention.

No provision has been made for increasing the duration of the annual paid holiday in proportion to the length of service.

The daily allowance for leave with pay defined in section 49 of the above-mentioned Decree, and guaranteed to the person concerned, is equal to the actual remuneration which he would have earned during the holiday period. Section 8 of the Decree No. 314 of 1937 specifies that this allowance is paid according to the same regulations as those relating to wages and salaries and stipulates that, in case of dispute, the method of calculating the accessory advantages and allowances in kind

which must be incorporated in the remuneration for the paid holiday.

Sections 6 and 7 of Decree 314 of 1937 prohibit any relinquishment of annual leave, not only on the part of the employer, who is obliged to grant the leave and therefore liable to punishment, but also on the part of the worker himself and any other employer who knowingly employs the worker and thus becomes himself liable to the payment of damages.

In the case of dismissal for a reason imputable to the employer, a worker who has not been able to take his annual paid holiday before the breaking of the contract, is entitled to the allowances fixed in section 5 of Decree No. 314 of 1937 and equivalent to the remuneration provided for in Article 3 of the Convention.

Decree No. 314 of 1937 lays down that the employer must keep a register recording the agreements or arrangements which may have been concluded respecting annual leave with pay and including all the particulars provided for by the Convention. No official form has been prescribed for this register.

The penalties provided for are laid down in sections 121-125 of the Decree of 2 March 1939.

In the case of the occupations covered by the Convention, the supervision of the application of the regulations is entrusted to the labour inspectorate, without prejudice to the activities of the officials of the judicial police.

There were no decisions of courts of law or other courts.

No contraventions of the application of the above-mentioned regulations have been reported. Nevertheless, the inspection service has been forced to intervene in various cases where the contract of employment was broken and the employer claimed that this was justified by reason of the element of serious misconduct mentioned in section 5 paragraph 1 of the Decree 314 of 1937. After investigation, none of the faults referred to were considered to constitute wilful misconduct.

With the exception of some of the cases mentioned above and reported by one trade union organisation, no observations were received from the employers' and workers' organisations concerned. Copies

of the report have been communicated to the representative organisations.

#### *St. Pierre and Miquelon.*

There are no local regulations respecting holidays with pay. In practice, however, local administrative officials and agents enjoy three weeks' leave a year. Permanent employees in commerce have an annual holiday with pay of from eight days to a fortnight, according to the firm. Wage earners employed by the public authorities get eight days' holiday with pay every year. Moreover, the possibility of granting permanent employees of the administrative authorities a further eight days' holiday with pay is at present being considered.

#### *New Zealand*

##### *Cook Islands.*

There is no general legislation concerning holidays with pay in the territory. Administrative officials receive paid holidays in line with those prevailing in the New Zealand Civil Service, *i.e.*, two weeks' annual holiday during the first 10 years of service, and three weeks thereafter. In commercial establishments a paid annual holiday for permanent employees is customary. Payment for statutory holidays is also usual. The possibility of introducing general legislation providing for paid annual holidays is at present under consideration by the Cook Islands administration.

##### *Western Samoa.*

There is no general legislation concerning holidays with pay in the territory. Civil servants belonging to the administration receive paid holidays in line with those prevailing in the New Zealand Civil Service, *i.e.*, two weeks' annual holiday during the first 10 years of service, thereafter three weeks. In commercial establishments a two-week paid annual holiday for permanent employees is customary. Payment for statutory holidays is also usual. The widening of scope of persons receiving holidays with pay is at present receiving active consideration by the Government, in the meantime application of the Convention is being deferred.

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

#### *France*

##### *Overseas Territories.*

See General Note under Convention No. 8.

##### *French West Africa.*

The requirements for assuming command of a ship and the certificates needed

to become a deck or engineer officer on board ship registered in this federation are laid down in the Decree of 21 December 1911.

##### *Madagascar.*

Part III of the Decree of 21 December 1911, and as regards limited coastwise

shipping, the Decree of 20 August 1920 are applied.

*New Caledonia.*

The following are applied : The Decree of 21 December 1911 establishing regulations for the public administration of the merchant marine in the colonies promulgated in the territory ; the Governor's Decree of 8 February 1915 laying down the conditions of the examination to obtain the various certificates for the deck and the engine room supplemented by the Governor's Decree of 19 February 1917 ; the Decree of 2 November 1920 respecting certificates and diplomas for the merchant marine, and the Ministerial Decrees of 24 February 1912 (engine room) and 2 June 1928 (deck), although these latter three texts have not as yet been promulgated.

*Indo-China.*

A Decree of 27 December 1948, concerning the functions of officers, the granting of certificates and the organisation of the merchant marine, provides for three deck

certificates (captain for long-distance coastwise shipping, captain for short distance coastwise shipping, skipper for limited coasting trade) and two engine-room certificates (engine officer first class, engine officer second class). Maritime training is carried out in Saigon by the administrators of the maritime registration office, and by the navigation and maritime labour inspectorate.

*New Zealand*

*Cook Islands.*

There is no provision for registration of ships and application of the Convention is not being considered on the grounds that the stage of development of the community does not permit application.

*Western Samoa.*

Port Control Ordinance, 1932.

Although the Convention is not applied, many of its requirements are met by the legislation of the territory, and the Western Samoan Government is being asked to advise whether the Convention may be applied subject to modification.

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

*France*

*Overseas Territories.*

See General Note under Convention No. 8.

*French West Africa.*

The shipowner, who must provide medical care for injured seamen on board ship, usually acquires an insurance policy covering expenses which he may incur in this respect—the sick seaman only receives native medical care ; but, in practice, the shipowner assumes responsibility for paying the expenses arising from sickness occurring in the course of the voyage.

*Madagascar.*

The obligations of the shipowner are laid down in section 262 of the Commercial Code.

*New Caledonia.*

The Act of 13 December 1926 establishing a maritime labour code, although not promulgated in the territory, and the Legislative Decree of 17 June 1938 regarding the general provident fund, are applied.

*Indo-China.*

Sections 34, 35 and 36 of the Maritime Labour Code for Indo-China govern this subject. The Decree of 17 June 1938 respecting the general provident fund is applied to the registered seamen. As regards unregistered seamen, hospitalisation and medical care are at the expense of the shipowner and, in the case of accident, wages are paid for a period of two months.

**56. Convention concerning sickness insurance for seamen**

*France*

*Overseas Territories.*

See General Note under Convention No. 8.

*French West Africa.*

A study is being made at present of the possibility of applying to native seamen serving on board ships registered in French

West Africa the system in force in metropolitan France and already applying to African seamen serving on long-distance voyages.

*Madagascar.*

Seamen are covered by the provisions of the Decree of 2 March 1904 organising the free medical assistance scheme for natives.

*New Caledonia.*

The Legislative Decree of 17 June 1938, regarding the general provident fund for French seamen, fully applies.

*Indo-China.*

This text applies to registered seamen. Unregistered seamen are covered by the provisions of sections 34 and 37 of the

Maritime Labour Code for Indo-China; benefit is equal to 36 months' wages in the case of permanent disability and, in the case of partial disability, is calculated according to a scale in proportion to the percentage of disability recognised by a special committee. These benefits are paid by the Indo-Chinese Seamen's Emergency Fund, to which payments are made by the shipowners.

**58. Convention fixing the minimum age for the admission of children to employment at sea (revised 1936)**

*France**Overseas Territories.*

See General Note under Convention No. 8.

*French West Africa.*

The matter is regulated by the Decree of 18 September 1936, establishing regulations for native workers.

*Madagascar.*

Section 20 of the Decree of 7 April 1938, establishing regulations for native workers, is applied.

*New Caledonia.*

Sections 114, 115, 116 of the Act of 13 December 1926, establishing the Mari-

time Labour Code, modified by the Act of 11 April 1942, are applied in practice.

*New Zealand**Cook Islands.*

It is possible that some future action on the Convention may be considered in conjunction with the other Minimum Age Conventions. In the meantime application of the Convention is not being undertaken because of the stage of social development of the territory. See also under Conventions Nos. 9 and 10.

*Western Samoa.*

See under Convention No. 9.

**59. Convention fixing the minimum age for admission of children to industrial employment (revised 1937)**

*New Zealand**Cook Islands, Western Samoa.*

See under Convention No. 10.

**60. Convention concerning the age for admission of children to non-industrial employment (revised 1937)**

*New Zealand**Cook Islands, Western Samoa.*

See under Convention No. 10.

**61. Convention concerning the reduction of hours of work in the textile industry**

*New Zealand**Cook Islands.*

One textile factory, employing almost 100 workers, now exists in the territory. The New Zealand Government is investigating the position with a view to application of the Convention.

*Western Samoa.*

No such undertakings as contemplated by the Convention exist as yet in the territory and therefore application of the Convention is not being considered at present.

**63. Convention concerning statistics of wages and hours of work in the principal mining and manufacturing industries, including building and construction, and in agriculture**

*New Zealand*

*Cook Islands.*

The relative lack of regular wage-earning employment on any major scale does not warrant detailed collection of statistics of wages and hours of work. Application of the Convention is therefore not being

considered on the grounds that the stage of social development of the islands does not permit application.

*Western Samoa.*

Application is regarded as impracticable at present in view of the level of social development in the territory.

**64. Convention concerning the regulation of written contracts of employment of indigenous workers**

*Belgium*

*Belgian Congo and Ruanda-Urundi.*

Act of 10 September 1947, approving the Convention on recruiting and contracts of employment of indigenous workers.

Decree of 16 March 1922, respecting contracts of employment.

Order No. 476bis of 8 October 1940, respecting the hygiene and safety of workers.

Decree of 21 March 1950, respecting technical safety and hygiene in workplaces.

Decree of 11 January 1949, respecting the contract of apprenticeship.

Decree of 16 March 1950, establishing the labour inspectorate.

Decree of 1 August 1949, respecting compensation of indigenous workers for industrial accidents and occupational diseases.

The legislation provides for an exception to paragraph 2 of Article 2. It does not cover contracts between natives, made on a customary basis. However, natives paying a personal tax, other than the native tax, are considered to have reached a sufficient degree of development and are assimilated to employers covered by the legislation. Apprentices are subject to special legislation, i.e., the Decree of 11 January 1926. The legislation respecting contracts of employment covers only workers receiving payment in cash.

The legislation provides that every employed person, even if serving on a probationary basis, must be given a work book as soon as the contract has been signed; a model of this book is established by the Governor of the province and must contain specified types of information. This book must be signed by the employer or his representative; it must be left with the employed worker even after the latter has completed his service.

The legislation does not provide for any exception as regards the requirement of a medical examination.

In the absence of any generally valid civil register, the legislation simply prohi-

bits the recruiting of non-adult workers and of disabled workers, without fixing any minimum age.

The maximum period of service that may be stipulated in a contract is three years. During the period of the contract, the worker is entitled to weekly rest.

The legislation contains no provision for cases where the employer is unable to fulfil the contract. The obligations of the employer are then governed by common law. In cases where the worker is unable to fulfil the contract because of sickness or accident, the employer is required to give to the worker, his wife and his dependent children under 16 years of age residing with him, all medical, surgical and pharmaceutical care and hospitalisation necessary, including artificial limbs and surgical appliances (with the exception of dentures) which are recognised to be necessary, during the whole duration of the contract and in any case during 60 days even if the contract should expire during this period; this obligation does not apply if the employer can prove that he is unable to carry it out. The employer is under an obligation to pay a worker who is unable to work until the day when his contract expires and in any case during 60 days in the case of industrial accident or occupational disease. However, the amount of wages may be reduced to two thirds in the case of an industrial accident or occupational disease or to a quarter in all other cases.

These obligations, except in the case of an industrial accident or occupational disease, are not at the expense of the employer if the latter is able to prove that the condition of the patient results from a special risk incurred by him or if the beneficiary refuses, without any valid reason, to obey the orders which have been given to him by a physician or to submit to medical supervision.



If the employed worker has not recovered at the time when the employer ceases to be responsible for his care, he receives benefits under the compulsory insurance system in case of industrial accident or occupational disease. Termination of the contract by joint agreement among the parties is governed by common law. The legislation provides that a contract of indefinite duration may be terminated by giving notice of termination, the length of which is either fixed in the contract or by custom without it being in the latter case more than one month; in the absence of agreement or of custom, the period of notice is 15 days. Ill-treatment by the employer entitles the employed person to termination of the contract without recourse to the courts and without advance notice. The termination of the contract is authorised in the case of serious violation of the contractual obligations or in the case of serious misconduct. Further, the employed person may claim that there exists a danger to his safety or to his morals. The legislation does not make termination of the contract dependent on the approval of the competent authority.

The legislation guarantees repatriation in all cases. However, if the contract is terminated through the fault of the employed person, the court will decide, according to the circumstances, to what extent the employer continues to be bound by this obligation. Repatriation is guaranteed also for the wife and children of the employed person living with him, and for his widow and orphans in the case of the death of the worker. The employer carries out his obligation of repatriating in placing the necessary transportation papers at the disposal of the employed. The obligation to repatriate remains during one year. If the employer does not fulfil his obligation as regards repatriation, the administration may do so at his expense.

The legislation does not exempt the employer from the obligation to repatriate, except in cases where the right to expatriation has expired.

No contract of employment may be for longer than three years. The legislation includes no provision as regards the contingencies covered by paragraphs 2 and 3 of Article 16.

The regulations as regards contracts of employment are the same for the Congo and for Ruanda-Urundi. Protection is, therefore, guaranteed in the case of workers going from the Belgian Congo to Ruanda-Urundi or vice versa. In the case of employment in another territory, the legislation makes their recruiting dependent upon the issuing of a licence which is delivered only subject to all the necessary guarantees for the protection of the recruited workers. The case of recruitment of workers from the Belgian Congo for a workplace situated in other countries is an exceptional one. However, recruitment exists in Ruanda-Urundi which is covered

by agreements between that territory and the neighbouring countries.

The authorities of Ruanda-Urundi and of the neighbouring territories making use of manpower from Ruanda-Urundi are attempting to work out an agreement to regulate questions of common interest raised by the application of the provisions of the Convention. Section 58 of the Decree of 16 March 1922, respecting the contract of employment, establishes special protection for workers and specifies that the Governor-General, the provincial Governors, the Attorney-General, the magistrates and all territorial officials ensure the special protection of native and immigrant negroes, particularly in matters of contract of employment. Further, the Decree of 16 March 1950 establishes the labour inspectorate, whose general duty is to promote the harmonious development of relations between employers and workers and to work for the preservation of social justice. The medical officers and the physicians approved by the Government are able, within the limits of their responsibilities and competency, to supervise the strict application of the provisions as regards workers' hygiene and safety. Finally, the regional and provincial committees for native labour and social progress are required to ensure the protection of the workers as well as their material, cultural and social wellbeing and the promotion of the development of the native working class. They are particularly interested in conditions of work. On 30 June 1949, there were 18 regional and six provincial labour and social progress commissions; these bodies held respectively 33 and nine meetings. On the same date, 464 native works councils had been set up and had held 1,473 meetings between 1 July 1948 and 30 June 1949, while 64 local committees of indigenous workers had held 115 meetings during the same period. Further, there existed 37 permanently established native trade unions and nine others functioning on a provisional basis.

There was no decision by courts of law or other courts concerning the application of the Convention. The legislative provisions and regulations concerning the contract of employment are observed and their application has not given rise to any particular difficulties. Employers' and workers' organisations have made no observations. Copies of the report have been communicated to the representative organisations of employers and workers.

#### *Cook Islands.*

The report contains information identical with that previously supplied.

#### *Western Samoa.*

Contracts of Employment (Indigenous Workers) Ordinance, 1950.

This Ordinance, passed on 7 November 1950, by the Legislative Assembly of West-

ern Samoa, revokes certain spent Ordinances conflicting with provisions of the Convention.

#### *United Kingdom*

Reports have been received for the following territories :

*Aden, Barbados, Basutoland, Bechuanaland, Bermuda, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, British Guiana, British Honduras, British Somaliland, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Grenada, Hong Kong, Jamaica, Kenya, Federation of Malaya, Malta, Mauritius, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.*

In general, the information contained in these reports is identical with that supplied for the periods 1947-1948 and 1948-1949 and published in the summaries of reports on ratified Conventions submitted to the 32nd and 33rd Sessions of the International Labour Conference (1949 and 1950).

Any new information contained in the reports for the period under review is given below.

#### *Aden.*

Every workman has his own copy of the contract, signed and bearing a revenue stamp as required by law. The age prescribed under paragraph 1 of Article 8 is 16 years, and under paragraph 2, 16 to 21 years. No occupations have been approved. The authorised officer, the district commissioner, has delegated his powers to the labour and welfare officer. By arrangement with the Immigration Office, no documents are approved for employment abroad, unless a contract attested by the labour and welfare officer is produced.

#### *Bechuanaland.*

Native Labour Proclamation (No. 56 of 1941).

The definitions given in Article 1 are set out in section 1 of the Proclamation.

Section 21 of the Proclamation contains a provision corresponding to Article 2. The exceptions provided for under the Article are also covered. For the purpose of Article 2, paragraph 2 of the Convention, the number of workers has been fixed at 50.

Article 3, paragraph 1 : There is a similar provision in section 22 of the Proclamation. Section 23 (3) of the Proclamation, which deals with the signing of the contract, reads as follows :

"It shall be the duty of any such official to satisfy himself before any such contract is signed in his presence by a native that the terms thereof have been fully understood by such native, that the provisions of the Proclamation have been ob-

served, and in particular that the native has not been subjected to coercion or undue influence or recruited by mistake, and is not bound by any previous engagement."

Section 23 (10) of the Proclamation has a provision corresponding to Article 3, paragraph 3, while paragraph 4 is covered by section 23 (2).

Article 4 : Section 24 of the Proclamation.

Article 5 : Section 23 (2) of the Proclamation.

Article 6 : Sections 23 and 25 of the Proclamation.

The document issued to the worker must be in the form prescribed in Schedule B of High Commissioner's Notice No. 1 of 1942.

Article 7 : Section 26 of the Proclamation. So far, exemption has never been granted.

Article 8 : There are provisions corresponding to paragraph 1 in sections 1 and 27 of the Proclamation. The term "non-adult" means a person whose apparent age is less than 18 years. Paragraph 2 is not applied.

Article 9 : Section 23 (8) of the Proclamation. The maximum period of service that may be stipulated in any contract is one year. Leave is not provided for.

Article 10 : Section 28 of the Proclamation.

Article 11 : Section 29 of the Proclamation.

Article 12 : Section 30 of the Proclamation. The law stipulates no particular conditions as regards termination of contracts and does not prescribe the period of notice to be given.

Article 13 : Section 35 of the Proclamation. The Government has not had to repatriate any workers under paragraph 5 of the Article.

Article 14 : Section 31 of the Proclamation.

Article 15 : Section 31 of the Proclamation.

Article 16 : Section 23 (8) of the Proclamation. The maximum period of service that may be stipulated in a re-engagement contract is nine months.

Article 17 : Section 37 of the Proclamation.

Article 18 : Natives are recruited in the Bechuanaland Protectorate for work in the Union of South Africa, and the Proclamation was framed with this in view. No special regulations are needed in this connection.

Article 19 : Corresponding provision is made in sections 23, 26 and 27 of the Proclamation, except that, so far as the application of paragraph 1 (e) of the Article is concerned, a worker does not have to be transferred in such a case but signs a

contract specifying the country in which he is to be employed. No agreements on this matter have been entered into with other Governments.

Article 20 : Section 38 of the Proclamation.

The application of the legislation relating to contracts of this nature is entrusted to the district commissioners, who see to it that the law is observed. There is no labour inspectorate, as such, in the territory. No case of contravention of the Proclamation has come before any court.

Generally, the Proclamation follows closely the provisions of the Convention. Recruiting for the South African mines is conducted by two old-established and reputable organisations, the Witwatersrand Native Labour Association and the Native Recruiting Corporation. These companies are fully conversant with the law and do not try to evade it. The law is satisfactory from both employers' and employees' points of view and no representations have been received regarding any difficulties in applying it.

No reports have been communicated to employers' and workers' organisations. There are no employers' organisations in the territory and only one workers' organisation, very recently formed.

#### *British Somaliland.*

The Government of the Protectorate is considering the possibility of amending present legislation so as to permit the application of the provisions of the Convention.

#### *Dominica.*

Legislation is being drafted to give effect to the provisions of the Convention. No observations have been received from any employers' or workers' organisations.

#### *Fiji.*

The only new information contained in the report relates to the number of contracts entered into for the period under review, *i.e.*, 76.

#### *Grenada.*

The question of applying the Convention to the colony is receiving attention.

#### *Kenya.*

Employment Ordinance 1938, as amended by Ordinance No. 56 of 1948 and further amended by Ordinance No. 11 of 1950.

Ordinance No. 11 of 1950 provides for the form of deeds of apprenticeship to be made by rule and also provides for control of provident fund schemes.

Written contracts in cases where labour is not recruited are very rare.

#### *North Borneo.*

From 1 January 1949 to the end of the period under review, the provisions of the Convention were applied by the Labour Ordinance, 1949. All the Articles of the Convention are applied by this Ordinance and there is nothing to add to the report given for the previous period except that the title "protector of labour" has become "commissioner of labour".

The administration of the above-mentioned legislation is entrusted to the Department of Immigration and Labour which consists of a commissioner of immigration and labour (formerly styled the protector of labour), two administrative officers and subordinate staff. In addition, district officers and certain other administrative officers are appointed to be assistant commissioners of labour. The application of the legislation is supervised and enforced by the department, its officers and the assistant commissioners who have wide powers under the Labour Ordinance to enquire into labour matters and to enforce the legislation. Cases and conditions of work are inspected periodically by the officers of the department and by the assistant commissioners. Workers have ready access to them at all times for purpose of complaint.

#### *Nyasaland.*

The 1949-50 "closed season" for the recruitment of labour was prescribed in Government Notice No. 172 of 1949 and, in addition, in view of the need for a food planting campaign following the famine, recruiting was prohibited in the southern and central provinces between 1 and 30 September 1949 by Government Notice No. 173 of 1949.

The report specifies that the following text should be substituted for the remarks made in the report for the preceding period as regards the application of Article 14 of the Convention.

Article 14 of the Convention has been applied without modification. The only exception under clause (d) of this Article is in respect of recruits of the Witwatersrand Native Labour Association working in the gold mines in the Union of South Africa.

Clause 8 of the current agreement form of the Witwatersrand Native Labour Association reads as follows :

"The Association agrees to provide at its expense, free food and transport to the place of employment and (inasmuch as in fixing the rates of wages, proper allowance has been made for the payment of repatriation expenses by the employee) to provide at his expense food and transport back to the place of his engagement at the termination of the contract."

A copy of the report has been communicated to the Central Labour Advisory Board.

*St. Vincent.*

The Convention will be applied in the colony but the necessary legislation for giving effect to its provisions has not yet been enacted. It is proposed to await the legislation from one of the larger West Indian colonies for use as a model.

*Seychelles.*

Article 7 paragraphs (1) and (2) of the Convention have been applied by section 26 of Ordinance No. 26 of 1945. Supervision of the application of the legislation is assured by the qualified labour officer seconded for duty from Mauritius. He has power under sections 33, 34, 35 and 36 of Ordinance No. 25 of 1945 and under sections 35, 36, 37 and 38 of Ordinance No. 26 of 1945. The Ordinances are enforced administratively by the labour officer.

*Sierra Leone.*

Negotiations to establish new apprenticeship schemes by collective agreement between employers and workers have not yet been completed.

*Tanganyika.*

The report notes various changes in the titles of legislation.

The difficulty regarding the term "dependants" in Article 4 of the Convention, referred to in the report for 1949, still persists. The new Employment Bill is still in preparation.

*Uganda.*

The only new information in the report concerns the promulgation of a new Employment (Amendment) Ordinance (No. 28 of 1949).

## 65. Convention concerning penal sanctions for breaches of contracts of employment by indigenous workers

*New Zealand**Cook Islands.*

The report contains no new information.

*Western Samoa.*

See under Convention No. 64.

*United Kingdom*

Reports have been received for the following territories :

*Aden, Barbados, Basutoland, Bechuanaland, Bermuda, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, British Guiana, British Honduras, British Somaliland, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Grenada, Hong Kong, Jamaica, Kenya, Federation of Malaya, Malta, Mauritius, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.*

In general, the information contained in these reports is identical with that supplied for the periods 1947-1948 and 1948-1949 and published in the summaries of reports on ratified Conventions submitted to the 32nd and 33rd Sessions of the International Labour Conference (1949 and 1950).

Any new information contained in the reports for the period under review is given below.

*Bechuanaland.*

Section 40 of the Native Labour Proclamation (No. 56 of 1941).

The above-mentioned section provides that any native who, having entered into a contract for employment and signed such contract as provided by section 23 of the Proclamation, without lawful cause deserts from his place of employment, or fails to enter upon his employment or carry out the terms of his contract, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £10, or in default of payment, to imprisonment with or without hard labour for a period not exceeding two months. Any native who, having in the territory entered into a written contract with a recruiting agent, and having received an advance in respect thereof, accepts thereafter another advance from another recruiting agent in consideration of entering on another contract of employment before he has completed his term of employment under the first contract, shall be guilty of an offence and shall be liable on conviction to the above-mentioned penalties.

It is most improbable that civil damages could be recovered from an employee who had broken his contract. It is, therefore, not yet possible to abolish this penal sanction, since the law must contain some deterrent from desertion. The provision is extremely rarely used.

*British Guiana.*

In view of the interpretation of the Committee of Experts in 1950, the Government is doubtful whether in fact the

Labour Ordinance, No. 2 of 1942, can be regarded as a penal sanction within the meaning of the Convention.

*British Honduras.*

A committee of members of the Legislative Council has recommended that the present system of wage advances be prohibited and that penal sanctions, in respect of instances where a worker receives an advance of unearned wages by fraudulent means and absconds before the whole or any portion of an advance has been repaid, contained in the Employers' and Workers' Ordinance, No. 6 of 1943, be discontinued. Amending legislation to give effect to these recommendations will be placed before the Legislature shortly.

*British Somaliland.*

The Government of the Protectorate is considering the possibility of amending present legislation so as to permit the application of the provisions of the Convention.

*Gold Coast.*

There is no legislation in the territory specifically applying the provisions of the Convention. The only penal sanction which exists in respect of breaches of contracts of employment is that provided for in section 4 of the Conspiracy and the Protection of Property (Trade Disputes) Ordinance, 1944, under which any person employed by the Government, a town council, or any other public authority, in connection with the supply of water or electricity or the performance of any essential sanitary transport or any other public service in any town who wilfully or maliciously breaks a contract of service, knowing or having reasonable cause to believe that the probable consequences of his so doing, even alone or in company with others, will be to deprive the inhabitants of that town wholly, or to a great extent, of their supply of water or electricity or of such essential sanitary transport or other public services, is guilty of an offence and liable to a fine of £20 or imprisonment for three months.

This sanction has very rarely been applied and in view of the fact that its object is to protect the public rather than the employer, it seems doubtful whether it is in contradiction with the Convention.

*Kenya.*

The Committee of Experts referred in 1950 to a number of territories including Kenya which have not yet found it possible to completely abolish penal sanctions in accordance with the Convention. The Government of Kenya stated in its report for 1948-1949 that the position would be reviewed in four years' time. This situation is in fact under constant review, but

the Government feels that the small number of penal sanctions which still remain are necessary on practical grounds, mainly to deal with cases of the desertion of an employee who still owes a recoverable advance to his employer.

*Federation of Malaya.*

Chapter XIX of the Penal Code (Chapter 45 of the Laws of the Federated Malay States) reads as follows :

*Of the Criminal Breach of Contracts of Service*

*Article 490.* Whoever, being bound by a lawful contract to render his personal service in conveying or conducting any person or any property from one place to another or to act as servant to any person during a voyage or journey, to guard any person or property during a voyage or journey, voluntarily omits so to do, except in the case of illness or ill-treatment, shall be punished with imprisonment of either description for a term which may extend to one month or a fine which may extend to \$50, or with both.

The report gives some illustrations.

*Article 491.* Whoever being bound by 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 for supplying his own wants, voluntarily omits so to do, shall be punished with imprisonment of either description for a term which may extend to three months or a fine which may extend to \$100 or with both.

*Article 492.* Whoever being bound by lawful contract in writing to work for another person as an artificer or labourer for a period of not more than three years at any place in the Federated Malay States to which, by virtue of a contract he has been, or is to be conveyed at the expense of such other, voluntarily deserts the service of that other during the continuance of his contract which he has contracted to perform, such service being reasonable and proper service, shall be punished with imprisonment of either description for a term not exceeding one month or with a fine not exceeding double the amount of such expenses or with both, unless the employer has ill-treated him or neglected to perform the contract on his part.

Ordinance No. 32 of 1948 extended the Federated Malay States' Penal Code throughout the Federation.

The mere ratification of the Convention cannot be considered to have modified in any way the effect of existing legislation. However, Chapter XIX of the Penal Code of the Federated Malay States, the text of which is set out above must be considered to be an anachronism. There is no record

of any prosecution under any one of the three sections of this chapter, and no officer of the Department of Labour has any recollection of any such prosecution. In particular, section 492 clearly relates only to indentured labour. For many years, there has been no system of indentured labour in any part of the Federation.

Despite the fact that Chapter XIX of the Penal Code of the Federated Malay States is still, in law, in force, it may be claimed that in practice the provisions of the Convention are observed. It has not been possible in the present circumstances to envisage the repeal of these provisions.

There is no legislation in existence in the Federation that specifically embodies the provisions of Article 1 of the Convention. As has been stated above, Chapter XIX of the Penal Code of the Federated Malay States has long been a dead letter. There is no specific progress to report, however, towards abolishing penal sanctions to any breach of contract to which this Convention applies.

No decisions have been given by courts of law or other courts regarding the application of the Convention. No observations have been received from organisations of employers or workers concerning the practical fulfilment of the conditions prescribed by the Convention. Copies of the report have been submitted to the Federal Labour Advisory Board.

#### *North Borneo.*

The process of abolishing penal sanctions for breaches of contract, introduced by the Abolition of Indentured Labour Ordinance, 1932, was brought to a conclusion for all ordinary breaches of contract in 1936 by the repeal of the adoption in North Borneo of the Indian Breach of Contract Act No. 13 of 1859. An exception existed up to the end of 1949 in the special case of any labourer willingly breaking his contract knowing or having reason to believe that the probable consequences of his so doing, either alone or in conjunction with others, would be the cause of riot or danger to life and property; but the sanction provided remained uninvoked in practice and this provision was finally repealed by the Labour Ordinance, 1949, which came into operation on 1 January 1950.

In the last report mention was made of section 491 of the Indian Penal Code which is applicable in the colony; the Code makes it an offence for persons to neglect others incapable of providing for themselves by reason of youth, unsoundness of mind, or bodily weakness, whom they are bound by lawful contract to attend. It has been stated, however, that such a provision is not necessarily in contradiction with the terms of the Convention. The Convention can therefore now be reported to be applied without modification in the colony.

#### *Sarawak.*

A new Labour Code is under consideration to take the place of the present Labour Protection Ordinance and Labour Conventions Ordinance. With the adoption of this new Code, the provisions concerning penal sanctions contained in the Labour Protection Ordinance will be re-examined. The same will apply to sections 490 and 491 of the Penal Code.

#### *Seychelles.*

Supervision of the legislation is the purview of the qualified labour officer seconded from Mauritius. His powers are set out in sections 33, 34, 35 and 36 of Ordinance No. 25 of 1945 and sections 36, 37 and 38 of Ordinance No. 26 of 1945. Copies of the report will be communicated to the Seychelles Building Trades Union and the Stevedores and Lighterage Workers' Union, which were registered during the period under review.

#### *Sierra Leone.*

Owing to pressure of other work, it has not yet been possible to complete the redrafting of the Employers' and Employed Ordinance so as to bring it in accordance with the requirements of the Convention.

#### *Singapore.*

A draft Bill entitled "An Ordinance to Amend the Penal Code" was published in a supplement to the colony Gazette on 18 August 1950. Paragraph 9 of the draft reads as follows: "Chapter XIX of the Penal Code which comprises sections 490 and 491, is hereby repealed".

The report on the application of the Convention has been communicated to the Labour Advisory Board.

#### *Solomon Islands.*

It is pointed out, as it was in the previous report, that there are two types of penal sanctions in the territory—one for the wilful use of fire by a worker in circumstances likely to cause damage to the employer, and the other for refusing to obey the lawful orders of the employer given to preserve the property upon which the worker is employed. It is then pointed out that, in the two cases where penal sanctions have been retained in the Protectorate, these sanctions are not inconsistent with the Convention. The Convention does not require the abolition of all penal sanctions, of whatever nature, imposed on the 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 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.

*Tanganyika.*

The report notes various changes in the titles of legislation. It also states that the Government of Tanganyika has studied the opinions expressed by the Committee of Experts in 1950, but still adheres to the views expressed in its own previous report. The matter will be reviewed next year when the new Employment Bill is considered.

*Uganda.*

The legislation in force and existing practice are fully in harmony with the provisions of the Convention. Hence, it was neither possible nor necessary for

the ratification of the Convention to modify present legislation. The existence of a greatly strengthened Labour Department, assisted by the provincial administration, is fully adequate to ensure that the provisions of the Convention are applied.

With reference to the observations of the Committee of Experts on the Application of Conventions and Recommendations, the report states that the general remarks made in the last report are still fully applicable. It is in the interest of workers as well as employers that measures should be taken to prevent drunkenness and brawling. The dangers of work near moving machinery when the employee is under the influence of drink, or of brawling in an atmosphere where false rumours and trouble tend to spread, are obvious.

The fact that very few cases of contravention of the provisions of section 62 of the Employment Ordinance ever come before the courts shows that its effect is mainly deterrent.

## 88. Convention concerning the organisation of the employment service

*New Zealand*

*Cook Islands, Western Samoa.*

See under Convention No. 2.

## 89. Convention concerning night work of women employed in industry (revised 1948)

*New Zealand*

*Cook Islands.*

With the inauguration of a textiles factory employing about 100 people, consideration is now being given to the application of this Convention.

*Western Samoa.*

Application of the Convention is not being considered. Recent statistics show that, out of a total female population of 32,800, only 510 are in regular employment. Of these, only a small proportion are employed in industry, none of whom are employed at night.

## 97. Convention concerning migration for employment (revised 1949)

*New Zealand*

*Cook Islands.*

The application of the Convention is at present under consideration. Certain legal questions have been raised which require settlement before application can be proceeded with.

*Western Samoa.*

It is doubtful whether application of this Convention is practicable as migration movements are insignificant. The Western Samoan Government has, however, been advised, and further action awaits receipt of their reply.





# **INTERNATIONAL LABOUR CONFERENCE**

**THIRTY-FOURTH SESSION**

**GENEVA, 1951**

## **SUMMARY OF REPORTS ON UNRATIFIED CONVENTIONS AND ON RECOMMENDATIONS (ARTICLE 19 OF THE CONSTITUTION)**

**Third Item on the Agenda**

**INTERNATIONAL LABOUR OFFICE  
GENEVA, 1951**

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## INTRODUCTION

Article 19 of the Constitution of the International Labour Organisation, as amended in 1946, provides that States Members shall be required to submit to the International Labour Office, at appropriate intervals, reports on unratified Conventions and on Recommendations. The obligations of States Members as regards Conventions are laid down in paragraph 5 (*e*) of the above-mentioned Article; paragraph 6 (*d*) deals with Recommendations. The obligations of federal States are laid down in paragraphs 7 (*a*) and (*b*) of this Article.

In 1948, when the Governing Body was called upon to bring into effect these provisions of the Constitution, it was of the opinion that it would be neither desirable nor feasible to request reports immediately on all unratified Conventions and Recommendations adopted by the Conference. The first reports requested under Article 19 of the Constitution were in respect of Conventions and Recommendations relating to forced or compulsory labour, social security and maritime questions.

The reports which have been examined for the purposes of the present volume concern the three Conventions and five Recommendations selected by the Governing Body and relate to three groups of subjects—the protection of workers against accidents, vocational training and apprenticeship and labour inspection. As the texts in question correspond to three separate sessions of the Conference, it was thought desirable, in order to facilitate their examination, to group these texts according to their subject matter, irrespective of whether they are Conventions or Recommendations. A list of these instruments will be found in the table of contents.

The reports concerning the above-mentioned Conventions and Recommendations cover the period up to 31 December 1949; the Governments of States Members were requested to send in their reports before 1 July 1950. The present summary, which will be submitted to the Conference in conformity with Article 23, paragraph 1 of the Constitution, covers reports received by the Office up to 1 February 1951. It has not been possible to summarise reports received after this date; these will be examined by the Committee of Experts on the Application of Conventions and Recommendations, and will be communicated to the Conference.

\* \* \*

The Office has endeavoured to present as full a summary as possible of the information supplied by Governments on the position of the national law and practice. Special attention has been devoted to the information supplied by States Members concerning the difficulties which may prevent or defer the ratification of Conventions and concerning any modifications which might appear necessary to permit the adoption or application of Recommendations. In the report of the Committee of Experts on the Application of Conventions and Recommendations (Report III, Part IV), which will also be submitted to the present session of the Conference, will be found the general remarks submitted by the above-mentioned Committee concerning the reports submitted by Governments under Article 19 of the Constitution of the International Labour Organisation.

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## SIXTEENTH SESSION (GENEVA, 1932)

### Protection against Accidents (Dockers) Convention (Revised), 1932 : C. 32<sup>1</sup>

#### *Argentina.*

A report on this Convention (of which ratification was registered by the Argentine Republic on 14 March 1950), has been submitted under Article 22 of the Constitution.

#### *Austria.*

Decree No. 98 of 1937, concerning navigation by waterways, contains a considerable number of provisions similar to those contained in the Convention. However, in view of the strict nature of some of the provisions of the latter and of the expense which would be involved in applying them, they are not reproduced in the national legislation.

The Government contemplates revising the above-mentioned Decree and will examine the possibility of ensuring conformity between the legislation and the provisions of the Convention.

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

#### *Belgium.*

The General Regulations of 21 September 1947, concerning the protection of labour and the Regulations of 8 November 1920, issued in application of the Act concerning the safety of ships, correspond in general to the provisions of the Convention.

The enforcement of the legislation is supervised by engineer-inspectors, assisted by technical controllers whose activities are confined exclusively to the inspection of the loading and unloading of ships in harbours.

The employers' and workers' organisations collaborate in the application of the provisions of the regulations through safety and health committees which exist in all undertakings employing more than 50 persons.

The report gives detailed information concerning the amendments which would have to be made to Part VII of the General Regulations concerning protection of labour, relating to the loading and unloading of ships, in order to bring the legislation into conformity

with the provisions of the Convention. These amendments would be as follows: The addition to section 527 of the Regulations of a new paragraph reproducing the provisions of paragraph 4 of Article 2 of the Convention, relating to safety measures for dangerous parts and approaches to means of access; the addition to section 526 of paragraph 3 of Article 3 of the Convention, which specifies the measurements, etc., of gangways or similar constructions; the amendment of section 532, paragraph 2, due account being taken of paragraphs 1 and 2 of Article 5 of the Convention concerning means of access to holds; the addition to section 541 of the Regulations of provisions similar to those contained in Article 6 of the Convention concerning the measures to be taken for the protection of the hatchways of cargoes when workers are employed therein; the addition to section 531, paragraph 3 of paragraph 5 of Article 8 of the Convention, which prohibits the use of hatch coverings for any other purpose; the addition to section 540 of paragraph 8 of Article 9 of the Convention, concerning the measures to be taken to prevent steam from lifting machinery from obscuring visibility; the addition to section 583 of a new section repeating the provisions of Article 10 and part of Article 11 of the Convention, containing detailed provisions relating to safety provisions in the use of lifting and transporting machinery.

The relevant legislative texts are appended to the report, together with the forms to be filled in by the technical inspection service after inspection visits of lifting machinery, as well as a report on the loading and unloading, repairing and upkeep of ships and boats in the harbour of Antwerp which includes information on the causes of accidents.

#### *Burma.*

The regulations concerning the protection of dockers against accidents were introduced under the By-law of 4 January 1923, issued by the Commissioners of the Port of Rangoon, and under the Working Instructions, in force as from 1 September 1950. The By-law was issued in application of section 65 of the Rangoon Port Act, under which the Commissioners are vested with powers, subject to the approval of the Government to make by-laws regulating the working of the wharves, etc. The instructions are in the form of a

<sup>1</sup> This Convention came into force on 30 October 1934; 14 ratifications were registered up to 31 December 1949. The summaries of the reports submitted on this Convention in pursuance of Article 22 of the Constitution are contained in the first part of Report III to the 34th Session of the Conference (Reports on the Application of Ratified Conventions).

handbook for the guidance of staff employed on the Commissioners' wharf and foreshore premises.

Article 3 of the Convention concerning means of access to ships is covered by sections 127 and 237 of the Working Instructions. Article 7 of the Convention, concerning the means of lighting on board ship, is covered by section 13 (*b*) of the By-law. Article 8 of the Convention relating to the removal, etc., of hatch coverings and beams, is covered by 13 (*f*) of the above-mentioned By-law. Article 9 of the Convention, concerning the safety of lifting machinery and apparatus, is covered by sections 83, 87, 88, 118, 123, 124 and 125 of the Working Instructions and by section 32, paragraph (*b*), and section 33, paragraph (*a*), of the By-law. Article 11 of the Convention, concerning methods of work, is covered by section 1, paragraph (*f*), and section 83 of the Working Instructions. Article 12, concerning the handling of goods or work in proximity to dangerous materials, is covered by section 1, (*a*)-(g), of the Instructions. Article 13 of the Convention, concerning first aid, etc., is covered by sections 107, 108 and 113 of the Working Instructions. Article 14 of the Convention, concerning the prohibition of the removal of fencing, gangways, etc., is covered by section 237 of the Working Instructions. The other provisions of the Convention are not covered by the texts in force.

Neither the legislation nor the local practice have been modified in order to bring them into conformity with the provisions of the Convention. The Rangoon Port Commissioners are entrusted with the application of the Regulations concerning the protection of dockers against accidents. Workers' organisations have direct access to the administration of the Commissioners in respect of any working instructions or by-laws. Copies of these texts are appended to the report.

#### *Cuba.*

There are no fundamental differences between the Convention and the national legislation which, in practice, is in conformity with a number of the provisions of the former.

The Convention has been submitted to the Senate which, however, has taken no steps as regards ratification.

#### *Dominican Republic.*

The national legislation contains no provisions which correspond specifically to those of the Convention. However, when collective agreements are concluded, it is the practice for associations of port workers to lay down safety standards on the lines of those contained in the Convention.

An Order issued by the Secretariat of Labour on 20 November 1932 gives a list of appliances to be used for the prevention of industrial accidents.

#### *France.*

French legislation does not cover the majority of the provisions of the Convention,

with the exception of some of the provisions of Article 9 which are contained in the Decree of 23 August 1947 laying down safety measures for hoisting machinery. However, regulations are in the course of preparation which will cover the safety measures laid down in the Convention for dockers, not only on board ships but also in ports. A special Decree will shortly be drawn up by the Ministry of the Merchant Navy and will deal with protective measures to be taken on board ship.

In order to ensure the protection of workers in ports, provisions will be added to the Decree of 23 August 1947 which will also be amended.

Once the above-mentioned texts and measures have been approved, France will be in a position to initiate the procedure required for the ratification of the Convention.

#### *Greece.*

The provisions of the Convention are applied under the Decrees of 22 December 1933, respecting safety measures for wage-earning and salaried employees working on portable ladders and of 14 March 1934, respecting safety and hygiene conditions for wage-earning and salaried employees in factories, workshops, etc., of all kinds, in industry and handicrafts.

The regulations in force in Greece contain provisions which are applicable, in particular, to all workers employed in the loading or unloading of ships.

The Decree of 1934 also contains provisions relating to staircases and ladders (sections 13-17), lifting gear (section 113) and means of transport within factories (sections 116-127).

The provisions relating to staircases in workplaces are detailed and prescribe, *inter alia*, that such staircases must be constructed of fireproof material and must be well lit, if necessary by artificial light. They must always be kept clear of any objects likely to cause an obstruction.

When the difference in the level between two platforms is greater than 75 centimetres, fixed staircases must be installed which, in order to be deemed safe, must comply with the following conditions: they must be securely fixed at both ends and be of a width corresponding to the number of persons using them; they must permit a prompt and easy means of exit from all workplaces and must never be narrower than the exits with which they are connected; they must be fenced on both sides and throughout their length to a height of at least one metre. The staircases must consist of steps of the same width and height and must be continuous; the height of the steps must not be less than 18 nor more than 28 centimetres, and the depth of each step must never be less than 27 centimetres.

In exceptional cases where there is insufficient space, several floors or platforms may be connected by fixed vertical ladders; the latter are not covered by the regulations as to the depth of the rungs. However, such ladders are deemed safe if they comply with

the following conditions: they must be securely fixed at the top and bottom points of rest and must have a guard-rail at each side; the rungs must be sufficiently long and enough space must be provided behind each rung to ensure a firm foothold; the guard-rails must extend at least 75 centimetres beyond the level of the platform to which the ladder leads. Portable ladders must be firmly supported and must have hooks at the top point of rest to prevent slipping. In workplaces where ladders are in frequent use, additional measures in keeping with the purposes for which the ladders are to be used, must be taken to ensure complete safety.

No load may remain suspended from any lifting gear unless a competent person is in charge of the gear.

Persons appointed as drivers of transporting machinery must be capable of fulfilling the requirements of this service.

Passages, gangways and workplaces must be protected against any dangers which might result from the breaking of the cable of lifting gear.

The Convention is to be submitted to the special committee set up within the Ministry of Labour in order to decide which international labour Conventions can be ratified by Greece in the present circumstances. The Greek Federation of Dockers has requested that the Convention be ratified; the Government hopes that ratification will take place at an early date.

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

#### *Guatemala.*

The Labour Code, promulgated in Decree No. 330 of 8 February 1947, provides in section 197 that employers must take adequate precautions to protect the life, health and morality of workers.

This basic regulation permits the issue of regulations for all activities in which there is any risk of accidents. The Guatemalan Social Security Institution has issued "Regulations concerning protection against accidents in general"; these Regulations contain detailed rules relating to the prevention of accidents which are applicable to workers employed in the loading of ships. The prevention of accidents in which such workers may be injured is also covered by the provisions of collective agreements concluded between the dockers' trade unions and the companies concerned. The text of these agreements has been incorporated in the Labour Code now being prepared by the Ministry of Economy and Labour. Workers and employers have endeavoured to apply the provisions of the above-mentioned Regulations and the workers' organisations have undertaken responsibility to ensure the full application of collective agreements.

#### *Luxembourg.*

The Government intends to submit this Convention to the legislature for approval,

although it is not at present of practical interest to the Grand Duchy, which ratified Convention No. 28 in a spirit of international solidarity.

The country has no seaboard and the only navigable waterway is the river Moselle, along which navigation to any considerable extent would only be possible after the completion of a large scheme of canalisation involving the collaboration of other neighbouring countries. Until such a scheme has been put into effect, traffic on the Moselle is limited to the navigation of a small number of barges.

It is not, therefore, necessary at present to adopt special measures for workers specialised in loading and unloading ships. Moreover, workers who are occasionally employed in these operations are sufficiently protected under Convention No. 28, which became law when it was approved and ratified by Luxembourg, as well as under the general legislation relating to accident insurance.

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

#### *Netherlands.*

The legislative provisions relating to the Convention are contained in section 12 of the Act of 1931 respecting loading and unloading of vessels and the Decree concerning the safety of stevedores. These provisions are not in strict conformity with the Convention; however, a new Decree concerning the safety of stevedores, which will come into force shortly, will ensure conformity with Article 2 of the Convention.

The present Decree concerning the safety of stevedores complies in general with the provisions of Articles 3 to 13 of the Convention. Article 14 of the Convention (prohibiting the removal of the safety devices provided for in the Convention) could be applied by the modification of the Act respecting the loading and unloading of vessels, which will shortly come into force. The exceptions envisaged in Article 15 of the Convention have not been applied. The Act respecting the loading and unloading of vessels gives effect to the provisions of Article 17, which deals with measures to ensure the due enforcement of any regulations prescribed for the protection of workers.

As regards Article 18, which is related to Recommendation No. 40, the report states that the Netherlands has attempted to conclude, within the framework of the Brussels Treaty, reciprocity conventions with Belgium, France and the United Kingdom. Difficulties of a technical nature have, however, prevented agreement from being reached. The application of the existing legislative provisions is the responsibility of the Dock Labour Inspectorate, which has at its disposal advisers in the field of medicine, electro-technics, chemistry and mechanics; the country is divided into two areas with centres in Rotterdam and Amsterdam. The technical supervisors and officials compile monthly

inspection reports which are published in the weekly journals and specialised periodicals.

Problems relating to safety are discussed with the Dock Labour Inspectorate in a committee which includes employers' and workers' representatives.

The main difficulty which prevents ratification of the Convention lies in the fact that this text applies also to internal navigation. At the same time, a committee is drafting provisions concerning safety in internal navigation, taking into account the requirements of the Convention.

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

#### *Norway.*

In June 1949, Parliament agreed that the Convention should be ratified as soon as the necessary administrative regulations had been issued. The Act of 8 July 1949, concerning amendments to the Seafarers Act, which is expected to come into force in the near future, provides an adequate legal basis for regulations concerning protection against accidents and diseases caused by work on board ship. It is also likely that, in the near future, it will be possible to issue the regulations necessary for obtaining conformity between the provisions of the Convention and the national provisions concerning protection against accidents for workers employed in loading and unloading ships.

The following authorities are entrusted with the enforcement of the provisions of the Convention: the Ministry of Industry, Handicrafts and Shipping, as regards protection against accidents caused by work on board ship; the Directorate of Labour Inspection (under the Ministry of Municipal Affairs and Labour), as regards protection against accidents caused on shore during the loading and unloading of ships.

It is expected that the Convention will be ratified in the near future.

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

#### *Poland.*

The report enumerates the legislative provisions and regulations relating to the protection of dockers. Information is given regarding the steps taken to ensure industrial safety, as far as possible, to cover by administrative measures the matters dealt with in the Convention and to apply collective agreements as widely as possible.

There is no essential difference between the provisions of the Polish legislation and those of the Convention. However, because of details of a technical nature which the latter contains, the Government cannot take a decision regarding the possibility of ratifying the Convention until it is clear as to whether ratification would involve amendments to certain legislative provisions at present in force.

#### *Switzerland.*

Although the provisions of the Convention are applicable also to inland navigation, the Government is of the opinion that they relate above all to large vessels which ply from the ocean to inland ports. Moreover, Article 15 of the Convention provides for total or partial exemptions for ships below a certain tonnage.

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

#### *Turkey.*

The subject matter of the Convention can be considered from three points of view: workers employed on land in loading and unloading operations; the crew employed on board; and finally the protective measures required as regards ladders, hatchways, hoisting machinery, etc.

As regards workers on land, the application of the provisions of the Convention can be ensured through the enactment of regulations concerning hygiene and safety in loading and unloading operations, issued under section 55 of the Labour Act, No. 3008 of 1936, which provides for the enactment of special hygiene and safety regulations. Although the Government has already drafted regulations of this type, none has as yet been promulgated in respect of the questions dealt with in the Convention.

A Bill relating to seafarers has been prepared, but has not as yet received legislative approval.

The application of the provisions of the Convention concerning standards for certain parts of, or equipment on board, vessels, can only be ensured by the insertion of appropriate clauses in the Maritime Labour Act or by the promulgation of special regulations.

Consequently, ratification would be conditional upon the enactment of new legislation; the necessary preparatory measures have not been completed and the Government is therefore unable to envisage the ratification of the Convention, although its application would offer definite advantages.

#### *Union of South Africa.*

The harbours of the Union of South Africa are controlled and operated by the Government Department of Railways, as empowered by the Railways and Harbours Regulations, Control and Management Act, No. 22 of 1916, as amended.

Regulations promulgated for the control of shipping using Union harbours include regulations to ensure, as far as practicable, the safety of ships loading and unloading dangerous cargoes, the seaworthiness of craft, the provision of life-saving equipment, etc.

In so far as activities at ports are concerned (operation of tugs, dredgers, cranes, etc.), provision for protection against accidents to persons employed in loading and unloading operations has not been made by legislation, but through the channel of departmental instructions. These instructions have not been



framed on any specific recommendation of the Convention, but have been drawn up in the light of experience and conform in many ways to the provisions of the Convention; contraventions may lead to disciplinary action.

All the major quays and jetties at the harbours are owned by the Union Government. The report refers to various precautionary measures destined to ensure the protection of workers.

The administration owns four ocean-going ships which are subject to survey by Lloyd's and are required to be constructed and maintained according to Lloyd's standards.

The Department of Railways is responsible for the testing of its own gear used on shore and on tugs and other craft.

A Merchant Shipping Bill was submitted to Parliament in 1950 but has not yet been passed. Although there are no specific provisions in the text of this Bill which would enable the Union Government to ratify Convention No. 32 at this stage, there is a provision in Clause 356 (1) (XXXIV) under which regulations may be framed. In due course, when these regulations are considered, attention will be paid to the requirements of the Convention.

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

#### *United States of America.*

Under the provisions of Statutes concerning the annual inspection of vessels, the Coast Guard exercises direct statutory jurisdiction over the safety of cargo-handling gear of vessels subject to inspection. Deficiencies in the vessel and its equipment must be corrected in order to ensure their safe use before a certificate authorising operation of the vessel is issued. The inspection includes cargo-handling gear as well as all other material requirements covered by Convention No. 32. Under wartime conditions, the Coast Guard has jurisdiction with respect to the protection of ports, harbours, vessels, piers, etc., against accident and negligence as provided for in the Convention. The Coast Guard has found that the number of accidents involving handling gear has not been great enough to warrant the promulgation of detailed regulations concerning such equipment.

Vessels constructed or operated under subsidy of the United States Maritime Commission must comply with rigid safety requirements concerning handling gear. New vessels are not accepted by the Maritime Commission until all the cargo-handling gear has been thoroughly tested and certificates of strength and suitability have been issued. In addition, the Longshoremen's and Harbour Workers' Compensation Act authorises the Administrator of the Bureau of Employment Compensation of the United States Department of Labor to make studies with respect to safety provisions and causes of injury to longshoremen and harbour workers and to

make recommendations to Congress and to employers in this connection. Bills have been introduced in Congress to amend this Act so as to give the Administrator power to enforce safety recommendations.

American safety codes have been drawn up for the safety of workers engaged in the loading or unloading of vessels in the various ports of the United States; these codes, which generally contain provisions corresponding to those of the Convention, are, as a rule, made part of the collective agreements with unions of longshoremen. This is true in the case of the Pacific Coast Marine Safety Code and of the Marine Safety Code of the Maritime Association of the Port of New York City. In areas where there is no marine safety code or where such a code is considered inadequate, safety rules are prescribed by employers or are made part of the terms of collective agreements, as in the case of the safety code of the Jarka Corporation. There exist, on the other hand, statutes and regulations adopted by the various States and territories; these measures either form a part of a general safety code or deal specifically with the protection of workers employed in loading and unloading ships.

The report contains the following references to specific federal regulations applying various Articles of the Convention:

*Article 3.* R.S. 4484, as amended (46 U.S.C. 477), R.S. 4488, as amended (46 U.S.C. 481) and the International Convention for Safety of Life at Sea, 1929, cover the provisions of this Article in part.

*Article 4.* Small craft for transporting stevedores are considered as motor boats carrying passengers within the provisions of 46 C.F.R. Sub-Chapter C — Motor boats; they are required to be manned by a licensed operator under the provisions of the Motor Boat Act of 1940 (46 U.S.C. 526).

*Article 5.* Vessels subject to inspection are required to be so constructed as to have safe access from decks to holds.

*Article 6.* This Article is applied through the International Convention for Safety of Life at Sea, 1929, the International Load Line Convention, 1930, and the Load Line Acts of the United States and the regulations issued thereunder.

*Article 7.* The Government considers that the provisions of this Article deal with "operations"; licensed officers and certificated seamen are responsible for the safety of the workers.

*Article 8.* See under Article 6.

*Article 9.* Hoisting machines are subject to inspection by the Coast Guard; however, the latter has no detailed requirements as specified in the Convention nor does it maintain records of inspection.

*Articles 10 and 11.* See under Article 7.

*Article 12.* The provisions of this Article are covered by the regulations concerning

the transportation, handling, etc., of explosives and of dangerous articles or substances on all vessels, American and foreign, on navigable waters of the United States.

*Article 13.* See under Article 7.

*Articles 14 to 17.* There is nothing to report.

*Article 18.* Since the Government has not ratified the Convention, the matter covered by this Article does not arise.

The marked development which has taken place in the mechanisation of the stevedoring industry since the adoption of the Convention

has tended to make many of the provisions of the latter obsolescent. On the other hand, its provisions are minute and detailed and thus make the Convention unsuitable for ratification. If minute details are to be included in international regulations, they should be in the form of a Recommendation.

The United States became a Member of the Organisation in August 1934 and did not undertake to act upon Conventions and Recommendations adopted by the International Labour Organisation prior to that date.

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

### **Protection against Accidents (Dockers) Reciprocity Recommendation, 1932: R. 40**

#### *Argentina.*

By Acts Nos. 13,540 and 13,541, the National Congress concluded with Hungary and Bulgaria agreements which establish reciprocity in respect of the payment of compensation to victims of industrial accidents.

#### *Austria.*

The Government has not ratified Convention No. 32 and has not adopted Recommendation No. 40.

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

#### *Belgium.*

Although Convention No. 32 has not yet been ratified by Belgium, the Government has begun to examine, with the Governments of the Brussels Treaty States, means of ensuring the future uniform application of the provisions of the Convention in the five countries concerned.

#### *Burma.*

The Rangoon Port Commissioners have no comments to make on the progress of introducing the reciprocity provided for in the Recommendation.

#### *Canada.*

While steps have not been taken by the Government to enter into reciprocal agreements with other countries as provided for in the Recommendation, in nearly all circumstances, the law and practice give non-nationals the same protection under Provincial Workmen's Compensation Acts as nationals of Canada.

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

#### *Chile.*

This Recommendation was accepted by Chile on 25 March 1935. Although Convention No. 32 has been ratified, no reciprocal agreements have been concluded up to now in the field covered by Article 18 of the above-named Convention.

#### *Cuba.*

The Government has not ratified Convention No. 32 and has not accepted Recommendation No. 40.

#### *Finland.*

The Decision of the Council of Ministers (section 46) of 12 August 1948 contains measures to be followed for the loading and unloading of ships, and provides that, in place of the certificates and documents required by this Decision, use may be made of certificates and documents of the same nature issued in countries where Convention No. 32 is applied. Therefore, certificates and documents issued in a country which has ratified Convention No. 32 are valid in Finland, although no special reciprocity agreement exists between the States concerned. The labour inspectors are entrusted with the supervision of compliance with these provisions.

#### *France.*

The Government considers it essential to reach a degree of uniformity in the application of safety measures respecting loading machinery of ships. However, in conferring recently with a number of maritime countries, it was discovered that there were discrepancies which made it difficult for measures of reciprocity to be taken at present. These discrepancies relate to the testing and examining of hoisting machinery, the persons competent to issue documents certifying that installations on board ship are in conformity

with international regulations, certificates and the marking of the safe-working load. Conferences among countries interested must be continued. When a certain number of countries have ratified Convention No. 32 and have laid down relevant regulations, it will probably be easier to conclude reciprocity agreements. A study will be made by France in the near future of measures which it intends to make compulsory for the use, testing and examining of hoisting machinery.

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

#### *Greece.*

The Protection against Accidents (Dockers) Convention (No. 32), 1932, has not yet been ratified by Greece, and the Government has not entered into any agreements of the type provided for in the Recommendation.

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

#### *Guatemala.*

The Government has no knowledge of arrangements concluded among the Governments concerned with a view to securing uniformity in the application of the Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32). It will, however, consider this matter in order to find the best method of giving effect to the principles laid down in the Recommendation.

#### *India.*

The Government has not yet entered into reciprocal arrangements with any other country in respect of the matters covered by Convention No. 32. Pending the adoption of such arrangements, the dock safety inspectors have been instructed not to insist on the production of identical registers and certificates of tests, examination, etc., from the masters of ships belonging to other maritime countries, if it is evident that all the ship's gear has been examined, inspected, etc., and that the necessary particulars are recorded in the registers maintained by the ship.

The Government suggests, that the International Labour Office might request all the States Members which have ratified the Convention to supply copies of forms, model certificates, etc., and examine these with a view to preparing a set of standard forms which would be acceptable to all the maritime countries. The Government is of the opinion that it would be more satisfactory to adopt this method than to ask each ratifying State to approach individually the other ratifying States. It feels that it would also be preferable for the International Labour Office to take up the question of reciprocal arrangements, and to induce other maritime countries which have not ratified the Convention, either to apply it or at least to maintain records on internationally standardised lines.

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

#### *Italy.*

Up to the present, the Government has not concluded any agreements with other States Members which have ratified Convention No. 32. The Government experiences no difficulty in establishing contacts with representatives of other States with a view to ensuring reasonable uniformity in the application of the above-mentioned Convention and, in principle, is in favour of the adoption of a uniform model of certificates for international use.

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

#### *Luxembourg.*

The Grand Duchy has no seaboard and there is little navigation by inland waterways. Consequently, the Government has not yet ratified Convention No. 32; it recognises, however, the general expediency of this Convention and therefore supports Recommendation No. 40 in principle.

The Government will make every attempt to have Convention No. 32 ratified at the appropriate time, and will then proceed to give effect to Recommendation No. 40.

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

#### *Netherlands.*

In 1949, the Netherlands referred the Recommendation to the Brussels Treaty Social Committee. A subcommittee of this Committee met at The Hague in 1950 and dealt with various matters, including the examination and testing of loading and unloading equipment on board ship, competent officials, certificates and documents, notification of breaches of Convention No. 32, etc.

The subcommittee came to the conclusion that, in view of the divergencies of opinion on many points, it was not possible at the moment to arrive at the required reciprocity. It was essential for negotiations to continue between the five nations concerned as regards breaches of safety measures; after a further examination of the question, the possibility of applying the Recommendation should be reconsidered. There is also need for uniformity in the application of safety measures respecting loading and unloading equipment on board ship.

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

#### *New Zealand.*

The Recommendation is applied by the General Harbour (Safe-Working Load) Regulations, 1935. Class 9 of these Regulations

provides that: (1) the cargo gear of a ship which has been inspected under, and complies with, the provisions of the Docks Regulations of the United Kingdom or with the regulations of any country, the Government of which has enacted regulations for cargo gear substantially equivalent to these Regulations, shall be deemed to comply with the requirements of these Regulations; (2) when the cargo gear mentioned in Class I of these Regulations has not been inspected during the period of 12 months immediately preceding the arrival of a ship at a port in New Zealand by a proper authority recognised by the Marine Department, then the cargo gear and lifting machinery shall be examined by a Surveyor of Ships, and such cargo gear and lifting machinery shall not be used until such Surveyor of Ships is satisfied that the same is in good condition.

The enforcement of these provisions is entrusted to Surveyors of Ships, who are officers of the Marine Department, a Department of State.

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

#### *Norway.*

When Convention No. 32 was ratified by Sweden and the United Kingdom, the Norwegian Government received information on the measures in force in these two countries with regard to the protection of dockers against accidents. There is not, however, any co-operation at present between Norway and any other country with a view to securing uniform application of the regulations issued in this matter or of the preparation of common forms of international certificates. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Pakistan.*

The recommendation has not yet been accepted and no steps have so far been taken in respect of the reciprocity provided for therein.

#### *Poland.*

No information has been supplied, in view of the fact that Poland has not ratified Convention No. 32.

#### *Sweden.*

It would be particularly desirable to conclude reciprocity agreements with Denmark, Norway and the United Kingdom. The first two of these countries have not yet ratified Convention No. 32 but, in the United Kingdom, which has ratified it, there is no supervision of the issue of certificates for hoisting gear, etc., in Sweden and which

would appear to be implied in the Convention. Furthermore, the United Kingdom regulations contain no provisions similar to those existing in Sweden and requiring that the highest permissible load for any hoisting gear shall be calculated before the first certificate is issued. In the circumstances, Sweden finds it impossible to conclude reciprocity agreements with the United Kingdom and the other countries whose legislation differs from its own. In order, however, to promote the use of a standard form for international purposes, the Swedish forms of certificate have been drawn up on the model of the British certificates.

The report states that it would be desirable to include in the Convention in the case of revision, a provision to the effect that the highest permissible load for any hoisting gear must be calculated before a certificate for such gear is first issued.

From the point of view of the protection of the workers, it would be particularly desirable that Convention No. 32 should be ratified by as many countries as possible, and that reciprocity agreements should be concluded on the lines of those provided for in Article 18 of the Convention and in Recommendation No. 40.

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

#### *Switzerland.*

The Government considers that, as it is unable to submit a detailed report on Convention No. 32, it cannot give any information as regards the related Recommendation.

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

#### *Turkey.*

As this Recommendation applies only to Governments which have ratified Convention No. 32, the Government is unable to supply any information or observations.

#### *Union of South Africa.*

As the implementation of the Recommendation is dependent upon the ratification of Convention No. 32, the Government has no comments to make.

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

#### *United Kingdom.*

At the invitation of the Government, a preliminary conference was held in London in 1932, followed by a second meeting in 1935, which was attended by the representatives of many important maritime countries, for the purpose of securing reasonable uniformity in the application of Convention No. 32. The reports of the conference contained a number

of recommendations as to methods of testing and examining ships' machinery and gear, and respecting forms of certificates and records relating thereto; these methods were recommended for international use. The provisions of Recommendation No. 40 therefore seem to have been observed.

At the same time, so far as the United Kingdom is concerned, the methods and forms recommended by the above-mentioned conference are substantially prescribed under the regulations governing the loading and unloading of ships in United Kingdom ports and, as an indirect result of this as well as of the recommendations of the conference, uniformity of practice has been promoted in various countries whether or not they have ratified Convention No. 32.

#### *Territories*

##### *Basutoland, Bechuanaland and Swaziland.*

The provisions of the Recommendation are inapplicable as the territories have no seaboard or inland waterways.

Copies of the reports have been communicated to the representative employers' and workers' organisations in the United Kingdom.

##### *United States of America.*

Inasmuch as the Government has not ratified Convention No. 32, it considers that no action is appropriate at present with respect to Recommendation No. 40.

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

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## TWENTY-FIFTH SESSION (GENEVA, 1939)

### Vocational Training Recommendation, 1939: R. 57

#### *Argentina.*

Vocational guidance and training have made much progress in virtue of Article 37 of the national Constitution, which provides for the right to training. Questions relating to vocational training are entrusted to the National Apprenticeship and Vocational Guidance Board and are governed by the Apprenticeship Decree No. 14,538 of 3 June 1944, as amended by Decree No. 6,648 of 24 March 1945 and Act. No. 13,229 of 1946. The texts of these legislative measures are appended to the report and include provisions relating to the following subjects: duties of the National Apprenticeship and Vocational Guidance Board; part-time vocational and technical schools; compulsory apprenticeship continuation courses for young persons and adults; pre-apprenticeship courses for pupils of elementary schools, factory workshop schools and school colonies, *inter alia*, for young persons who are unadaptable or deficient in some respect; bonuses and subsidies for apprenticeship courses, local and foreign scholarships, apprenticeship and technical certificates; technical refresher courses, higher technical education at a university and the training of teachers.

#### *Austria.*

*Definitions.* The Austrian interpretation of the expressions "vocational training", "technical and vocational education", and "apprenticeship", is in conformity with the definitions contained in the Recommendation. However, the expression "vocational training" does not have so wide a significance, since it only covers the acquiring of knowledge with a view to practising a trade which requires certain qualifications from the person concerned.

*General organisation.* There is no general vocational training programme. It is difficult to establish the systematic collaboration of the different bodies concerned, since the latter are very numerous and include the Ministries of Education, Agriculture and Forestry, Commerce and Reconstruction, and Social Affairs, as well as employers' and workers' organisations and youth organisations.

*Pre-vocational preparation.* The principle of pre-vocational preparation within the framework of compulsory education is not generally applied. However, some practical

preparation is given in schools by means of vocational guidance (lectures by vocational guidance advisers of employment agencies, visits to factories, broadcasts, films, etc.). In practice, some measures have been taken to organise pre-vocational preparation on the lines provided for in the Recommendation and if present attempts to increase the period of compulsory school attendance from eight to nine years are successful, it is proposed to devote the last school year to preparing school children for their future trade (instruction relating to trades, visits to undertakings, manual work). Measures have also been taken to give some basic practical instruction in their future trade to children who have reached school-leaving age but who are still too young to be admitted to apprenticeship or employment.

*Technical and vocational education.* There is a network of schools whose number and geographical distribution are adapted to the economic needs of the different localities and districts. It is not anticipated that there will be any reduction in present facilities for vocational training in the event of an economic depression. Admission to vocational schools is not free, but needy pupils may be exempted in whole or in part from school fees; other forms of material assistance are provided. The schools give both elementary and higher vocational education and the curricula are established in such a way as to safeguard the vocational adaptability of pupils in related trades. Although the curricula of vocational schools do not include instruction in social questions strictly speaking, there are courses in citizenship, industrial hygiene, etc. Domestic science courses are not generally provided for girls, but girls attending industrial vocational schools may attend such courses. Workers of both sexes have an equal right to attend vocational and technical schools; exceptions are made only in the case of trades which exclude members of one or other of the sexes. There are sufficient training possibilities for the trades in which women are mainly occupied, particularly for commercial activities, household work and occupations in the clothing industry.

*Vocational training before and during employment.* Young persons may undergo vocational training either in the course of employment or in vocational or technical schools. Training in schools is given partly in

workshops in surroundings similar to those in an undertaking.

Pupils attending technical and industrial schools may supplement their training by working for certain periods in undertakings during their holidays. Workers in employment may attend training courses in special workshops in some large private or State undertakings, and to a lesser degree may attend some public apprenticeship workshops.

Supplementary courses are organised by the Institute for Economic Development and by the employers' and workers' organisations in the more thickly populated parts of the country, particularly in Vienna, in such a way as to be available to the great majority of workers. Persons attending these courses are prepared for master's examinations. Time spent in attending such courses is not generally included in working hours. However, apprentices are required to attend a supplementary course in order to improve their knowledge and, under a new Bill, the time spent in attending such courses will be reckoned as working hours.

*Measures concerning co-ordination and the supply of information.* Collaboration is maintained between the authorities entrusted with education and economic questions and the employers' and workers' organisations as regards the establishment of new schools, the type of instruction to be given, the headmasters of the schools and the drawing up of curricula. The Federal Ministries of Education and Social Affairs also ensure the collaboration of vocational advisers in employment agencies as regards the admission and selection of pupils for technical and vocational schools. Before the occupation of Austria, school committees comprising employers' and workers' representatives, were in operation in vocational schools. These committees obtained satisfactory results, and it is proposed to reintroduce this system. Public schools for general education and the vocational guidance offices of employment agencies collaborate with a view to supplying information to pupils during the last year of compulsory school attendance.

*Certificates and exchanges.* Examinations and the issue of certificates take place at the end of courses in vocational schools and higher vocational educational institutes. Apprentices in industry must undergo an examination by an apprenticeship committee, appointed by the employers' organisations of the trade concerned. All certificates issued by vocational schools and by higher vocational educational institutes after the apprenticeship examinations are recognised throughout the country. Pupils of either sex are entitled to the same certificates if they have received the same training. Periods of work in undertakings are organised for students from technical and vocational schools during the holidays, but no regional, national or international exchanges have been organised for students who have completed their training.

*Teaching staff.* Teachers responsible for theoretical instruction must have accomplished

intermediate or higher technical studies, have had some pedagogic training and have worked for five years in industry as technical engineers. Teachers giving practical instruction must have a master's certificate and have received supplementary pedagogic training. Similar conditions are required for teachers of commercial subjects (certificate on completion of studies, pedagogic training, and one and a half years' practical experience). Special institutions are responsible for training the teaching staff for women's trades and activities. The supplementary training of teachers responsible for technical and vocational education is organised by means of holiday courses and lectures to the teaching staff, but this training is not compulsory. Travelling scholarships are rarely granted.

In every province there is a plan for vocational training. Appended to the report is a copy of a Bill relating to schools and education, drawn up in 1948 by the Federal Ministry of Education. Chapters VI to VIII of this Bill refer to various measures for the setting up and organisation of trade and vocational schools by the competent provincial and Federal authorities.

#### *Belgium.*

The Recommendation is applied under the Act of 10 July 1933, to organise technical, industrial, commercial, vocational and domestic education, and the Code of Technical Education of 15 November 1934. The national law and practice are in conformity with the provisions of the Recommendation.

The enforcement of the relevant provisions is entrusted mainly to the Ministry of Public Education, which collaborates with other Departments for the supervision and organisation of the curricula of the schools.

The various activities relating to technical education are co-ordinated by the Council of Co-ordination, which comprises representatives of the various Ministries concerned, as well as representatives of the State Technical Education Department and the staff associations thereof, the provinces and communes, approved private schools, and representatives of employers' and workers' organisations.

The Council of Co-ordination lays down the vocational guidance plan to be followed by technical schools in order to ensure that the training provided conforms as far as possible to the requirements of the national economy. The Council may be called upon to give advice, in particular, as regards the expediency of State grants for various types of technical education and of credits for this purpose. The four sub-committees into which the Council is divided cover the main subdivisions of technical and agricultural education.

Close relations are maintained between the responsible bodies and certain employers' associations and the trade unions. The collaboration of industry with the bodies responsible for vocational training is ensured by the composition of the teaching staff, the governing bodies and examining boards of the schools.

Appended to the report is a memorandum containing the following detailed information relating to the application of the Recommendation.

Model time-tables have been established by the Ministry of Public Education for the different stages of instruction. The Minister approves the curricula which are drawn up by the schools themselves with the assistance of their vocational guidance boards, comprising representatives of the most representative employers' and workers' organisations and of the teaching profession. In drawing up the curricula, due consideration is given to the interests of the workers, the labour requirements of employers and the economic needs of the district. The curricula for vocational education are based on those relating to elementary education. Before being admitted to technical education, a considerable number of young persons consult the vocational guidance offices. The school vocational training boards ensure that the curricula follow changes in technique and methods of organisation of work. The heads of schools maintain permanent contact with the employment offices.

The recent organisation of pre-vocational training ensures that intermediate classes for children between 12-15 years of age include a pre-technical section parallel with the classical and modern sections. There are eight pre-agricultural and 29 pre-industrial sections for boys, and 135 domestic sections for girls. The first year of vocational training includes different types of practical work so that the young persons concerned may be better fitted to choose the occupation most suited to their tastes and qualifications.

The network of day schools for boys includes 30 apprenticeship workshops, 123 vocational schools, 53 technical schools and 29 technical engineering schools. For girls, there are 142 vocational schools, 24 lower vocational schools, 128 apprenticeship workshops, 79 domestic schools and 40 other schools. Evening classes are provided in 339 boys' schools and 277 girls' schools. Economic crisis do not affect vocational education to any appreciable extent, partly because young persons who are unable to find employment continue their studies and also because the State and the public authorities organise vocational rehabilitation courses for unemployed persons. The fees paid by students vary from small to considerable amounts; no charge is made in the case of needy parents and, where necessary, books, tools, etc., are provided. Skilled apprentices, staff in intermediate grades and managerial staff are trained by the competent vocational, technical and technical engineering schools. The school curricula include courses in general cultural subjects, general technical courses and practical work in special subjects. The vocational training curriculum for girls, which is very developed, includes training in domestic science and household management.

The workshops attached to the vocational schools for boys and girls are equipped with the same material as that provided in indus-

trial workshops. Periods of practical work at the place of employment are arranged in some trades; there are no separate workshops in the majority of large undertakings. Vocational training is effected either by means of training centres or by technical education on a full-time basis or adapted to the needs of adults. Vocational education and evening courses in industrial education are very developed and are available to all workers. Courses are adapted to the needs of the different industries and are attended by apprentices and workers who wish to improve their qualifications or change their trade.

The governing bodies and the vocational training boards of the school ensure collaboration between vocational training authorities, employment exchanges and employers' and workers' organisations. There are information offices in all schools; the press keeps the public informed on matters relating to vocational training.

The qualifications required in examinations on termination of training are generally uniformly fixed in all schools for any one trade; the certificates and diplomas issued by the schools are recognised throughout the country. Representatives of the occupational organisations of employers and workers assist in the control of examinations. Persons of both sexes have equal rights to obtain the same certificates and diplomas. There are few exchanges of students, but this matter is being examined.

Teachers responsible for theoretical courses in high schools must have a university diploma; teachers in intermediate technical schools must have a general diploma for training in a teachers' college or a diploma from a technical, engineering or industrial high school. Persons responsible for practical courses must hold a diploma for vocational education and have had 5-10 years' practical experience. The heads of schools and the technical education inspectorate ensure that teachers keep abreast of scientific and industrial developments. Employers are aware that it is to their advantage to authorise their staff to give courses in technical schools in special subjects.

#### *Canada.*

The respective competence of Federal and provincial authorities in regard to this Recommendation is established in P.C. No. 3671 of 24 May 1945, which states that effect may be given to the Recommendation by Parliament alone only in the Yukon and North-West Territories in so far as it relates to education, and only in undertakings over which Parliament has exclusive legislative authority in so far as it relates to training during employment; otherwise effect may be given to the Recommendation by the provincial legislatures alone or in co-operation with Parliament. Despite the fact that vocational training as part of the educational system is under provincial jurisdiction, the Federal Government has nevertheless passed a series of Acts which have stimulated and co-ordinated the provision of



vocational education by means of financial grants to the provinces. The Federal Act now in force is the Vocational Training Co-ordination Act, 1942, under which the Minister of Labour of the Dominion is empowered to enter into agreements with the provinces to provide, under certain conditions, financial assistance for the various categories of vocational training. There are two types of agreement. The Vocational Training Agreement (effective in all the provinces from 1 April 1950) provides for the training of war veterans and unemployed persons, as well as youth training and supervisory training, the cost being shared equally between the Federal Government and the province concerned. The second type of agreement, the Vocational Schools' Assistance Agreement which is in force in all the provinces with effect from 1 April 1945, provides for the disbursement of a total of \$30 million by the Federal Government over a period of ten years. Except for an outright grant of \$10,000, all expenditures have to be met by provincial contribution. The agreement further stipulates the purposes for which such expenditures may be made. Thus, vocational education in Canada is a State scheme financed jointly by the Federal Government, provinces and municipalities. The Federal Government has also assumed responsibility for special types of training having a national aspect, such as the training of workers for war industry, tradesmen for the armed forces and discharged veterans. In addition, there are numerous private trade schools in which the instruction is, to some extent, standardised by means of inspection and registration by the responsible provincial departments.

The report includes a detailed list of the legislation in force in Alberta, British Columbia, Manitoba, New Brunswick, Nova Scotia, Ontario, Quebec and Saskatchewan.

*Definitions.* The Canadian use and definition of the terms "vocational training", "technical and vocational education", and "apprenticeship" correspond generally with the definitions set out in the Recommendation.

*General organisation.* Co-ordination of vocational training within each province is ensured by means of curricula and supervisory standards set by the representative committees of the provincial governments. Private trade schools and similar institutes, in all provinces which have trade schools Acts, are subject to provincial inspection and must be provincially registered.

Co-ordination on a national scale is achieved through laying down conditions for the receipt of Federal grants and, so far as policy is concerned, through the recommendations of the Vocational Training Advisory Council set up under the Vocational Training Co-ordination Act 1942, which includes representatives of the provinces, as well as of employers', employees', war veterans' and women's associations. Curricula provide a well-balanced course of cultural and technical instruction. Labour requirements of employers are brought to the attention of vocational schools by the

employers' representatives on the vocational training advisory committees in the municipalities of some provinces.

The interests of the community are served through popularly elected municipal school boards and by vocational advisory committees, representative of all groups concerned. The financial provisions of the Federal Act ensure that all vocational training projects are based on a general primary school education. Teaching staff in most provincial schools are assisted to keep abreast of new techniques and methods of work by means of refresher courses. In the case of specialised training schools, attention is paid to the employment opportunities for trainees. A system of agreements whereby the provinces receive financial assistance endows the Federal Government with power to adjust training curricula to changes in national economic policy.

*Pre-vocational preparation.* The provision and nature of preparatory vocational courses during the period of compulsory education varies widely, as the provision of manual training and other similar courses is in the hands of local school authorities. However, many provincial authorities encourage the provision of such training. Since apprentices are normally recruited from the graduates from vocational schools, the secondary vocational school courses serve as pre-vocational preparation for the long term of apprenticeship.

In the majority of provinces, preliminary courses of six months' duration are provided for intending apprentices over the age of 16 years, with a view to imparting basic training and determining aptitudes. In some provinces, there is legislation providing for the establishment of pre-vocational courses in schools for pupils between 12 and 14 years of age. In addition, it may be generally said that instruction during the first year or two of secondary vocational school courses aims at the acquisition of a general education combined with an introduction to vocational subjects.

*Technical and vocational education.* The Vocational Training Advisory Council and the corresponding provincial committees advise, *inter alia*, on the number, location and curricula of vocational schools. The initiative for establishing such schools comes from the municipality and province, and the availability of federal grants (provided that the economic need can be established) acts as a great spur to progress in this direction. Since the system of vocational education is a State scheme the danger of a reduction in the facilities for technical and vocational education because of economic depression is comparatively slight. The Vocational Training Co-ordination Act, 1942, specifically provides for training for unemployed persons; earlier, the Youth Training Act of 1939 (the provisions of which are continued under the Vocational Training Co-ordination Act) instituted a youth training programme as an aid to young persons in depression times. Admission to vocational courses in municipally operated secondary schools is free to resident of the municipality;

a nominal charge may be made to non-residents. In the case of specialised advanced provincial schools and night classes for adults, a nominal fee is sometimes charged. There is specific provision, under the agreements between the Federal Government and the provinces, for the grant of economic assistance in the shape of financial assistance, bursaries or tuition rebates to deserving students, as well as living allowances to apprentices and unemployed adults.

In general, courses for technical and vocational schools are confined to the provision of general education and training in the fundamentals of trade operations. The curricula in the various schools in each province are sufficiently co-ordinated so as to facilitate the transfer of students from one school to another and promotion to higher institutions. The curricula aim principally at imparting a broad basic training and a good theoretical knowledge of the trade. In all provinces, subjects of general educational value are included in the curricula of technical and vocational courses; in the case of more highly specialised courses, the entrance requirements usually specify secondary school graduation. Courses in domestic subjects are available in all secondary schools, where they may be compulsory for girls in lower grades and optional in other grades; domestic subjects are also given in the advanced specialised schools. All secondary vocational schools and most of the advanced schools are open to boys and girls alike. There is a variety of vocational courses for women in the different provinces; all provinces provide commercial business courses for women and girls.

*Vocational training before and during employment.* Although the apprenticeship system in Canada covers most practical training requirements, there is provision enabling persons who are not apprentices to receive vocational training in advanced specialised schools throughout the country. So far as practicable, such training is conducted in surroundings comparable to actual working conditions. Some of the larger industrial undertakings conducting the training of apprentices provide separate workshops within the undertakings for this purpose; during the war, many of the workers who were being trained for war industries were trained in "plant schools" within the industry. Most vocational schools conduct evening classes and refresher courses in apprenticeship trades. The training of apprentices invariably provides for class instruction to supplement practical work.

*Measures concerning co-ordination and the supply of information.* It is the practice in six provinces to appoint advisory committees to the boards administering technical schools. Such committees are usually representative of employers and employees. The vocational advisory committees fulfil some of the functions laid down in the Recommendation as regards: (1) collaboration between the competent administrative authorities and the technical and vocational educational institutes, public employment exchanges and occupa-

tional employers' and workers' organisations and (2) the supply of the relevant information to the competent authorities. In the apprenticeship plan, there are provincial committees in all provinces, consisting of equal representatives of employers and labour and the Departments of Labour and Education.

A series of monographs on trades and occupations has been prepared by the Department of Labour of the Federal Government. Vocational counselling is being developed in the schools; the National Employment Service co-operates with schools in supplying information regarding occupational trends and the conditions of employment in various fields.

*Certificates and exchanges.* Within each province, there are uniform conditions for final examinations and recognition of certificates; some progress has been made towards inter-provincial recognition of such certificates. The apprenticeship committees exercise a definite control over examinations and trade testing, while in other branches of vocational training the advisory committees sometimes assist in setting examination standards. Both sexes receive the same certificates on completion of the same studies. No exchanges of students have yet been organised.

*Teaching staff.* The academic qualifications required of teachers responsible for theoretical courses vary widely in the different provinces, but the main emphasis appears to lie on the possession of sufficient practical experience for teaching vocational subjects. Most of the provinces are developing their own programmes for the training of instructors in order to overcome the present shortage of trained teachers. Seven provinces have established special summer courses for groups of teachers with a view to improving their knowledge and efficiency. Arrangements exist for persons experienced and qualified in specific trades to instruct vocational school classes.

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

### *Chile.*

The provisions of the Recommendation are applied under the following legislation: Decree No. 694 of 11 March 1929, concerning vocational education; Decree No. 5487 of 28 November 1929, to issue general regulations for commercial institutions; Decree No. 1183 of 13 April 1938, concerning principles for the creation, organisation and functioning of handicraft schools; Decree No. 5886 of 20 November 1941, to issue general regulations concerning industrial and mining institutions; Decree No. 6158 of 6 October 1944, to issue regulations concerning qualifications, examinations and promotions in industrial and mining educational institutions; Act No. 8282 respecting staff regulations for officials in the civil service; Decrees Nos. 2878, 5802 and 9141 of 15 April, 1 July and 6 September 1946 to issue general regulations for technical education institutions for women and girls, and Decree No. 7153 of 22 June 1948, to organise schools

attached to industrial, mining and handicraft education institutions.

*General organisation.* Vocational training, in general, is entrusted to State institutions, under the direction of the Ministries of Public Education and Agriculture, the University of Chile and certain services of the National Defence. The Ministry of Education, through the General Directorate of Vocational Education, is responsible for the propagation and review of methods of instruction in accordance with the needs of the country.

As regards private activities, mention should be made of the Technical University of Santa Maria at Valparaiso, the University of Concepción (school for chemical engineers), the Polytechnic Institute of the Catholic University and the workshops of the Salesian Community. The employers' and workers' organisations may participate in these activities and a study is at present being made of ways of ensuring fully the collaboration of these organisations.

Official and private organisations for vocational training work with the same object in mind, although there is no collaboration between them. The official programmes may serve as models for private institutions.

*Pre-vocational preparation.* From the technical and administrative point of view pre-vocational preparation is related to primary education. The instruction given at this stage aims at supplementing the six years of primary instruction by a technical, manual and artistic preparation applicable to everyday life and such as to guide the interests and aptitudes of children towards occupational activities. This education is known as vocational education and is given in 50 vocational schools, and in the 173 vocational sections attached to primary schools. Mention should also be made of agricultural instruction which is given in 98 schools. Its object is to guide young persons towards activities suitable for agricultural regions and to initiate them in the cultivation of the soil and homecraft industries.

*Technical and vocational education.* The influence of newly-developed economic needs has resulted in a progressive extension of this type of education. The increase in the number of persons enrolled for these courses has necessitated the creation of schools and of special courses intended for the vocational training of young persons and adults. Financial difficulties have not, as a rule, involved any reduction in the programmes for technical and vocational education or made it necessary to obtain assistance from private undertakings. Public education is free and various other facilities are available to pupils.

Vocational training is under the direction of the General Directorate for Vocational Training and comprises industrial and mining education, commercial education and technical education for women and girls.

There are three stages in industrial and mining education. The first for qualified workers, comprises a programme of studies

and practical work intended for the preparation of specialised workers and executive staff. This preparation takes place in industrial schools throughout the country, but more particularly in the chief towns of the provinces and in districts with a marked industrial development. The studies last from three to four years. The following courses are provided in the three types of night school attached to these institutions: supplementary courses for adult workers; apprenticeship courses for young persons having completed six years of primary school education and who work during the day; courses for technical improvement for persons wishing to acquire or improve specialised knowledge. The studies last from one to three years.

The second stage, for technicians, follows straight on from the first stage and provides training for technicians in various branches of industrial activities. The programmes include technological studies, laboratory practice and probationary periods of practical work in factory workshops and industrial plant. The schools for this stage are the Santiago School of Arts and Crafts, the Mining Schools of Antofagasta, Copiapo and La Serena. Technical courses are also given in some industrial schools and are organised according to the industrial needs of the district.

Studies in the third stage, for the training of industrial engineers, are co-ordinated with those for the second stage and take place in the Santiago School for Industrial Engineers.

There are two types of commercial education. The first aims at training small tradesmen and commercial employees; the second provides training for employees of higher grades such as general auditors, commercial agents and secretaries, for work in various commercial, industrial and agricultural undertakings and in government departments. There are 24 schools for commercial employees with evening classes for persons wishing to improve their knowledge and to acquire the diploma of professional auditor.

Technical education for women and girls is intended as preparation for manual occupations to which women and girls are suited. The object of the courses is to provide training for some industrial activities in two years and for forewomen in three years plus a six months qualifying period. As a rule, the curricula take due account of the principles of the Recommendation concerning the protection of the future vocational adaptability of workers, the study of subjects of general educational value and social questions, and equal rights of admission to vocational schools.

*Vocational training before and during employment.* Vocational training during employment is not yet organised, but training is given before entry into employment in the various types of schools described above. Full-time schools have workshops in which the pupils may acquire practical preparation in surroundings similar to those of an industrial workshop. Evening courses include part-time courses for adults in schools. There are also supplementary apprenticeship and technical extension

courses, adapted to the particular needs of the various categories of workers.

*Measures concerning co-ordination and the supply of information.* With a view to establishing a close and efficacious collaboration between the schools and industry, the General Directorate of Vocational Education is considering supplementing its services by a section specially responsible for the application of the measures mentioned in the Recommendation concerning co-ordination and the supply of information.

*Certificates and exchanges.* The Vocational Education Department has established rules for qualifications, examinations, diplomas and grades; these rules incorporate most of the provisions of the Recommendation in this respect. The exchange of post-graduate students is organised, in particular, by the Section of Production Studies and the Institutes of Intellectual Co-operation. The General Directorate for Vocational Training encourages these exchanges.

*Teaching staff.* There are special regulations concerning the appointment of the teaching staff in public education. These provisions also apply to teachers for vocational training. Teachers responsible for theoretical and practical courses must have university, technical, or pedagogic degrees, according to the type of teaching and the special subjects involved. The training of such staff is effected by the Technical Pedagogic Institution.

The report states that Chile is in a position to accept the Recommendation, since it has the legislative basis indispensable for the complete application of the provisions of the Recommendation. The Government is willing to take the administrative measures necessary to give effect to all the principles contained in the Recommendation. The General Labour Directorate declared itself in favour of the immediate acceptance of the Recommendation when it reported to Congress in 1948 on the Decisions of the 25th Session of the International Labour Conference.

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

#### *Cuba.*

The Recommendation will be submitted to the Vocational Guidance Institute to examine the possibility of applying its provisions.

The technical institutes and the schools of arts and crafts follow the principles laid down in the Recommendation, although they are not required to do so by law. Legislative Decree No. 656 of 1936 merely provides for the organisation of the Vocational Guidance Institute under the National Institute for Welfare and Social Reform and the Superior Social Welfare Council.

#### *Finland.*

The provisions of the Recommendation are applied under Acts Nos. 153 of 26 May 1939 concerning vocational education institutions,

154 of 26 May 1939 concerning technical education institutions, and 155 of 26 May 1939 concerning commercial education institutions, and various Ordinances and Resolutions issued between 1942 and 1946, and relating to vocational training.

The above-mentioned Acts and Ordinances were adopted before the Recommendation was submitted to Parliament in 1946; they are, however, generally in conformity with the Recommendation. The most important innovation introduced by recent legislation concerns the State subsidy to municipal and private vocational education institutions, which has been established at 65 per cent. of the approved annual expenditure of these institutions. In the case of the establishment or extension of workshops, the State subsidy has been fixed at 75 per cent.

Government authorisation is required for the establishment of vocational schools, but the internal organisation of the latter is relatively flexible. In 1942 the Vocational Training Department was set up in the Ministry of Commerce and Industry to act as an administrative and managing body of the vocational schools. The Department comprises three offices, (technical and vocational education, and commerce and navigation), as well as offices for vocational guidance and the administrative affairs of the schools. The vocational guidance office was established in order to draw up programmes and to serve as a basis for future vocational guidance.

The Vocational Training Council was set up in 1917 within the Ministry of Commerce and Industry in order to act as a permanent advisory body in matters regarding vocational training. This Council is divided into three sections: industrial and handicraft instruction, instruction in commercial subjects and navigation. Each section includes representatives from the employers' and workers' organisations concerned, as well as from the educational institutions in question. There is no collaboration between employers and workers with a view to applying measures relating to vocational training, except as regards apprenticeship.

In 1946 the Vocational Training Council drew up a 10-year plan which, in general, is in conformity with the Recommendation; the main points of the plan are as follows: the establishment of a network of central vocational schools covering the whole country, the introduction of legislation relating to vocational schools and contracts of apprenticeship and the organisation of the training of teachers.

The Vocational Training Department of the Ministry of Commerce and Industry ensures the application of the principles of the Recommendation. There is no organised collaboration with representative organisations in regard to vocational training, but these organisations are represented on the Vocational Training Council, which includes representatives of the public authorities.

Copies of the relevant legislation and of a brochure on vocational training are appended to the report.

*France.*

The legislation applying the principles of the Recommendation is constituted by the Act of 1945, to establish apprenticeship training schools, an Order and various Decrees dated 1946-1948 respecting vocational training centres, certificates and diplomas and an inter-ministerial committee for vocational training.

*Definitions.* In France the expression "vocational training" covers the forms of training provided for in the Recommendation, and applies to training for both young persons and adults. No hard and fast distinction is made between technical and vocational education and apprenticeship. The term "apprenticeship" applies not only to the system by which an employer undertakes by contract to employ a young worker and train him for a trade, but also to the full or part-time training which young persons may receive in schools or centres for training or refresher courses.

*General organisation.* Measures have already been taken, or are being contemplated, with a view to drawing up a general programme grouping all persons interested in vocational training. An inter-ministerial committee for vocational training co-ordinates the work of the various Ministries concerned with this subject. An agreement between the Ministry of National Education and the Ministry of Labour has resulted in the setting up of permanent co-ordination committees for the study of all vocational training and apprenticeship schemes. In addition, a Bill relating to vocational training is now being examined and provides for the establishment of permanent national, regional and departmental bodies comprising representatives of the State, employers, workers, teachers and parents.

The Higher Vocational Training Council, which functions on the national level, draws up a general plan to meet the requirements established by the National Manpower Committee, taking into account the information supplied by the members of the permanent committees. In drawing up this plan, due account will be taken of the stage of development reached in general education and vocational guidance and selection, changes in technique and methods of organisation of work, the structure of, and development in, the labour market and national economic policy.

*Pre-vocational preparation.* Experiments in pre-vocational preparation are being conducted, but no conclusions have as yet been drawn. The preliminary preparation which constitutes the transition between general and vocational education is generally carried out in apprenticeship centres. In addition, preliminary preparation is available for backward children (32 autonomous schools and 780 classes) and mentally deficient and difficult persons (12 specialised centres). The pre-apprenticeship preparation provided for

in the Recommendation will be included in the proposed measures for the reform of education.

*Technical and vocational education.* The provisions of the Recommendation relating to technical and vocational education are already applied as a whole. Under the Decree of 6 May 1946 concerning technical leaving certificates, talented students may obtain admission to higher technical education at university or equivalent level; the establishment of a leaving certificate in economics is at present being examined. Admission to technical and vocational schools is free. Subjects of general educational value and subjects relating to social questions and domestic economy are included in the curricula. Provision is made for the technical training of girls in housewifery and other suitable occupations.

*Vocational training before and during employment.* As far as possible, attempts are made to train apprentices under conditions similar to those prevailing in industry or commerce. In the case of handicrafts, training during employment is given in the undertaking concerned under the supervision of an apprenticeship inspection service; in the case of industrial undertakings, training takes place in certain centres in large-scale undertakings or public enterprises. Public and private vocational courses are organised, both during and outside working hours; they are compulsory and are held during working hours in the case of young persons under 18 years of age; the head of the undertaking is not obliged to pay wages for hours spent in attending courses. Courses are also available outside working hours to adult workers, employees and technicians.

*Measures concerning co-ordination and the supply of information.* The State, employers and workers are represented on the national vocational advisory committees, departmental technical education committees, local vocational committees and on the boards of apprenticeship centres, technical colleges, national vocational schools and large technical schools. The national committees establish a plan for vocational training and the standards of examinations; the departmental committees advise on questions relating to the establishment of public schools, the official recognition of private schools, and requests for subsidies and other matters; the local vocational committees, acting on a communal or intercommunal basis, establish and organise compulsory courses to meet the needs of local industrial and commercial occupations.

*Certificates and exchanges.* Certificates issued on termination of technical studies are recognised throughout the country; the certificate for vocational capacity is recognised everywhere as the first step in vocational qualification. End-of-apprenticeship certificates, journeymen's certificates and master's certificates are issued on a uniform basis. Occupational organisations of workers and

employers collaborate with the competent authorities in organising these examinations.

International exchanges of students and former students are more developed, especially as regards engineers and other technical staff; such exchanges must be developed with the help of the International Labour Organisation.

*Teaching staff.* The provisions of the Recommendation as regards the recruiting of teachers and theoretical and practical courses are carried out. The apprenticeship training school for teachers and courses at the technical training college for the professoriate ensure the training of teachers. No general measures have been taken concerning the appointment as teachers of persons employed in industry and commerce, although many such appointments have been made.

The Ministry of National Education is responsible for all questions relating to vocational training, whether in schools or in workplaces; the Ministry of Labour is responsible for rapid vocational training courses for adults. The up-grading of workers is the joint responsibility of these two departments.

#### *Guatemala.*

The labour legislation has not established a sufficiently high standard in vocational training. This is mainly the result of the undeveloped state of industry and the economic difficulties encountered by newly-established industries. However, the Ministry of External Relations is examining the situation with a view to the drafting of appropriate regulations for vocational training, taking into account the above-mentioned difficulties.

#### *India.*

No legislation has been enacted, as yet, by the Union or State Governments to give effect to the various provisions of the Recommendation. It has been recognised, however, that the provision of technical and vocational training facilities for workers is an essential pre-requisite for the industrial development of the country. In 1948 there were 90 institutions in the Indian Union providing technical education, 72 of which related to industry and 18 to commerce; the Government of India had also established training schemes in connection with the resettlement of demobilised services personnel and the rehabilitation of refugees from Pakistan. At the end of 1949 there were 74 technical centres and 79 vocational training centres, providing facilities for 12,282 and 5,993 persons respectively. These training schemes were sanctioned on a temporary basis, but the Government decided to introduce a comprehensive scheme for the technical and vocational training of adult civilians and to utilise for this purpose some of the regional training centres after suitable reorganisation. The training will be either technical training in engineering and building trades (7,000 per-

sons) or vocational training in cottage and small-scale industries (3,000 persons).

*Definitions.* The term "vocational training" is used for training in handicrafts and other non-engineering trades and the term "technical training" is used for training in the engineering trades.

*General organisation.* Until recently, technical and vocational education was the responsibility of the provincial Governments. Although this form of education reached a high level of development in some provinces, progress in others was hampered by economic and other factors. There was no general programme of training for the country as a whole and little co-ordination. Under the present Constitution of India, training has become the joint responsibility of the Central and State Governments. This will facilitate the introduction of a general programme to meet the country's needs and the co-ordination of the activities of the various states in this field.

*Pre-vocational preparation.* No pre-vocational courses have been developed as yet on an organised and all-India basis, but manual training in carpentry and similar crafts forms an important part of the curricula of many schools. The educational system in the country is being reorganised and the Central and State Governments have agreed to a system of basic education for children between six and fourteen years of age. This system will centre around certain crafts selected after taking into account the physical and social environments of the child. It is to be noted that the craft is introduced purely for educational purposes and not to train the child as a craftsman, especially in primary schools. At the secondary stage (12-14 years), emphasis will be laid to a certain extent on specialisation.

*Technical and vocational education.* There are a number of technical and vocational schools for boys and girls in the country, some of which have been established by the State Governments and are primarily managed by them, and others which have been organised by public bodies and private individuals and generally receive grants-and-aid from the State Governments. The working of the subsidised schools is supervised by the State Governments.

The Government of India has also established a number of technical and vocational training centres which are administered jointly by the Central and State Governments, who also share the expenditure. Admission to these institutions is free and allowances are paid to 50 per cent. of the trainees. In addition, free facilities are provided for games; medical treatment and free workshop clothing is supplied in certain cases.

General education is continued in the schools and centres side by side with trade instruction; specialisation is not attempted until the trainees have reached a specified degree of skill.

Some State Governments have undertaken a reorganisation of their secondary and higher educational courses with a view to adapting such education to the economic needs of the country. The report gives detailed information concerning a programme at present being examined by the Madras Government.

*Vocational training before and during employment.* Facilities for such training are provided in full-time schools and training centres. Theoretical training is generally supplemented by a course of practical training in an undertaking. In addition, supplementary courses are available to workers in some parts of the country, but these facilities are at present limited.

*Measures concerning co-ordination and the supply of information.* Close collaboration exists between the training centres run by the Indian Government and industries, through representative committees operating at national and regional levels. The position, however, is not very satisfactory with regard to vocational and technical education schemes in the States. Although State Governments have recognised the need for close co-operation and have taken steps to maintain collaboration between training schools and industries under their control, employers have shown little interest in this collaboration. In some cases, advisory boards consisting of representatives of the various interests have been set up to advise in the management of technical schools.

On the national level, the Directorate-General of Resettlement and Employment has a publicity department which provides information regarding employment exchanges and training schemes. In the States little publicity is given to the work of technical institutions, but State Governments are trying to give adequate publicity to the importance of and need for technical education. Vocational guidance bureaux have been established in some cases.

*Certificates and exchanges.* In view of the fact that, until recently, technical education has been the responsibility of State Governments, it has not been possible to introduce a uniform system of certification in the country. However, technical and vocational training are now the joint responsibility of the Central and State Governments; the question of setting up a central authority for issuing vocational certificates is under consideration. It is proposed to associate representatives of employers and workers in the drawing up of requirements for final examinations.

The importance of the international exchange of students is recognised by the Government and facilities for such exchanges have been made available in some cases.

*Teaching staff.* In view of the shortage of skilled craftsmen, the Advisory Board on Technical Training has recommended the establishment of a national institute where skilled technicians can be trained as instructors and can be made conversant with recent

workshop practice and production methods. Accordingly, a central institute for the training of instructors was set up in 1948 with a view to improving the efficiency of the instructors employed by the Central and State Governments by giving them a course in theoretical and practical instruction in their trade and in pedagogy; the institute will also be responsible for training all instructors to meet the requirements of the governments and for providing a refresher course for instructors. So far the institute has trained 300 instructors.

As vocational and technical training are dealt with concurrently in the Constitution of India (Article 25 of the Seventh Schedule), the various provisions of the Recommendation can be enforced both by the Central and by the State Governments. In general, however, the Central Government will confine its activities to co-ordination; the actual implementation of the individual provisions by the Central or State Governments will depend upon the nature of the training scheme required to meet the varying needs of the country.

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

#### *Ireland.*

The provisions of the Recommendation are covered by the Vocational Education Act, 1930, which provides for vocational training. Since the passing of the Act, the provisions contained therein have been energetically applied and, while all sections have not been implemented in every part of the country or in the case of all groups and organisations, the full development contemplated has been achieved to the extent of two thirds. Within a year from the date of the Act, the country was divided into vocational education areas, a vocational education committee for each area was established and the erection of school buildings and the training of teachers and instructors were put in hand. Rapid progress was made up to 1939 and the extension and development of the work have been advancing steadily since 1946.

In 1949 there were 182 permanent schools and 623 classes held in temporary centres. The number of full-time teachers employed was 1,080 and of part-time teachers, 941. There 16,330 full-time day students, 5,567 part-time day students and 59,067 evening students.

*Definitions.* The definitions laid down in the Recommendation are accepted and are to be understood as applying to this report.

*General organisation.* Vocational training is co-ordinated and developed on the basis of a general programme through co-operation between the industries concerned, the vocational education committees and the Department of Education. The vocational training programme is based on the interests and requirements of the worker, the labour requirements of the employer and the economic



and social interests of the community. Due account is also taken of the stage of development reached in general education and in vocational guidance, in changes in technique and in the structure and trend of the labour market. The co-ordination and development mentioned above is undertaken on a national scale in the manner described in the Recommendation.

*Pre-vocational preparation.* Compulsory education does not as a rule provide for pre-vocational preparation, since compulsory school attendance does not extend beyond the age of 14 years. However, in three cities part-time compulsory attendance is extended to young persons up to the age of 16 for certain categories of pupils and in such cases there is some pre-vocational training.

Preparation by means of practical work is not provided in the compulsory education programme, except for students attending vocational schools from the age of 13 years. Preliminary preparation is provided in vocational schools where one third of the class time is devoted to general continuous education and two thirds to practical work. It generally takes place after the completion of the period of compulsory education. The duration of this preparation is determined according to the occupation and age and capacities of the persons concerned. However, since attendance is voluntary, the duration of the course is not uniform in the case of all students. Much importance is given to both practical and theoretical work.

*Technical and vocational education.* There is a sufficient network of schools throughout the country, although the full building programme has not yet been achieved. The facilities for technical and vocational education would not be reduced because of economic depression or financial difficulty, but the grant of subsidies and special courses in such circumstances have so far not been considered. The fees for admission to technical and vocational schools are so low that education is virtually free, but the pupils have to buy their own text books and writing materials. Economic assistance is also granted in the following forms : in some schools meals are prepared by the domestic economy class for all the pupils at a very small cost; in some areas there are transport scholarships; a few other scholarships are granted by the vocational education committees. Courses for several grades are provided in evening classes, but the categories enumerated in the Recommendation would not be found in any day school. The curricula for the courses in different schools are co-ordinated so as to facilitate transfers, but admission to university requires the passing of an examination acceptable to the university authorities.

The curricula for technical and vocational schools gives the pupil a sound basis of technical and practical knowledge and a wide grasp of the theoretical principles underlying the practice of his occupation. Subjects of general educational value are included in the curricula for full-time courses in vocational schools;

courses in domestic subjects, attendance at which is voluntary, are provided; some firms allow their female employees time off to attend these courses. Workers of both sexes have equal rights of admission and appropriate facilities for training are provided for women and girls.

*Vocational training before and during employment.* Vocational training is given at full-time schools before entry into employment, where conditions do not allow of satisfactory training during employment. Furthermore, even when the apprentices are in employment, they are given short periods of full-time day instruction of a specialised nature in centres that have suitable equipment and staff for the purpose. For considerations of cost, facilities for training in surroundings as similar as possible to those of an undertaking are not provided. Special workshops are provided only to a very limited extent. The tendency is rather for the undertakings to give their apprentices time off to attend vocational schools. Opportunities for extending technical and trade knowledge by attendance at part-time supplementary courses are provided by evening classes. As the vocational schools are fairly well distributed throughout the country, the distance from the workers' homes to the schools is never very great. The curricula for supplementary courses are adjusted to the special requirements of apprentices, young workers and adult workers. Time spent in attending compulsory supplementary courses is included in normal working hours.

*Measures concerning co-ordination and the supply of information.* Collaboration between technical and vocational schools and the industries concerned is maintained by the means advocated in the Recommendation. Advisory committees in a limited number of areas deal with certain trades and the type of training which the apprentices should receive. These committees have the same ideals as are laid down in the Recommendation. Information is given to interested persons, mainly by means of brochures. Apart from teachers, there are no vocational guidance officers; there is no collaboration with public employment exchanges in furnishing such information.

*Certificates and exchanges.* The qualifications required in examinations are fixed by the Department of Education in some 200 different subjects. Representatives of certain industries help in drawing up the syllabi and in general assist the Department when their advice is required. Persons of both sexes have equal rights as regards certificates and diplomas. Agreements have been made with various countries in regard to the exchange of students and occupational organisations can collaborate in organising these exchanges.

*Teaching staff.* Definite regulations have been made and are strictly observed in regard to the qualifications of applicants for teaching



positions in vocational and technical schools. Contacts between teachers giving practical courses and undertakings have been established only in a few cases.

The qualifications of teachers are improved and kept up to date by means of short holiday courses; in some cases, teachers take a year's leave to attend a university course. There are no means at present of granting of research scholarships, although, in several cases, special leave without pay has been granted to teachers to enable them to study at home or abroad. Arrangements between employers and the educational authorities for the appointment as part-time teachers of persons employed in industry exist only in the cities and larger towns. Indeed, the main teaching force for technical and commercial subjects in evening classes and schools consists of persons who are engaged during the day in some occupation other than teaching.

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

#### *Italy.*

The legislative measures applying the principles of the Recommendation include the Constitution of the Republic (Article 38) and various Legislative Decrees and Orders enacted during the period 1931-1948 relating, *inter alia*, to the organisation of technical education, the vocational training of workers, the rehabilitation of unemployed persons and the organisation of provincial technical education committees.

The problem of vocational training in Italy is characterised by chronic large-scale unemployment and is further aggravated by the necessity of training ex-servicemen, displaced persons and others affected by the war. In spite of these difficulties, efforts have been made to bring the national law and practice into conformity with the provisions of the Recommendation. The general standards which have governed the organisation of vocational training correspond, to a great extent, to those laid down in the Recommendation. The promotion and co-ordination of technical education is ensured by the provincial technical committees which are instructed to promote the application of principles similar to those of the Recommendation. The co-ordination and development of the various official and private vocational training institutes is ensured on a national scale with the collaboration of the Ministry of Labour and Social Welfare, the Ministry of Education and occupational organisations of employers and workers.

Schools of various grades for pre-vocational preparation and technical education have been set up for children and young persons. These are classified as "industrial", "agricultural", "commercial", "maritime", etc., schools and are further sub-divided according to the special trades for which they are established. Training arrangements include day and evening courses for the vocational training of employed persons and apprentices,

special courses for ex-servicemen and assimilated persons, intensive courses and refresher courses for the training and retraining of unemployed persons. In addition to unemployment benefits, a daily allowance is paid to unemployed persons attending courses; a special allowance is made to persons attending courses approved and financed by the Metal Trades Fund for the occupational retraining of persons in excess of those to be employed under the reconversion plan. National institutes for the training of industrial, commercial, agricultural and maritime workers, organise courses in schools and undertakings and in their own centres.

Certificates are issued after examinations held at the end of the training courses.

The Government would welcome the conclusion of bilateral and multilateral agreements with States Members of the International Labour Organisation with a view to promoting the international exchange of vocational training teachers, instructors and students.

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

#### *Luxembourg.*

The national law and practice are, in general, in conformity with the provisions of the Recommendation.

Vocational training is based on a general programme drawn up by the Chambers of Trade with the assistance of the Ministries of Labour and of National Education. The competent authorities will be guided by the principles contained in the Recommendation in organising preliminary preparation which will constitute a transition from general education to vocational training.

Technical and vocational training is given by a network of schools whose geographical distribution and curricula are adapted to meet regional and occupational needs. The State institutions include a handicraft school, a technical school, a school of mines and an agricultural school. The Government subsidises a network of vocational and domestic science schools for girls. The Chambers of Trade arrange special courses for various needs; in addition, there is a large private vocational school. The Higher Labour School organises courses in social legislation, labour law, industrial safety and political economy. The measures recommended in the Recommendation as regards the issue of certificates on completion of the courses and the recruitment of teachers are observed within the framework of the vocational training institutions.

#### *Netherlands.*

Vocational training is governed by the Vocational Education Act, 1919, and by the Ordinances issued in application of this Act.

Training in the form of preparatory education is carried out at full-time vocational schools, in the form of practical supplementary

education at part-time vocational schools, and for given specialised occupations and various feminine occupations at numerous full-time technical education schools.

*General organisation.* The Ministry of Education, Art and Science is responsible for the application of the provisions of the relevant legislation. The Ministry is entrusted with co-ordination between the various groups of vocational schools and the apprenticeship schemes, and carries out this work in collaboration with the school boards, the municipal councils and the organisations directing the apprenticeship schemes. The school boards, on which municipal delegates and representatives of the employers' and workers' organisations concerned are represented, must also be consulted on matters concerning the setting up of new vocational schools or the scope of existing schools. The total expenses of all these schools and apprenticeship schemes are defrayed out of the public funds after approval by the Minister.

The schools must comply with the requirements of the national legislation as regards courses, programmes, admission of pupils, etc. The programme established by the Minister is drawn up in conformity with the occupational interests, the cultural and moral requirements of the workers, the labour requirements of employers, and the economic and social interests of the community. In drawing up this programme, due account is taken of the general level of education. Vocational schools continue the studies begun in elementary schools and provide for vocational guidance only in particular cases. Vocational schools endeavour to keep their programmes and courses up to date. The apprenticeship schemes take due account of technical evolution. In vocational training courses, due consideration is given to the structure of the labour market. This applies particularly to recent years when the technical education authorities have worked in collaboration with the industrial development bodies and with the Ministry of Economic Affairs.

*Pre-vocational preparation.* There are several possibilities of providing children with pre-vocational preparation; when leaving elementary school at 12 or 13 years of age, they may attend either the higher elementary school (two years) where aptitude for manual work is developed, schools with a more general curriculum, or elementary vocational schools where they receive preparatory training before entering apprenticeship. The latter, which carry out a certain selection of pupils, give the specialised worker a basic foundation, although, strictly speaking, they do not prepare qualified workers.

*Technical and vocational education.* There is a network of schools for young persons. The courses in elementary vocational day and evening schools are generally adapted for beginners, although there are many evening courses which supplement vocational education already received. Full-time schools are

but little affected by economic fluctuations. Some public training centres have been set up in various parts of the country for the re-education of adults; in these centres, in which emphasis is placed on the centralisation of methods, 4,000 non-qualified persons may receive simultaneously preliminary training for various occupations. Some categories of unemployed persons, including at present a large number of demobilised men, may receive such training. The second stage of training is given in undertakings. Adult training is the responsibility of the Ministry of Social Affairs.

The legislation requires school fees to be paid for admission to subsidised vocational schools. The fees are generally based on a scale in accordance with the means of the parents. The average fee for elementary vocational schools is very low; free instruction may be given to gifted children of poor families.

Schools and courses have been organised for different occupations with a view to training foremen and managerial and administrative personnel. A central institution, set up for training in industry, organises many courses for lower managerial and administrative personnel. The programme of technical and vocational schools is established in such a way as to safeguard the worker's possibility of adapting himself to other occupations; excessive specialisation is avoided. Workers of both sexes have equal rights in attending schools. A large number of full-time day schools and part-time and evening classes have been organised for women and girls working in industrial undertakings or in domestic service.

*Vocational training before and during employment.* Measures have been taken to ensure vocational training before admission to employment in the case of young persons who cannot receive such training while in employment. The workshops in elementary vocational day schools, in which pupils spend half their time, are well equipped. This training is followed up in the undertaking and many industrial undertakings have special well-equipped workshops for apprentices. Young persons and adults working in industry may improve their vocational training by following night courses. Special supplementary courses are provided in many undertakings.

Part-time and full-time vocational schools pay special attention to the needs of apprentices, workers who have completed their training and wish to extend their instruction, and adult workers.

*Measures concerning co-ordination and the supply of information.* There is close collaboration between technical and vocational schools on the one hand and industry or other branches of activity on the other. Employers and workers are represented on the school boards and the advisory bodies set up for these schools. Local advisory committees have been set up for municipal, vocational and technical schools. Employers' and

workers' organisations are generally represented on the boards of private vocational and technical schools. Each school is responsible for various measures to give publicity to the facilities which it affords. On the national level, the central statistical bureau compiles statistical data on technical education, and, in addition, information is supplied to the press, governmental services, etc.

*Certificates and exchanges.* The qualifications required for examinations on termination of technical and vocational studies are the same for each occupation and the certificates issued for these examinations are recognised throughout the country. The majority of employers' and workers' organisations are represented on the examination committee. Women have the same rights as men in regard to certificates and diplomas.

In view of the great density of population and the small distances to be covered, it is not necessary to organise national or regional exchanges of students who have finished their training.

*Teaching staff.* Teachers in subsidised vocational schools must conform to the legal requirements for their nomination. Teachers giving theoretical and practical courses in elementary vocational schools must have the university degrees required by law. Teachers in full-time schools keep their knowledge up to date by means of study, discussions, visits to factories, holiday courses, etc. A large number of technical teachers for evening schools and vocational courses are normally employed in industry; special arrangements to this effect have been made by the Government.

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

#### *Norway.*

The relevant Act is that of 1 March 1940 respecting vocational schools.

Plans for the general organisation of vocational training are based on the standards laid down in the Recommendation.

The requirements of the Recommendation as regards pre-vocational preparation are met in all essentials by the activities of the continuation schools.

The standard of technical and vocational education in vocational schools complies with that laid down by the Recommendation.

The measures stipulating vocational training before and during employment are generally observed in Norway by means of the courses organised at the State Technological Institute. However, the principles of the Recommendation as regards the proximity of courses to places of employment are not yet fully applied and the adjustment of curricula to the special requirements of apprentices and workers is not as far-reaching as might be desirable.

The measures taken to maintain co-ordination between technical and vocational

schools and the industries or activities concerned, and to ensure the supply of information to the competent authorities are in accordance with the provisions of the Recommendation.

Steps are being taken to ensure full compliance with the provisions of the Recommendation relating to certificates and exchanges of students.

The principles relating to teaching staff are, applied on the whole. However, as regards contacts between undertakings and teachers, the Vocational Training Council has pointed out the importance of arranging practical work in industry for teachers in vocational schools, but it has not yet been possible to give effect to this suggestion.

The enforcement of the provisions relating to vocational training is entrusted to the Ministry for Church and Education, assisted by the Vocational Training Council for Handicrafts and Industry. This Council, as also the county and municipal vocational training committees, includes representatives of employers and workers in equal numbers. The same is true of the committees for individual vocational schools and of the advisory occupational committees. The latter are set up for each occupational subject taught at the school and deal with trade aspects of the teaching.

Copies of the report will be communicated to the representative employers' and workers' organisations.

#### *Pakistan.*

Although no steps have so far been taken for the enactment of legislation with regard to the matters dealt with in the Recommendation, vocational training is provided under the training schemes of the Department of Resettlement and Employment for adults between 18 and 40 years of age. There are at present 28 training centres for different trades throughout the country with 3,582 pupils. Five of these centres are attached to the Provincial Government institutes and 14 to private institutions. The trades are selected with a view to the labour requirements of the employers, as ascertained through the employment service organisation. Candidates are given the necessary vocational guidance in the selection of trades, account being taken of their general educational attainments and their possibilities of employment. Under the scheme, provision has been made for technical advisory committees, on which the interested parties, including employers and workers, are represented.

The provisions relating to pre-vocational preparation, technical and vocational education and vocational training before and during employment, are not at present fully implemented. However, a number of technical and vocational schools exist in the country and provide technical or trade education. Training in these schools is full time, and is given before entry into employment; there is no provision for part-time supplementary courses for workers.

The requirements of employers and unemployed workers are co-ordinated through the employment service organisation and the employment advisory committee established thereunder. The information available in this connection is published through press notes, radio talks and other media. So far, however, no steps have been taken to ensure collaboration between the vocational and training schools for juveniles and the training centres mentioned above or as regards the supply of information to interested persons. There is no provision for vocational guidance at pre-vocational training stages.

Regular syllabi and standards which meet the requirements of the industries and employers are prescribed for the various trades in the training centres and technical schools. Persons of both sexes are eligible for training.

Theoretical knowledge, practical ability and experience of the subjects taught, are essential qualifications for teaching applicants. Persons appointed to supervisory posts must satisfy a higher standard of general education, including both theoretical knowledge and practical experience. No facilities, however, are available for refresher courses for the teaching staff, nor are there any facilities of concessions in the way of research scholarships.

In view of the undeveloped state of industry in Pakistan, it has not been possible to make training as extensive and intensive as that provided for in the Recommendation, especially as regards vocational guidance and training during employment.

The training centres are managed by the Department of Resettlement and Employment of the Ministry of Law and Labour; the technical schools are mainly run by the Provincial Governments. Technical advisory committees attached to the training centres include representatives of workers and employers.

#### *Poland.*

Vocational training and education are covered by the Act of 11 March 1932 and the Decree of 23 November 1945 respecting the organisation of education, the Act of 29 March 1937 respecting the establishment and maintenance of complementary vocational schools and various Orders enacted during the period 1933-1949 respecting the organisation of schools, vocational training and the field of activities of the Central Office for Vocational Training. A Bill regarding the organisation of vocational schools is being prepared.

*Definitions.* The definitions of the expressions "vocational training", "technical and vocational education" and "apprenticeship" are in conformity with those given in the Recommendation.

*General organisation.* The organisation of vocational training ensures vocational training before entry into employment, training during employment and the training of young persons and adults for all types of work, and includes the possibility of following all categories of technical studies.

*Pre-vocational preparation.* Compulsory primary school attendance is enforced by the national legislation. Pre-vocational preparation for different trades is ensured by courses of three years' duration in public secondary vocational schools, in industrial schools and lower secondary schools.

*Technical and vocational education.* An appropriate vocational school system has been organised and provision made for the introduction of free vocational education, under which the State pays for the instruction and upkeep of the students, and grants them allowances during the period of instruction. In addition, the curricula for the courses are drawn up by the State; particular care is taken to provide a sound basis of theoretical knowledge. Both sexes have equal rights of admission to training and special attention is devoted to the training of women and girls.

*Vocational training before and during employment.* All citizens are given an opportunity for vocational training during employment and of supplementing their knowledge by means of various vocational courses. Workers attending these courses are entitled to free tuition and paid annual holidays.

*Measures concerning co-ordination and the supply of information.* Collaboration is compulsory between vocational schools and the various branches of industrial activity concerned; parents and guardianship committees are also required to collaborate. Information on the various questions relating to vocational education is supplied through the press, the radio and by all competent authorities and departments.

*Certificates and exchanges.* Certificates on the completion of training in vocational and technical schools are issued on a uniform basis for persons of both sexes. International exchanges of students and probationers have been arranged with the U.S.S.R. and the Peoples' Democracies. Graduates from vocational schools are able to go abroad in order to extend their technical knowledge.

*Teaching staff.* Vocational school teachers are recruited from among persons with a university education and extensive theoretical and practical qualifications. In view of the losses of qualified persons during the war, every endeavour is being made to increase the present teaching staffs, for whom special courses are arranged in order to provide them with supplementary instruction in teachers' training and scientific centres.

The Central Vocational Training Organisation and its subordinate bodies are responsible for the implementation of the vocational training scheme. Collaboration between the school authorities and the trade unions as regards vocational training is based on an agreement with representatives of the various trade unions.

In some respects, the national law and practice is more advanced than the provisions of the Recommendation.

*Sweden.*

At the preliminary discussions on the question of adopting international regulations relating to vocational training, the Delegation on International Collaboration in Social Policy was of the opinion that, while the general principles of the Recommendation could be accepted in Sweden, the adoption of international regulations was of doubtful value.

Vocational training in Sweden is at present being studied by the schools committee, the committee on commercial education and the committee on technical education. No major changes in the present system of vocational training will be made until these committees have submitted their reports and the Government has decided what action is to be taken.

The following detailed information is contained in the report prepared by the Higher Vocational Training Board; a copy of this report is appended to the Government's report.

The relevant legislation provides that more than half the members of the board of each municipal institution for vocational education must be employers of workers with a good knowledge of the general occupational activities of the district and of the special trades or occupations with which the institution is concerned. If the institution is divided into occupational sections, a special committee for each section or group of sections must be set up under the school's board; these committees include representatives of the trade or occupation concerned and are responsible for ensuring a good standard of instruction.

Vocational guidance also comes within the duties of the public employment service, which is required to provide the public with advice and information relating to the choice of occupations and vocational training, and to promote vocational training in other ways.

The Higher Vocational Training Board organises training courses for vocational teachers. Teachers employed in higher vocational schools generally have university degrees or equivalent qualifications.

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

*Switzerland.*

*Definitions.* The questions of vocational training, technical and vocational education and apprenticeship are regulated on a uniform basis throughout Switzerland by the Federal Vocational Training Act of 26 June 1930, as supplemented by the Ordinances of 23 December 1932 and 11 September 1936 issued in application of the Federal Act.

*General organisation.* Federal and cantonal legislation take due account of the principles laid down in the Recommendation as regards the general organisation of vocational training.

*Pre-vocational preparation.* The curricula for girls and boys subject to compulsory school attendance include manual work during the

last years at school. The Federal Act, which applies to minors over 15 years of age exempt from compulsory school attendance, also provides for the organisation of pre-apprenticeship courses; the maximum period of these courses is three months and must be deducted from the period of apprenticeship.

*Technical and vocational education.* There is a large network of vocational schools divided into two main groups: (a) complementary vocational schools which give the theoretical and compulsory education required by apprentices undergoing practical instruction in industrial, commercial or other undertakings. Compulsory instruction is given during working hours and in no case after 8 p.m.; the head of the undertaking must allow the apprentice the time required to follow compulsory courses and may make no deduction from his wages for this reason; (b) vocational schools strictly speaking, where all-day theoretical and practical instruction is given. In practice, fees are seldom charged for instruction in complementary vocational schools; where a small fee is charged, the employer often bears the expense. The transport of apprentices is facilitated by Federal grants; the maintenance allowances under the Federal Act are available only to apprentices or vocational school students from needy families. Special attention is devoted to the domestic training of girls before and after school-leaving age.

*Vocational training before and during employment.* Vocational training in small undertakings is generally given during employment. In large undertakings, apprentices generally work in separate workshops under the guidance of special monitors or instructors and are detached at specified periods to the production workshops. Whether the training takes place in the course of employment or in separate workshops, it must be based on the Federal apprenticeship regulations drawn up for the occupation in question.

*Measures concerning co-ordination and the supply of information.* Employers' and workers' organisations collaborate in the study of matters relating to vocational training. Advisory councils have been established by the Federal and cantonal authorities. The information service, is satisfactory and has the co-operation of the vocational guidance offices, the primary, secondary and technical schools and the public employment offices.

*Certificates and exchanges.* The qualifications required in examinations on the termination of apprenticeship are fixed by Federal regulations for each occupation on a uniform basis throughout the country. Examinations, organised with the collaboration of employers' and workers' organisations, are held for the right to the Federal competency certificate which is valid throughout the country. Exchanges of students within the country are frequent and arrangements have also been made with other countries to promote international exchanges.

*Teaching staff.* The provisions of the Recommendation relating to teaching staff are applied. Teachers may be required to attend preparation and refresher courses. The Federal grant may be suspended in cases where the teacher does not possess the required qualifications.

Vocational training comes under the Federal Department for Public Economy, which maintains close collaboration with the cantonal authorities and the employers' and workers' organisations. The collaboration of these organisations is expressly provided for in the Vocational Training Act and they are consulted on all important measures relating to apprenticeship. The cantonal authorities are responsible for the administration of the Federal Act, under the supreme supervision of the Confederation.

The application of the Recommendation in Switzerland has not necessitated any change in the relevant legislation.

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

#### *Turkey.*

Great importance is attached to vocational and technical education, which is organised on a fairly large scale. Efforts are being made to apply fully the provisions of the Recommendation. The Ministries of National Education and of Labour are responsible for vocational and technical education.

#### *Union of South Africa.*

The Government is in agreement in principle with the Recommendation, but states that it would be difficult to give effect to its detailed provisions with the present administration of education. Under this system, the Provincial Education Departments are responsible for primary and secondary education within the Provinces, while the Department of Education, Arts and Science is responsible for full-time and part-time vocational education, apprenticeship and pre-apprenticeship.

While the Recommendation is based on the assumption that general education is compulsory for all children, this provision does not apply in the Union to non-Europeans, nor is there any likelihood, in existing circumstances, of enforcing it in the near future. Furthermore, while the desirability of providing free admission to technical and vocational schools is recognised, it is considered that it would involve a financial burden which, up to the present, the State has been reluctant to shoulder. However, free admission is granted to children of poor families among the European population.

Bantu education, other than higher education, is controlled by the four provincial administrations; the funds are provided by the Central Government. Special industrial or trade training for Bantu boys is provided at a number of centres in the Cape, Natal and Transvaal provinces. Special training for girls, mainly in household work but at

some centres including spinning and weaving or basketry, is also available in these areas. Such training is not yet sufficient to produce skilled artisans, but enables many to undertake the simpler forms of work in furniture-making, building, tailoring, etc. In addition, training facilities are available in the Cape and Transvaal for building trades; three schools of agriculture have recently been opened in the Cape Province. Other courses, such as veterinary science and engineering (mainly building and anti-erosion work) are being arranged for natives.

The whole field of native education is being investigated by a Native Education Commission. As regards technical and vocational education in general, the report published by the Commission on Technical and Vocational Education recently set up by the Government contains a number of recommendations with far-reaching implications which are being studied. It is unlikely, however, that legislation and regulations aimed at implementing the recommendations of the report will be framed in the near future.

As far as local circumstances permit, technical and vocational education are being planned on the lines suggested in the Recommendation and it is expected that revised curricula will be published during the current year.

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

#### *United Kingdom.*

*General organisation.* As regards the general organisation of vocational training, the report states that Government schemes for adults are co-ordinated on a national basis with other types of training, by regular consultation with representatives of employers and workers in each industry affected. Since 1945 these schemes have been based on the need for assisting the industrial resettlement of disabled men and women and persons whose training has been disrupted by national service. They are also intended to meet post-war shortages of skilled labour in occupations essential to the national economy. The courses are designed, wherever possible, for suitable men and women whose general education has not progressed beyond the elementary level. The syllabus is based on the latest industrial developments and is subject to revision in the course of regular consultations with industrial representatives who also advise on the number of classes to be provided. Training is given in occupations essential to the national economy, and in certain other occupations suitable for the resettlement of disabled persons and ex-service men and women. The whole programme is drawn up on a national basis, with scope for regional modifications where necessary. Industrial representatives are consulted both at national and regional levels.

With the exception of secondary technical schools, technical and vocational education for young persons and children is part of the

further education system in England and Wales. The Education Act of 1944 makes it the duty of local education authorities to ensure adequate facilities for further education and provides for the submission by these authorities for the Minister's approval of schemes of further education for their areas; some of the schemes submitted have been approved. Regional advisory councils for further education have been set up covering the whole of England and Wales and include representatives of industry, local education authorities, technical colleges, universities, etc. Their duty is to advise local education authorities in their respective areas on the needs of the area for particular types and courses of technical and vocational education. The position in Northern Ireland as regards general organisation is similar to that in England and Wales. In Scotland, no general programme has been drawn up to cover the whole field of vocational education, but co-ordinated development is ensured by the Scottish Education Department, the five regional advisory councils for technical education and the education authorities. The factors enumerated in the Recommendation are taken into account by the bodies concerned when schemes of vocational education are drawn up for particular industries or regions.

Throughout the United Kingdom, the main responsibility for improving and systematising vocational training arrangements lies with industry itself. The Ministry of Labour and National Service (through the Central Youth Employment Executive and in co-operation with the Education Department) encourages industrial organisations to set up national joint training councils, or similar bodies, representative of employers and workers for each branch of industry. So far, some 60 branches of industry have established such bodies; improved training arrangements conforming to the Recommendation are being developed by them in co-operation with the Government authorities concerned.

*Pre-vocational preparation.* The Education Act of 1944 provides for the submission by local education authorities of development plans for their areas giving, among other things, particulars of the kind of education to be provided in primary and secondary schools, including provision for secondary technical education for a proportion of the pupils. All these plans have now been received and more than one third of them approved. Vocational training, as such, will not be attempted but provision is made for secondary technical education, intended for pupils who wish to enter local commercial or industrial employment and who show an aptitude for technical work of some kind. The instruction will be general, but with a vocational bias in order to stimulate the interest of the pupils. It is now accepted policy to provide practical facilities in all secondary schools with a view to meeting the aims of the Recommendation as regards the general character of compulsory education

and the method and duration of preparation likely to facilitate future vocational guidance. It has not so far been found necessary to provide preliminary vocational training of a special kind prior to apprenticeship, except for a few occupations. It is intended, however, to make the last year of compulsory school life (14 to 15 years) in all secondary schools a period which will facilitate the placing of young people in employment suited to their aptitude and capacities. The position in Northern Ireland is in the main similar to that described above for England and Wales. In Scotland, the practice generally accords with the provisions of the Recommendation. The Scottish Education Department has recommended that boys should receive instruction in handicrafts and girls in domestic subjects throughout their secondary course, in the case of pupils who intend to leave school on or soon after the statutory leaving age of 15 years and, during the first three years of their secondary course, in the case of pupils staying at school beyond the statutory leaving age. Pre-vocational courses of about one year's duration, commencing from the completion of compulsory education and designed to bridge the gap between formal schooling and apprenticeship, have been instituted in certain industries. In these courses, about half the time is given to general education and half to vocational instruction.

*Technical and vocational training.* A network of schools is already in existence in the United Kingdom, and a high degree of priority has been given to the building of technical colleges, particularly where this will increase industrial efficiency in the interests of the nation. No curtailment in vocational training schemes is contemplated during periods of economic depression, although periods of crisis have tended to reduce the rate of expansion of facilities. However, during a past crisis, special steps were taken to give conversion training to younger age groups of unemployed persons to fit them for alternative occupations. This policy will again be adopted should the need arise.

Admission to secondary technical schools and colleges, as well as to evening classes, is generally free in the United Kingdom for all young persons up to 18 or 19 years of age. In some cases, nominal fees are charged which may be remitted in case of necessity; in addition, the education authorities may pay travelling expenses and award bursaries to cover the fees and other expenses of students, including maintenance in deserving cases. The policy of His Majesty's Government in England and Wales is in complete agreement with the provisions of the Recommendation as regards the organisation of courses, curricula, equality of rights of admission of workers of both sexes to all technical and vocational schools and appropriate training facilities for women and girls. The position as regards technical and vocational education is similar in Northern Ireland (with some exceptions) and in Scotland to that in England and Wales.



The technical courses provided by the education authorities and also at central institutions include practical courses designed to produce skilled craftsmen and leading to examinations for the appropriate certificates. More academic courses provided for technicians form a co-ordinated and graded series leading to various certificates in the subjects studied. Curricula at affiliated education authority centres and at central institutions are co-ordinated to facilitate the transfer of students from one centre to another as well as promotion to higher grades. Courses for managerial staff have recently been introduced with success at certain of the central institutions. Whilst subjects of general educational value do not, as a rule, form part of full and part-time vocational training, courses in such subjects are readily available to students desiring to attend them. In general, there is no bar to the entry of women to any of the vocational courses, but in practice the nature of the course usually determines the sex of the participant. Appropriate facilities are provided for vocational training in occupations, including domestic science, in which women are mainly employed.

*Vocational training before and during employment.* In England and Wales, the tradition of apprenticeship and learnership training is so widespread that the measures suggested in the Recommendation to provide vocational training in full-time schools before entry into employment are seldom required; however, when required, the Education Departments are prepared to make the necessary provision through the local authorities. The position in Northern Ireland is similar, with some exceptions. In some areas in Scotland, there are arrangements for pre-vocational courses, some taken at school and others in further education centres, which exemplify training for occupations in which no apprenticeship system exists and in which it would be difficult to secure adequate training during employment. An example of this type of course is vocational training in agriculture. Wherever practicable, the work done in such courses is conducted in surroundings as similar as possible to those of an undertaking; industrial undertakings providing Government-assisted courses for adults are encouraged to set up separate workshops, if the numbers involved make this practicable.

The provisions of the Recommendation as regards opportunities for the extension of technical and trade knowledge by supplementary courses, the proximity of courses to the place of employment and the curricula and duration of such courses are all satisfied by the further education system in England and Wales. In Northern Ireland, the position is similar, except that attendance for further education is voluntary for young persons. In Scotland, when the Education Act of 1946 is fully in operation, provision will be made for the continuation of compulsory education for all young persons between the ages of 15 and 18 years, at junior colleges under "day release" (one day a week) or "block release"

(an equivalent continuous period) systems. In the meantime, the development of voluntary schemes of "day release" education in certain major industries is being encouraged. In Scotland, evening classes in vocational subjects are also provided wherever practicable when there is a sufficient demand for them. Vocational training centres are sited, as far as possible, at places convenient for the students who attend them; the time spent by apprentices and other young workers is included in normal working hours.

*Measures concerning co-ordination and the supply of information.* Representatives of employers and workers are associated in an advisory capacity with the Government training centres providing full-time courses for adults. As regards children and young persons, the collaboration policy of education departments and local education authorities is in accordance with the relevant provisions of the Recommendation. In Scotland, the education authorities are aided in setting up vocational and other courses by advisory committees which usually include representatives of both sides of industry. Regional advisory committees have been set up in England and Wales and Northern Ireland in each of the main industries in which classes are provided; they consist of representatives of employers, workers, and the Ministry of Labour and National Service. These committees advise on the number of classes to be provided in each region, the selection of suitable trainees, and any modifications in the national curricula made necessary by regional variations in industrial practice.

Special leaflets are available in England and Wales and Northern Ireland for adults who are interested in courses under Government schemes. As regards children and young persons, the Youth Employment Service is responsible for measures to supply to interested persons information regarding the occupations for which young persons can obtain training corresponding to their inclinations and aptitudes. In Scotland, the education authorities and central institutions make appropriate arrangements to publicise their courses.

*Certificates and exchanges.* No formal examination for certificates or diplomas is held in connection with adult courses provided under Government vocational training schemes, although trainees are encouraged to sit for examinations; the standard of proficiency attained and the contents of the syllabus are agreed on a national basis, in consultation with employers and workers in each industry concerned, with provisions for modifications to meet regional requirements.

As regards children and young persons, the system of National Certificates and City and Guilds of London Institute Certificates ensures fairly uniform recognition over the whole country of standards of technical education in the main industrial fields but, generally speaking, industry does not insist on particular certificates for particular occupations or employment. Both sexes have equal rights



to the same certificates and diplomas. It has not been found necessary to arrange exchanges of adult Government trainees; arrangements for exchanges of students who have completed their studies have been made for some occupations and are being made for others.

*Teaching staff.* While the local education authorities have entire discretion in appointing teachers in further education fields, experience shows that they accept the principles of the Recommendation in this respect. Instructors attached to Government training centres are recruited from industry and receive special pedagogical training before taking up their duties. Refresher courses are available for teachers in both theoretical and practical subjects. The practice of appointing persons employed in industry and commerce as part-time teachers of special subjects is adopted and is in accordance with the policy of the education departments and local education authorities.

#### *Territories*

##### *Basutoland, Bechuanaland and Swaziland.*

The provisions of the Recommendation are devised for industrial areas and are not applicable to the High Commission Territories which have a mainly pastoral and agricultural economy. Such small demands for craftsmen or technicians as exist locally are adequately met by training in Government Departments, e.g., the Public Works Department and technical schools. The encouragement of technical or industrial training on a wider scale would not at present be in the interests of the population.

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

##### *United States of America.*

Vocational training as defined in the Recommendation includes the following major kinds of education: vocational education in schools for persons preparing for employment and for employed persons; "on-the-job" training during employment covering apprenticeship (for crafts), supervisory training (for supervisory positions) and other "on-the-job" training (for all other industrial occupations).

Vocational education in schools is generally regarded as a responsibility of the State and local school board. Practically all on-the-job training is considered the responsibility of industry and is operated by the employer and developed by the employer and employee organisations where contractual relations exist.

In view of the Federal structure of the United States, powers are distributed between the Federal and the States Governments. As regards the provisions of the Recommendation, the following measures are deemed to be appropriate for Federal action:

The Government does not directly operate vocational schools or classes. However, it does assist with the promotion of programmes

of vocational education, conducted by the various States in the following ways: (a) by recommending standards to establish conditions most favourable for training (20 U.S. Code, Chapters 1, 2). These standards include such items as the selection of persons to be trained, qualifications of teachers, formulation of courses of study, necessary minima for plant and equipment, training procedure, determination of character of training and the placement of persons trained; (b) by conducting and assisting with studies and investigations to determine the needs for vocational education (20 U.S.C., 17); and (c) by contributing financially towards the salaries of vocational teachers, vocational guidance, vocational equipment and supplies and the costs of supervising and administering vocational education programmes (20 U.S.C., 15 j (b)).

This assistance is extended to the constituent States only where requested by them (20 U.S.C., 16). Financial aid is conditional upon compliance by the individual States with certain standards specified by Federal Law (20 U.S.C., 18).

*Definitions.* For the most part, the definitions given in the Recommendation are in conformity with the laws and policies of the United States, with the following exception. The term "vocational training" is somewhat more specific as to purpose and content and means any form of training by means of which technical or vocational knowledge or skill can be acquired or developed, whether the training is given at school or at the place of work.

*General organisation.* Vocational training work in Government agencies and private institutions and firms does not appear to be co-ordinated to the extent contemplated in the Recommendation. It may be stated, however, that, in general, all types of training have developed on the basis of one or more of the principles set forth in this part of the Recommendation.

The Federal Government co-operates with the State authorities as regards vocational training by participating in a Federal "matching" fund established for the purpose of encouraging local school systems to establish training for employed workers and for the preparation of employment. There are, however, thousands of private schools subject to no Government supervision.

In respect of apprenticeship, vocational education and on-the-job training are co-ordinated on a national scale to a high degree by means of co-operation between the United States Office of Education, State boards of vocational education, the Bureau of Apprenticeship, State apprenticeship councils, national employer associations and labour organisations.

Other on-the-job training is utilised by industry for practically all occupations other than the crafts and supervisory jobs but, with the exception of the "co-operative type" of vocational training where trainees, usually high school pupils, spend half their

time at school and half on-the-job, there is little general co-operation.

In most instances, industry also acts independently of Government co-ordination as regards supervisory training. Such co-operation as does exist involves the Federal States' vocational education programme.

Co-ordination and development on the basis of a national programme are only possible in a very limited measure. In general, it is not considered appropriate under the U.S. system for the Federal Government to enter the field of vocational education since, in practice, this is reserved for the Federal States. The Federal Government sets certain recommended standards, but their application can be required only in those vocational education programmes for which the States accept Federal financial aid.

All of the 48 States, the Territory of Hawaii, Puerto Rico, the Virgin Islands and the District of Columbia, share in the financial aid provided by the Federal Government for vocational education. The Territory of Alaska is also entitled to share in these benefits, but has not elected to do so. For all other vocational education work the States set their own standards; these seldom vary from those recommended by the Federal Government. Except in a few States, the standards which apply to vocational education conducted by private agencies are not prescribed by the law. In most instances, private vocational schools are largely free from the regulations which apply to public schools.

The Federal laws which provide Federal aid for vocational training in the States require that each State shall have a board for vocational education to administer the programmes within the State. These programmes are, in general, based upon the needs of the workers and of the employers and the interests of the community.

The co-ordination and development of private and official institutions is almost entirely on a voluntary basis. This co-operation is brought about through numerous national and regional conferences and through close working contacts with both workers and employers.

*Pre-vocational preparation.* The ideas and principles outlined in the Recommendation are generally accepted by the States. Few of these have any definition of the term "pre-vocational"; but that given here is acceptable, except for the implication that pre-vocational preparation should be confined to instruction or experiences of an industrial or shop nature. It is accepted that pre-vocational training should include instructional material drawn from other occupational fields such as agriculture, home management, business, etc.

The chief distinction between vocational training and pre-vocational preparation is the purpose for which each is given. Processes, material and equipment may be the same for each kind of worker, but are considered as appertaining to vocational training only when used in training for a specific recognised vocation. If the preparation is general and

intended to help a person to select an occupation and to secure some general knowledge and skill, it is known as "pre-vocational".

*Technical and vocational education.* As far as is known, the principles given in this part of the Recommendation have not been officially recognised or adopted by any Government agency or group. In general, they are acceptable but few States have put them into practice.

Very little has been done to establish a network of schools. In some instances the educational system is in the hands of local school authorities, who have charge of the work in a part only of a State. There is a growing tendency towards the enlargement of school administration areas.

No legal measures have been adopted for ensuring that opportunities for vocational training are continued during periods of economic depression. However, during periods of unemployment the opportunities for vocational training have been expanded.

Admission to public technical schools is free in all the States and free transportation of pupils to public vocational day schools is provided in many States. In some instances, aid is given towards payment of part of the cost of housing and subsistence for pupils.

Training courses in vocational schools in the United States are provided for persons who are preparing for an occupation or for persons who have already entered employment and who wish to extend their knowledge and skill.

A relatively small number of persons attend vocational schools in order to graduate or secure diplomas. Almost two thirds of the persons enrolled in vocational training classes are employed persons who attend school during their spare time in order to improve their skill or knowledge. Training generally covers two, three or four years.

There is no accepted plan for a person who has taken a vocational course and then wishes to secure admission to a university or a higher technical institution.

The curricula of all public vocational schools make provision for the development of manipulative skill needed by workers in the occupation in question and for related instruction in science, mathematics, drawing and other technical subjects needed by the competent worker.

Subjects needed for a well-balanced education are included in the curricula of schools which prepare for entrance into employment. For persons who have already entered employment but return to school for part-time instruction, opportunities for further general education are afforded in other parts of the public school system.

Courses which provide training for home duties are available in practically all vocational training programmes and are usually on a voluntary basis. Vocational courses are open to workers of both sexes, provided there are possibilities of employment in the occupation in question. The standards set by State or Federal labour laws relating to the

employment of women or to young people apply in such cases. Many vocational programmes afford opportunities for training in occupations which are primarily those entered by women. The extent to which such training is available is determined by the openings for employment.

*Vocational training before and during employment.* Practice in the United States is not in full accord with the ideas advanced in the Recommendation as it would appear possible to provide employment and education without full-time school attendance, or with the alternation between work and school attendance. Experience seems to indicate that much training, including training in places in where productive work is being done, may often be given most advantageously under actual working conditions.

*Measures concerning co-ordination and supply of information.* The trend of thought and practice in the United States are in full conformity with this part of the Recommendation. Advisory committees may be instituted, either in the form of State committees for a given trade (building, metal trades, etc.), as general local committees to consider all phases of training, or as local committees for single occupations. At least two thirds of the States, and practically all cities of 100,000 or more inhabitants, have set up advisory committees.

*Certificates and exchanges.* It is not yet possible to fix uniformly the qualifications required in the examinations on termination of training, owing to the fact that the recognised qualifications for workers in a given occupation often vary greatly from State to State, the setting of standards in such matters

rests entirely with the States and also because the formula can only be made uniform by mutual agreement. Collaboration with employers' and workers' organisations in the control of these examinations is generally practised but is not a legal requirement. Persons of both sexes completing the same courses receive the same certificates and diplomas. As the states are free to determine their own training requirements, exchanges of students who have completed their training are made by means of agreements between the States rather than as a Federal requirement.

*Teaching staff.* The ideas of administrators in the United States are not in accordance with the provisions of the Recommendation concerning the qualifications of teachers. Instruction in theoretical courses by teachers with university degrees or diplomas has shown itself to be less satisfactory than that given by teachers with broad practical experience. The provisions of the Recommendation as regards the recruitment of teachers responsible for practical courses are fully observed. The special training of teachers recruited from industry and commerce is in effect in practically all States.

The methods suggested for improving the qualifications of teachers are also approved in practically all States: however, because of the cost involved, they have been used only to a limited extent. The practice of appointing as part-time teachers persons employed in industry and commerce has been adopted in many instances, but this action is based on voluntary agreements rather than on any legal requirements.

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

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### Argentina.

The National Apprenticeship and Vocational Guidance Board is responsible for the apprenticeship systems at present in operation in the Republic and which are governed by the following legislation: Decree No. 14,538 of 3 June 1944, respecting the organisation of industrial apprenticeship and the regulation of the employment of young persons; Decree No. 6,648 of 24 March 1945, to amend certain sections of the above-named Decree, approved by Act No. 12,921; Decree No. 32,412 of 17 December 1945, to fix minimum wages for young workers between 14 and 18 years of age; Decree No. 30,545 of 1 December 1945, respecting compensation for industrial accidents incurred in industrial schools of arts and crafts and similar schools, and Act No. 13,229, which established the Workers' University.

### Austria.

Apprenticeship is governed by the Industrial Code of 1885 (as subsequently amended) as regards industry and commerce; the Agricultural Labour Act of 2 June 1948 and the Provincial Labour Codes issued thereunder as regards agriculture and forestry, the Act of 1 July 1948 respecting the employment of women and children.

Various German provisions concerning apprenticeship, introduced during the period 1938-1945, are still in force under the Provisional Arrangements Act of 1 May 1945. A Bill on vocational training in agriculture and forestry is being prepared for submission to the Government.

Existing Austrian legislation gives effect to the requirements of the Recommendation as regards the meaning of the expression "apprenticeship".

In addition to the above-mentioned legislation, collective agreements contain provisions regarding apprenticeship.

There is no list of apprenticeship occupations indicating the degree of skill and length of training required. In practice, the employment offices use the "List of Occupations for Employment Statistics", issued by the former German Ministry of Labour, in which "apprenticeship trades" are specifically designated.

The Industrial Code and the Agricultural Labour Act set out the conditions with which employers must comply in order to take apprentices, the conditions required of young persons in order to be accepted as apprentices and the rights and obligations of master and apprentice.

In addition, the Employment of Children and Young Persons Act governs the minimum age for entry into apprenticeship; "vocational training plans", drawn up by the former German Committee for Technical Education, lay down conditions relating to prior training and the physical qualities required for entry into apprenticeship.

The conditions to be fulfilled by employers relate to their technical knowledge, good conduct and previous observance of apprenticeship rules. Children under the age of 14 years and children who have not completed their compulsory school attendance may not enter into apprenticeship. In no case is the level of education required for entry into apprenticeship higher than that attained by compulsory school attendance.

Entry into apprenticeship is not subject to medical examination. However, on leaving school, all children are examined by the school doctor. Before entering apprenticeship or beginning training, the physical aptitude of an apprentice is tested; in certain cases, medical examinations are conducted by the doctor of the employment service or by the local sickness funds. In certain occupations (food and luxury goods trades), provision is made for the compulsory examination of apprentices.

No contract of apprenticeship may be signed unless the young person concerned submits a statement of aptitude issued by the vocational guidance service. Apprenticeship contracts are registered with the appropriate guild or trade section of the Chamber of Commerce and Industry or with the appropriate chamber of agriculture.

There is no provision for the transfer of an apprentice during his apprenticeship period in order to supplement his training or for any other reason. Such transfers are not usual.

The period of apprenticeship, is as a rule, determined by the guild or trade federation; prescribed examinations and the issue of certificates are provided for on the expiry of the period of apprenticeship, both for industry and commerce and for agriculture.

The supervision of apprenticeship is ensured by the official organisations representing the employers, the workers' chambers, the labour inspectorates, and the offices for industry and commerce which are a branch of the general administrative departments. As regards ap-

prenticeship in agriculture, the chambers of agriculture, together with the appropriate representative organisations of agricultural and forestry workers and the agricultural and forestry inspectorates, are responsible for supervision. Model apprenticeship contracts are issued by the employers' organisations in the various branches of activity.

The rates of remuneration during apprenticeship are specified in the contract and are generally determined by collective agreement. Provision is made for the payment of wages during sickness and for annual holidays with pay.

The employers' and workers' organisations collaborate closely with the labour inspectorates and the offices for industry and commerce, which have executive powers with regard to the supervision of apprenticeship. Collaboration is maintained between the above offices, the labour inspectorates, the education authorities and the employment services, although there are no formal arrangements for such collaboration.

Under the Austrian Federal Constitution, both the legislation and the enforcement of labour law and of provisions relating to the protection of workers (with the exception of those employed in agriculture and forestry) are within Federal jurisdiction. The Federal authorities are responsible as regards the principles to be contained in the legislation relating to the last-named workers, whereas the provincial authorities are responsible for the enactment of the legislation and its implementation. Consequently, legislative and executive measures on the part of both the Federal authorities and the provinces would be necessary in regard to the provisions of the Recommendation which are not yet covered by Austrian legislation.

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

### *Belgium.*

Apprenticeship in occupations exercised by the middle classes (crafts and trades) is organised by the State. Regulations relating to vocational training and improvement in trades and business are contained in the Order of the Regent of 20 August 1947 and in the Ministerial Order of 15 December 1947. By Royal and Ministerial Orders, craftsmen and shopkeepers are requested to conclude contracts of apprenticeship in conformity with the provisions of these Orders.

Vocational training committees, which may be subdivided into commissions for each branch of trades and crafts, are responsible in particular for the supervision and development of various aspects of apprenticeship.

The qualifications of employers who wish to take apprentices are examined by the vocational training committees and commissions which are also responsible for drawing up programmes, organising courses and other methods of training and apprenticeship examinations, as well as for ensuring that apprentices receive the proper training.

An employer is required to be fully qualified to give adequate training to an apprentice; the latter must have complied with the regulations concerning compulsory school attendance. Entry into apprenticeship is subject to a medical examination; a vocational guidance examination is given in certain cases — in particular, when an apprentice has not completed his sixth year of primary school education.

The registration of apprentices is entrusted to apprenticeship secretariats approved by the Ministry for Economic Affairs and the Middle Classes, regional vocational training committees and the Vocational Training Service of the above-named Ministry.

Provision is made for the possibility of transferring an apprentice from one employer to another.

The duration of apprenticeship is fixed at three years, but due account is taken of any prior training undergone by an apprentice in a vocational or technical training school.

The qualifications required in examinations on the expiry of the period of apprenticeship are fixed uniformly for each trade; the certificates issued as a result of such examinations are recognised throughout the country.

The bodies responsible for the registration of apprenticeship are also entrusted with supervision.

The contract of apprenticeship must be drawn up according to a standard model.

The regulations do not require an employer to grant remuneration to an apprentice. Apprentices serving under contracts of apprenticeship benefit from a holiday savings fund under the National Fund for Annual Holidays.

Collaboration between employers' and workers' organisations and authorities responsible for regulations regarding apprenticeship is ensured by the setting up of vocational training committees composed of representatives of recognised trade groups and of the Administration and of one member representing the apprenticeship secretariats.

#### Canada.

The regulation of apprenticeship is primarily under the jurisdiction of the provinces. Effect may be given to the Recommendation by Parliament alone only in the Yukon and North-West Territories and in particular undertakings over which Parliament has exclusive legislative authority; otherwise the Recommendation may be put into effect by the provincial legislatures.

Up to 31 December 1949 Apprenticeship Acts had been enacted in each province except Newfoundland. The Prince Edward Island Act has not yet been put into operation.

The fact that the regulation of apprenticeship is under the jurisdiction of the provinces does not prevent Dominion assistance to apprenticeship programmes by way of conditional grants. The Vocational Training Co-ordination Act of 1942 and P.C. Order No. 8993 of 21 January 1944 enable the Dominion Minister of Labour to enter into agreements with the provinces for the further-

ance of apprentice training. In 1944 apprentice agreements were made with all provinces except Prince Edward Island and Quebec. Under these agreements, and provided the Provincial Apprenticeship Acts and regulations conform to certain standards, the Dominion shares with the provinces in the cost of classes for apprentices as regards living and travelling expenses to trainees, allowances to members of trade committees, salaries and travelling expenses of field supervisors and other costs relating to apprenticeship training. Apart from the official Government programme there are private plans carried on by industries, sometimes as part of a collective labour agreement.

The Canadian conception of apprenticeship is in keeping with the definition given in the Recommendation. Most of the provincial Acts set out a procedure for naming the trades or occupations which are to come under the compulsory regulations of the Act. The method of designating trades differs slightly in the various provinces. In *Alberta*, the Act applies to trades specified by the Lieutenant-Governor in Council, following an investigation initiated by the Minister of Labour or following a petition from employers or employees. The same applies to *British Columbia*, except that the investigation may be initiated by the Minister of Labour or be requested jointly by employers and employees. Under the *Manitoba* Act, "designated trade" means any trade listed in Schedule "A" to the Act and named as such by Proclamation of the Lieutenant-Governor in Council. The Act may also apply to apprentices in private plans in industry if such plans conform to the provincial standards and are approved by the provincial board. In *New Brunswick* no trades are designated in which apprenticeship is compulsory. The Act is of a permissive nature and applies to trades which are skilled and appropriate to apprenticeship as determined by the Provincial Apprenticeship Committee. The Apprenticeship Act of *Nova Scotia* applies to apprentices in a designated trade specified in Schedule "A". The list of trades may be amended by the Lieutenant-Governor in Council. In *Saskatchewan* the Act applies to trades set out in a Schedule to the Act or included in the Schedule by the Lieutenant-Governor in Council.

The *Quebec* Act does not provide for designating trades. The legislation is radically different from that in other provinces, and the Government refers to an Appendix to the report in which the following outline is given of the position in this province. In many industries apprenticeship has been carried on under Government regulations as provided for by Decrees under the Collective Agreements Act, 1941. These Decrees are administered by "parity" committees, representative of employers and unions, and lay down the length of apprenticeship, ages and wages, ratio of apprentices to journeymen, etc. In 1945 the Apprenticeship Assistance Act was passed to provide for a more systematic and better supervised plan of training

apprentices. This Act is administered by the Provincial Department of Labour and makes provisions for the setting up, on application to the Lieutenant-Governor in Council, of a representative apprenticeship commission in a recognised apprenticeship centre of a trade. The report contains details regarding the responsibilities of these commissions. The above-mentioned Act does not provide for the designation of trades. There is no uniform method of selecting apprentices. There is a minimum educational requirement for entry into some trades only and there is no formal probationary period. Trade tests or examinations are given periodically in all trades through the different commissions.

Apprentice training is carried on under the three methods indicated in the Recommendation.

The various Acts do not require that the employer shall have certain qualifications, but he would not be able to give the undertaking required of him unless he were in a position to provide instruction.

In no case, is the minimum age for entry into apprenticeship less than the statutory school-leaving age, which varies from 14 to 16 years; in some trades the minimum age is higher than 16 years.

There is no definite educational minimum, which varies according to provinces and trades; examples are given in the report.

The normal source for recruiting apprentices is the secondary vocational schools, many of which are developing a vocational guidance service. Medical examination is required by the Acts in six provinces and is the general practice.

In all provinces provision and arrangements are made for the registration of apprentices and contracts under the Director of Apprenticeship, the control of their number, transfers to another employer where desirable and the use of standard contracts.

In some provinces the apprentice is not indentured to an individual employer but to the trade as a whole, to a local trade union or employers' association or a joint committee of these, or to the Provincial Apprentice Board.

The Dominion Apprentice Agreement specifies that apprenticeship must be in a skilled trade requiring at least 4,000 hours' employment and a definite length of apprenticeship must be set.

In seven provinces, which are listed in the report, the Apprenticeship Acts specify that appropriate time credits on the period of apprenticeship may be given in certain cases for approved prior experience and training.

Trade tests and examinations are being used to an increasing extent, particularly at the end of full-time class instruction. In five provinces there is a final examination or test at the end of the apprenticeship period and in one province a final examination for some trades. Periodic trade tests are given by representative committees, school instructors or examining boards in seven provinces. Increasing use is being made of a syllabus for each trade. Job record or progress cards,

based on the work process units covered, are not used except in a few trades in two provinces; such cards are the standard practice in all private industry apprentice plans. Certificates are issued for the satisfactory completion of apprenticeship.

Supervision is carried out at regular intervals by provincial field supervisors who are themselves skilled craftsmen in one of the designated trades.

Wage rates and wage increases for each trade are set out in the regulations issued under the various Apprenticeship Acts.

There are no laws or regulations covering remuneration during sickness and the matter is not covered in contracts of apprenticeship.

Six provinces provide by laws or regulations for holidays with pay, not only for employees but for apprentices in most industrial undertakings.

Trade advisory committees, composed of an equal number of employers' and workers' representatives, function in all provinces having an official apprentice training programme. Some of these committees include representatives of the Provincial Departments of Labour and Education. Provincial and local committees are chosen for designated trades or for groups of trades.

A pamphlet appended to the report contains a chapter relating to the provincial administration of apprenticeship. In all provinces except Ontario, the Acts make provision for the appointment of an apprenticeship board or commission, usually composed of an equal number of representatives of employers and labour and of the Provincial Department of Labour and Education. In Ontario apprenticeship is under the provincial Department of Labour. All provincial Acts provide for the appointment of a Director of Apprenticeship.

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

#### Chile.

While there is no legislation relating to the contract of apprenticeship, various legislative texts relating to social security and wages contain references to apprentices.

Decree No. 1,152 of 27 November 1942 (minimum wages and joint wages commissions) lays down that, for the purposes of the law, an apprentice is deemed to be a person serving under a contract in virtue of which the employer is called upon to provide practical instruction in any occupation, trade or employment.

Reference is made, in Act No. 4,054 of 8 September 1924, respecting compulsory sickness, invalidity and old-age insurance, to the contribution paid by the master in respect of persons employed on probation and apprentices.

Act No. 7,295 of 30 September 1942 (respecting, *inter alia*, the fixing of minimum wages) contains a provision relating to young persons between 18 and 21 years of age employed as apprentices, and states that, at

the end of six months' service with the same employer, a young person is no longer considered as an apprentice.

As neither national legislation nor practice give effect to the provisions of the Recommendation, Chile is unable to accept or to undertake to apply these provisions.

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

#### *Cuba.*

Decree No. 798 of 13 April 1938, relating to labour contracts, deals with apprenticeship (sections 73-85). This Decree applies to occupations, trades and industries.

The mutual obligations of master and apprentice are laid down in sections 81 and 82 of the above-mentioned Decree. The employer may provide instruction for the apprentice either directly or indirectly.

The minimum age for entry into apprenticeship is 14 years. Apprentices are required to have had elementary school education.

The occupational health officer is responsible for medical examinations. A medical certificate must be obtained from the National Labour Office for Women and Young Persons attesting the physical fitness of the young person for the work in question.

#### *Denmark.*

The rules and regulations for the training of apprentices are contained in Act No. 120 of 7 May 1937. Act No. 145 of 18 April 1925, relating to the employment of children and young persons, contains provisions relating to holidays, etc., which are applicable to special classes of young workers under 18 years of age.

Any employer engaging a person under 18 years of age to perform work in his establishment must ensure that a contract of apprenticeship is made out in writing before the young person enters employment. The contract must be endorsed by the competent authority (the employment office) to the effect that it has been drawn up in conformity with the provisions of the legislation. A written contract is not required in the case of apprenticeship agreements between parents and children, but the young persons in question are covered by the provisions of the Act relating to training, the journeyman's test, the right to engage and train apprentices and the duration of the period of apprenticeship.

The above-mentioned Act empowers the Ministers of Labour and Social Welfare, Commerce, Industry and Shipping to declare a contract unnecessary in cases where adequate remuneration and adequate practical and theoretical training within a particular trade or undertaking are guaranteed. The training of an apprentice, which must be as complete as possible, is effected partly by means of work in the employer's establishment and partly through instruction at one of the technical schools approved by the Ministry of Commerce.

The trades which are considered as within the scope of the Act are determined jointly by the Ministries of Labour and Social Welfare, Commerce, Industry and Shipping.

The Act of May 1937 lays down that, in order to engage and train apprentices, the employer must have undergone apprenticeship himself, or have carried on his principal occupation for a period of five years. If this is not the case, the training of the apprentice must be entrusted to a fully qualified person.

The above Act further lays down that a young person may not enter into apprenticeship unless he has reached the age of 14 years and has completed compulsory school attendance.

The employer may not allow an apprentice to perform any work which is prejudicial to his health or beyond his strength or any work unrelated to the trade concerned.

The duration of apprenticeship must be specified in the contract. The Apprenticeship Council lays down maximum and minimum periods of apprenticeship for each trade. The legislation fixes the maximum period at four years, but this may be extended to five years where necessary for certain trades. The first six months of the apprenticeship are regarded as a period of probation during which the contract may be rescinded by the apprentice, his parents or his guardian.

The apprenticeship contract must contain detailed provisions regarding the conditions to which the apprentice shall be subject during apprenticeship.

At the end of the period of apprenticeship the apprentice is required to undergo the examination fixed for his trade. Certificates are issued to successful candidates. In cases where the Minister of Commerce has decided that no examination is necessary, the employer is required to issue a certificate indicating the duration of the apprenticeship and the degree of skill attained. If an apprentice refuses to take, or fails to pass, the examination, his employer is required to provide him with a statement indicating the duration of the apprenticeship. The papers of candidates are examined by journeymen's test commissions, which are appointed for each trade and comprise equal numbers of employers' and workers' representatives.

In trades for which a minimum wage has been fixed, either by collective agreement or by a special wages board, the wage paid must be not less than the minimum so fixed. In addition the employer is required to defray the expenses incurred for the instruction of an apprentice at a technical school, together with the cost of materials supplied, the expenses connected with the journeyman's test and sickness and invalidity insurance fund contributions.

In case of sickness, other than that due to the apprentice's own fault, the employer is required to pay his wages for a maximum period of three months.

The contract must allow holidays with pay amounting to not less than 14 days (12 working days) a year.



The Act of 1937 emphasises the importance of the closest collaboration of trade organisations in the training and supervision of apprentices. For this purpose an Apprenticeship Council has been set up, comprising six members appointed by employers and six by workers, with a chairman appointed by the King. The Council acts in an advisory capacity to the competent Ministries. In addition a joint committee is set up within each trade, to which equal numbers of members of employers' and workers' organisations are appointed. These committees are called upon to advise the competent Ministries and the Apprenticeship Council. They may also advise the competent authority to refuse contracts for training in certain cases where the employer is not able to give satisfactory training or where he employs more than a certain number of apprentices at a time. The authority approving the contract is obliged to comply with the decisions of the committee; however, an appeal may be lodged with the Ministry of Labour and Social Welfare. Disputes between employers and apprentices are settled by arbitration.

Appended to the report are models of apprenticeship contracts, together with the legislative texts.

#### *Finland.*

The following measures relate to apprenticeship: Act No. 123 of 28 April 1923, respecting articles of apprenticeship, as amended by Act No. 159 of 6 April 1934, and the Decision of the Ministry of Commerce and Industry of 19 July 1939, respecting the duration of apprenticeship in various industries and branches of industry.

The legislation defines an "apprentice" as a person who, before attaining the age of 21 years enters the service of an employer other than his father or mother in order to obtain training in a handicraft or industry for which a period of apprenticeship of not less than two years is generally required.

If an employer is incapable of giving appropriate instruction to an apprentice, he must arrange for the instruction to be given by a skilled person.

Where a public technical or other institution for technical education subject to public supervision exists in the locality, the employer must allow the apprentice the time required for his appropriate instruction and ensure that he complies with the obligations of school attendance.

Industrial apprenticeship committees are responsible for the registration of articles of apprenticeship. The committees are set up in every town where the population exceeds 5,000, as well as in similar centres where there is a public technical school or other institution under public supervision or, in the absence of such school or institution, in centres where there are at least 25 apprentices covered by the Act.

The period of apprenticeship is fixed at not less than two years and, in exceptional cases,

at one year, with a maximum period of four years. The Ministry of Industry and Commerce fixes the period prescribed for apprenticeship in the occupations and trades covered by the legislation. The apprenticeship commission may approve a shorter period of apprenticeship if the apprentice displays special aptitude or skill or if he already has a working knowledge of the trade in question.

At the end of the period of apprenticeship, the apprentice is required to pass an approved test; the employer is required to furnish him with a certificate concerning the length of the period of apprenticeship, the manner in which he performed his work, his diligence and conduct.

The legislation provides that articles of apprenticeship must be entered into between an employer and an apprentice for apprenticeship in handicrafts and factory undertakings and any other industrial undertakings or occupations.

During the first three years of apprenticeship the apprentice is also remunerated for days of compulsory school attendance.

The enforcement of the relevant provisions is entrusted jointly to the Department of Vocational Training and the Ministry of Social Affairs.

In view of the fact that the Act respecting articles of apprenticeship and the system of apprenticeship is amended, that the relevant Bill has not yet been submitted to Parliament and that no discussions have yet taken place with employers' and workers' organisations, it is not possible to state what modifications will be called for. The above-mentioned Bill has been drawn up by the Vocational Training Department of the Ministry of Social Affairs and follows substantially the principles contained in the Recommendation.

The Act of 1923, respecting articles of apprenticeship, has never met with the full support of employers and workers. In preparing the new Act, account has been taken of the provisions of the Recommendation, which will be communicated to the employers' and workers' organisations. At present it is not possible to state how far and in what way the above-named organisations will co-operate in the application of the provisions of the Recommendation. In any case, co-operation will be on a tripartite basis.

#### *France.*

In France the term "apprenticeship" does not correspond entirely to the definition given in the Recommendation and means any training which qualifies the person concerned to become a skilled worker or employee. Such training is given in public or private establishments or on the employer's premises. In the latter case it must be supplemented by vocational training classes which may or may not be compulsory.

Apprenticeship is governed by the Act of 10 March 1937 (handicraft undertakings) and the Decree of 24 March 1938 (industrial and commercial undertakings).



The Directorate of Technical Education ensures very close liaison between the Chambers of Commerce and the Chambers of Handicrafts by proposing a uniform policy as regards vocational courses.

No person has the right to train an apprentice in a handicraft undertaking unless he has attained the age of 24 years and holds a master craftsman's certificate, or has graduated from a technical school, or is a handicraft worker holding a permit issued by a prefectural authority with the approval of the Chamber of Handicrafts and the competent trade organisation.

The conditions governing entry into apprenticeship and the mutual rights and obligations of master and apprentice are laid down in Part I of Book I of the Labour Code.

The categories of employers who are not authorised to take apprentices are defined in Book I, Chapter 2, section 6 of the Code.

No person may be employed as an apprentice unless he has completed his period of compulsory school attendance; a certificate for primary school instruction constitutes the minimum standard of general education.

Vocational guidance records are compiled by the heads of public primary schools and by doctors; these records, which are sent to parents through the vocational guidance centres, serve as a guide to the latter, as well as to employers, as regards the choice of a trade.

Apprenticeship contracts must be deposited with the municipal authorities.

The duration of apprenticeship and that of the probationary period are laid down in the contract. There is a tendency to organise examinations and to issue certificates and diplomas on a national basis.

Labour inspectors are responsible for ensuring supervision. A model contract has been drawn up by the Ministry of Labour, but this contract need not be reproduced textually in individual contracts.

The rates of remuneration in cash and other benefits granted by the employer to the apprentice are laid down in the contract, but only in exceptional cases are they subject to regulations.

No provision is made in contracts for holidays with pay, but apprentices are covered by social security legislation as well as by that relating to holidays with pay.

Apprenticeship regulations are drawn up after consultation with the most representative departmental organisations of trade unions, employers and workers, or, in the absence of such organisations, with the provincial courts where such exist.

The inspection of apprenticeship is entrusted to the labour inspectors, who are represented in the departmental committees for technical instruction and in the local vocational training committees under the Ministry of National Education. In addition one labour inspector is represented on the administrative commission of the Departmental Secretariat for Vocational Guidance.

#### *Guatemala.*

Chapter VI of the Labour Code, which was promulgated in Decree No. 330 of 8 February 1947, deals with apprenticeship. The term "apprentice" is defined in Article 170 of the Code. The remainder of this chapter deals with the contract and duration of apprenticeship, the remuneration of apprentices, etc., and certain supervisory functions of the general labour directorate in this connection.

Generally speaking the principles of the Recommendation are reflected in the labour legislation. Because of the special features of the employment system, some difficulties have been encountered in applying the Recommendation. However, apprenticeship is gradually becoming general in various industries and occupations. A special educational centre provides instruction for young persons in various trades. In addition the curricula of public and private schools include courses in manual work.

#### *India.*

No legislation has yet been enacted to regulate and control apprenticeship training in India, nor is there any machinery to register and enforce apprenticeship contracts. Proposals are under consideration, however, for initiating action on the lines indicated in the Recommendation and in the light of the suggestions made by the Scientific Manpower Committee.

As regards current practice, the report states that, at the end of 1948, according to available information, training for 176,111 persons was being provided by 2,718 industrial establishments. Regular systems of apprenticeship, to which schools are attached, have been developed in connection with the railways. The Commissioners of the Port of Calcutta and the Bombay and Madras port authorities have established schemes for the training of various categories of apprentices. The apprentices' training scheme in I.N. Dockyards in Bombay satisfies most of the requirements of the Recommendation. In addition the Government of India has recently sanctioned the introduction, as a temporary measure, of training schemes in the ordinance and clothing factories. The Department of Posts and Telegraphs has organised apprenticeship courses for certain categories of its employees. Some private undertakings, in particular Tata, have initiated or developed schemes of apprenticeship and have organised night schools for various categories of their staff.

The report contains the following information with regard to the position in various States:

The Madras Government contemplates the introduction of a Bill respecting apprenticeship.

In 1937 the Government of Bombay proposed a scheme for the textile industry but, owing to lack of co-operation on the part of the mill-owners, no satisfactory results were achieved. However, as apprentices are included in the definition of "workmen" under

the Bombay Industrial Relations Act, the awards of tribunals also cover apprentices.

In West Bengal there is an Apprenticeship Act dating back to 1850 but, for all practical purposes, this Act is a dead letter. Two committees have been set up by the State Government to survey the existing apprenticeship scheme in the textile and engineering industries, and to make recommendations in this connection. The State Government is also considering the question of introducing suitable legislation.

In Uttar-Pradesh a Board of Apprenticeship has been constituted to arrange for the examination of apprenticeship trainees. The question of apprenticeship training is being examined by a special committee.

Appended to the report are copies of the schemes and courses referred to by the Government. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Ireland.*

The expression "apprenticeship" has the meaning given to it in the Recommendation.

The majority of trades have their own schemes for apprenticeship which are organised and administered by the unions of employers and workers and provide for technical and vocational training and examinations.

Under the Apprentice Act of 1931 the Minister for Industry and Commerce may designate any trade in which a system of apprenticeship seems necessary. He has, in fact, designated those trades which have desired to take advantage of the benefits provided by the Act. The report contains details of designated trades in respect of which apprenticeship committees have been established.

Apprenticeship committees, established under the Apprenticeship Act, must make qualification rules and rules regulating the period of apprenticeship, the minimum rates of wages, and the maximum hours of work. These committees may make rules regarding the educational qualifications, the training and number of apprentices, the age for entry into apprenticeship, apprenticeship premiums and maximum rates of overtime wages.

In the rules regulating the training of apprentices, most of the committees have prescribed the technical and other qualifications which employers or the journeymen appointed to train apprentices must possess in order that they may take and train such apprentices.

Compulsory school attendance ceases at 14 years of age. Of the six committees now operating, three have prescribed the minimum age as 14 years and two as 16 years; one committee has not prescribed any minimum age.

The majority of the apprenticeship committees have prescribed that employees entering into apprenticeship must have the primary school certificate of the Department of Education or have completed not less than

one year's attendance at a whole-time junior day technical school course conducted by a vocational education committee. Generally, the committees will issue a certificate of exemption from this rule in the case of an apprentice who has not the exact qualifications prescribed, but who possesses educational qualifications accepted by the Minister for Education as being reasonably equivalent.

The Factory and Workshop Act, 1901, provides for the certification of the fitness of young persons under 16 years of age to enter employment in factories.

Under the Apprenticeship Act the apprenticeship committees are responsible for a register of apprentices.

All the committees have prescribed the maximum number of apprentices, in relation to the number of journeymen in the same employment, which may be engaged by employers in the same trade.

The Act provides that if an employer employs either no apprentices or a number of apprentices less than the standard number, a committee may require him to take into his employment such number of apprentices as will make the total number employed by him equal to the standard number.

The Act provides that, under certain conditions, an apprenticeship committee may arrange for the transfer of an apprentice from the service of one employer to another carrying on the trade in the apprenticeship district.

All the committees have prescribed a minimum number of years for the course of apprenticeship. In some cases any prior training undergone by the apprentice in a technical or vocational school is taken into account.

There is no provision in the Apprenticeship Act for the holding of examinations for apprentices on the expiry of the period of apprenticeship but certain individual schemes shall provide for such examinations.

Inspectors of the Department of Industry and Commerce are authorised to investigate complaints lodged with the committees and generally to enforce committee rules and all other statutory regulations regarding conditions of employment of apprentices.

The Act provides that the register of apprentices shall contain prescribed particulars of the registered apprentices in the trade concerned.

In virtue of the provisions of the Act, every apprenticeship committee shall make rules in relation to the minimum rates of wages payable in the trade and district covered by these rules.

Provision for the payment of sickness benefit is made in the National Health Insurance Act and for holidays with pay in the Holidays (Employees) Act 1939.

The Apprenticeship Act, 1931, provides that every apprenticeship committee shall consist of members representing in equal proportions employers and employees of the trade concerned and members appointed by the Minister. When a trade is designated for an apprenticeship district, the Minister, by

Regulations, prescribes the constitution of such committee and the method of appointing the representative and appointed members.

The report contains detailed information regarding co-operation between the various authorities responsible for education and the apprenticeship authorities and in respect of the provision of part-time technical education for apprentices. In addition the apprenticeship committees have made arrangements with the Ministry of Social Welfare for the public employment exchanges to supply them with particulars of any apprentices in the designated trades who may report for unemployment benefit.

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

#### *Italy.*

Apprenticeship is governed by Royal Legislative Decrees Nos. 1906 of 21 September 1938, which lays down regulations for apprenticeship and 1380 of 21 June 1938, to institute courses for the training of workers, and also by sections 2130-2133 of the Civil Code.

Decree No. 1380 of 21 June 1938 defines an apprentice as any person employed in an industrial or commercial undertaking for the purpose of acquiring the qualifications required for a skilled worker by means of practical instruction and the attendance of courses for vocational training, where such courses exist.

The trades for which apprenticeship is considered necessary are not fixed by the legislation. At the same time, in order to encourage apprenticeship in small handicraft undertakings, a list has been compiled, in application of the Act of 26 April 1949, of the trades in those undertakings which may be considered as workshops for apprentices, provided that certain prescribed conditions are fulfilled.

In addition to the legislation previously mentioned, apprenticeship is also governed by collective agreements on a national basis.

The legislation lays down the conditions required of employers as regards the training of apprentices, the entry of young persons into apprenticeship, and the rights and obligations of master and apprentice.

A Circular issued by the Ministry of Labour on 28 March 1950 stipulates that an employer is not authorised to train apprentices until it has been ascertained that he is qualified to do so, due regard being paid to his age, his years of service and experience in the trade and his aptitude to give the required instruction. In addition the undertaking must be so organised that an apprentice is able to acquire sufficient technical knowledge of handicrafts.

In order to enter into apprenticeship, young persons must have reached the age of 14 years and have completed five years of primary school education. They must also undergo a medical examination.

When an apprentice transfers from one employer to another, each period of apprenticeship is taken into account in calculating

the total period, provided the apprenticeship is in the same trade and that the interruption in service does not exceed the period laid down in collective agreements.

The duration of apprenticeship is fixed by collective agreements in relation to the standard of qualifications to be acquired.

An apprentice is entitled to a certificate at the end of his period of apprenticeship.

Labour inspectors are responsible for supervising apprenticeship.

The rates of remuneration for apprentices are fixed by collective agreements. However, the legislation lays down that, in handicraft undertakings in cases where special technical qualifications are required for training an apprentice, the employer is not obliged to remunerate him during the first six months following his engagement.

The labour inspectorate, in supervising apprenticeship, ensures compliance with standards for conditions of work. The principles of the Recommendation are applied to a large extent.

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

#### *Luxembourg.*

The provisions of the Grand Ducal Order of 8 October 1945, to amend the Act of 5 January 1929 respecting apprenticeship, correspond to the principles laid down in the Recommendation.

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

#### *Netherlands.*

Apprenticeship is governed by the regulations contained in the Act respecting technical instruction and in the Ordinances issued in pursuance of this Act. For some branches of industry, regulations are issued under collective agreements which make apprenticeship compulsory in certain cases.

Associations and institutions which are recognised as corporate bodies may assume responsibility for the setting up and administration of an apprenticeship system, at the instance of the Minister of Education and the Vocational Instruction Inspectorate, at the request of trade unions or, in conformity with the Act of 1937 respecting retail trade, where circumstances necessitate the setting up of an apprenticeship system for the managers of small undertakings. Apprenticeship systems may also be set up for special reasons, e.g., in the interests of craftsmen in rural districts.

The measures taken under the legislation and collective agreements provide for adequate co-ordination to guarantee uniformity in the degree of skill required, and in the methods and conditions of apprenticeship within each trade throughout the country.

The trades in which the legally prescribed system of apprenticeship seems necessary for instructional considerations must be "skilled" as defined by the law.

Steps have been taken to lay down provisions regarding the technical and other qualifications required of employers in order that they may take on and train apprentices. Young persons are not allowed to enter into apprenticeship until they are above the age at which compulsory school attendance ceases. In addition they must have received adequate elementary school education.

Before the apprenticeship contract is drawn up a medical certificate must be furnished by the apprenticeship authorities attesting to the physical fitness of the candidate for the trade in question.

The Minister for Education, Arts and Science appoints the committees responsible for examinations. The labour inspectorate is consulted with regard to the drawing up of apprenticeship programmes involving the use of dangerous machinery. The certificates issued must conform to the model prescribed by the Minister, who is also responsible for drawing up training programmes. The Vocational Instruction Inspectorate supervises compliance with the rules governing apprenticeship. Each system of apprenticeship has its own supervisory system maintained by chief inspectors, inspectors, etc. In the case of legally subsidised apprenticeship schemes, the appointment of supervisory officials is subject to the Minister for Education, Arts and Science; approximately 52 such schemes are in existence.

The contract of apprenticeship must be drawn up in writing. The Act respecting technical instruction contains details regarding the clauses to be included in the contract. These clauses cover: the duration of the contract and of the trial period; the trade in which the apprentice is to be trained; the programme to be followed; the average weekly number of hours to be devoted to practical training; supplementary school attendance (evening classes); the obligations of the employer, the apprentice and his legal representative; reasons for the termination of the contract by one party and provisions regarding the compensation payable by the employer or the administration in case of illegal termination of contract.

The legislation authorises the transfer of an apprentice from one employer to another for specified reasons (termination of operations by an undertaking; conviction of an employer for breach of the legislation or serious fault on the part of the employer, the apprentice or both).

Apprentices are covered by sickness and accident insurance legislation. They are entitled to the holidays with pay which are granted to regular workers in the same category.

Collaboration is maintained between the national apprenticeship systems and employers' and workers' organisations, as also between the bodies responsible for the supervision of apprenticeship, the public employment exchanges and vocational guidance institutions.

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

#### *New Zealand.*

For the purposes of the Apprentices Act, 1948, the term "apprentice" means any person of either sex who has contracted to serve any employer and to learn or be taught any industry. However, the Act does not apply to apprenticeship to the trade of pharmaceutical chemist, which is covered by the Pharmacy Act of 1939, or to the apprenticeship of any female, except in such cases as are prescribed by the Court of Arbitration by Order direct or by special clauses in an Apprenticeship Order or under awards of the Court. The Master and Apprentices Act of 1908, which concerns only Government apprentices, defines an "apprentice" as any male person who is apprenticed to learn, be taught or instructed in any art or trade.

Apprenticeship Orders of the Court of Arbitration are operative in all occupations (except the pharmaceutical), in which apprenticeship is usual. The report contains a list of 25 trade groups, covered by such Orders and of 13 Court of Arbitration awards in respect of female apprentices in 13 trade groups.

The Court of Arbitration controls apprenticeship matters through committees, generally on an industrial basis, composed of the Commissioner of Apprenticeship, representatives of employers and workers and one member conversant with technical education. There is in each case a national committee with subordinate district committees; the chairman is an officer of the Department of Labour, being the Commissioner of Apprentices or one of the six District Commissioners, as is appropriate.

All Apprenticeship Orders require an employer, before taking on an apprentice, to satisfy the competent local apprenticeship authorities that he is a suitable employer, is in a position to continue in business as an employer and has the facilities for properly teaching the trade.

In fixing the minimum age at which a person may commence to serve any apprenticeship in any industry, the Court has taken the school-leaving age (15 years), as fixed by the Education Act of 1920 and the Regulations of 1943, although a higher age is fixed by two Orders. In the case of eight of the trade groups covered by Apprenticeship Orders, the required educational standard includes post-primary school attendance. At present medical examination of apprentices is required under the Factories Act of 1946 only for those under 16 years of age who enter a factory employment. If and when Convention No. 77 is ratified, fuller consideration will be given to the detailed provisions of the Recommendation in this connection.

Contracts of apprenticeship must be registered with the District Commissioner. In the case of pharmaceutical apprentices, articles of apprenticeship must be delivered to the Pharmacy Board for recording. The number of apprentices or proportion of apprentices to journeymen that may be employed by any employer is determined

by the Court of Arbitration in its Apprenticeship Orders; the proportion of pharmaceutical apprentices is controlled by regulations under the Pharmacy Act. There is at present no form of registration for workers apprenticed under an award of the Court of Arbitration, but employers are required to notify the Inspector of Awards in the case of dismissal or discharge.

Under the Apprentices Act of 1948 the transfer of an apprentice may be arranged at the request of either the employer or the apprentice concerned, subject to the approval of the local committee or, by order of the Court of Arbitration if, in the opinion of the Commissioner or committee, an apprentice is not being properly trained. The Apprenticeship Order in any industry must specify the period of apprenticeship and also the period of probation; the latter period counts as part of the total period of service. Examples given in the report show that, in some trades, the period of apprenticeship varies between 8,000 and 12,000 hours and in others between three years and five years. The apprenticeship term may be shortened where the apprentice possesses or obtains any special qualification.

Examinations of apprentices who desire to present themselves for examination are conducted by the New Zealand Trades Certification Board, established by the Trades Certification Act of 1948. These examinations are, as a rule, in four grades, leading to the trades certificate (after reaching the final year of apprenticeship) and the advanced trades certificate (after completion of apprenticeship). Prescriptions for these examinations are approved by the appropriate apprenticeship committees and are published in booklet form by the Board. Certificates are issued.

Under the Factories Act of 1946 inspectors ascertain that the terms of apprenticeship contracts are observed. One important function of the District Commissioner is to check the proper training of individual apprentices. Contract forms in respect of apprentices coming under the Apprentices Act of 1948 are printed by the Department of Labour for issue to employers. No form of contract has been prescribed for apprentices under awards of the Court of Arbitration, but it is expected that a form of a general kind may be determined shortly. The Third Schedule to the Master and Apprentice Act of 1908 contains the form of indenture for use in regard to apprentices to Government departments.

Under the Apprenticeship Act of 1948 Apprenticeship Orders made by the Court of Arbitration prescribe the wages for apprentices, generally as a graduated percentage of the rate payable to journeymen. Wage rates for pharmaceutical apprentices are at present prescribed by an award of the Court of Arbitration and are based on a percentage of the wage for a qualified pharmacist's assistant. In the case of female apprentices, apprenticed under an award of the Court, the wage scale is as stated in the award

involved and, in the case of Government apprentices, scales are fixed by the appropriate tribunal.

The apprenticeship committees already referred to provide for collaboration between the parties concerned in apprenticeship, including employers' and workers' organisations. General and vocational education, together with vocational guidance, are under the control of the Director of Education, who nominates a member of each New Zealand committee. Public employment exchange and labour inspection services are under the control of the Department of Labour, to which the District Commissioners are also attached. The Commissioner of Apprenticeship is also a statutory member of the Trades Certification Board. In practice there is very close collaboration between officers of the Departments of Labour and Education, both nationally and locally.

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

#### *Norway.*

The date of the coming into force of the new Act of 14 July 1950, respecting apprenticeship in handicrafts, industry and commerce, has not yet been fixed. The Government therefore supplies information on the application of the provisions of existing legislation.

The Ministry of Industry, Handicrafts and Shipping is responsible for the enforcement of the Act of 25 July 1913 respecting handicrafts. This Act and the Royal Decree of 25 October 1918, with subsequent amendments, cover 56 trades.

Collective agreements for some industrial trades contain provisions relating to the training and remuneration of apprentices, and the duration of apprenticeship and conditions for recognition as a skilled worker. These provisions, however, are not so comprehensive and detailed as the provisions of the Recommendation.

Provisions relating to apprenticeship are not contained in collective agreements for commerce and clerical occupations but, in some branches of the latter, efforts have been made to give young employees the necessary vocational training by voluntary arrangements.

The present regulations relating to handicrafts contain no provisions regarding medical examination and registration, supervision and the transfer of apprentices from one undertaking to another.

The duration of apprenticeship, the maximum number of apprentices and the remuneration due to the apprentice in handicraft undertakings are determined in agreements between the organisations concerned.

The Act of 14 July 1950, which is not yet in force, gives effect to all the principles laid down in the Recommendation, except that no provision is made for the voluntary use of psychological tests for apprentices, whereas the Recommendation (3(2) (d)) implies that these tests are compulsory; nor does the Act make provision for examinations in the course

of apprenticeship (3(2) (h) of the Recommendation).

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

#### *Pakistan.*

There is no legislation in regard to the matters dealt with in the Recommendation. However, certain railway workshops and industrial undertakings have developed apprenticeship schemes which vary from unit to unit. The railway apprenticeship scheme is well organised and is in conformity with the main provisions of the Recommendation.

The enforcement of the railway scheme is entrusted to the Railway Administration; as regards private industrial undertakings, the employer is responsible.

#### *Poland.*

Apprenticeship is governed by the following legislative measures:

Order of the President of the Republic of 7 June 1927, concerning industrial law, as amended by the Act of 10 March 1934.

Act of 29 March 1937, respecting the establishment and maintenance of public auxiliary vocational schools, as amended by the Decree of 3 February 1947.

Decree of 2 August 1945, respecting employment offices and Order of 24 September 1945 issued in pursuance thereof, respecting the placing of employees and apprentices.

Order of the Minister of Instruction of 11 July 1945, respecting the organisation of public secondary vocational schools.

Decree of 29 September 1945, to amend the Act of 2 July 1924 respecting the employment of women and young persons.

Decree of 22 October 1947, respecting the exceptional reduction of the duration of instruction, apprenticeship and practical training of members of trade guilds in handicraft occupations.

Order of the Minister of Labour and Social Welfare of 9 April 1949, respecting the observance of compulsory school regulations for young persons.

A Bill to entrust to the Central Office for Vocational Training the control of vocational, or "practical" instruction, in industrial undertakings is in course of preparation.

Polish apprenticeship legislation is in many respects more advanced than the provisions of the Recommendation.

#### *Sweden.*

There is no Government regulation of apprenticeship. However, grants from public funds may be paid to master craftsmen for the purpose of training apprentices; in such cases the training given must conform to certain conditions. The appropriate employers' and workers' organisations have taken action regarding apprenticeship on the basis of collective agreements.

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

#### *Switzerland.*

Apprenticeship, vocational training and education in general, are regulated on a uni-

form basis throughout Switzerland by the Federal Act of 26 June 1930 respecting vocational training, as amended by the Ordinances of 23 December 1932, and 11 September 1936 issued in application of the Federal Act.

With the following exceptions, there are no discrepancies between the law and practice in Switzerland and the provisions of the Recommendation. The Federal Act does not provide for a medical examination before entry into apprenticeship. The cantons may make legislation respecting public health and sanitation; several cantons have included provisions in their legislation requiring young persons to undergo a medical examination on entering into apprenticeship. Encouraging progress has been made in the organisation of medical examinations and the supervision of health during apprenticeship. While the Federal Act does not provide specifically for collaboration between public employment exchanges and the labour inspection authorities, in point of fact, such collaboration exists. The cantonal authorities have promulgated legislation fixing details for the application of the Federal Act, but this legislation does not depart from the principles laid down in the latter.

The Federal Department of Public Economy is responsible, in particular, for determining the trades to be covered by the Federal Act, and for issuing regulations relating to apprenticeship and examinations at the end of apprenticeship; the Department also sends out experts on inspection visits to ensure that the provisions relating to apprenticeship are scrupulously observed.

The Federal Department of Public Economy is competent in matters relating to apprenticeship, and is responsible for supervision of the application of the Federal Act at the highest level by the cantonal authorities.

The collaboration of groups of employers and workers is specifically provided for in section 56 of the Federal Act of 26 June 1930 and sections 74-76 of the Ordinance of 23 December 1932. Groups which comply with the prescribed conditions are entered in a special register and are consulted when measures of importance are contemplated regarding apprenticeship.

The application of the Recommendation in Switzerland has not necessitated any modification in the Federal legislation.

The Federal Act is a basic Act valid for the entire national territory. The application of this Act is entrusted to the cantonal authorities under the supreme supervision of the Confederation. There are no discrepancies between Federal and cantonal legislation, the law and practice and the provisions of the Recommendation.

Appended to the report are lists of the trades covered by the Federal regulations relating to apprenticeship and models of apprenticeship regulations and examination papers.

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

*Turkey.*

As legislation relating to apprenticeship is in course of preparation, the Government is unable to furnish the information requested.

*United Kingdom.*

There is a long tradition of apprenticeship, both formal and informal, in the United Kingdom. The definition of apprenticeship given in the Recommendation is applied in a wide variety of trades, although no comprehensive list of trades has been prepared. Apprenticeship arrangements are generally the subject of agreements between employers and workpeople; each industry determines the appropriate method of training for each of the skilled occupations found in it.

In 1945 the Minister of Labour and National Service, on the recommendation of a joint consultative committee representative of employers' and workers' organisations, instituted action whereby the Central Youth Employment Executive of the Ministry, with the Ministry of Education and the Scottish Education Department, have been encouraging industries, wherever necessary, to take measures on the lines of the Recommendation. As a result national joint apprenticeship and training councils have been established by a considerable number of sections of industry in order to set standards for national apprenticeship schemes, to co-ordinate and provide for the supervision of training and to co-operate with the Government authorities and services concerned.

The above remarks apply to *Northern Ireland*, except that there is no organisation in that country corresponding to the Central Youth Employment Executive. The Ministry of Labour and National Insurance for Northern Ireland encourages industries, where possible, to consider their apprenticeship arrangements in the light of the terms of the Recommendation. The Ministry of Education for Northern Ireland is also endeavouring to encourage the technical training of apprentices in accordance with the recommendation of a joint committee which reported on such training in 1945.

In framing apprenticeship schemes the joint apprenticeship and training councils take into consideration the qualifications for employers, as specified in the Recommendation, the conditions governing the entry of young persons into apprenticeship and the rights and obligations of master and apprentice.

Employers are required to give adequate training to apprentices.

A minimum age for entry into apprenticeship is always set; under the legislation, this age cannot be less than the upper limit of the compulsory school age. The principle of the Recommendation regarding the minimum standard of general education is followed.

While medical examination is general to determine fitness for a particular job, few schemes specify special aptitude tests, although their use by individual firms is increasing.

The principles of the Recommendation regarding the registration and transfer of apprentices and the duration of apprenticeship are always considered, but the provisions made vary according to occupation and conditions. A number of schemes provide for control of intake, registration and transfers where desirable.

The duration of apprenticeship is determined in advance and frequently there is provision for reduction in the period of apprenticeship on account of approved full-time technical education.

Examinations are not normally held covering practical training in the undertaking, but certificates of apprenticeship are generally given and recognised. Nationally recognised courses, examinations and certificates are available, over a wide field, through the educational system.

Supervision is established over apprenticeship, according to the principle, laid down in the Recommendation.

The type of apprenticeship contract to be used is usually prepared by the national joint body for the particular section of industry.

Provision regarding the method of remuneration and the scale of increases in remuneration, is always included in the contract. The principles of remuneration during sickness and holidays with pay are observed, in some cases directly and in others indirectly, through separate wage and other agreements.

Except in a few industries covered by Wages Councils, which are statutory bodies, apprenticeship conditions are the subject of industrial negotiations and agreements and are enforced by voluntary machinery; there are no official bodies generally responsible for supervision of apprenticeship as such. However, there is collaboration among the industrial bodies, education authorities, and vocational guidance, employment and labour inspection services.

*Territories**Basutoland, Bechuanaland and Swaziland.*

The system of apprenticeship as described in the Recommendation does not exist in the High Commission Territories nor is it required, since the vast majority of the population carry on their livelihood in agriculture or stock-raising or in unskilled labour.

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

*United States of America.*

In 1937 the Federal Government enacted the Fitzgerald Act (Public Law No. 308) relating to apprenticeship. This legislation authorised the Secretary of Labor to formulate and promote the furtherance of labour standards necessary to safeguard the welfare of apprentices; to extend the application of such standards by encouraging their inclusion in contracts of apprenticeship; to bring together employers and labour for the formulation of programmes of apprenticeship and to co-operate with the State agencies



engaged in the formulation and maintenance of standards of apprenticeship. The Act also authorises the Secretary of Labor to publish information relating to existing and proposed labour standards of apprenticeship and to appoint national advisory committees composed of representatives of management, labour, education and other interested Government officials. The Secretary of Labor was empowered to establish the Bureau of Apprenticeship for the administration of the Act. The functions of the Bureau are described in detail in the report. In addition, the Federal Committee on Apprenticeship was set up by the Secretary of Labor to assist the Bureau in formulating general apprenticeship policies.

The Fitzgerald Act gives no authority to the Secretary of Labor to regulate, control or supervise the actual training of apprentices. The organising and carrying out of training is the responsibility of management and labour and the development of a national apprenticeship programme depends upon their voluntary co-operative action.

Various other Federal Acts permit their administrations to prescribe minimum wages and maximum hours to be observed in specified occupations and industries. These Acts are administered in such manner as to require compliance with the standards of the Federal Committee on Apprenticeship in the industries and occupations concerned.

The definition given in the Recommendation adequately sets forth the characteristics of what is generally known as "apprenticeship" in the United States, except that enrolment is not restricted to "young persons" (largely as a result of the veterans' training programme) and that a labour union, either jointly with management or independently, frequently accepts the obligation to have apprentices trained.

The Bureau of Apprenticeship has published a list of occupations which it has designated as apprenticeable in accordance with certain criteria which are listed in the report. The Federal Committee is responsible for the final decision regarding the addition of any trade to this list.

In order to secure uniformity and essential flexibility in registered apprenticeship throughout the country, the Bureau of Apprenticeship has compiled sample schedules of work processes for all the trades which it recognises as apprenticeable; in addition a general description of each trade classification and occupation is published in the "Dictionary of Occupational Titles", prepared by the Division of Occupational Analysis in the Department of Labor (Bureau of Employment Security).

Specific recommendations have been formulated by the Bureau of Apprenticeship with regard to the provisions of the Recommendation relating to the qualifications required of employers, the conditions governing entry into apprenticeship and the rights and obligations of master and apprentice. The Bureau of Apprenticeship and local joint apprenticeship committees, where such exist, are responsible for ascertaining that an

employer or a journeyman in his employ is qualified to train apprentices. The minimum age for admission to apprenticeship has been fixed by recommendation of the Bureau at 16 years; this minimum is in conformity with the relevant provisions of the Fair Labor Standards Act and with the minimum age for compulsory school attendance in 39 States and four territories. The minimum standard of general education prescribed in most written standards of apprenticeship is the completion of at least 12 years' attendance at high school. Exceptions are made for persons with unusual experience or aptitude and due consideration is given to variations in the requirements of different trades.

The Bureau has not specifically recommended medical examination, but it has encouraged the collection and publication of information relating to the selection procedures of apprenticeship systems, many of which employ special or mental aptitude tests. The development of aptitude tests in industry is handled by the Vocational Division of the United States Office of Education, State and local vocational education agencies and the Federal and State Employment Services.

Apprenticeship agreements are registered with a State or Federal apprenticeship agency. The Bureau of Apprenticeship acts as registration agent for the 21 States and territories (listed in the report) in which there are no State or territorial apprenticeship councils (approximately 20 per cent. of apprentices in training are not registered with any Government agency). For States not having their own councils the Bureau of Apprenticeship registers apprenticeship programmes which are voluntarily submitted by employers and employees when such programmes are in accordance with the standards formulated by the Bureau of Apprenticeship. Responsibility for determining the number of apprentices rests with the parties to collective bargaining agreements, where such exist; otherwise the number is determined by the employers of skilled labour in each area. Although the Bureau of Apprenticeship has not advocated that the control or determination of the number of apprentices is a function of the registration agency, it has promoted the policy that the number of apprentices employed in proportion to the number of journeymen should conform to the local needs of the community and occupation in question.

The transfer of an apprentice from one employer to another is facilitated for apprentices indentured under the group system (approximately 75 per cent. of all registered apprentices), whereby an apprenticeship training system is established for a trade in a given area by the representatives of management and or labour concerned. The duration of apprenticeship and a time schedule in respect of the phases or processes of the job to be learned and the approximate amount of time involved are determined in the written standards submitted for registration by individual firms or groups of firms. Generally speaking, these standards also provide for an



appropriate probationary period and for the evaluation of previous experience, which may result in the application of time credits. The Bureau of Apprenticeship recommends, by various methods, the periodic examination of progress made by apprentices and, in support of this principle, gives technical assistance to local apprenticeship committees. The establishment of uniform qualifications required in the examinations is regarded as the function of the national labour unions or the employers' associations concerned. Certificates of completion of apprenticeship are issued by the Bureau to apprentices upon receipt of a written request from a representative of the joint apprenticeship committee or an employer; these certificates have gained national recognition.

In the place of rules governing apprenticeship, the Government, through the Bureau of Apprenticeship, attempts to formulate standards for the guidance of industry. When these standards have been formally accepted the Bureau provides the necessary maintenance services to ensure that the apprenticeship programme is conducted in conformity with the purposes specified therein. Two standard forms, one for individual and one for group systems, providing for all the important terms and conditions of an apprenticeship contract, have been prepared and distributed by the Bureau. The use of these forms is not compulsory, but the recording of all the essential information by the Registration Office of the Bureau of Apprenticeship is required before a certificate of completion is issued to an apprentice.

All contracts registered by the appropriate State apprenticeship agency or, in the absence of such an agency, by the Bureau of Apprenticeship, contain the scale of increase in remuneration fixed in accordance with the provisions laid down by the Bureau. Practices with regard to remuneration during sickness or for holidays are established by collective bargaining or, in the absence of an employee organisation, by the individual employer. An apprentice is not subject to any discriminatory practices because of his status; it is not considered necessary, therefore, to formulate any special policy with regard to the general working conditions of apprentices, who are entitled to the same rights as the other persons with whom they work.

The Government agency responsible for the administration of the voluntary apprenticeship (the Bureau of Apprenticeship) collaborates with the organisations of employers and workers. The Bureau has formulated its basic policy in a statement describing the importance and working of employer-employee co-operation and participation in the operation of an apprenticeship programme. In addition the Bureau assists industry in setting up joint apprenticeship committees in given firms or for given trades in particular areas. These committees consist of representatives from employers and organised employees, with an equal voice on policy questions and are responsible for the administration and supervision of apprenticeship in

the plant or the trade in the area concerned; on the basis of their experience the Bureau modifies its policies and standards relating to industry as a whole.

The local groups of employers and workers referred to above are encouraged to utilise all available assistance from employer or manufacturing groups and labour and from governmental agencies, such as the Vocational Division of the United States Office of Education, and all State and local vocational agencies. In addition the Bureau of Apprenticeship furnishes information upon request to vocational guidance institutions and to local, State and Federal employment offices.

The Bureau of Apprenticeship has also co-operated with labour inspection authorities responsible for the administration of the Minimum-Wage Law and for legislation covering the employment of minors in hazardous occupations.

The Bureau of Apprenticeship has no enforcement powers over employers or employees to secure the adoption of its own policies and standards of apprenticeship, nor does any Federal agency have such powers. However, once an individual apprenticeship contract has been negotiated in accordance with the standards formulated by the Federal Committee on Apprenticeship, the contract is valid and enforceable through the appropriate courts of law.

In addition, registration of apprenticeship programmes and apprenticeship agreements may be denied to employers and employees who fail to meet the standards of work, experience and training laid down by the Bureau in any one of the 21 States for which it is the registration agent. A large part of the Bureau's activity is devoted to "maintenance work", *i.e.*, the servicing of programmes which have been previously established and registered. In this way the Bureau is in a position to assure itself that apprenticeship programmes in industry are conducted in a manner which will achieve to the fullest possible degree the purposes set forth in the programme. Where this is not the case the registration of the programme is withdrawn.

Employers' and workers' organisations co-operate in the application of the provisions of the Recommendation at national, State and local levels. The Secretary of Labor has appointed national trade or industry joint apprenticeship committees, composed of representatives of interested employer associations and labour unions having jurisdiction over the trade or industry concerned, to advise and assist the Bureau of Apprenticeship in formulating policies relating to specific trades or industries. At present six such committees are in existence. Similar committees also exist at the State level to advise and assist local groups within the State in solving problems relating to the operation of apprenticeship programmes. At the local level apprenticeship programmes are in many cases actually established and operated by representatives of employers' and workers' organisations.

As a matter of policy the Bureau of Apprenticeship encourages the development of apprenticeship programmes separately from the regular bargaining agreements, and recommends that a clause be inserted in the agreement providing for the establishment of an apprenticeship programme in accordance with the minimum standards recommended by the appropriate agency.

All the provisions of the Recommendation are regarded by the Federal Government as appropriate under its constitutional system for action by both the constituent States and the Federal Government itself.

Thirty-one out of the 52 States and territories have adopted apprenticeship legislation or established apprenticeship agencies which, in most cases, operate in the State Department of Labor and promote labour standards of apprenticeship in general conformity with those recommended by the Federal Committee.

State apprenticeship laws (with the exception of those in Colorado, Massachusetts, Oregon and Wisconsin) conform substantially to the approved "suggested language" for State voluntary apprenticeship Bills. The apprenticeship laws of the four States mentioned above vary in some significant respects, mainly as regards administration and scope, from the laws of the other States. All the apprenticeship laws recognise the fact that labour standards should be administered by State Labor Departments.

In six States and one territory which have no State apprenticeship laws, State apprenticeship councils have been established; the members of these councils are usually appointed by the State Labor Commissioners and sometimes by the Governor. The functions

of these State councils are in general similar to those established by law.

In the 21 States where there is no State apprenticeship law or council, the U.S. Bureau of Apprenticeship acts in an administrative capacity on their behalf, working directly with local groups of employers and employees who are interested in and qualified to train apprentices.

The major difference between State apprenticeship councils and the Federal Committee on Apprenticeship, or between a State administrative unit and the Bureau of Apprenticeship, is in the scope and emphasis of the work of each.

The two main differences between State and Federal practices relate to the definition of an apprentice (in particular as regards the number of years of practical experience required in a trade) and the criteria of apprenticeability. In some States the policies and practices of the U.S. Bureau of Apprenticeship are extended to more trades than in others. There is, however, a single national apprenticeship programme operating at the various levels with a division of function based on the geographical coverage of the unit involved, but with no division of basic purpose of principle.

Appended to the report are models of schedules of work and experience, standards of apprenticeship, record cards, certificates of registration and of completion of training, etc., and documents relating to the operation and organisation of the national apprenticeship programme.

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

### Thirtieth Session (Geneva, 1947) Labour Inspection Convention, 1947: C. 81<sup>1</sup>

#### *Argentina.*

The system of labour inspection, which is administered by the Ministry of Labour and Welfare and its regional delegations, is organised in accordance with Acts Nos. 8,999 and 11,570, and Decrees Nos. 15,074/43, and 21,877. The provisions of Articles 1, 2, 3, 9, 15, 17, 18, 22 and 24 of the Convention are fully implemented by existing legislation. The Convention is being examined by the competent authorities.

#### *Australia.*

Responsibility for those aspects of labour inspection covered by the Convention is shared between the Commonwealth and the States. Inspection for the purposes of awards, determinations and agreements of the Commonwealth Court of Conciliation and Arbitration is carried out by an agency of the Commonwealth Department of Labour and National Service. This agency also shares responsibility for labour inspection in the

Australian Capital Territory and the Northern Territory with other inspectorates, under the administration of the Department of the Interior. In the States (except Commonwealth territories), general labour inspection in industry and commerce is conducted by the inspectorates attached to the State Labour Departments. Specialised inspection work (e.g., inspection of machinery and scaffolding) is carried out by special services which, in some cases, function within the general labour inspectorate or are administered by the Department responsible for the inspectorate and, in others, tend to function independently.

The principal legislation which the general labour inspectorates are responsible for enforcing, and which often contains provisions concerning the organisation of the inspectorates, is as follows:

<sup>1</sup> This Convention came into force on 7 April 1950. Up to 31 December 1949, it had been ratified by: Austria, Bulgaria, India, Norway, Sweden, Switzerland.

*Commonwealth.*

Commonwealth Conciliation and Arbitration Act, 1904-1949.

Conciliation and Arbitration Regulations. Industrial Board Ordinance, 1936-1949 (A.C.T.).

*States.*

New South Wales: Factories and Shops Act, 1912-1948 (amended, 1950).

Victoria: Factories and Shops Act, 1928-1947.

Queensland: Factories and Shops Acts, 1900-1945.

South Australia: The Industrial Code, 1920-1949.

Western Australia: Factories and Shops Act, 1920-1948.

Factories and Shops Act (General) Regulations.

Tasmania: Factories Act, 1910-1934.

The following detailed comments relate only to the points on which Australian standards differ from those specified in the Convention.

General labour inspection in transport and mining undertakings is carried out by the general labour inspectorate, but special inspection services also operate in the mining industry (see also under Recommendation No. 82).

Although responsibilities additional to those listed in Article 3, paragraph 1 of the Convention are assigned to inspectors in a number of the Acts, these further duties do not interfere with the discharge of their primary duties or prejudice their authority and impartiality.

Commonwealth inspectors are appointed for a term not exceeding three years, but since they have always been reappointed, if eligible, it is not possible to say whether with this arrangement they have less stability of employment than permanent Commonwealth public servants. However, the abolition of the three-year limit is being considered. There is no explicit legislative prohibition of the employment of women as labour inspectors. In practice, women are so employed in the Commonwealth and in some of the States.

In some States legislation limits the hours during which inspectors may enter places of employment to "any reasonable hour" (New South Wales, Queensland, Victoria).

The legislation in Victoria and Tasmania prohibits the use or registration of unsuitable factory premises. Beyond this general prohibition inspectors possess no direct power to order alterations, but it is considered that the power to close premises, to withhold registration or to cancel existing registration for unsatisfactory premises generally ensures compliance with the basic requirements of Article 13.

The State labour inspectorates are notified of industrial accidents, but cases of occupational diseases are generally noted by other competent authorities.

The State inspectorates publish annual reports on inspection but, at the present time, the Commonwealth inspectorate does not publish such reports. The annual reports

of the State inspectorates comment on the various aspects of inspection work, with the exception of that of New South Wales, which discusses only the Factories and Shops Act. The annual reports do not include statistics of occupational diseases, which are usually published in the reports of the competent authorities.

Organisations of employers and workers have certain powers of labour inspection; by far the greater part of inspection and investigation under Commonwealth awards and agreements is carried out by authorised officials of trade unions and sometimes by employers' organisations. In this connection the report gives examples of the position in New South Wales, Queensland and Western Australia.

Ratification has been prevented by the various points mentioned above, as well as by the difficulties encountered under the Federal Constitution in obtaining uniformity of legislation and practice among the various constituent States.

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

*Belgium.*

The labour inspection service operates in accordance with the requirements of the Convention in virtue of various Acts and Orders including, in particular, the Royal Order of 6 March 1936, to reorganise the labour inspection service, and the Royal Order of 3 July 1945, to issue regulations for social inspectors and controllers.

The authorities responsible for the application of legislation concerning labour inspection are the Ministry of Labour, through its technical and social inspection services, and the Ministry of Economic Affairs, through the Mines Inspectorate. Very close collaboration exists between the Ministry of Labour and the Mines Inspectorate with regard to the application of protective labour legislation in mines and related undertakings. This collaboration is maintained through the Higher Council on Safety and Health, and the Higher Health Council for the Mining Industry.

With regard to Article 15 (a) of the Convention, the report states that the statute for public employees prohibits labour inspectors and controllers from holding any office or performing any service for monetary gain in private undertakings, but does not prohibit them from having other interests in any such undertakings which may be placed under their supervision.

With a view to remedying this situation and facilitating the ratification of the Convention, the Minister of Labour will issue a circular requesting inspectors and controllers to have themselves released from inspection responsibilities with regard to establishments in which they might have an interest.

The ratification of the Convention will probably be considered in the near future.

Appended to the report are copies of the various report forms used by the labour

inspection services, as well as the published annual reports on their activities for the years 1946 and 1947.

### *Canada.*

The Provincial Legislatures are the competent authorities, except for the North-West and Yukon Territories, and except certain matters in respect of which exclusive legislative jurisdiction is not assigned by the British North America Act to the provincial legislatures.

The system of labour inspection includes inspection required under various Acts concerning factories' and shops' hours of work, weekly rest, holidays with pay and minimum wages, boiler and pressure vessels, electrical installations; elevators and hoists, apprenticeship and school attendance. As an example of the organisation in one province, the Government states that the composite inspection staff under the Ontario Department of Labour consists of 25 male inspectors and nine female inspectors who make inspections under various provincial Acts, *e.g.*, the Factory, Shop and Office-Building Act; the Hours of Work and Vacations with Pay Act; the Minimum Wage Act and the Industrial Standards Act.

All the provinces do not organise their labour inspectorates as a composite group. In most provinces, factory inspection is separate from inspection under Acts regulating hours and wages. The independent workmen's compensation boards maintain a staff of inspectors to inspect the premises of employers who contribute to the accident fund "in order" to ascertain whether adequate precautions are taken for the prevention of accidents.

Law and practice in the Canadian provinces in respect of the various provisions of the Convention are summarised as follows:

*Labour inspection in industry.* A system of labour inspection in industrial workplaces exists in all provinces except Prince Edward Island and Newfoundland. In Newfoundland, Prince Edward Island and the Yukon and North-West Territories, there is Government inspection of steam boilers. Workmen's compensation boards in all provinces have inspection powers in the field of safety.

The system of labour inspection in each province applies to all workplaces covered by provincial legislation relating to working conditions and the protection of workers in the undertaking.

The enforcement of the provisions of labour laws is set out in the various Acts as the primary function of the labour inspectorate.

The laws do not expressly require the labour inspectorate to fulfil the functions enumerated in Article 3, subparagraph 1 (*b*) and (*c*), but these are recognised in practice as a part of the inspector's duties.

For the most part, labour inspection services in Canada are centralised under the supervision of each provincial Department of Labour. Under the Quebec Factory Act,

sanitary conditions of industrial and commercial establishments are under the control of the Minister for Health. The Factory Acts in Ontario and Alberta provide that, in respect of sanitary measures, the provincial medical officer for health or any health officer may act jointly with or independently of the inspector under the Act. The independent workmen's compensation boards, the services of which are financed by assessment of the employers covered by the Act, also have inspection powers and maintain inspection staffs. In cases where authority is delegated by the province through the Municipal Act, inspection of building construction and electrical installations may be a municipal responsibility.

There is a large measure of co-operation between the inspectorate and other bodies concerned with industrial health and safety. In 1949, for instance, the Ontario labour inspectorate worked with the Division of Industrial Hygiene of the Department of Health on a special survey of foundries. The New Brunswick report for 1949 describes the co-operation of the factory inspectorate with the Federal Department of National Health and Welfare in a survey of industrial hygiene in New Brunswick plants. There is a regular exchange of accident information with the workmen's compensation boards. Industrial accident prevention associations functioning under the Workmen's Compensation Acts also co-operate. Members of inspectorates have served on committees of the Canadian Standards Association (an incorporated body authorised to establish standards for producer and consumer interests in a broad field) for formulating safety codes.

The annual reports of the provincial Departments of Labour express satisfaction with the co-operation obtaining between the labour inspectorate and employers and workers or their organisations.

The British Columbia and Saskatchewan Factory Acts provide that inspectors shall be appointed pursuant to the Civil Service Act. While the other Factory Acts do not expressly require it, factory inspectors in all provinces are, in practice, appointed under the Civil Service Acts; this ensures stability of employment.

General conditions for recruitment to the public services are prescribed in the Civil Service Act and regulations in each province. The appointment of labour inspectors is subject to civil service regulations.

In-service training of new appointees under experienced staff is being extended. In Ontario a junior inspector is placed from one to three months with a senior inspector in the field, after which he is required to pass a written examination. He is then placed in a district to work under a senior inspector. After one to three years he may be given a district of his own.

The Factory Acts in Alberta, Nova Scotia, Ontario and Saskatchewan state that both men and women are eligible for appointment as inspectors. Women are nowhere excluded from appointment by the Acts.

The Factory Acts of Alberta, British Columbia, Manitoba, Ontario and Saskatchewan provide that the inspector may take with him into the factory a physician or a medical health officer. The public health departments in all the provinces provide technical assistance on industrial health problems. Some provinces and the Federal Department of National Health and Welfare maintain an industrial hygiene division, to which a factory inspector may refer for analysis samples of dust or injurious substances. Advice is also given on measures to be taken against these risks. In highly industrialised areas, where larger inspection staffs are maintained, it is becoming feasible to include on the staff specialised personnel, such as engineering experts and industrial hygienists.

The factors listed in subparagraphs (a), (b) and (c) of Article 10 of the Convention are taken into account in determining the strength of the labour inspectorate in each province. The expansion of industry during and since the war has made it difficult to recruit and train sufficient staff to carry out adequate inspection.

Some local or district offices are maintained by provincial Departments of Labour. Travelling expenses incurred in inspection services are defrayed by the Government. The inspector may use his own car and be paid a mileage rate, or a car may be provided by the inspection service, or public facilities may be used.

The Factory Acts in all the provinces provide that a factory inspector furnished with proper credentials may enter any factory at any reasonable time by day or night, and carry out his inspection according to clauses (i) to (iv) of subparagraph (c) of Article 12. It is the practice for the inspector to make known his presence to the employer or his representative.

Under the Act in each province, the inspector may direct the employer to remedy any defect that may injure the health of any employee in the factory; the employer is subject to penalty in the event of non-compliance with the order within a reasonable time. Some of the Acts specify that the inspectors may give directions to the employer regarding safety measures.

All the Factory Acts require the reporting of accidents to the labour inspectorate, the Ontario Act requires the reporting of occupational diseases. In British Columbia, Nova Scotia, Ontario and Saskatchewan an accident which prevents a worker from working for more than six days must be reported at the end of that period. An explosion, a serious fall or a fatal accident must be reported within 24 hours. In Manitoba an explosion or an accident which causes bodily injury must be reported within 24 hours, and a serious or fatal accident must be reported forthwith. In New Brunswick the operator must notify the inspector immediately of a serious or fatal accident. In Quebec, such an accident must be reported within 48 hours. The Alberta Factories Act requires the reporting

of accidents only in occupations not covered by the Workmen's Compensation Act. In all the provinces the Workmen's Compensation Acts require the employer to give notice of accidents to the Board; there is an exchange of information with Departments of Labour.

Some provincial Acts, as, for instance, the Boiler Inspection Acts and Acts providing for the inspection of electrical installation, provide that no person having a direct or indirect interest in the sale of the equipment to be inspected is eligible for appointment.

Under the Quebec Factory Act an inspector on entering office is required to take an oath not to reveal in any manner the secrets or processes of manufacturers which may come to his knowledge in the performance of his duties. The Acts in British Columbia and Manitoba provide that, during his tenure of office the inspector is not competent to give testimony in any civil proceeding with regard to any information obtained in the discharge of his duties as inspector; under the Ontario Act, where an inspector is called as a witness, he may object to giving evidence as to any premises inspected by him in the course of his duty. In some provinces, civil servants may be required, under the Civil Service Acts, to take an oath of secrecy.

The British Columbia Act forbids divulgence of the name of an informant who gives information in confidence to the inspector. Administrative instructions generally require inspectors to treat complaints as confidential.

Each provincial Department of Labour undertakes to ensure the inspection of workplaces as often as is necessary to ensure adequate enforcement of the Act.

Violators of legal provisions are liable to prosecution without warning, but the practice in each province is to endeavour to obtain compliance by bringing the defect to the attention of the employer.

The Factory Acts in each province stipulate penalties for violation of the various provisions of the Act and for obstructing the inspector in the performance of his duties.

It is the general practice for the inspector to file a report on each inspection made and, in some cases, a monthly summary of his activities.

Seven provinces publish annual reports of their inspection services. Prince Edward Island has no Department of Labour; Newfoundland has not yet published a report; the Alberta Department of Industries and Labour does not publish a report, but a report on inspection under the Factories Act is published by the Alberta Department of Public Works.

For information relating to the subjects dealt with in the annual report of the central inspection authority, see under Recommendation No. 81.

*Labour inspection in commerce.* In Alberta, New Brunswick, Ontario and Quebec, the Act, which provides for inspection of factories, also applies to shops and some other

commercial establishments. British Columbia, Manitoba and Newfoundland have Shops Regulation Acts; the British Columbia Act provides for inspection by municipal authorities, and the Manitoba Act for inspection by the provincial labour inspectorate. In all provinces, wages and hours-of-work inspectors visit shops and other workplaces in which hours of work or minimum wage laws or regulations apply.

The statements made above in connection with industry, apply, in general, to the inspection of commercial establishments.

Appended to the report is a list of provincial legislation providing for labour inspection services.

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

#### *Chile.*

The legal provisions concerning the scope and organisation of labour inspection are found in the Labour Code, which deals, *inter alia*, with the responsibilities and supervisory procedures of the General Labour Inspectorate, and in the General Regulations for the Labour Services which regulate the structure of the labour inspectorate, the duties, powers and prerogatives of officials, annual reports, etc. The system of labour inspection organised, under the General Labour Directorate in accordance with these provisions, is in full conformity with the requirements of the Convention as regards both industrial and commercial workplaces.

There is full collaboration between the General Labour Directorate and its subsidiary services and the health, child welfare, municipal, police and other public authorities.

The status of labour inspectors is fully covered by the general regulations relating to public officials; these regulations permit public officials to engage freely in any profession, trade or occupation compatible with their official functions.

Women have equal rights with men as concerns entry into the service and career opportunities.

Employers are legally required to take all necessary measures for the protection of the life and health of workers, and to introduce, within time-limits fixed by the competent authorities, all the hygienic and safety measures provided for in the regulations.

While there is no divergency between the national law and practice and the provisions of the Convention which would hinder ratification, no decision has yet been taken by reason of the customary slowness of the procedure of ratification.

Appended to the report is a copy of the General Regulations for the Labour Services, together with copies of various forms and documents used by the labour inspection service.

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

#### *Cuba.*

The application of social legislation in industrial and commercial establishments is supervised by the Ministry of Labour, the National Directorate-General of Labour Inspection and the provincial labour offices. The existing legislation ensures full conformity with the Convention. Under the provisions of the Constitution, however, ratification cannot take place until the Senate of the Republic has approved the Convention.

Copies of the relevant legislation are appended to the report.

#### *Denmark.*

The legislation and administrative regulations correspond, on the whole, to the requirements of Part I of the Convention concerning labour inspection in industry. Although transport undertakings are not at present subject to inspection, it is proposed, under a new Act concerning the protection of workers, to extend inspection activities to cover transport. The proposed Act would also provide for increased co-operation between the inspectorate and other public authorities, in accordance with Articles 3, paragraph 1 (*e*) and 5 of the Convention. Present legislation does not empower inspectors to remove samples for analysis, as provided for in Article 12 but, in practice, no difficulties have been experienced in obtaining such samples; it is proposed, however, to grant such powers under the new Workers' Protection Act. There are no legislative provisions requiring an inspector, when making an inspection, to notify the employers or their representative of his presence.

Commercial undertakings do not at present come within the competence of the labour and factory inspectorate, except with respect to the employment of children and young persons. The proposed Workers' Protection Act, however, extends inspection to commercial workplaces.

#### *Dominican Republic.*

The Convention is applied through Act No. 1020, of 11 October 1935, to issue regulations regarding the intervention of labour inspectors in cases of violations of the relevant legislation. Moreover, Act No. 889 of 4 May 1945, establishing the Department of Labour and National Economy (under the State Department of Labour), empowers the Department to deal with hours of work, weekly rest, closing hours, holidays, etc. Under this Act, the State Department of Labour employs a qualified inspection service which, in accordance with Departmental Order No. 4 of 2 January 1950, conducts its activities throughout the entire national territory in respect of both industry and commerce. The responsibilities of the State Department of Labour also include: the promotion of collaboration between the inspection service and other public authorities and public or private bodies engaged in related activities; collaboration between officials of the inspec-

tion service and employers and workers or their organisations; co-operation, where necessary, in the solution of disputes relating to labour legislation, and the investigation of the organisation and functioning of the inspection service. Under Article 7 of the Convention, the report states that the training of inspectors is carried out through special training courses organised on a scientific basis.

The Convention is among those of which ratification is contemplated.

Appended to the report are copies of the relevant legislation, together with the general report form used in respect of regular inspection visits.

#### *France.*

The organisation and functioning of the labour inspection system are governed by Book II, sections 93-111 of the Labour Code and the Decree of 27 April 1946, concerning the reorganisation of the labour and manpower services. The supervisory functions of the labour and manpower inspectorate cover industrial, commercial and handicraft establishments, ministerial offices and all types of companies, associations, etc. Labour inspection in undertakings engaged in the production and distribution of electrical power is carried out by the engineers attached to the various electricity districts of the Ministry of Industry and Commerce and placed, for this purpose, under the authority of the Minister for Labour.

The essential function of the labour inspectors is to supervise the application of labour legislation and, in particular, the provisions of Book II of the Labour Code relating to conditions of work and the hygiene and safety of workers. They are also responsible for supervising the application of: (a) certain provisions of Book I of the Labour Code dealing with the employment of apprentices, the work handled by sub-contractors, collective agreements, the payment of wages, the wages of homeworkers, security deposits and works stores; (b) the Act of 10 August 1932, to protect the national labour supply; (c) the relevant provisions concerning works committees, staff representatives, labour disputes, the use of manpower, the placing, selection, rehabilitation and occupational training of workers, assistance to unemployed workers and industrial medical services and for reporting breaches of the provisions of the Act of 30 October 1946, concerning the notification of industrial accidents. Moreover, the inspectors are temporarily responsible for supervising the engagement and dismissal of workers.

In addition to the duties referred to above, the labour and manpower inspectors have administrative responsibilities. They collect statistical data relating to unemployment, the employment market, labour disputes, wages and economic activity, and make reports on the application of labour legislation, the causes of industrial accidents and the measures required to improve safety conditions. As agents of the labour authority, they supervise the smooth running of the branch offices of

the Ministry of Labour, in particular, the manpower services, and act as its representatives in relations with administrative authorities and occupational organisations. In accordance with section 7 of the Decree of 10 November 1939 the labour inspectors are authorised to prosecute in cases of the payment of wages below the legal minimum rates. Under the Act of 11 February 1950 labour inspectors are entrusted with supervision of the application of the provisions of collective agreements the scope of which has been extended by an Order.

Labour inspectors are also called upon to collaborate with employers and workers, with a view to giving them technical information and advice on effective means of complying with the legal provisions. Inspectors are kept informed of the activities of hygiene and safety committees and collaborate closely with the technical committees of the social security funds in matters relating to the prevention of industrial accidents and occupational diseases.

The labour inspectorate is under the control of the Ministry of Labour, with a central branch, constituted by the Inspectorate-General of Labour and Manpower which, for administrative purposes, is attached to and under the authority of the Director of Labour; all matters relating to the organisation and functioning of the local manpower services are under the technical supervision of the Director of Manpower. The service includes divisional inspectors, departmental directors, principal inspectors and men and women inspectors. The labour inspectors are assisted in their duties, particularly in their work of investigation and in the management of the manpower services, by the labour and manpower supervisors, the establishment of which comprises 150 unclassified and principal supervisors, 300 supervisors and 450 assistant supervisors.

The status of labour inspectors is governed by the general regulations for public servants, which assure them of stability of employment, disciplinary guarantees and retirement rights. The service is open to men and women on the same conditions, but women labour inspectors tend to be assigned responsibilities in respect of industrial and commercial establishments employing female staff.

Until 1946 inspectors were recruited by examination open to candidates holding a diploma of advanced studies, or a secondary school diploma, and having had at least five years' experience in public service, or six years' practical experience in industry or in trade union activity. The curricula required extensive knowledge of political economy, labour legislation, mechanics, electricity and industrial hygiene. Since 1946 recruitment has been based on general regulations relating to the recruitment of public servants.

At present two engineers specialising in matters relating to electricity, one chemical engineer and 20 medical advisers collaborate with the hygiene and safety service of the labour directorate. There exists, moreover, a medical inspectorate of labour and manpower



which, in collaboration with the general inspectorate and the technical committees of the social security funds, supervises the application of industrial hygiene and safety legislation.

The inspection service does not possess its own laboratories, but has recourse to those set up by other public services (e.g., the Ministry of Industry and Commerce).

With regard to means of travel, the report states that inspectors may either avail themselves of public transport facilities, or use their own automobiles; in the latter case, their expenses are reimbursed in accordance with rates fixed by Order.

Inspectors have the right of entry into establishments placed under their supervision; they may undertake any enquiry or examination considered necessary in order to ascertain whether the legal provisions are enforced. They may also remove, for the purposes of analysis, samples of the materials handled or of the products utilised or distributed. However, the right of entry is subject to the following two restrictions. Inspectors may not enter private premises without the consent of the persons living there. In the case of industrial undertakings where work is normally performed during the day, the inspectors may only enter at night, provided they have external evidence which allows them to conclude that illegal night work is being performed. If night work is authorised in an undertaking, the right of entry is unrestricted.

Inspectors are empowered to report offences; their reports are considered as conclusive evidence until proof is established to the contrary. In the majority of cases they may issue orders without prior notice; they may also give formal notice that their orders must be put into effect within a period varying from four days to one month; protests regarding formal notices may be lodged with the Ministry of Labour.

Inspectors are prohibited from having any interests, either direct or through another person, in an undertaking placed under their supervision. They are required to take an oath not to reveal manufacturing secrets and, in general, any industrial process with which they may become acquainted in the performance of their duties.

As from 1950 local labour inspectors are required to submit to the central authority detailed annual reports on the application of the measures which they are called upon to enforce. A special form is prescribed for this purpose. In addition, as from 1950, the central inspection service will resume the publication of a general annual report on the work of the inspection services under its control. This report will include, *inter alia*, information relating to conditions of work, wages, hygiene and safety, works councils, family allowances, and manpower and employment questions. The report will also include statistical data on the establishments subject to inspection, the workers employed, inspection visits and reported contraventions. A copy of this report will be

transmitted to the International Labour Office.

France is in a position to ratify the Convention. A Bill authorising ratification has been adopted by the National Assembly and is now before the Council of the Republic.

Copies of the relevant legislation and regulations are appended to the report.

#### *Greece.*

The general system of labour inspection, which was instituted in industrial workplaces in 1914, now applies to both industrial and commercial workplaces and is organised in accordance with the following legislation: Decree of 17/29 September 1934 concerning the organisation of the labour inspectorate, Special Act No. 560 of 1945 and Legislative Decree of 30 April 1946 concerning the organisation of the Ministry of Labour.

The inspection service comprises a technical labour inspectorate and labour inspection offices. The technical inspectorate is responsible for (a) supervising the application of the legislative provisions relating to workers' safety and health, (b) the consideration of improved labour standards, the organisation of exhibitions relating to the prevention of industrial accidents and occupational diseases, and (c) making proposals regarding more scientific and more rational organisation of work. The labour inspection offices, which are in the principal urban centres, are responsible for supervising the application of labour legislation, with the exception of that relating to safety and health. The service is not competent as regards the inspection of underground work in mines and quarries, which is carried out by the mines inspectorate of the Ministry of National Economy or as regards employment on railways and tramways, for which there exists a special inspectorate in the Ministry of Transport.

The duties of the inspection staff are those enumerated in Article 3 (1) of the Convention. However, financial difficulties have prevented the recruitment of the necessary staff, with the result that additional duties, such as the settlement of labour disputes, have been assigned to inspectors.

The inspectorate collaborates with a number of other public services, including the Ministry of Transport (machinery service), which may issue operating permits for industrial establishments. Collaboration is also maintained with the social insurance institutions and the police. The latter carry out the functions of the inspectorate in places where there are no inspection offices. Arrangements are also made for collaboration with employers and workers.

The inspection staff, which includes labour inspectors and controllers, has public employee status and enjoys all the relevant guarantees as to stability of employment, conditions of service, etc. Labour inspectors are recruited among graduates in civil, mechanical, electrical and chemical engineering, architecture and medicine, and are required to know at least one foreign language (English, French



or German). Controllers, who must pass an entrance examination, are required to have a diploma from a secondary or commercial or technical school, and to know one foreign language. Women having similar qualifications may also be appointed as controllers, but preference is given to university graduates with experience in welfare work. The number of labour inspectors and controllers is not sufficient to meet present needs, but owing to financial difficulties, it is not possible to increase the strength of the inspectorate.

The inspection staff is entitled to travel free of charge on railways and tramways; out-of-pocket expenses are reimbursed.

The powers enumerated in Articles 12 and 13 of the Convention are granted to the inspection staff.

The police are required to notify the inspectorate of the opening of all industrial and handicraft establishments in which more than five workers are employed. The managements of workplaces of any kind are obliged to notify the inspection service within 24 hours of any accidents which occur. In case of serious injury or death, anything which may be useful for ascertaining the causes of the accident must be left untouched.

The obligations of the inspection staff correspond to those prescribed in Article 15.

Establishments are inspected as often and as thoroughly as may be necessary; inspection visits are made at least twice a year and more frequently in case of complaint, or where otherwise necessary.

Labour inspectors submit to the Ministry of Labour annual reports relating to their activities, and to industrial accidents, wage conditions and strikes. One general annual report based on this information had been published up to 1935.

A committee has recently been established in the Ministry of Labour to study international labour Conventions and to make recommendations concerning those which might be ratified.

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

#### *Guatemala.*

The principles of the Convention are incorporated in a section of the Labour Code dealing with the General Labour Inspectorate. This body, which is attached to the Ministry of Economy and Labour, has been functioning since 1947 and has rendered valuable services in the prevention and settlement of disputes relating to social and economic problems.

The possibility of ratifying the Convention is being examined.

#### *Ireland.*

A system of labour inspection is maintained for the enforcement of a number of industrial Acts, including the Factory and Workshops Acts, 1901-1920, the Truck Acts, 1831-1896, the Notice of Accidents Act, 1906, the Workmen's Compensation Acts, 1934 and 1948, and

the Conditions of Employment Acts, 1936 and 1944. The legislation in question establishes conditions relating to health, safety, welfare and hours of work of adults and young workers. Wages provisions and regulations made by Joint Labour Committees are enforced in those trades to which they apply.

The labour inspectorate on the whole is organised in accordance with Part I of the Convention. The inspection service is a Government service and all the inspectors are civil servants; effective co-operation between the inspection service and other Government services is thereby assured (Article 5 of the Convention).

The normal strength of the inspectorate is considered adequate to enforce existing legislation. The staff was reduced as a consequence of wartime emergencies, but steps have recently been taken to bring it up to full strength (Article 10).

When visiting premises, the inspectors are instructed to contact the management before commencing to inspect, unless a "check" inspection is being made (Article 12). Contraventions reported by inspectors are notified in writing to the factory occupier or employer. Persistent non-compliance is usually dealt with by means of prosecution. Where possible, any breach of the Acts or regulations which has led to an accident is also prosecuted. Inspectors are empowered to seek an Order of the Court when they are satisfied that any of the ways, works, machinery or plant used in a factory or workshop, is in such condition that it cannot be used without danger to life or limb; in such cases, the use of the relevant machinery is prohibited or, if it is capable of repair or alteration, its use is forbidden until it is repaired or altered (Article 13). Occupiers of factories and workshops are statutorily obliged to notify the district inspector of factories of the occurrence of certain accidents and diseases (Article 14).

Inspectors are prohibited from having any interest in the undertakings under their supervision; they must treat information obtained in the course of inspection as confidential; after leaving the service they are covered by the provisions of the Official Secrets Act. Although there are no statutory provisions governing the matter, labour inspectors treat as absolutely confidential the source of any complaint bringing to their notice any defect or breach of the legal provisions (Article 15).

An attempt is made to visit, at least once a year, all premises registered in the Statutory Register. Many premises are visited more often than once a year (Article 16).

The publication of an annual report showing the working of the Factory and Workshop Acts is a statutory requirement. Reports are published in the year following that to which they relate (Article 20).

The system of inspection of commercial workplaces is maintained for the enforcement of the Shops (Conditions of Employment) Acts, 1928-1942, and the Holidays (Employees) Act, 1939. This system is similar to that in industrial workplaces, except that

there is no provision in respect of commercial undertakings for the matters dealt with in Articles 14 and 20 of the Convention (notification of accidents and publication of reports by central inspection authority).

The main difficulty which has hitherto prevented ratification is the fact that the inspectorate has been under strength. However, steps have been taken to overcome this difficulty. In the absence of statutory provisions relating to conditions of work in commercial workplaces (except as regards shop workers) the ratification of Part II of the Convention cannot be contemplated.

A copy of the annual inspection report for 1948 is appended. Copies of the report have been communicated to the representative employers' and workers' organisations.

#### *Italy.*

The origins of labour inspection are to be found in the post of "technical inspector" established in 1872 in the Ministry of Agriculture, Industry and Commerce to supervise the application of the legislative provisions concerning the employment of young persons. A corps of labour inspectors was established by Act No. 308 of 1906. The system has since undergone modification and extension, in particular, under Acts Nos. 1361 of 1912, and 886 of 1932, as well as Decrees, administrative regulations, etc.

The labour inspectorate, under the Ministry of Labour and Social Welfare, is responsible for the following duties: (a) supervision of the application of all laws and regulations concerning labour, social insurance and welfare in industrial, commercial and agricultural undertakings, offices and, in general, wherever there is employment for wages or salary; (b) collection of information regarding employment and the conditions and development of national production and the various branches of economic activity; (c) supervision of the activities of occupational organisations, private and public bodies for the benefit of workers; and (d) supply of any information regarding the laws which it is called upon to enforce and of any explanation which the competent authorities may request regarding these laws.

The provisions of Articles 4 to 9 of the Convention as regards the recruitment and status of inspection officials are fully applied. Inspectors have the same status as other public officials and are selected, on the basis of public competitive examinations open to both men and women candidates, from graduates in engineering, medicine, chemistry, law, commerce or agriculture, industrial science and accountancy. After the war, 348 new officials were recruited in accordance with this procedure.

The obligations of labour inspectors, as laid down in Article 15, are entirely fulfilled.

The territorial and administrative structure of the inspectorate was reorganised by Legislative Decree No. 381 of 15 April 1949, which provided for a 40 per cent. increase in staff and an increase in the number of district

offices (46 as compared with 27 before the war). When the provisions of this Decree have been fully implemented, the number of district offices will be 75 and the total staff in all grades will be 1,680.

The inspectors' rights as regards entry, visits, and investigation are in conformity with the provisions of the Convention.

With regard to Article 19, the report states that the inspection offices submit quarterly reports on their activities, as well as half-yearly reports of a more general nature, including information as to how far labour legislation is applied, the local effects of their enforcement and any defects observed in the application of various legislative provisions. As an experimental measure, statistical information is being compiled as from the beginning of 1950 showing the extent to which social legislation is applied in the various branches of activity and in undertakings classified according to their size. The report contains detailed information, communicated to the Senate, on the activities of the labour inspectorate in 1948 and the first half of 1949, including the amounts recovered by the inspectorate for welfare institutions or individual workers.

The Government has initiated the necessary procedure for the ratification of the Convention.

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

#### *Luxembourg.*

The provisions of the Convention are fully applied in virtue of the national legislation, as modified by the Grand Ducal Order of 26 March 1945 concerning the reorganisation of the labour inspection service and the mines administration. This Order unified the two pre-war administrations into a single authority known as the Labour and Mines Inspectorate, under the direct control of the Minister of Labour, Social Welfare and Mines; the Inspectorate is headed by the Chief Engineer of Labour and Mines. The inspection and supervisory functions of the Inspectorate apply to industrial undertakings, mines and quarries, rail and road transport, handicrafts and commerce in so far as they are subject to the Act relating to the weekly rest. These functions also apply to State and communal economic undertakings, as well as agricultural undertakings using power machines. The Chief Engineer of Labour and Mines, representing the Minister for Labour, presides over the National Conciliation Office, the Office for the Placing and Vocational Rehabilitation of Persons Injured in Industrial Accidents and War Invalids, and the Higher Mines Council.

The staff of the Inspectorate of Labour and Mines includes six worker inspectors who have long practical experience as manual workers and are therefore particularly qualified to act in a supervisory capacity. The occupational organisations of employers and workers collaborate on an equal footing in the National

Conciliation Office and the Higher Mines Council.

The Labour and Mines Inspectorate publishes a detailed annual report on its activities; a copy of the report for 1949 is appended to the Government's report.

The Convention is fully applied and is included among those which the Government intends to submit to the Legislature for ratification in the near future. Ratification has been delayed hitherto only because of urgent tasks arising from enemy occupation and war destruction.

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

#### *Netherlands.*

The Labour and Safety Acts entirely satisfy the requirements of the Convention, except in respect of Article 13, paragraph 2 (*b*) concerning the competence of inspectors to take measures with immediate executory force. Bills to grant such powers have been submitted to Parliament and, as soon as the necessary legislative action has been taken, the Convention will be ratified. Meanwhile, the right to ratify the Convention has been reserved to the Government.

The application of labour and safety legislation is entrusted to the Minister of Social Affairs and is enforced by the labour inspectorate under the direction of the Director-General of Labour. Instructions to labour inspection officials are issued in the form of Orders of the Minister of Social Affairs.

Consultation between employers' and workers' organisations concerning all proposed social legislation takes place within the Labour Foundation. However, the labour inspectorate regularly consults the occupational organisations concerned with regard to the application of the legislation in certain branches of industry.

Models of report forms and record books, etc., used in connection with the enforcement of the Labour and Safety Acts are reproduced in the texts of these Acts.

Copies of the report have been communicated to the Labour Foundation for transmission to the representative employers' and workers' organisations.

#### *Pakistan.*

*Labour inspection in industry.* There exists at present an adequate system of labour inspection in industrial workplaces which, together with the relevant provisions of the following Central Government Labour Acts in force, is generally in conformity with the requirements of the Convention: the Factories Act, 1934; the Railways (Amendment) Act, 1930; the Employment of Children Act, 1938; the Workmen's Compensation Act, 1923; the Payment of Wages Act, 1936; the Industrial Disputes Act, 1936; the Dock Labourers' Act, 1934; the Mines Maternity Benefit Act, 1941, and the Mines Act, 1923.

Under the present Constitution, the Central, as well as the provincial Governments are

empowered to make labour laws. The enforcement of Acts framed by the provincial Governments is the responsibility of the respective provinces, while that of the Acts passed by the Central Government is partly the responsibility of the Central and partly that of the provincial Governments. The Central Government is mainly responsible for the enforcement in the provinces of the laws which it has enacted. However, the enforcement of the Factories Act and the Workmen's Compensation Act, even in undertakings under the Central Government, is the statutory responsibility of the provinces.

No special arrangements exist for collaboration between the inspection service and other bodies (public and private), although the labour officers and labour inspectors often hold informal consultations with individual employers and trade union officials.

The inspection staff is composed of public officials whose status and conditions of service assure them of stability of employment and independence of Government changes and of improper external influences.

Labour inspectors under the Central Government are normally recruited through a departmental selection board from candidates having at least a university degree in law. The selected candidates are given training both in field and in office work before they are placed in charge of a section. In various provinces, also, inspectors are recruited normally through the respective public service commissions. The minimum qualifications required for these posts in the provinces are also the same as those in the Centre.

As the number of women workers is very small, women labour inspectors are not at present included in the inspection staff. There is, however, no statutory bar against women inspectors.

The minimum qualifications required for factory inspectors are a degree in mechanical or electrical engineering or chemistry from a recognised university. They are thus competent to enforce the legal provisions relating to health and safety.

The necessary arrangements are made by the Government to furnish labour inspectors with local offices, as required under Article 11 of the Convention. Transport facilities are also provided and travelling allowances granted according to rules in force.

Under section 10 (3) of the Factories Act, 1934, factory inspectors are prohibited from having any direct or indirect interest in the undertakings under their supervision.

Workplaces are inspected frequently and thoroughly by the inspectors.

Any violations of the legal provisions detected by the inspection staff are brought to the notice of the management and, if possible, rectified on the spot. Matters which cannot be put right locally are referred to the higher administrative authorities. The inspectors have also powers of prosecution under the various labour Acts in force. Provision is made for the publication of reports by the central inspection authority on the work of the inspection services. These reports are

submitted periodically in the prescribed form.

Annual reports on the working of the various Acts are published by the Government; these reports contain, *inter alia*, an account of the work of inspection services.

*Labour inspection in commerce.* An adequate system of labour inspection is maintained by each provincial Government under the various Provincial Shops and Commercial Establishments Acts, *e.g.*, the East Bengal Shops and Establishments Act, 1940; the Punjab Trade Employees Act, 1940; the N.W.F.P. Trade Employees Act, 1947; and the Sind Shops and Establishments Act, 1940.

The Department of the Central Labour Commissioner is responsible for the administration and enforcement of labour legislation in undertakings under the Central Government, while the various provincial Governments also maintain separate inspection staffs provided for under the various Central and Provincial Acts. In East Bengal the labour inspection service is under the control of the Department of Commerce, Labour and Industries. In Punjab the labour inspection services are a part of the Industries Department; the Director of Industries, in his capacity as provincial labour commissioner, is the administrative head of the organisation and is assisted in his work by two chief inspectors of factories and shops, 10 inspectors of factories and nearly 40 inspectors of shops. Recently the provincial Government has also appointed a deputy labour commissioner. In Sind and Karachi the chief inspector of factories is assisted by two factory inspectors. In Baluchistan control for the inspection of factories, etc., is administered by the revenue commissioner.

There are no special arrangements for collaboration between the inspectorate and private and public bodies engaged in related activities. However, when called upon to do so, the inspectorate always extends its co-operation in this direction.

The texts of the various Labour Acts in force are the same as they were at the time of partition, *i.e.*, 15 August 1947, with certain necessary adaptations, however, to express the constitutional changes which have occurred.

The Government will examine the possibility of ratifying the Convention.

#### *Poland.*

The national law and practice are governed by the Presidential Decree of 14 July 1927, concerning labour inspection, the Act of 4 February 1950, concerning the social inspectorate of labour, as well as by circulars issued by the Ministry of Labour and Social Welfare in 1948 and 1949, concerning collaboration between the Union of Polish Youth and the labour inspection service with regard to supervision of the conditions of employment of young persons in handicrafts and commerce. A recently adopted Act concerning the social inspectorate of labour will result

in a considerable increase in the number of inspectors and will extend the field of activities of the labour inspection service; consequently, the supervision of conditions of work in industry and commerce will be considerably improved.

The social inspectorate of labour is an agency of the trade unions, operating in conjunction with, and as a complement to, the State inspectorate. Its object is to strengthen supervision over social legislation, to improve standards of industrial safety and hygiene, and to encourage in workplaces measures to prevent occupational diseases. Its activities include the supervision of enforcement of the legislative provisions and the provisions of collective agreements and works regulations concerning industrial hygiene, safety and the employment of young women and young persons, hours of work and holidays, as well as the control of technical and sanitary installations from the point of view of labour protection.

The collaboration of the Union of Polish Youth in the work of labour inspection covers the problems of youth protection, more particularly with regard to hours of work, holidays, contracts of apprenticeship, the observance of the period of 18 hours of school attendance each week, medical examinations, etc.

In view of the nationalisation of the greater part of industry and of considerable sectors of commerce, the principal employers are: the managements of State undertakings, under the various central and regional industrial administrations; the State centres of commerce, under the Ministry of Internal Commerce; and the co-operative organisations, under the Central Co-operative Union. All these bodies collaborate with the labour inspectorate with respect to the matters covered by the Convention.

In the workplaces, the works councils, which constitute the basis of trade-union organisation, collaborate closely with the managements of undertakings and the labour inspectorate.

As a result of the coming into force of the Act on the social inspectorate of labour, the occupational organisations are now in a position to control the enforcement of labour legislation, particularly in the field of industrial hygiene and safety.

In view of the fact that certain modifications may be called for in the organisation of labour inspection, the ratification of the Convention cannot be contemplated before 1951.

The text of the Act of 1950 concerning the social inspectorate of labour is appended to the report.

#### *Turkey.*

A Bill for the ratification of the Convention will be submitted for adoption to the next session of Parliament (November 1950).

#### *Union of South Africa.*

The differences between the system of labour inspection and the provisions of the

Convention preclude the possibility of ratification. These differences are as follows:

*Labour inspection in industry.* Inspectors' duties are to prevent breaches of the laws and regulations which prohibit specified courses of action, but not to devise processes or methods which would enable an industrial concern to overcome problems of legal correctness. The latter are the responsibility of the entrepreneur.

The system of labour inspection embraces inspectors holding appointments in the public service, as well as an extensive system of labour inspectors employed by industrial councils functioning under the Industrial Conciliation Act, 1937. These councils are joint employer-employee bodies set up to govern specific industries by means of collective agreements given force of law and carrying substantial criminal sanction. For this purpose, the councils employ agents who, by the terms of collective agreements, are given powers to inspect the premises of parties to such agreements. As these powers are derived from collective agreements and only indirectly from statute, the trade union and employers' organisations consider that the inspectors should be responsible to the industrial councils for the performance of their duties. Since the Consolidating Industrial Conciliation Act of 1937 came into operation, an additional type of inspector has been employed. Such inspectors are known as "designated agents" and hold powers under the Act comparable with Government inspectors by virtue of appointment by the Minister. Although they are paid and employed by industrial councils and not by the State, they may exercise the right of entry and interrogation in premises not covered by collective agreements, as well as in "party" premises. This system, introduced on the request of the trade-union and employers' organisations which constitute the industrial councils, has worked well in practice and has the support of the Government. The agents and designated agents of industrial councils probably outnumber Government inspectors; any attempt to abolish the system

would be strongly resented by industry and would be contrary to Government policy of giving the greatest measure of self-government to industry.

The agents of the industrial councils are not Government officials nor should they be for the reasons advanced.

The existing practice is to recruit as inspectors ordinary public servants whose prime qualifications are those required in a public servant. The inspection technique is usually acquired after appointment.

Government inspectors are permitted by law to take possession of documents required for evidence or examination, but the power of impounding samples for analysis goes too far for general application.

The law merely empowers the inspector to demand discontinuance of dangerous practices or processes, but the responsibility for remedying defects rests with the employer.

The provisions of Article 15 (a) (prohibition regarding direct or indirect interest of inspectors in undertakings supervised) cannot be enforced in regard to inspectors of industrial councils.

The law protects informers against victimisation for furnishing information to inspectors, but it would clearly be futile in many cases to keep the source of information confidential.

The provisions of Article 19 (1) (submission of periodical reports to central inspection authority) cannot be enforced in the case of industrial council agents.

Since it is not possible to enforce the submission by industrial councils of inspection reports and statistics covering the activities of their agents, the Government's annual report does not reflect these statistics and items.

The Department of Native Affairs has its own labour inspectors, appointed under the Native Labour Regulation Act, 1911, who are all public servants and whose duties approximate very closely those of the inspectors envisaged by the Convention.

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

### Labour Inspection Recommendation, 1947: R. 81

#### *Argentina.*

The present system of labour inspection is organised in accordance with the legislation mentioned in the report on Convention No. 81.

#### *Australia.*

*Preventive duties of labour inspectorates.* The legislation in New South Wales, Queensland and Western Australia is in conformity with the provisions of this part of the Recommendation, except that in New South Wales and Australia it is not necessary to submit

plans of shops for registration. In New South Wales and in Queensland, factory welfare boards have been set up, consisting of employers' and workers' representatives, with the chief inspector of factories as chairman. These boards act as auxiliaries of the factory inspectorates and examine plans for new establishments. The legislation in Victoria, South Australia and Tasmania prohibits the use of or the registration of unsatisfactory factory premises. It is not necessary to submit plans before the commencement of operations, but arrangements are made for

an inspector to examine the premises before registration is effected.

*Collaboration of employers and workers.* Both the Commonwealth and State Labour Departments, as well as other interested organisations, give considerable encouragement and advice regarding health and safety matters and collaboration between employers and workers. Most of the methods suggested in this part of the Recommendation are in actual use. The factory welfare boards in New South Wales and Queensland are empowered to make representations to the competent Minister with a view to the prevention of accidents in industry.

*Labour disputes.* No labour inspectors are authorised to act as conciliators or arbitrators in proceedings concerning labour disputes.

*Annual reports on inspection.* The Commonwealth Inspectorate does not publish annual reports, but the reports prepared by the State Labour Departments supply the information recommended under the main heading of the Recommendation. While information is not supplied for every item listed, the information which is given is very comprehensive.

Australian law and practice conform in general to the provisions of the Recommendation. See also under Convention No. 81.

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

#### *Austria.*

*Preventive duties of labour inspectorates.* Under the provisions of the Industrial Code, the Office for Industry and Commerce is notified of the establishment of industrial and commercial undertakings and receives applications for the establishment of undertakings in trades for which a concession is required. Under the provisions of the Labour Inspection Act of 3 July 1947 this information must be brought to the notice of the labour inspectorate.

A permit from the Office for Industry and Commerce is required for the commencement of work in undertakings using machinery or processes likely to constitute a danger or nuisance to the workers or to the neighbourhood. The labour inspectorate is consulted with regard to the issue of permits and is therefore in a position to make recommendations concerning the establishment, plant, and processes of production; in this way the safety and health of the workers are safeguarded. An appeal may be lodged with the appropriate administrative authority if a decision of the Office for Industry and Commerce is not in accordance with the recommendations of the inspectorate. An applicant may also appeal against a decision regarding the issue of a permit.

*Collaboration of employers and workers.* Collaboration with a view to improving safety and health conditions for workers is assured under the Works Councils Act of

28 March 1947. Works councils, composed of management and workers' representatives, have supervisory functions respecting the observance of legislative provisions relating to the protection of workers. A safety engineer is often appointed in large undertakings; his duties in connection with the protection of workers are carried out in collaboration with the staff representatives.

When inspection visits and investigations are carried out, the employer or his representative may accompany the labour inspector and is bound to do so if requested. Inspectors are instructed to seek the assistance of workers' representatives on such occasions; safety engineers are also present during inspection visits.

Collaboration between the inspectorate and employers' and workers' organisations is promoted, in particular, by the Safety Commission, a technical body established to give expert opinions on all matters affecting the protection of the life and health of workers. Opportunity for collaboration between officials of the labour inspectorate and the persons responsible for the protection of workers within establishments is also provided by conferences on safety technique organised by the Safety Section of the General Accident Insurance Institution. This body, which is responsible, in particular, for safety propaganda, arranges lectures, often given by labour inspectors, on all questions relating to the prevention of accidents and occupational diseases, and organises safety and health exhibitions. Instruction in industrial safety and health is also given in vocational schools and technical high schools.

*Labour disputes.* The duties of labour inspectors do not include the arbitration of labour disputes. Nevertheless, they are required under the Labour Inspection Act to endeavour to win the confidence of employers and workers by reconciling their interests and contributing towards the restoration of good relations in the event of disputes in the undertaking.

*Annual reports on inspection.* The annual reports of the labour inspectorate include most of the particulars enumerated in paragraph 9 of the Recommendation, subject to the following remarks:

Lists of relevant laws and regulations have not hitherto been included in the reports, but this matter is under consideration for 1950. The number of children is not separately stated because, apart from certain strictly defined exceptions, their employment is prohibited; the statistics do not classify visits made by day and by night; the statistics of violations, while comprehensive, are not classified on the lines advocated in the Recommendation; the possibility of classifying them in the manner indicated is under consideration.

The Federal Government is the competent legislative authority; it ensures the enforcement of the relevant provisions relating to labour law and the protection of manual and non-manual workers, with the exception of

persons employed in agriculture and forestry.

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

#### *Belgium.*

Labour inspection is carried out by the technical and medical inspection services of the Labour Technical Protection Department, and by the Social Legislation Inspection Service of the Department for Relations between Heads of Undertakings and Workers. The labour inspection service is based on the provisions of the Act of 5 May 1888 concerning inspection in dangerous, unhealthy and obnoxious establishments and the supervision of machinery and steam boilers, as subsequently amended on various occasions.

*Preventive duties of labour inspectorates.* The labour inspection service is entrusted with preventive duties, the main aspects of which are as follows: the service is automatically kept informed of the opening of, and any plans for alterations to, dangerous, unhealthy or obnoxious establishments, as its authorisation or opinion is required in both cases. Moreover, in view of the fact that existing legislation imposes numerous obligations on employers, the latter constantly refer to the inspectorate. The legislation is so drafted that, in the first place, an employer must give due notice to the authorities concerned and must keep them informed of all proposed changes which would directly affect the working conditions of his undertaking.

The procedure under which authorisation is required for the opening or alteration of establishments ensures the application of the relevant provisions of the Recommendation.

*Collaboration of employers and workers.* The type of collaboration envisaged by the Recommendation is carried out in large part through the Higher Industrial Safety and Hygiene Council and through committees on safety, hygiene and improvements to workplaces. The Higher Council, which is constituted on a tripartite basis (administration, employers and workers), is responsible for studying questions relating to safety and health and the efficient functioning of works committees and services on safety and hygiene. It gives advice on suggestions for the improvement of the health and safety of workers and examines measures for the improvement of workplaces.

A safety and health committee, composed of employers' and workers' representatives, exists in every undertaking employing at least 50 persons. Its principal functions are: to examine the reports of the person in charge of hygiene and safety and improvements to workplaces and to consider what effect should be given to these reports; to collaborate with the competent labour inspection officials in investigating the causes of dangerous or unhealthy working conditions and to examine preventive measures in this connection; to bring to the notice of the labour inspectorate suggestions of a general nature relating

to the protection of labour and to seek methods for improving workplaces and their surroundings.

Collaboration between officials of the inspection service and employers' and workers' organisations in regard to the safety and health of workers, is assured through the medium of the Higher Industrial Safety and Hygiene Council. Other questions relating to conditions of work are dealt with by the National Labour Council, which is a tripartite body and includes a representative of the Department for Relations between Heads of Undertakings and Workers.

Since 1947 the Government has organised annual propaganda campaigns of two weeks' duration on safety and health and the improvement of workplaces, for the purpose of acquainting employers, workers and the public in general with questions relating to health and safety. The arrangements include the organisation of health and safety exhibitions, lectures and the showing of popular films. In addition, health and safety courses are given in the technical schools.

*Labour disputes.* The conciliation and arbitration of labour disputes is the responsibility of the social conciliation officials but is sometimes carried out by social inspectors and supervisors.

*Annual reports on inspection.* Each of the three branches of the inspection service, namely, the technical, medical and social legislation inspectorates, publishes an annual report on its activities. These reports generally contain detailed information under subparagraphs (a) to (g) of paragraph 9 of the Recommendation. Appended to the report are copies of recent annual reports of the inspection services.

#### *Canada*

*Preventive duties of labour inspectorates.* In all provinces which have Factory Acts, except New Brunswick, every person who begins to occupy a factory must notify the labour inspectorate within one month of the name of the factory, its location, the nature of the work, the nature of the motive power and other particulars. In Manitoba, at least 15 days before a factory is operated for the first time, the owner must notify the inspectorate that he wishes his premises to be inspected; operations may not begin without a certificate of inspection and a permit to operate. The Acts of Nova Scotia and Ontario forbid the owner of any factory to begin operations without a certificate of inspection and a permit.

In Ontario and Nova Scotia, before erecting or altering a factory building, the owner is required to submit the plans to the inspectorate for examination in order to determine whether they fulfil the requirements of the Act. In Alberta plans must be submitted for the approval of the inspectorate if the chief factory inspector so directs. In Quebec the regulations under the Act recommend that plans for the creation or alteration of factory



buildings should first be submitted to the inspectorate.

*Collaboration of employers and workers.* The formation of safety committees is encouraged in a number of ways. The labour inspectorates in the provinces seek to stimulate an interest in accident prevention; this may lead to the formation of safety committees within the plant or undertaking. In some provinces the formation of safety committees is a definite part of the inspector's programme. The report of the Manitoba Department of Labour for the year ending 31 March 1949, for example, states that the inspection service has been instrumental in establishing safety committees in practically every industry of a sufficient size to justify them, while in many smaller firms a safety director or counsellor has been appointed. The Safety Branch of the Department of Labour of British Columbia has reported that it had formed seven safety committees during the year 1948. In Alberta and British Columbia, under the Workmen's Compensation Act or Regulations, an accident prevention committee must be organised in plants employing more than a specified number of employees (in Alberta 10 or more, and in British Columbia 25 or more). In Saskatchewan the Act gives the workmen's compensation board power to appoint advisory committees, on which both employers and workers are represented, for developing safety standards. In the other provinces associations of employers in any of the classes into which they are divided for purposes of assessment under the Act may organise for accident prevention work; grants may be made by the board to such associations. In Saskatchewan workmen as well as employers are represented in the association. Labour-management production committees which are sponsored by the Federal Department of Labour for purposes of joint consultation in industry, and of which there are more than 600 in Canada, provide another means of obtaining the co-operation of employees and management on safety issues, through the practice of setting up safety subcommittees.

While collaboration between representatives of the workers and the management and the labour inspectorate is not dealt with by legislation, inspectors would be quite free to consult with safety subcommittees when making enquiries into industrial accidents or occupational diseases.

Joint committees, such as the Meat Packers' Safety Council in Manitoba, help to facilitate collaboration between the labour inspectorate and organisations of employers and workers. Another example is the committee of the woodworking industry in New Brunswick which was set up to work with the Department of Labour in the formulation of a safety code.

Considerable use is made of radio, posters, films, etc., to carry on the educational work of each Provincial Department of Labour. An industrial safety course of 12 evening lectures, under the auspices of the University

of Manitoba, has been available to persons employed in industry in Winnipeg for several years past. The Federal Department of Labour, in co-operation with the National Film Board, has produced five safety films as the beginning of a continuing service. The Ontario Department of Labour intends to extend the kind of exhibit it made in 1948 at the Canadian National Exhibition, with the display and operation of woodworking machinery, properly guarded for the safety of the operator. The workmen's compensation boards have power in Alberta, British Columbia and Saskatchewan to carry on an educational programme in accident prevention and first aid by means of lectures, the publication of bulletins and demonstrations and, in British Columbia and Saskatchewan, by establishing museums for the exhibition of safety devices. Courses in safety are included with the instruction in the efficient use of equipment; in some cases, special safety courses are given.

*Labour disputes.* The functions of labour inspectors are separate from those of conciliators or arbitrators in industrial disputes.

*Annual reports on inspection.* Annual reports are published by the Department of Labour of seven Canadian provinces. The report of the Alberta Department of Public Works covers factory and boiler inspection. Each report contains some of the information suggested by the Recommendation, but no report contains all of this information. The following detailed information is given regarding the annual reports of the provincial inspection services.

The British Columbia, Manitoba, New Brunswick, Nova Scotia and Saskatchewan reports describe new laws and regulations on the work of the inspection system.

Manitoba and Quebec report the total number of inspectors; Ontario reports additions to the inspection staff. The numbers of inspectors are not completely reported in any province. There are women inspectors in some provinces, but the number is not reported. The Quebec report specifies the districts into which the province is divided for inspection services.

The Ontario, Alberta and New Brunswick reports indicate the number of workplaces visited. Although all reports indicate the number of visits made, none classifies them as day or night visits. The Manitoba, New Brunswick, Nova Scotia, Alberta and Ontario reports show the numbers employed in the workplaces visited. The New Brunswick, Ontario and Saskatchewan reports indicate the number of workplaces visited more than once during the year.

New Brunswick and Nova Scotia report violations under some of their Acts. British Columbia, Ontario, Alberta and Saskatchewan report the total number of prosecutions. Particulars are reported by British Columbia, Ontario and Saskatchewan in respect of prosecutions. The number of convictions is reported by British Columbia, Alberta, Ontario



and Saskatchewan; particulars of the nature of penalties are reported by British Columbia, Ontario and Saskatchewan.

Manitoba, Nova Scotia and Ontario report statistics of industrial accidents by industry, and classify accidents according to cause and as fatal or non-fatal.

Nova Scotia and Ontario report the number of cases of occupational diseases notified, and classify such cases according to industry. The particulars of classification are not reported in the annual inspection reports.

Workmen's compensation boards also publish some statistics on accidents and industrial diseases.

The report refers to provincial legislation which provides for labour inspection services.

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

#### *Ceylon.*

*Preventive duties of labour inspectorates.* Factories Ordinance No. 45, 1942, requires the registration of new and existing factories, but registration is not required in respect of other establishments subject to labour inspection.

*Collaboration of employers and workers.* Representatives of trade unions bring to the notice of the Labour Department, for investigation and adjustment, cases where wages and conditions of work fixed by tripartite wages boards have not been respected. Trade unions are as yet in their infancy; in due course it will be possible to extend the sphere of collaboration. The Labour Department organised a section on safety in a health exhibition at Colombo in 1949.

*Labour disputes.* Labour inspectors act as conciliators only where the volume of their work justifies it. The special conditions prevailing in plantations have often obliged inspectors to act as welfare officers and, in such cases, it is very difficult to define the demarcation of functions between labour inspection proper and conciliation work.

*Annual reports on inspection.* Results of inspection are given in an administration report which is published annually. This document includes particulars of labour legislation brought into force during the period under review, changes in the staff of the Labour Department during the same period, the number of workplaces liable to inspection under the above-mentioned Ordinance and the number of persons employed therein. It is intended to include similar information as regards workplaces covered by the Shops Ordinance, No. 66 of 1938. The Administration Report also contains statistics of the number of inspection visits made and of the cases filed in the courts for infringements of the Labour Ordinances. A number of other particulars enumerated in Part IV of the Recommendation will be included in future Administration Reports.

#### *Chile.*

*Preventive duties of labour inspectorates.* The Labour Code (section 91) prohibits the commencement or stoppage of operations, or the introduction of important changes, in any undertaking or workshop, unless previous notice has been given to the competent labour inspector. Under the Industrial Hygiene and Safety Regulations employers are required, at their own expense, to introduce all measures prescribed by the competent authority as necessary for the effective protection of the health of workers and the promotion of the public health in general. These Regulations also provide for the General Labour Directorate to examine plans for industrial establishments and workplaces from the point of view of the hygiene and safety of workers and to prescribe the necessary measures in this connection.

*Collaboration of employers and workers.* Detailed instructions have been issued to the services under the General Labour Directorate as regards the setting up and functioning of works safety committees (comprising employers and workers), the advice and assistance to be given by the labour authorities, and the question of lectures and publicity in this connection. A copy of these instructions is appended to the report.

Large-scale safety campaigns, using the various measures referred to in the Recommendation, have not been carried out owing to lack of the necessary means. To some extent, such activities are carried on by the industrial accidents fund, a semi-public body.

*Labour disputes.* Neither the law nor the practice prohibits labour inspectors from acting as conciliators or arbitrators of labour disputes. This system has not given rise to difficulties.

*Annual reports on inspection.* Annual reports on inspection contain the data referred to in the Recommendation, except as regards statistics of workplaces liable to inspection and the number of persons therein employed, the number of workplaces visited more than once during the year, and particulars of the penalties imposed. Information concerning this last point is published in the reports of the labour tribunals.

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

#### *Cuba.*

Reference is made to Act No. 91 of 12 April 1935 concerning the organisation of the Secretariat of Labour, Decree No. 2318 of 5 July 1948, to issue industrial hygiene regulations, and Resolution No. 87 of 30 April 1937 to set up the National Directorate-General of Labour Inspection.

Both the Directorate-General of Health and Social Welfare of the Ministry of Labour and the Sanitary Engineering Department of the Ministry of Health are responsible for ensuring, before factories or workshops begin operations,

that plans for the construction or modification of workplaces are in conformity with the provisions in force. The creation of safety committees comprising the workers' and employers' representatives concerned, is being encouraged, in the first place, in the most important industries, such as brewing.

In the private sphere there exists the National Council for the Prevention of Accidents, which publishes the monthly journal "Accident Prevention". The Directorate-General of Health and Social Welfare organises lectures and distributes pamphlets and posters on the prevention of accidents and occupational diseases; it also maintains a permanent exhibition in the building which it occupies. Inspectors do not act as conciliators or arbitrators of labour disputes. They make six-monthly reports on inspection activities, but these reports are not on a statistical basis.

#### *Denmark.*

*Preventive duties of labour inspectorates.* The legislation now in force is in conformity with this part of the Recommendation, except that notice in advance is not required in respect of the opening or taking over of an establishment, or the commencement of new operations.

*Collaboration of employers and workers.* The legislation in force does not authorise the setting up of special works safety committees, and does not provide for advice and instruction in labour legislation or in questions relating to industrial hygiene and safety. However, it is proposed to include provisions to this effect in the new Workers' Protection Act. In the larger undertakings joint labour-management committees have been established in virtue of collective agreements.

*Labour disputes.* The legislation does not provide for inspectors to act as conciliators or arbitrators in proceedings concerning labour disputes. On the other hand no basis has been found for excluding a factory inspector from acting as a conciliator in cases where, by reason of his special knowledge, he can perform useful work in settling a dispute.

*Annual reports on inspection.* A good deal of the information called for in the Recommendation is given in the annual report of the labour and factory inspection service. However, the service does not collect statistical data to the extent envisaged, as it is considered that the clerical work involved might assume excessive proportions and thus interfere with the principal activities of the service.

#### *Finland.*

Inspection is carried out under the Act of 4 March 1927, respecting industrial inspection, and the Resolution of the Council of State concerning the administration of the Act. Certain tasks of the inspectorate are laid down in the Workers' Protection Act of 28 March 1930.

*Preventive duties of labour inspectorates.* Section 20 of the Workers' Protection Act lays down that at least a fortnight before the opening of a new industrial establishment, the employer shall give notice to a labour inspector, stating the approximate number of workers to be employed, the date on which work is to begin and whether children, young persons or women are to be employed. The Ministry of Social Affairs is responsible for specifying the establishments and undertakings which are subject to the obligation to give such notice. A Resolution of 31 December 1930 stipulated that this obligation applied to all industrial or commercial undertakings subject to the above Act, except those employing fewer than three workers or in which machines driven by natural power are not used.

Section 19 of the Workers' Protection Act provides that any person who desires to erect or reconstruct a factory or other industrial plant is required to give notice thereof in advance to the competent labour inspector. The latter must inform the person concerned, without delay whether the proposed buildings and plant are in conformity with the provisions of the Act. The inspector is entitled to require the person concerned to supply the necessary particulars. The labour inspector is bound, upon request, to give his opinion as to whether the plans in question may be considered to be satisfactory from the point of view of the safety of workers; hygiene conditions are considered as a part of industrial safety.

The Ministry of Social Affairs is responsible for determining the establishments which are required to give the above-mentioned notice. On 31 December 1930 the Ministry decided that the obligation to give notice applied to all factories and industrial establishments in which at least 10 workers are regularly employed. This obligation does not apply to commercial establishments. As regards machines driven by natural power, the number of workers is determined in such a manner that one horse-power is reckoned as corresponding to three workers.

Regulations issued by the Council of State in virtue of the Workers' Protection Act provide for advance approval of workplaces by the labour inspection authorities in respect of textile industries (Resolution of 17 May 1927) and bakeries (Resolution of 23 February 1928).

*Collaboration of employers and workers.* With a view to ensuring collaboration between the labour inspection authorities, employers and workers, the Act concerning industrial inspection provides that the workers have the right to elect from among themselves a general representative to represent them when inspection visits are made. The name of the representative is notified in writing to the State labour inspector, as well as to the employer; the representative selected may not be dismissed on account of his office. Such workers' representatives are found in thousands of industrial and commercial undertakings. It is customary at the time of an

inspection visit for the representative concerned to accompany the labour inspector and to discuss with him all questions relating to industrial safety and other measures for the protection of workers. The labour inspectors often hold consultations with the workers' and employers' representatives. Before granting exemptions under the legislation concerning the protection of workers, the Ministry of Social Affairs and the Labour Council generally request the advice of the workers' representative concerned.

Industrial safety committees have been established in many undertakings with a view to ensuring collaboration between employers and workers. The accident prevention services of certain private insurance companies, as well as the Society for the Prevention of Accidents, instituted by employers, workers, insurance companies and the individuals concerned, and subsidised by the State, participate in the activities of these committees. The labour inspectors participate in their activities by lectures and advice given orally or in writing.

The Act concerning works councils, which was enacted provisionally on 21 June 1946 and definitively on 30 December 1949, provides that the employers' and workers' representatives are required, in particular, to deal with questions concerning the improvement of industrial safety and the health and welfare of workers in workplaces and to co-operate with the labour inspectors and workers' representatives in the observance of industrial safety regulations. Works councils, which are advisory bodies, are compulsory in every industrial establishment where at least 120,000 hours, excluding overtime, have been worked in the course of a calendar year. There are no works councils in commercial undertakings.

As already stated, representatives of the workers and management are authorised to collaborate directly with the labour inspection authorities.

The Society for the Prevention of Accidents acts as an organ of collaboration; its activities are financed by the State by means of annual contributions. The Council of State nominates two members of the executive of the Society; the central employers' and workers' organisations are also represented. It is customary for the Ministry of Social Affairs to consult the occupational organisations on matters relating to the application of labour legislation and all questions concerning the health and safety of workers.

The employers' and workers' organisations nominate an equal number of members to represent them on the Labour Council, established by the Act of 2 August 1946. The Council deals with all questions arising out of the application of the various Acts relating to the protection of workers, is responsible for decisions on problems relating thereto, gives advice and grants exemptions from certain regulations concerning hours of work and annual holidays. If necessary the Labour Council requests the organisations concerned to give their advice on the questions raised.

At the request of employers or workers the labour inspectors have the right to organise lectures on the legislation and regulations for the protection of workers, and on the experience acquired in the prevention of accidents and occupational diseases. The State maintains at Helsinki a permanent exhibition on labour protection and workers' health, organised by the Ministry of Social Affairs and, in particular, by the head of the labour inspectorate. Mobile exhibitions were organised during the pre-war period; it is proposed to resume this activity in the near future. Industrial hygiene is included in the curricula of technical schools.

*Labour disputes.* Labour inspectors are not responsible for conciliation in labour disputes. Under the Act of 12 July 1946 this responsibility is assigned throughout the country to special officers, acting as conciliators in labour disputes.

*Annual reports on inspection.* The annual report on labour inspection contains the detailed information indicated in the Recommendation, with the exception of statistics relating to violations and penalties. However, it is proposed to modify the legislation with a view to eliminating this defect. Statistics of industrial accidents and occupational diseases are compiled by the Office of Social Studies, on the basis of reports received from insurance companies, and are available to the labour inspection authorities. Complete official statistics on accidents and occupational diseases are several years in arrear, but they are at the disposal of all interested parties. Cases of occupational diseases are not specified in detail in these statistics. The annual report on labour inspection contains information on individual cases of accidents and occupational diseases which is of general importance as regards the prevention of accidents and diseases.

Modifications of the provisions of the Recommendation are not necessary to ensure their application in Finland.

#### *France.*

*Preventive duties of labour inspectorates.* The Labour Code (Book II, section 1) provides that any person who plans to employ workers, in any number, in an industrial or commercial establishment must give notice to the labour inspectorate before engaging staff.

The Order of 27 October 1945 stipulates that plans for new establishments must be submitted to the labour inspectorate for examination. Under the Act of 30 October 1946, respecting the prevention of, and compensation for, industrial accidents and occupational diseases, every employer who makes use of working processes liable to cause certain specified occupational diseases is required to notify the primary social security fund and the labour inspector of this fact. However, notification is not required in advance. No provision exists with regard to the installation of new plant.

According to the Act of 19 December 1917 any establishments which are considered as dangerous, unhealthy or obnoxious (except so-called "third-class" establishments which do not involve serious danger) may not be opened without previous authorisation based on plans submitted for examination by the labour inspector. If this examination shows that the plans are not in conformity, either in whole or in part, with the legislative provisions concerning the safety and health of workers, the permit is withheld until satisfactory alterations have been made.

*Collaboration of employers and workers.* The setting up of hygiene and safety committees is required by law in industrial establishments where at least 50 workers are regularly employed and in commercial establishments, public and ministerial offices, the liberal professions, companies, occupational organisations and associations of any kind where at least 500 employees are regularly employed. These committees are composed of the head of the undertaking or his representative, the person responsible for safety, the doctor attached to the establishment, the woman labour adviser, and three representatives of the staff in establishments employing up to 1,000 workers or six in those employing more than 1,000 workers. These committees conduct enquiries into all accidents and serious cases of occupational diseases and must submit the relevant particulars to the labour inspector within 15 days. The committees are also required to furnish statistical information on accidents and carry out the inspection of establishments in order to ensure the application of the legislative provisions and regulations relating to hygiene and safety.

The Fund for the Prevention of Accidents and Occupational Diseases is empowered, in conjunction with the Ministry of Labour and Social Security, to encourage instruction in measures for preventing accidents and diseases. The Fund provides the means for utilising all forms of publicity and propaganda suitable for influencing employees through their associations and safety committees. Adequate measures are taken to ensure that the legislation relating to industrial safety is brought to the attention of employers and workers. The managing committee of the National Social Security Fund has set up a National Safety Institute for this purpose, and various methods of instruction are employed. Safety films and posters have been prepared and photographs and sketches collected; use is also made of radio talks. Each year the Institute organises a National Safety Week, as well as a conference; the conference to be held in the autumn of 1950 will deal with dusts, gases and fumes. The Institute also maintains a permanent exhibition at its headquarters in Paris; a mobile exhibition is already operating. The Institute publishes a review entitled "Labour and Safety" (circulation, 40,000 copies), as well as safety manuals on dangers in various occupations; different

editions are prepared for the use of workers and apprentices, technicians, members of hygiene and safety committees and employers. In the field of education, courses on accident prevention and hygiene are given in the technical and vocational schools and in schools for arts and crafts. It is further proposed to extend safety instruction to primary schools by means of lantern slides accompanied by commentaries.

*Labour disputes.* The legislation differs somewhat from the Recommendation in this connection inasmuch as it provides for the intervention of labour inspectors in certain cases. The Ordinance of 22 February 1945, instituting works committees, and the Act of 16 April 1946, to fix the status of the representatives of the employees, provide for the intervention of labour inspectors in disputes between the employers and trade unions concerned, the allocation of seats on the committee to the various classes, the division of employees into electoral bodies, the dismissal of members of works committees or employees' representatives. Labour inspectors also intervene (as provided for in the Act of 11 October 1946 and the Decree of 26 November 1946, concerning the organisation of industrial medical services) in case of difficulties arising out of the application of the legislation relating to the organisation of industrial medical services and the nomination of doctors. While the functions of labour inspectors do not allow them to intervene as arbitrators in disputes, except in cases specified by law, in practice they invariably act as mediators in accordance with a well-established custom.

Appended to the report are copies of the legislation relating to works committees and hygiene and safety committees.

#### *Greece.*

*Preventive duties of labour inspectorates.* In principle the labour inspectorate is not responsible for preventive duties; the persons concerned are not required to obtain a permit before opening industrial or commercial workplaces. However, an operating permit issued by the Ministry of Communications is required for the installation of machinery and steam boilers. This procedure ensures the safety and health of workers as it results in the application of preventive measures.

*Collaboration of employers and workers.* There are no joint committees of employers and workers to deal with safety and health questions. Various means, such as radio talks, lectures, articles in the labour press, etc., have been used to educate employers and workers in safety and health matters.

*Labour disputes.* In principle the inspection staff does not intervene in labour disputes; however, in view of the lack of funds needed to recruit specialised staff for such duties, the inspectors are obliged by circumstances to intervene.

*Annual reports on inspection.* The reports submitted annually by the various district inspectors to the Ministry of Labour include information relating to the number of inspection visits made, the number of hours of overtime authorised by the service, the number of work books issued and the number of accidents, together with information relating to such accidents.

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

#### *India.*

The State Governments, through their inspectorates, administer the Factories Act, 1948, and the Rules issued under the Act. Co-ordination of the work of inspection is carried out by the Central Government, through the office of the Chief Factories Adviser. The provisions of the Recommendation are covered by the Factories Act and Rules and also by Executive Instructions to factory inspectors, issued by State Governments, and based on standard instructions prepared by the Central Government.

There are no divergencies between the provisions of the Recommendation and the law and practice concerning inspection in the various States.

*Preventive duties of labour inspectorates.* These provisions of the Recommendation are covered by sections 6 and 7 of the Factories Act, 1948, and the Rules framed thereunder by the State Governments.

*Collaboration of employers and workers.* Collaboration between employers, workers and the Government for the improvement of working conditions is ensured by the tripartite organisations and industrial committees. Works committees, which include employers' and workers' representatives, have been set up in a number of factories; every encouragement is given to the formation of such committees. Posters and other printed matter concerning the safety, health and welfare of workers are regularly issued by the Chief Factories Adviser to draw attention to the legal requirements and to stimulate interest in accident prevention.

*Labour disputes.* Separate legislation and machinery exist for conciliation work. Labour inspectors are not ordinarily called upon to act as conciliators or arbitrators.

*Annual reports on inspection.* The requirements of this Part of the Recommendation are generally observed, although the statistics compiled do not include some of the details mentioned.

Appended to the report are the model factories rules prepared by the Central Government as a guide for the framing of rules by the State Governments, together with draft executive instructions prepared by the Central Government for issue to factory inspectors.

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

#### *Ireland.*

*Preventive duties of labour inspectorates.* The occupier of a factory or workshop is required to notify the inspectorate within one month of occupying the premises in question. Notification is obligatory under the Factory and Workshops Acts, but not under the Shops (Conditions of Employment) Acts.

There are no definite arrangements for submitting plans for new establishments, plant or production processes to the inspectorate for an opinion, but advice is given by inspectors upon request.

The Factory and Workshops Acts become applicable to premises upon the commencement of production; the occupier then becomes responsible for compliance with the requirements of the Acts and appropriate regulations.

*Collaboration of employers and workers.* There is no legislation to secure collaboration in regard to health and safety between employers and workers, although the latter are free to arrange for the voluntary setting up of such machinery. Inspectors may make enquiries of workers when accidents or the incidence of industrial disease are being investigated.

Use is not made of lectures, radio talks, pamphlets and films to explain the provisions of labour legislation and to suggest methods of application and preventive measures; there is no provision for health and safety exhibitions. Instruction in safety forms part of the curricula of engineering classes in the technical schools.

*Labour disputes.* Inspectors do not act as conciliators or arbitrators.

*Annual reports on inspection.* The annual reports submitted under the Factory and Workshops Acts contain the information referred to in this paragraph, with the exception of particulars of the staff of the labour inspection system and the number of persons employed in the workplaces liable to inspection. The annual report for 1948 is appended.

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

#### *Italy.*

The relevant legislation is the same as that given in the report on Convention No. 81 and, in particular, in Section 40 of the General Regulations (No. 503 of 1947) concerning industrial hygiene.

*Preventive duties of labour inspectorates.* Firms which plan to erect, enlarge or remodel industrial premises where more than five persons are employed are required to give notice to the competent district labour inspector. The inspector has the right to prescribe alterations to the plans with a view to ensuring stricter compliance with the legislative provisions concerning industrial hygiene. With regard to new plant, machinery and processes, the supervisory duties of the

inspectorate begin only after completion of the work involved. Preventive supervision is exercised therefore only in respect of industrial hygiene, as it is considered that supervision for the purpose of accident prevention can be exercised only after the installation of the plant has been completed (with a few exceptions, *e.g.*, steam generators and lifts).

A complete list of plant and processes likely to involve safety risks is not available, as the relevant legislative provisions date back to Decree No. 203 of 1899 to approve the regulations concerning the prevention of industrial accidents. The competent authorities are now engaged in bringing these provisions up to date.

*Collaboration of employers and workers.* It is recognised that the collaboration of employers, workers and public authorities through the establishment of safety committees is desirable and necessary; consideration will be given to implementing the relevant provisions.

Due account will be taken of the provisions of the Recommendation as regards collaboration between representatives of the workers and managements, officials of the labour inspectorate and employers' and workers' organisations. However, it should be pointed out that the trade union organisations seek the intervention of the labour inspectorate in questions relating to industrial health and accident prevention.

Specially authorised bodies are responsible for educational activities in safety and health matters. Accident prevention propaganda with regard to all occupations—except agriculture, for which a separate institution has been set up—is carried on by the National Institution for Propaganda against Accidents; the Institution employs various methods, such as lectures, films, radio talks and posters. A permanent exhibition and a library are maintained at Milan, and a campaign against accidents is at present being conducted in elementary schools. Useful activities in this field are also carried on by the Institute of Social Medicine and the National Fire Prevention Association.

*Labour disputes.* Officials of the labour inspectorate intervene in disputes arising from the application of the legislation which they are required to supervise. The Confederation of Industrial Employers is of the opinion that, while inspectors should not act as arbitrators, they may act as conciliators in labour disputes.

*Reports on inspection.* The reports referred to in the Recommendation have been prepared and continued efforts are being made to improve them.

For information relating to the supervisory activities of the labour inspectorate, see under Convention No. 81.

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

#### *Luxembourg.*

*Preventive duties of labour inspectorates.* The provisions of this part of the Recommendation are effectively applied. Reference is made to a number of relevant Acts and special regulations for the protection of the health and safety of workers engaged in industrial and commercial undertakings, in work in construction, mines and quarries and in the distribution of electric power and railways.

*Collaboration of employers and workers.* The majority of employers usefully collaborate with the public authorities with a view to improving safety and health conditions for workers. For example, the large metallurgical undertakings, which employ the great majority of industrial workers, collaborate in the preventive mission of the Labour and Mines Inspectorate, through specially qualified safety engineers. In all industrial undertakings there is a workers' safety representative who makes a supervisory tour every fortnight with the head of the undertaking, or his representative, and whose observations are recorded in a register kept by the management and available to the staff of the inspectorate. This system, established by a Decree of 31 December 1929, has proved all the more satisfactory in view of the fact that the inspection staff includes worker inspectors chosen from the ranks of industrial workers.

*Labour disputes.* The Government cannot approve the provisions of the Recommendation in this respect. The Decree of 26 March 1945 provides that the Minister of Labour may entrust the Labour and Mines Inspectorate with any duties involving the prevention and settlement of labour disputes which are not within the competence of the National Conciliation Office. In practice the chief engineer of the Inspectorate intervenes at the first sign of a labour dispute in an establishment. Owing to this procedure the majority of disputes which have occurred since the war have been settled before they have developed into open conflicts. Good results have also been obtained from the appointment of the chief engineer of the Labour and Mines Inspectorate as the chairman of the National Conciliation Office. The Government is of the opinion that it would be inadvisable to change this system, which has contributed to the maintenance of social peace and the protection of the workers' interests.

*Annual reports on inspection.* The inspection service publishes annual reports containing the required information.

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

#### *Netherlands.*

*Preventive duties of labour inspectorates.* The principle of this part of the Recommendation is contained in the Act respecting dangerous, unhealthy and obnoxious workplaces. An amendment to this Act, which is being prepared, will improve the present arrangements.

*Collaboration of employers and workers.* The Safety Act permits the establishment of advisory safety boards, comprising employers' and workers' representatives, for the promotion of safety conditions. With regard to paragraph 5 of the Recommendation (direct collaboration of representatives of workers and the management with officials of the labour inspectorate), the report states that responsibility for safety and health rests in all cases with the management of the establishment.

*Labour disputes.* Officials of the labour inspectorate are instructed to refrain from intervening in disputes between employers and workers unless authorised to do so by the Minister of Social Affairs.

*Reports on labour inspection.* The Director-General of Labour submits to the Minister of Social Affairs an annual report on inspection activities, containing the details enumerated in the Recommendation.

Copies of the report have been communicated to the Labour Foundation, for transmission to the representative employers' and workers' organisations.

#### Norway.

*Preventive duties of labour inspectorates.* The Workers' Protection Act (section 3) provides for the registration of establishments with the labour inspectorate within a fortnight after their opening.

Section 5 of the same Act lays down that the opinion of the labour inspectorate may be obtained in respect of all plans for the construction and operation of an establishment.

The Act concerning the building industry requires that construction plans for establishments covered by the Workers' Protection Act must be submitted to the labour inspectorate.

*Collaboration of employers and workers.* The agreement concerning production committees, concluded in 1945 between the Confederation of Employers and the General Confederation of Trade Unions, provides for the establishment of production committees in all industrial and handicraft undertakings of a certain size. The responsibilities of these committees include the promotion of measures to increase the safety and wellbeing of employees during working hours, as well as the submission of proposals for the application of protective measures and health measures within the framework of the Workers' Protection Act.

Special safety committees have been established in a number of undertakings under this agreement. It is also the task of production committees to ensure that the provisions of the Workers' Protection Act are observed by all the parties concerned.

*Labour disputes.* The law and practice are in conformity with this part of the Recommendation. Conciliation and arbitration are entrusted to special Government agencies and

do not form a part of the tasks of the labour inspectorate.

*Annual reports on inspection.* The annual reports of the Labour Inspection Directorate correspond in the main with the requirements of this part of the Recommendation. The enforcement of the provisions of the Workers' Protection Act is entrusted to the Directorate of Labour Inspection, in the Ministry of Municipal Affairs and Labour.

Copies of circular letters from the labour inspectorate, of the agreement concerning production committees, and of the annual inspection report for 1948 are appended to the report.

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

#### Pakistan.

*Preventive duties of labour inspectorates.* The provisions of this part of the Recommendation are not strictly covered by national law and practice. However, section 9 of the Factories Act, 1934, provides that, before work is begun in any factory after the commencement of this Act, or before work is begun in any seasonal factory, the occupier shall send to the inspector a written notice giving: the name of the factory and its situation; the address for communications relating to the factory; the nature of the manufacturing processes to be carried on in the factory; the nature and amount of the power to be used; the name of the factory manager, and such other particulars as may be prescribed for the purposes of the Act. In the Punjab and North-West Frontier Provinces under section 5 (a) of the Factories (Punjab Amendment) Act, 1940, and section 5 (a) of the Factories (N.-W.F.P. Amendment) Act, 1940, the provisions of this part of the Recommendation are mainly covered.

*Collaboration of employers and workers.* There are no special arrangements for general collaboration of employers and workers. However, labour officers and labour inspectors hold informal consultations with individual employers and trade union officials on matters of common interest.

No steps have so far been taken to ensure that employers and workers are given advice and instruction in labour legislation and questions relating to industrial hygiene and safety.

*Labour disputes.* In some cases the labour inspectors act as conciliators in labour disputes.

*Annual reports on inspection.* The annual reports on the working of the various Acts contain information on most of the provisions under this part of the Recommendation. The Government also refers to its report on Convention No. 81 and states that the Department of the Central Labour Commissioner, under the Ministry of Law and Labour, is responsible for the administration and enforcement of labour legislation in Central



Government undertakings. Provincial governments maintain inspection staff for the enforcement of various Central as well as provincial Acts.

The text of the Factories Act is substantially the same as it was at the time of partition, i.e., 15 August 1947, but some necessary changes have been made in it to express the constitutional changes which have occurred.

#### *Poland.*

*Preventive duties of labour inspectorates.* The relevant national legislation is constituted by the Order of the Minister of Labour and Social Assistance of 24 February 1928 to provide for the participation of labour inspectors in the procedure for authorising the opening or reconstruction of industrial establishments.

*Collaboration of employers and workers.* Collaboration in safety and health matters is regulated by the Decree of 6 February 1945 to institute works councils. According to section 5 of the Decree the employer is required to hold meetings with the works council at least once a month in order to discuss matters relating to safety and health and new improvements or technique and organisation, and to submit a quarterly report to the works council. There is also a central commission on industrial hygiene and safety (set up under a Resolution of 10 May 1946) which operates through the medium of safety and health committees organised for all central industrial administrative departments.

The Act of 4 February 1950, concerning the social inspectorate of labour, deals, *inter alia*, with collaboration between the State labour inspectorate and the social inspectorate of labour. Social inspectors, who are elected from among the workers of an establishment or a branch thereof, act as chairmen of the works safety and health committees. They also participate in drawing up the budget estimates of workplaces for capital investments and current expenses as regards safety and health matters.

In order to educate workers and employers in labour legislation and in the subjects of safety and health, courses are organised for managers and persons responsible for safety and health matters and for employees. Since July 1949 lectures and radio talks have been organised and pamphlets and posters published; four documentary films have also been made explaining the legislative provisions as regards safety and health and the means of preventing industrial accidents and occupational diseases.

*Labour disputes.* Conciliation and arbitration in collective disputes concerning wages and working conditions do not exist in practice. Individual labour disputes are settled by the works councils; in case of disagreement between a works council and an employer, disputes are settled by a conciliation and arbitration committee attached to the regional labour inspectorate.

*Annual reports on inspection.* Annual reports on inspection have not been published since the war.

#### *Sweden.*

New measures regarding social legislation and the supervision of its enforcement were introduced by the enactment of the Workers' Protection Act on 3 January 1949, and the establishment of the Workers' Protection Board in the same year. The Board is the central authority for matters relating to the protection of workers and controls the labour inspectorate and its officers (general labour inspectors, commune supervision representatives and special inspectors). The Workers' Protection Act has been supplemented by a number of Proclamations regarding the appointment of special inspectors responsible for supervising conditions in forestry, transport and aviation undertakings, the manufacture and handling of explosives and inflammable substances, high-tension electrical plant and the mining industry. Regulations have also been issued under the Act, relating to the employment of young persons in dangerous occupations, medical inspection in respect of certain occupational diseases, and the prohibition of the use of white lead in painting; additional regulations are in course of preparation.

*Preventive duties of labour inspectorates.* The present legislation does not oblige employers to notify the labour inspectorate of the opening of new establishments, except as regards the manufacture of toxic substances, and mine workshops and workrooms situated entirely below ground. The commune supervision representatives are required by law to keep themselves informed and to notify the competent labour inspector of the opening in their districts of new workplaces subject to inspection. If premises formerly used for other purposes are transformed into industrial workplaces, notice must be given to the labour inspector who, without delay, must take the necessary measures as regards the use of the premises or the work performed.

The opening of establishments for the manufacture of explosive goods or inflammable oils must be notified to the explosives inspectorate, or the provincial council, as the case may be.

An employer may voluntarily submit to the labour inspection service plans for the construction, alteration or extension of workplaces or staff accommodation. The inspector is required to give a written opinion on the matter free of charge. A specific application must be made as regards the construction of buildings; the building authority concerned is required to consult the labour inspector in the case of factories or other industrial plant.

A fine may be imposed on any person who establishes a mine workshop entirely below ground without a permit from the Workers' Protection Board or without taking into account the conditions fixed by the Board. In the case of plans voluntarily submitted



for opinion, no measures are taken against persons who have failed to introduce the modifications recommended by the labour inspector. This applies also in cases of requests for building permits. However, in practice, the issue of a permit is conditional upon the introduction of the alterations declared necessary by the labour inspector.

Labour inspectors are empowered to issue written orders requiring the completion, within a reasonable time-limit, of any alterations in the premises or in the working methods of an establishment; they may also prohibit the use of certain processes, substances, materials, machinery and equipment. A prohibition with immediate effect may be issued if serious danger to the life or health of the workers is involved; orders of this nature may be issued by the Workers' Protection Board without any prior decision.

Manufacturers and vendors of machinery, tools and technical equipment are required by the legislation to fit such products with the necessary safety devices before they are delivered for use or displayed for sale. Delivery or display may be prohibited by the Workers' Protection Board on penalty of fine or imprisonment. Complaints against the orders issued by the labour inspectors may be made to the Workers' Protection Board; appeals may be made to the Crown against the decisions of the Board.

*Collaboration of employers and workers.* The legislative provisions on this subject conform fully to the provisions of the Recommendation.

The Workers' Protection Act provides for the appointment of a workers' safety delegate in establishments where five or more persons are regularly employed and, in establishments where 50 or more persons are employed, of joint safety committees for the promotion on industrial hygiene and safety. Employers are required to maintain suitably organised safety services and to collaborate with their workers as regards safety and health. An employer who does not himself supervise safety conditions in his establishment is required to nominate one or more persons (e.g., safety engineers, staff managers, etc.), with power to act on his behalf.

Labour inspection officials are required to keep in touch with safety delegates and committees, and to furnish them with copies of any opinions, instructions or written communications relating to hygiene and safety which have been supplied or sent to the establishment concerned.

Collaboration between employers and workers is assured at the national level through the participation of representatives of the above organisations in the activities of the Workers' Protection Board; consideration is now being given to the desirability of providing for collaboration with the labour inspection services at the district level.

Labour inspectors hold periodical conferences with employers' and workers' representatives of specified industries for the purpose of discussing the application of social legis-

lation and the prevention of accidents and diseases. A number of voluntary organisations also help to promote collaboration between employers and workers in preventing accidents and diseases.

Any person is entitled to apply to and to obtain from the Workers' Protection Board or the labour inspectorate advice and information regarding industrial hygiene and safety. Officials of the Board and of the inspectorate carry on educational activities (lectures, discussions, films, radio talks, etc.), to explain the provisions of the law and measures relating to the prevention of accidents and diseases. Publications on industrial hygiene and safety, posters, pictures, mounted excerpts from the legislative texts, etc., are issued by the Workers' Protective Association; a number of occupational and voluntary organisations have combined to produce both silent and sound films. The Workers' Protection Association maintains a permanent health and safety exhibition at Stockholm and has also set up a mobile exhibition. Instruction at technical schools in subjects relating to industrial hygiene and safety falls outside the terms of reference of the Workers' Protection Board and the competence of the labour inspectorate, but officials of these bodies often act as teachers.

*Labour disputes.* Conciliators and arbitrators in labour disputes are appointed by the Crown; there is no legislative provision to prohibit the appointment of officials of the Workers' Prevention Board or the labour inspectorate.

*Annual reports on inspection.* The annual reports of the labour inspection services contain some of the required information; from 1950 onwards, complete information will be given, except in respect of certain particulars. Inspections are not classified according to day or night visits, as it is considered, that there is no special need for a classification of this nature. The inspection reports include data showing the number of cases of accidents and diseases, including fatal cases, notified to the inspectorate; fuller information on cases of accidents and diseases for all places of employment throughout the country is contained in the annual publication "Industrial Injuries", issued by the National Insurance Institution.

Appended to the report are copies of the relevant laws, regulations, etc., issued mainly in 1949.

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

#### *Switzerland.*

Labour inspection is organised in virtue of the Federal Factories Act of 18 June 1914, the Order of 3 October 1919, for the application of this Act, and various cantonal regulations. The Factories Act applies to all industrial establishments, but not to commercial, transport or handicraft undertakings. A new Labour Act is being prepared and will

cover industry, handicrafts, commerce, transport and related economic activities. The Act will take into account certain guiding principles of the Recommendation. However, other provisions contained in the Recommendation either do not require legislative action or do not call for any modification of the Federal Act.

The enforcement of the Federal Act and of the regulations issued by the Federal Council is, in general, the responsibility of the cantons and is carried out under the over-all supervision of the Federal factory inspectors of the Department of Public Economy, to which the Office of Industry, Arts and Crafts and Labour is attached. The cantonal authorities collaborate in large measure with the Federal factory inspectors. A number of cantons have set up their own inspection services, while others rely on the Federal inspectorate. This system has proved satisfactory. These are few major differences between the provisions of the Recommendation and the law and practice. However, the Recommendation goes further than the latter as regards collaboration with employers' and workers' organisations and statistical data.

*Preventive duties of labour inspectorates.* Any person who desires to erect or alter a factory, or to convert existing premises into a factory, is required to inform the cantonal Government of the nature of the proposed establishment and to submit the plans for approval, together with a description of the building and the lay-out of the interior. This information is transmitted to the Federal inspector of factories, who examines the plans in order to ascertain that they are in conformity with the Factories Act. Even if the plans have been approved and carried out, the factory may not begin operations until it has been inspected and approved. Approval may be withheld if the operations are considered to endanger the health or life of the workers or the neighbouring population. Once work has been started in a factory the cantonal authority is empowered to order the removal of major defects within a specified time limit and, if necessary, may even order the suspension of operations until the required action has been taken. If there is a danger of occupational diseases or accidents the National Accident Insurance Fund must be consulted.

*Collaboration of employers and workers.* The employers' and workers' organisations may collaborate on a voluntary and occasional basis in the application of the Act; such collaboration is not provided for by law. However, the Factories Act provides for the establishment of the Federal Factories Board, an advisory body, composed of equal numbers of employers and workers (nine of each) and of independent persons. The employers' and workers' members are appointed by the Federal Council on the proposal of their respective central organisations. This arrangement results in a substantial degree of collaboration as regards the application of

the Federal Act and, consequently, of the principles laid down in the Recommendation. The new Labour Act which is under consideration will make specific provision for collaboration between the enforcement authorities and the joint commissions set up by the industrial organisations.

The collaboration of employers and workers is carried out in various ways. The new Labour Act will expressly provide that the head of an undertaking must include workers in safety committees in industrial undertakings or in undertakings of a dangerous nature.

The provisions of paragraphs 5 to 7 (collaboration of representatives of the workers and the management, officials of the labour inspectorate and employers' and workers' organisations; instructions to employers and workers in labour legislation, etc.) of the Recommendation are applied as far as possible and in accordance with prevailing conditions. In technical schools attention is paid to questions of industrial safety and hygiene. Permanent exhibitions relating to industrial hygiene are maintained, in particular, in Zurich and Lausanne. Labour inspectors readily take advantage of opportunities to give lectures and talks on these matters. The Swiss Public Utility Association has set up a special subcommittee whose responsibility is to popularise the idea of industrial hygiene. Finally, the Swiss Information Bureau on Accident Prevention, set up by various organisations, deals, *inter alia*, with the prevention of industrial accidents.

*Labour disputes.* The Federal factory inspectors have not been assigned the function of acting as conciliators or arbitrators in labour disputes.

*Annual reports on inspection.* The majority of the provisions of this part of the Recommendation are already adopted by the four Federal factory inspectors in compiling their annual reports; it is proposed to amplify these reports by including more detailed information on the lines indicated in the Recommendation. In addition the cantonal Governments publish periodical reports in accordance with a plan laid down by the Federal authority.

Appended to the Government's report are copies of the relevant legislation, circulars issued to the cantonal authorities, and recent Federal and cantonal reports on inspection activities under the Factories Act.

Copies of the report will be communicated to the representative employers' and workers' organisations.

#### *Turkey.*

Labour inspection is carried out by 20 regional labour offices, each of which is responsible for one or several departments. All workplaces covered by the Labour Act are visited by the inspectors as often as possible, and also whenever necessary in order to investigate workers' complaints. The duties of the labour inspectors are defined in the

Labour Act, No. 3008, of 8 June 1936, the provisions of which correspond with those of Convention No. 81. There are also inspection regulations applicable to official workplaces. Regulations for private undertakings have been drawn up and will be put into force in the near future.

*Preventive duties of labour inspectorates.* Plans for newly-established undertakings must be submitted by employers to the authority responsible for the administration of the Labour Act; no undertaking may begin operations until these plans have been approved. Moreover, within one month after the commencement of operations, employers are required to apply to the competent authority for an inspection visit. These provisions apply to all workplaces, irrespective of their nature; two permits must be obtained, one for the opening and one for the operation of an undertaking. The legislation on this point therefore goes beyond the provisions of the Recommendation. Furthermore, in conformity with the provisions of the Recommendation, the issue of an operating permit is dependent upon the completion of appropriate alterations if the plant is considered to be defective or likely to involve danger to the safety or health of the workers.

*Collaboration of employers and workers.* The collaboration between employers and workers in matters relating to health and safety exists neither in legislation nor in practice. However, as the Government considers the establishment of works safety committees to be expedient, the question is under examination.

Further, there exists neither legislation nor practice in respect of collaboration between the public authorities and the organisations of employers and workers as regards labour legislation and industrial hygiene and safety. However, Act No. 4841 of 26 January 1946, concerning the organisation and functions of the Ministry of Labour, provides for the convening of a tripartite labour council; the council was convened on one occasion, namely, in 1947. The Ministry may consult the occupational organisations whenever it considers it advisable to do so. Consultations took place in connection with the drafting of the labour legislation and a labour conference is to be held in September 1950. Tripartite consultative bodies have also been established to deal with social insurance and the recruitment and placing of workers.

There are no legal provisions regarding collaboration between inspection officials and joint bodies of employers' and workers' representatives. The possibility of applying paragraph 6 of the Recommendation is being examined.

The Government has organised radio talks in order to publicise the labour legislation and the provisions relating to health and safety; it is considering the gradual application of additional measures as recommended in paragraph 7 of the Recommendation.

*Labour disputes.* The legislation in force is not in conformity with the relevant pro-

visions of the Recommendation. Labour inspectors often act as conciliators in labour disputes; the regional labour directors, whose functions include inspection, are members of the departmental arbitration commissions set up to intervene in disputes which cannot be settled by conciliation. These arrangements have always proved satisfactory and their modification is not contemplated.

*Annual reports on inspection.* The Government is in agreement with the provisions of this paragraph of the Recommendation. Although annual reports on inspection have not been published up to the present, measures will be taken to do so in the near future.

Appended to the report are copies of the relevant legislative texts.

### *Union of South Africa.*

*Preventive duties of labour inspectorates.* Under the Industrial Conciliation and Wage Acts an employer is required to notify the relevant information to the inspectorate within one month of commencing business.

Such control as exists with regard to hygiene, health and safety is effected by municipal or other local authorities and includes the submission of plans of all buildings irrespective of the purpose for which they are erected, but this is not the case in the smaller villages.

*Collaboration of employers and workers.* Suggestions and recommendations from employers and workers on these matters and the voluntary functioning of joint bodies in an advisory and recommendatory capacity as safety committees, etc., would be welcomed, but the setting up of such bodies should be left to the initiative of the parties concerned.

There is no objection to the participation of industrial organisations as witnesses in the machinery of Government investigation, but normally investigation should be carried out by officials trained to weigh up evidence.

Much is being done to advise and instruct workers and employers in questions of industrial hygiene and safety.

*Labour disputes.* By virtue of their continuous contact with employers and employees, labour inspectors are frequently in a position to advance constructive suggestions by way of mediation to the parties in dispute; this is an important feature of their duties.

*Annual reports on inspection.* Information could easily be supplied as regards the relevant legislation, the strength and distribution of the labour inspection staff, the number of workplaces liable to inspection and the number of convictions. On the other hand, statistical data showing the number of persons employed, the number of inspection visits and infringements reported and the nature of the penalties imposed are not available for the following reasons. Enforcement is vested in the authorities which enter into collective agreements and whose inspectors are not required to report the results of their inspection visits

to the central authority. The classifications suggested in the Recommendation are considered impractical in so far as local conditions are concerned.

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

#### *United Kingdom.*

The Government is unable to accept in full Parts I and IV of the Recommendation; the extent to which the law and practice correspond with some of the proposals in these Parts is indicated below.

*Preventive duties of labour inspectorates.* In Great Britain a person may not begin to use any premises as a factory unless he has given advance notice to the factory inspectorate; however, the requirements as regards notice are modified where a person takes over without changing the nature of work. There are similar requirements as regards notice before mechanical power is first used in a factory, except for heating, ventilating or lighting the factory itself (section 113 of the Factories Act, 1937, as amended by section 5 of the Factories Act, 1948). There are also instances of advance notice to the labour inspectorate being required before commencing some specified kind of activity, e.g., the manufacture, use or storage of "cellulose solutions" or "luminising" in a factory. The law is the same in Northern Ireland as in Great Britain, but the appropriate reference in respect of advance notice is section 119 of the Factories Act (Northern Ireland) 1938, as amended by section 5 of the Factories Act (Northern Ireland) 1949.

It is open to occupiers or prospective occupiers of factories to seek the advice of the factory inspectorate in advance about matters of the kind referred to in paragraph 2 of the Recommendation. This is encouraged where the proposals involve health or safety problems of an unusual or specially difficult character, or where firms contemplate taking for use or starting to use as a factory premises which might be unsuitable for the purpose. In Northern Ireland there is no law requiring plans to be submitted to a factory inspector.

Labour inspectors do not have the powers envisaged in paragraph 3.

*Collaboration of employers and workers.* Arrangements for such collaboration are encouraged in a great variety of ways, both by the Government, by employers' and workers' organisations and by other voluntary bodies, for instance, the Royal Society for the Prevention of Accidents, the Institute of Personnel Management, and the Industrial Welfare Society.

Direct collaboration with labour inspection officials is not only authorised but encouraged, subject to the rights of an inspector as to the way in which he conducts his investigation, including his right to interrogate the persons concerned alone.

The policy of promoting collaboration has been followed by the factory inspectorate for

a considerable number of years. Information in this regard is contained in the section headed "Industrial Advisory Committees" of the Annual Report of the Chief Inspector of Factories for 1944. Since then further committees of the kind have been set up, including a standing joint committee on conditions in iron foundries. In Northern Ireland, where the reports of the committees set up by the factory inspectorate in Great Britain are relied on, it has not been necessary, so far, to set up committees.

Publicity media such as lectures, posters and pamphlets, as well as periodical publications, are extensively used by the factory inspectorate and by unofficial bodies. The Government maintains in London a Safety, Health and Welfare Museum at which are exhibited methods, arrangements and appliances for promoting safety, health and welfare in industries within the scope of the Factories Acts; about 13,300 people visited the museum in 1948. In addition the factory inspectorate has taken appropriate opportunities of collaborating with other interested bodies in arranging for exhibits on this subject in connection with various temporary local exhibitions. Increasing attention is being paid to safety aspects of technical instruction in schools, as well as in training departments of industrial undertakings. The special pamphlets issued by the factory inspectorate in Great Britain are used extensively in Northern Ireland; employers and interested parties are advised to visit the Safety, Health and Welfare Museum in London. Where these can be arranged, lectures and talks are given to employees by inspectors.

*Labour disputes.* The Governments of Great Britain and Northern Ireland have accepted paragraph 8 so far as their labour inspectors in the United Kingdom are concerned.

*Annual reports.* As regards the work of the factory inspectorate, the annual reports of the chief inspector normally include a list of the important new laws or regulations made during the year and enforceable by the inspectorate, and statistical information relating to subparagraphs *b* (i), *c* (i), *d* (ii), *e*, *f* and *g* of paragraph 9 of the Recommendation. The annual report of the Ministry of Labour and National Service includes particulars of new laws or regulations made during the year which are enforceable by the Wages Inspectorate and also contains statistical information relating to subparagraphs *c* (i), *d* (i) and (ii) (except that day and night visits are not separately recorded) and *e*. An annual report by the chief inspector of factories in Northern Ireland will be issued in future; the first report will cover the year 1949 and will supply information relating to subparagraphs *b* (i), *c* (i), *d* (i), *e*, *f* and *g*.

Appended to the report are specimens of publications issued by the factory inspectorate and by the Royal Society for the Prevention of Accidents.

### *Territories*

#### *Basutoland, Bechuanaland, and Swaziland.*

There is no permanent labour inspectorate in the High Commission Territories; the opening of industrial or commercial establishments is not conditional on the observance of instructions of the type contemplated in the Recommendation. Industrial and commer-

cial employment within the territories, however, accounts for only a small proportion of the population. The health and safety of workers is adequately safeguarded by district officers and other administrative authorities. There are no employers' or workers' organisations.

Copies of the reports have been communicated to the representative employers' and workers' organisations in the United Kingdom.

## **Labour Inspection (Mining and Transport) Recommendation, 1947: R. 82**

### *Argentina.*

The present inspection system is under the supervision of the Ministry of Labour and Welfare and its regional delegations.

### *Australia.*

There is no arbitrary demarcation between labour inspection in mining and transport undertakings and the general labour inspection service. In practice labour inspection of transport undertakings comes within the scope of the ordinary inspectorates. In mining undertakings the enforcement of the terms of relevant awards, agreements and determinations is undertaken by the appropriate general inspectorates; in addition separate inspection services exist for supervising the various regulations relating to working conditions, safety, explosives, machinery, etc., in mines. The Government states that the law and practice in regard to labour inspection in mining and transport undertakings is in accord with the provisions of the Recommendation and refers to its report on Convention No. 81.

Included in the report is a list of Commonwealth and State legislation dealing with mines. This legislation includes provisions regulating the organisation of the special mining inspectorates. These provisions are enforced by the inspectorates and provisions or awards and determinations made thereunder are enforced by the general labour inspectorates.

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

### *Austria.*

The Government has nothing to report in respect of this Recommendation, as it has ratified the Convention (No. 81) concerning labour inspection; mining and transport undertakings are thereby covered.

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

### *Belgium.*

*Mining undertakings.* Labour inspection in mines is regulated by the Act of 5 May 1888

concerning inspection of dangerous, unhealthy and obnoxious establishments, and is carried out by the Corps of Mining Engineers of the Ministry of Economic Affairs and the Middle Classes. The system also includes arrangements for workers' delegates operating under the direction of and in accordance with instructions from the Mines Department. The functions of the workers' delegates are: to examine underground workings of coal mines, as well as surface plant directly connected with mining operations from the standpoint of the workers' safety and health; to assist in the investigation of accidents and in enquiries into the causes thereof, and to report to the Mines Department any breaches of the legal provisions concerning labour which are enforceable by the Corps of Mining Engineers.

*Transport undertakings.* The supervision of general conditions of work in rail and road transport undertakings, is carried out by the Social Legislation Inspectorate, while the Labour Technical Protection Department is responsible as regards technical and medical matters. These two bodies are under the administration of the Ministry of Labour and Social Welfare.

The Social Legislation Inspectorate ensures the supervision of conditions of work in maritime transport undertakings. Inspection with regard to provisions concerning the safety of ships and of life at sea is carried out by the Maritime Department of the Ministry of Communications, through inspectors assisted by technical agents, doctors and administrative officials. The maritime inspectors are naval construction engineers, master mariners and first-class marine engineers.

The supervision of the loading and unloading of motor or other vessels in ports and waterways is exercised by the Labour Technical Protection Department of the Ministry of Labour and Social Welfare.

Technical, medical and labour inspectorates exist for air transport undertakings. Technical inspection is carried out by the engineers attached to the Aeronautics Department of the Ministry of Communications; the supervision of ground plant and workshops is the responsibility of the Labour Technical Protection Department. Flying personnel are subject to the medical supervision of the

health services of the State. Inspection of conditions of work is carried out by the Social Legislation Inspectorate. Supervision is carried out in conformity with the provisions of the International Civil Aviation Convention (Chicago, 1944).

#### *Burma.*

The workers employed in workshops and running sheds of the Burma Railways (approximately 28 per cent. of the total labour force) are covered by the Factories Act. Inspection is carried out by the chief inspector of factories. While the Railway Act provides for the appointment of supervisors of railway labour, no such appointments have yet been made.

The Factories Act contains provisions relating to conditions of work and the protection of workers employed in Government dockyards. Regular inspections are made by the chief inspector of factories, in co-operation with the Dockyard Workmen's Union.

Up to the present time the establishments at Dalla and Rangoon Foundry are bound by the Factories Act.

The provisions of the Factories and Workmen's Compensation Acts concerning conditions of work and the protection of workers are applicable to workers employed in the Road Transport Department of the Ministry of Transport and Communications. Both office employees and engineering mechanics of the Union of Burma Airways are covered by the Workmen's Compensation Act.

#### *Canada.*

Legislation regulating coal and metal mines in all the mining provinces, except Prince Edward Island, authorises the appointment of mines inspectors; all these provinces have mines inspection staffs, consisting of a chief inspector and other inspectors and, in some cases, electrical and mechanical inspectors whose duties are confined to inspecting electrical and mechanical equipment. There are also inspectorates in the Yukon and Northwest Territories. The Canada Shipping Act (Part VII) provides for a steamship inspection service for transport undertakings. This service consists of a headquarters staff at Ottawa and staffs of inspectors at the principal ocean and inland ports. There is self-inspection of the two nation-wide railway systems as the Federal Railway Act imposes obligations on railway employees to ensure their own and the public safety.

A list of legislation which provides for inspection in mining and transport undertakings is appended to the report.

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

#### *Ceylon.*

*Mining undertakings.* The Mines and Machinery Ordinance and the Rules made thereunder contain provisions for the safety of workers in mines and give the necessary

authority to inspection officials to ensure effective enforcement. A tripartite wages board was set up in 1944 to regulate hours of work, wages and conditions of employment of workers in plumbago mines.

*Transport undertakings.* In accordance with Ordinance No. 27 of 1941, as amended in 1943 and 1951, service conditions, wages, holidays, etc., for workers in the motor transport trade are fixed by a wages board, comprising employers' and workers' representatives and nominated members, under the chairmanship of the Commissioner of Labour. Compliance with the legal provisions in question is enforced by the labour inspectorate which enjoys adequate powers for this purpose.

Copies of the relevant legal provisions are appended to the report.

#### *Chile.*

The general system of labour inspection, summarised in the report on Convention No. 81, applies equally to mining and transport undertakings; no distinction is made between these classes of undertakings and industrial and commercial workplaces.

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

#### *Cuba.*

The Ministry of Labour, the Directorates-General of Inspection, Health and Social Welfare and the regional labour offices, are responsible for ensuring, by means of periodical inspection visits and investigations, that mining and transport undertakings comply with the legislative provisions relating to hygiene and other matters. The present system is in full conformity with the provisions of the Recommendation.

#### *Denmark.*

Under the legislation now in force, transport undertakings are not generally subject to inspection by the labour and factory inspection service; the proposed Workers' Protection Act, which is under consideration, includes provisions to extend labour inspection to transport. There are no mining undertakings in the country.

#### *Finland.*

Labour inspection is carried out in virtue of the Act of 4 March 1927, respecting industrial inspection, and the Resolution of the Council of State concerning the administration of this Act. The system of labour inspection applied in industrial and commercial workplaces applies also to mining and transport undertakings. There is, however, one important exception: supervision of the application of provisions concerning safety in underground work is carried out by a mines inspector attached to the Ministry of Commerce and Industry. In view of the technical knowledge required for this branch of acti-

vity, the mines inspector may be regarded as a special labour inspector.

As the legal provisions concerning employees of the State railways are still included in the Act of 1946 respecting hours of work, the tasks of the labour inspectorate in this field are reduced. It is proposed to extend the scope of application of the safety provisions to cover employees of the State railways; in consequence, labour inspection will apply also to health and safety conditions.

The provisions of the Recommendation are fully applied.

#### *France.*

*Mining undertakings.* Inspection to ensure workers' safety and the maintenance of mines has been in force for more than 150 years. From the outset, the supervision of the application of labour regulations was entrusted to mining engineers and is now covered in Book II of the Labour Code (Part III, section 95) which provides that, in respect of mines, pits and quarries, the duties of labour inspectors are entrusted to the mines engineers and controllers who, for this purpose, are under the authority of the Minister of Labour.

*Transport undertakings.* Special labour inspection services exist for the transport industry; as regards technical matters, these services are controlled by the Ministry of Public Works, Transport and Tourism. Labour inspection in railways and road transport is carried out by the Transport Manpower Service of the Ministry of Public Works, under the authority of the Minister of Labour. The technical section comprises five principal inspectors and 46 inspectors who are distributed throughout the country. This service is also empowered to carry out labour inspection in air transport. Inspection in respect of transport by waterways is supervised by the Director of Maritime Ports and Navigable Waterways.

Collaboration of employers and workers is secured by the system of staff representatives, works councils, and health and safety committees.

The organisation of the labour inspection system is in conformity with the provisions of the Recommendation. It has not been necessary to introduce any modifications.

The report contains a detailed list of the various documents, registers, etc., employed by the transport and mines inspection services.

#### *Greece.*

Inspection in mining undertakings is entrusted to the Ministry of National Economy and, as regards transport undertakings, to the Ministry of Transport; close collaboration exists between these two Ministries and the Ministry of Labour on all questions relating to conditions of work and the protection of workers in the exercise of their profession.

The principal legislation with regard to mining undertakings is found in the Decree of

28 October-11 November 1929, to consolidate in a single text the Mines Act, No. 3524, of 1910, as subsequently supplemented and amended.

The inspector of mines is responsible for supervising the methods of operating mines and metallurgical establishments and for giving the workers concerned safety instructions with respect to various types of operations. The inspector is required to inform the Ministry of National Economy of any defect, abuse or risk. With the consent of the Minister of National Economy, the inspector of mines may prosecute any person guilty of a contravention and, in urgent cases, may order the temporary suspension of operations or order alterations to be carried out under his supervision. The Ministry is empowered to order the resumption of work or the permanent closing of the undertaking. An annual report is published on the mining industry; this report deals with the work effected, the products extracted and their value, the workers employed and, in general, all questions relating to the industry.

The principal legislation with regard to transport is contained in the Order of 15 February 1926 concerning the regulation of hours of work and rest on steam railways. Rail transport undertakings are supervised by the Ministry of Transport. Conditions of work in motor transport are supervised by a labour inspector attached to the Ministry of Labour.

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

#### *Guatemala.*

See under Recommendation No. 81.

#### *India.*

*Mining undertakings.* Mining undertakings in India are regulated by the Central Government under the following legislation: the Indian Mines Act, 1923; the Coal Mines Safety (Stowing) Act, 1939; the Mines Maternity Benefit Act, 1941; the Mica Mines Labour Welfare Fund Act, 1946; the Coal Mines Labour Welfare Fund Act, 1947; the Coal Mines Provident Fund and Pension Schemes Act, 1948; and the Payment of Wages Act, 1936.

The application of this legislation is supervised by an inspectorate, set up in the Department of Mines, and by commissioners appointed under the various welfare and provident fund Acts mentioned above. The duties of officials appointed under the legislation are in general comparable with those of factory inspectors appointed under the Factories Act. The Department of Mines, more particularly, is responsible for the inspection of mines, electrical installations and machinery, the investigation of accidents, the furnishing of technical advice to mine owners, prosecutions and the collection of statistics. Annual reports on the activities of the Department are published.

*Transport undertakings.* Railways and major ports are the concern of the Central Government, while responsibility for regulating conditions of work and employment in other forms of transport is shared between the Central and State Governments. Accordingly, there is no comprehensive legislation regulating conditions of work in transport generally, although there exist protective measures for workers in the various branches of transport.

Conditions in railways are regulated by the Indian Railways Act, 1890, as amended in 1930, the Employment of Children Act, 1938, and the Payment of Wages Act, 1936. Enforcement is supervised by the Chief Labour Commissioner of the Government of India and regional labour commissioners.

Workshop staff in motor transport are subject to the provisions of the Factories Act, and traffic and line staff by the Indian Motor Vehicles Act, 1939. These provisions are enforced by the regional transport officers and the motor vehicles inspectors. The Minimum Wages Act, 1948, applies to workers in public motor transport; the payment of minimum-wage rates will be entrusted to inspectors.

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

#### *Ireland.*

*Mining undertakings.* Inspection is carried out by the inspector of mines and quarries, an officer of the Department of Industry and Commerce, under two principal Acts (the Coal Mines Act, 1911, and the Metalliferous Mines Regulation Act, 1872) and supplementary laws and regulations. The legislation covers all types of mines.

The inspector is empowered to undertake any necessary examination or enquiry to ascertain whether the provisions of the Act relating to matters above and below ground are observed. He may enter any mine by day or night, but not so as to impede or obstruct its working, and may enquire into all matters relating to the safety, health and welfare of the workers. His duties also include attendance at inquests on fatal accidents in mines and the prosecution of owners, agents or managers for breaches of the Acts. Inspection after accidents is left to the inspector's discretion.

Normally, inspection is carried out "by sample"; minute and complete investigation of every part of a mine is not, as a rule, necessary, though, in the discretion of the inspector, it may be required in exceptional cases. All complaints, including anonymous ones, made by workers, are carefully investigated.

*Transport undertakings.* Legal provisions for the protection of workers in railway transport are contained in Rules made under the Railway Employment (Prevention of Accidents) Act, 1900. The railway inspecting officer, appointed by the Minister for Industry and Commerce, is empowered by this Act to

inspect any railway at any time to ascertain whether the rules are being observed. The rates of pay, hours of duty and other conditions of service of railway workers and road transport workers employed by railway undertakings are, in accordance with the Railways Acts 1924 and 1933, regulated by agreements between the workers trade unions and the railway undertakings.

The Road Traffic Act, 1933, provides for the limiting of the period of continuous driving by drivers of certain types of vehicles. The enforcement of the Act is carried out by the Civic Guards, who investigate particular cases only when a complaint is made by the driver concerned. As provided for in the Act, the Minister for Industry and Commerce has established a road traffic advisory board to which workers' or employers' representatives may apply for a variation of the hours of continuous driving specified in the Act.

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

#### *Italy.*

*Mining undertakings.* The enforcement of the laws and regulations concerning conditions of work and the protection of workers is the responsibility of the labour inspectorate (see Summary of report on Convention No. 81), but inspection in respect of the technical aspects of accident prevention is carried out by the Mines Department of the Ministry of Industry and Commerce. The legislative provisions in these matters date back to the Mines Supervision Act of 1893, and subsequent Regulations. The legislation is not entirely satisfactory, both because of advances in mining techniques and because of greater difficulties now encountered in working mineral deposits; new provisions are in preparation.

The country is divided for purposes of mines inspection, into 14 districts, each with several mining engineers and experts. These officials carry out periodical visits, report violations to the judicial and administrative authorities, and advise employers on accident prevention and safety measures.

*Transport undertakings.* Inspection to ensure compliance with the laws and regulations applying to persons employed in transport undertakings is a function of the Ministry of Transport and is carried out by the inspectorate-general of civilian motor transport and public transport operating under concession.

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

#### *Luxembourg.*

The national legislation goes beyond the Recommendation as the supervision exercised by the Labour and Mines Inspectorate covers both mining undertakings and rail and



road transport, in virtue of the Grand Ducal Order of 26 March 1945.

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

#### *Netherlands.*

Underground work in mines, as well as in related surface operations, is covered by the Mines Act of 1903, the enforcement of which is not a responsibility of the labour inspectorate. However, the Labour and Safety Acts apply to parts of mining undertakings which are not directly engaged in mining operations, such as offices, new constructions, brick-making works, gas plants and electricity and water supply works.

With regard to transport undertakings the report states that the Labour Act of 1919 contains provisions concerning hours of work and rest which are not yet in force. The only provision now in force is one prohibiting the loading, unloading and transport of goods on Sundays in land-transport undertakings employing non-mechanically propelled vehicles. Measures are in preparation with a view to applying all the provisions of the Act.

With regard to motor-vehicle transport, the report states that the Act of 1936, concerning hours of work for drivers of motor vehicles, contains protective provisions on hours of work and rest periods. Supervision of compliance with the Act as regards the transport of goods is carried out by the labour inspectors and, as regards passengers, by the State Traffic Inspectorate of the Ministry of Transport and "Waterstaat".

Copies of the report have been communicated to the Labour Foundation for transmission to the representative employers' and workers' organisations.

#### *Norway.*

The general system of labour inspection set up to ensure the enforcement of the Workers' Protection Act, which contains provisions relating to conditions of work and the protection of industrial workers, applies to mining and transport undertakings. The inspection of mining undertakings is carried out by the mines inspectors, acting as labour inspectors.

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

#### *Pakistan.*

There is an adequate system of labour inspection in mines and transport undertakings. The principal provisions of the Recommendation are largely applied.

The report enumerates the relevant Acts and Rules in force in the country.

In mines the enforcement of the relevant provisions is entrusted to the chief inspector of mines who visits each mine once or twice a year. Owing to the shortage of qualified mining personnel it has not been possible to increase the staff of the mines inspectorate,

but the question of its expansion is under consideration. Any contraventions of the legal provisions which are detected during inspection visits are reported to the mines officials on the spot and later to the employers and workers. As soon as steps have been taken to remedy defects, employers are required to inform the chief inspector; when the latter makes his next inspection visit, he ascertains that the required action has been taken.

The Central Labour Commissioner is responsible for the administration and enforcement of labour legislation applicable to railway workers.

The employers' and workers' organisations co-operate in carrying out the provisions of the Acts, although there are no special arrangements in this respect.

The texts of the Acts, etc., are substantially the same as they were at the date of partition (15 August 1947) with, however, certain necessary adaptations to express the constitutional changes which have occurred.

Appended to the report is a set of general and inspection report forms used the Mines Inspectorate.

#### *Poland.*

*Mining undertakings.* The national law and practice with regard to labour inspection in mining undertakings are based on the Presidential Decree of 14 July 1927 concerning labour inspection, the Order of 24 February 1928, issued by the Ministers of Labour and Social Assistance and Industry and Commerce, concerning the relations between the labour inspectorate and the mines authorities, and the Decree of 8 January 1946, to extend the supervisory functions of the inspectorate to foundries and establishments subject to the legislation relating to mines throughout the entire national territory. In the mining industry the labour inspection authorities supervise the protection of labour and industrial hygiene, while the mines authorities exercise supervision over industrial safety.

The objects of the new Act of 4 February 1950, concerning the social inspectorate of labour, are to strengthen supervision of compliance with social legislation, to improve safety and health conditions, to promote in workplaces measures to prevent occupational diseases, and to supervise technical and sanitary installations from the point of view of labour protection. This system has also been extended to all mining undertakings.

*Transport undertakings.* All transport undertakings come within the scope of labour inspection, both the State and social inspectorates, with the exception of the Polish State Railways, which has its own system of labour inspection.

#### *Sweden.*

The Workers' Protection Act of 3 January 1949 is, in principle, applicable to mining and transport undertakings, with the excep-

tion of maritime transport. Supervision of compliance with the Act and the Regulations issued thereunder is carried out, under the direction and control of the Workers' Protection Board, by the labour inspectorate, which consists of labour inspection officers, commune supervision inspectors and special inspectors.

*Mining undertakings.* The Workers' Protection Board includes a divisional director, responsible for mines and quarries, whose technical training and practical experience correspond to those required of mines inspectors. Under the Proclamation of 18 June 1949 special mines inspectors are appointed in the labour inspection districts and are responsible for supervising compliance with the legal provisions in respect of underground work in mines, adits and passages, and transport, but not with regard to steam boilers used underground. The division of responsibilities between mines inspectors and labour inspectors is decided by the Workers' Protection Board, after consultation with the Chamber of Commerce. Mines inspectors are assisted by mining engineers. Both posts are open only to persons who have passed the examination of the Advanced Technical School in mining engineering, and have had mining experience in responsible capacities.

*Transport undertakings.* The enforcement of the Workers' Protection in respect of railway, tramway, truck and omnibus transport is supervised by a divisional director, head of the transport department of the Workers' Protection Board, acting as a special inspector of the labour inspectorate. In air transport supervision is exercised by the aviation inspector of the Royal Aviation Board; in the loading and unloading of ships supervision is entrusted to a divisional director, the head of the seamen's welfare department of the Chamber of Commerce.

Appended to the report are copies of various regulations, orders, etc., concerning the organisation of labour inspection in mining and transport undertakings. Some of these measures were issued after the adoption of the Recommendation.

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

#### *Switzerland.*

*Mining undertakings.* Mines attached to a factory (for example, in connection with cement factories) are covered by the Federal Factories Act of 18 June 1914-27 June 1919 (see summary of report on Recommendation No. 81). With the exception of the legislation prohibiting the employment of women and young persons in underground work in mines of all kinds, there is no Federal legislation applying specifically to mines which are not part of a factory. However, mining undertakings are subject to compulsory accident insurance and consequently are inspected by agents of the Swiss National Accident Insurance Fund. Moreover, some cantons have

enacted legislation for the protection of workers employed in mines, without making provision for methodical and repeated inspection visits.

The absence of federal legislation relating to mines is not due to any lack of interest in the conditions of miners, but rather to the fact that there is no necessity for such legislation. Mines are few and relatively unimportant. Should the industry develop the legislative authorities would not hesitate to protect the miners. This was demonstrated in the recent war when circumstances forced the country to exploit its meagre mineral deposits; special Regulations were issued, in particular, in the form of an Order of the Federal Council of 16 July 1943, concerning work in mines. In virtue of these Regulations mines were visited as often as possible and at least once in every six months. Inspection was directed, in particular, to the prevention of accidents and occupational diseases, the health of workers, hours of work, organisations of a social character, the application of compulsory sickness insurance, safety conditions and emergency measures. Provision was also made for the issue of regulations relating to safety and hygiene, as well as the institution of proceedings in case of contraventions. In spite of the difficulties prevailing at the time, the protection of miners was effectively and uniformly carried out. The above-mentioned measures were repealed at the end of the war.

The report refers to Recommendation No. 81 for information regarding collaboration with employers and workers.

*Transport undertakings.* All transport undertakings having the characteristics of a factory are covered by the Federal Factories Act. This applies, in particular, to the principal workshops of federal and private railways, air and inland navigation transport companies, road transport undertakings operating under a Government license as well as motor-vehicle repair shops connected with private garages. The report refers in this connection to the information supplied under Recommendation No. 81.

The Federal Act of 6 March 1920 concerning hours of work in railways and in other services connected with transport and communications applies, in virtue of subsequent Orders, to the Federal railways, railway and shipping undertakings licensed by the Confederation, railway sleeping and restaurant cars, the Swiss postal, telegraph and telephone services, and motor-vehicle undertakings licensed by the Confederation.

The authorities responsible for ensuring the application of these regulations are the Federal Transport Office and the Directorate-General of Postal Services, both of which employ inspectors for the purpose. There is also a medical service headed by a chief medical officer.

Road transport undertakings not operating under a license are subject to the Order of the Federal Council of 4 December 1933, respecting hours of work and rest of professional drivers of motor vehicles. The cantons are

responsible for the application of the legislation, under the supervision of the Federal Council exercised by the Department of Public Economy (Office of Industry, Arts and Crafts, and Labour).

Transport and communication undertakings covered by the Act of 6 March 1920, as well as the workers concerned, are represented in equal numbers on an advisory commission consisting of a chairman and 14 members, nominated by the Federal Council on proposals made by the employers and workers. The commission gives advice concerning proposed administrative orders, complaints, appeals and penalties. The staff of an undertaking must be heard before lists of work shifts are finally established. The claims made by transport workers are generally put forward through their trade union organisations.

No modification in the legislation or practice is required in order to apply the Recommendation. Nevertheless, the Government has under consideration a New Labour Act which will provide for the setting up of a general federal inspectorate covering all undertakings subject to its provisions.

Appended to the report are copies of the relevant laws and regulations, as well as models of inspection report forms.

Copies of the report will be communicated to the representative employers' and workers' organisations.

#### *Turkey.*

The Labour Act makes no distinction, as regards labour inspection, between mines, transport undertakings and other workplaces. The Recommendation is applied because the provisions of the Convention (No. 81) concerning labour inspection are effectively applied, not only in industry and commerce, but also in mines and transport.

#### *United Kingdom.*

So far as industrial workplaces of mining undertakings and some parts (factories and the loading and unloading of ships) of transport undertakings are concerned, the Government has ratified Convention No. 81.

Private railway lines and sidings used in connection with mines or factories are within the scope of the Mines and Factories Acts, so that various safety requirements are enforced by the mines or factory inspectorates. Apart from this, workers in transport undertakings are, to a considerable extent, protected incidentally by legislative and other measures designed to promote public safety and public health. Such measures are not treated as labour legislation to be enforced by a system of labour inspection. The Government has, however, informed Parliament that it accepts the Recommendation and that, as rapidly as national conditions allow, there should be applied to transport and mining undertakings appropriate systems of labour inspection to ensure enforcement of

legal provisions relating to conditions of work and the protection of workers while engaged in their work. Under the Railway Employment (Prevention of Accidents) Act, 1900, Railway employment inspectors have been appointed to investigate accidents to employees. The report of a committee (covering Great Britain only) which, was published last year, included various recommendations for strengthening the law respecting the protection of workers in transport undertakings and the machinery for its enforcement; this report is bound to receive serious consideration by the Government and Parliament when national conditions allow of further legislation on the subject.

#### *Territories*

##### *Basutoland, Bechuanaland and Swaziland.*

The only undertakings which are under the control of the Governments of the High Commission Territories and come within the scope of the Recommendation are the following: one small gold mine in the Bechuanaland Protectorate, where satisfactory conditions are ensured by the district authorities, and certain mines in Swaziland which, by administrative arrangement, are inspected twice yearly by inspectors of mines and machinery of the Government of the Union of South Africa.

The regulations in force are prescribed in the Transvaal Mines, Works and Machinery Regulations Ordinance No. 54 of 1903. The managements of the mines are usually prompt in carrying out the recommendations of inspectors, and any necessary enforcement is undertaken by the Swaziland Government through district officers. There are no employers' or workers' organisations.

Copies of the reports have been communicated to the representative employers' and workers' organisations in the United Kingdom.

##### *Union of South Africa.*

By far the largest transport undertaking in the country is the State system of railways, harbours and airways. Full and adequate regulations exist for the safety, protection etc., of workers. The Railway Administration has its own inspectors to ensure that these provisions are observed; but such officials are hardly labour inspectors in the ordinary sense of the term. Offences against the Code are not punishable in the same way as a private employer would be punishable by the Courts.

So far as private transport is concerned industrial laws are applicable to transport undertakings in the same way as to other industrial concerns.

Mines also are open to labour inspection.

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

**Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947: No. 85**

The reports received from the following States indicate that the question dealt with in the Convention does not concern them, since they do not administer any non-metropolitan territories:

*Argentina, Austria, Canada, Chile, Cuba, Dominican Republic, Finland, Greece, Guatemala, India, Ireland, Luxembourg, Norway, Pakistan, Sweden, Switzerland, and Turkey.*

A summary of the reports concerning non-metropolitan territories is given below.

*Australia.**Nauru.*

The Chinese and Native Labour Ordinance 1922-1924 covers the general provisions of the Convention. However, there are no legislative provisions requiring inspections to be carried out at frequent intervals (Articles 4, paragraph 1), that inspectors should be authorised to interrogate the persons concerned alone (Article 4, paragraph 2 (c) (i)), to require the production of documents (Article 4, paragraph 2 (a) (ii)) to enforce the posting of notices, and to remove samples of materials for purposes of analysis (Article 4, paragraph 2 (c) (iii)).

Further, there are no provisions covering Article 4, paragraph 3 (notification of presence of inspectors), or Article 5 (disclosure of manufacturing secrets).

*Papua and New Guinea.**Native Labour Ordinance, 1946.*

This Ordinance covers, in general, the provisions of the Convention, with the exceptions already noted as regards the territory of Nauru. However, inspectors are specifically authorised to ask for the production of documents, the keeping of which is prescribed by laws or regulations (Article 4, paragraph 4 (c) (ii)). Further, the Ordinance provides that persons aggrieved by a decision of a labour inspector may appeal to the Director.

The report states that the ratification of the Convention, as well as its early application to the non-metropolitan territories of Australia, is being examined.

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

*Belgium.**Belgian Congo.*

Labour inspection was organised by the Decree of 18 March 1950. This Decree, which to a large extent is based on the Convention, states that labour inspection is mainly intended to promote the harmonious development of employer-worker relations and to contribute to the respect for social justice.

Inspection covers all persons, public or private companies or societies, indigenous or non-indigenous, parties to contracts of employment, labour, apprenticeship and probation or to the hiring of services in any manner. The special purpose of labour inspection is to facilitate the establishment of fair relations between employers and workers; to ensure the application of legislative provisions relating to the organisation of labour and the protection of workers; to give good advice with a view to supplementing and improving these provisions and, in this connection, to consult the occupational organisations; to advise on the establishment and changes in the equipment of undertakings for which official permits are required and, finally, to compile and co-ordinate all information and statistics concerning labour problems. Labour inspectors enjoy the same rights of entry and investigation of undertakings as those provided for in Article 4 of the Convention. They may, moreover, make observations both to employers and to workers, in particular, in order to ensure the application of legal provisions concerning labour inspection and the protection of workers. They may draw up reports in the case of non-compliance with the legal provisions and, in cases of emergency, may take all the necessary steps to ensure the protection of the staff; they may also order an undertaking to cease operations in case of imminent and serious danger to the safety of the workers. In a certain number of cases employers are required to open inspection registers in which the inspectors record the dates of their visits and their remarks. The above-mentioned Decree also contains provisions analogous to those contained in Article 5 of the Convention (duties of inspectors). It also provides for penalties against any persons who prevent the labour inspectors from carrying out the functions attributed to them.

The application of the Decree of 6 March 1950 is assured by a special service of labour inspectors, working under the authority of the Governor-General and including a central service which is attached to the Colonial Labour Department, as well as 36 labour and manpower inspectors for the external services operating in the provinces. The collaboration of employers' and workers' organisations is ensured through the medium of the Joint Committees for Native Labour and Social Progress, which may give advice and put forward suggestions relating to health, safety and other labour conditions.

*Denmark.**Greenland.*

No regulations have been adopted as regards labour and factory inspection in Greenland. However, in connection with the rearrangement of commerce and trade

in Greenland, now under way, an attempt will be made to adopt regulations, taking into account the provisions of the Convention. The authority entrusted with the application of the legislative provisions is the Directorate of Labour and Factory Inspection Services, Department of the Ministry of Social Affairs. An advisory labour council has been established comprising representatives of employers' and workers' organisations; this council acts also as a court of appeal for decisions taken by the above-mentioned Directorate.

#### France.

*French West Africa (Senegal and Mauritania, Guinea, Sudan, Ivory Coast, Upper Volta, Dahomey-Niger); French Equatorial Africa (Middle Congo, Gabon, Ubangi-Chari, Chad); Cameroons; Togoland; French Somaliland; Madagascar and Dependencies; French Settlements in Oceania; New Caledonia; New Hebrides; French Establishments in India, St. Pierre and Miquelon.*

The labour inspection service and the staff of inspectors responsible for the supervision of the enforcement of the statutory provisions relating to the protection of workers has been generally reorganised under the Decree of 17 August 1944, to provide for the establishment of a staff of labour inspectors in the colonies; this basic text was amended to a certain extent in 1945, 1946, 1948 and 1949.

The general organisation of the labour inspectorate in the overseas territories includes (in the Ministry of Overseas France), a central service (the general labour and manpower inspection service) and, in the overseas territories, general territorial and regional inspection services. Tables are appended to the report showing the distribution and the staffs of these different services.

Prior to the Decree of 17 August 1944, the duties of labour inspector were entrusted to governors or colonial administrative officers, as well as to other officials acting in a temporary capacity. It was as the result of the work of a committee of experts of the Provisional Government of the French Republic (Algiers, 1944) that the recommendations of the Brazzaville Conference and the provisions of the Social Policy in Dependent Territories Recommendation (adopted in 1944 by the International Labour Conference) were taken into consideration and a staff of specialised labour inspectors was established under Decree of 17 August 1944. The method of recruitment provided for in this Decree was modified in the light of experience; the most satisfactory system was that of recruiting, from among administrative officers, persons familiar with overseas countries, their populations and customs (and frequently their language) and who had shown an interest in social questions. This system was further improved by the practice of sending candidates selected from among administrative officers for a specified period (in some cases, two years) to act as labour

inspectors and in retaining for the inspectorate only those with outstanding qualifications. Moreover, probationary courses are being organised in France for selected administrative officers and inspectors with their metropolitan colleagues. These courses are of short duration (generally one month) and the programme fixed is not too rigid. Finally, a Decree of 28 September 1948 laid down further conditions for entrance to the inspectorate by requiring from candidates the same qualifications as those required for entrance to the National School of Administration and by providing for a probationary period of six months, by means of regulations.

The rules relating to labour inspectors ensure for them very substantial guarantees which have been further strengthened by the institution of a classification board which fully guarantees their competence and independence. Ministerial instructions communicated to the administrative authorities of the different territories give further details concerning the existing provisions and emphasise the importance of the duties entrusted to the inspectorate.

The duties of inspectors is established by the Decree of 17 August 1944. Inspectors are required in general to ensure the improvement of the material and moral conditions of the workers. They are responsible for supervision of the statutory provisions and regulations relating to employment, in particular, by means of periodical visits and the inspection of workplaces; these visits may be effected by day or by night. In addition, inspectors act as advisers and counsellors to both employers and workers and the administrative authorities. In this way inspectors are called upon to deal with all political and economical aspects of questions connected with the consolidation of social peace. In their capacity as advisers to the Minister and to heads of territories in the social field, inspectors draw up regulations within their competence and may be required to make studies or carry out work relating to social questions of all kinds.

In the exercise of their inspection duties, strictly speaking, labour inspectors have the right of entry by day or by night into all undertakings covered by the provisions for the enforcement of which they are responsible. They may demand to be shown registers or documents, the keeping of which is prescribed by the labour regulations and, if necessary, may procure the opinion of medical practitioners and technicians in matters relating to hygiene and safety conditions, and the choice of methods and conditions of work. Inspectors are required to take an oath not to reveal manufacturing secrets or, in general, any work processes which might come to their knowledge in the performance of their duties; any violation of this oath is punished in conformity with section 378 of the Penal Code. The Decree of 17 August 1944 also provides for a certain number of disciplinary penalties; on pain of dismissal, inspectors may not have any direct or indirect

interest in the colony where they carry out their duties.

Each inspection service is required to establish an annual report addressed to the head of the territory and communicated to the Ministry; the report generally includes the following divisions: the organisation and implementation of labour inspection in the territory concerned; the activity of advisory labour committees, where such exist; the evolution of labour regulations and of the condition of workers (the position of the labour market, individual and collective contracts of employment, apprenticeship and vocational training, payment of workers, conditions of work, means of expression and defence of trade interests, individual or collective labour disputes, social security, industrial accidents).

Collaboration of inspectors with employers and workers is constant and applies both as regards labour contracts (whether individual or collective), which are generally discussed in the presence of the inspector and are subject to his approval, and labour disputes, the large majority of which are satisfactorily settled by the mediation of inspectors. In some territories this collaboration takes the form of the setting up of advisory labour committees consisting of an equal number of employers' and workers' representatives nominated by the occupational organisations and under the chairmanship of the general inspector or the territorial inspector concerned. These committees may be, and are, consulted on all questions relating to labour and manpower. As a result of the very satisfactory results obtained by these committees, provisions respecting the general extension of this system will be included in the Bill for the application of the Labour Code to Overseas France, which is now before Parliament. In addition labour inspection services are generally competent to establish and maintain contact with other public and private bodies which deal with labour or manpower questions.

In order to ensure the control of the application of labour legislation in small undertakings, outlying districts and agricultural undertakings, inspectors may be assisted in their supervisory duties by "labour supervisors". The latter are officials with limited competence placed under the authority of the inspectors: they may record contraventions in statements which may be used by the inspectors in drawing up their reports. In addition in each administrative district, the head of the district acts as the authorised deputy of the labour inspector. Finally, in mines, surface mines and quarries, as well as in undertakings and workplaces where the work is subject to the control of the technical services, the officials of the service are responsible for ensuring the security of the workers and have the powers of a labour inspector in supervising the application of the relevant regulations.

The reports established by the labour inspection regarding contraventions are considered as proof in default of evidence to the contrary. These reports are drawn up in

duplicate; one copy is sent to the head of the territory and the other deposited with the public prosecutor's department. The reports are generally preceded by a warning which is followed up only if the required action is not taken.

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

#### *Indo-China.*

The organisation of the inspection services is still regulated by the Decree of 9 June 1937. Appended to the Government's report is the report on the working of labour inspection services during 1949 in Cambodia, Laos and Viet-Nam, and in the territory of the High Commissioner for the Mountain Populations of South Indo-China. The report which is valid for the period ended December 1949 (the period allowed for the transfer of the services and the duties relating to labour to the Governments of the associated States of Cambodia, Laos and Viet-Nam within the frame of the agreement concluded with these States), contains a list and an analysis of the regulations which came into force during 1949 in respect of labour and social security, information concerning the organisation of the labour inspectorate (persons concerned and territorial distribution), as well as statistical data relating to the undertakings under the control of the labour inspectorate and the number of persons employed in these undertakings, the inspection visits made in undertakings employing wage earners, contraventions of the labour regulations (including information respecting cases brought before the courts), industrial accidents (including the causes of accidents and the type of establishments in which they occurred), occupational diseases and individual and collective labour disputes.

\* \* \*

The application of the provisions of the Convention is fully ensured by the organisation and duties of the overseas labour inspectorate. The Government intends shortly to submit the ratification of the Convention to Parliament.

Copies of the report have been communicated to the representative organisations in France.

#### *Italy.*

##### *Somaliland.*

The Convention has not as yet been submitted to the competent authorities for ratification, owing to the fact that, until quite recently, no international steps had been taken as regards the status of the non-metropolitan territories of Italy.

The question of the ratification and application of the Convention in Somaliland can only be settled when the General Assembly of the United Nations has approved the Trusteeship Agreement concerning the administration of the territory (known previously under

the name of Italian Somaliland), concluded between Italy and the Trusteeship Council and approved by the latter on 27 January 1950 in Geneva.

From now onwards the competent national bodies will examine the possibility of applying the Convention to the territories in question; the Convention will also be submitted for consideration to the administering authority of Somaliland.

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

#### *United Kingdom.<sup>1</sup>*

##### *Basutoland, Bechuanaland and Swaziland.*

There is no labour inspection service, since the economy of the territories is mainly pastoral and agricultural and the maintenance of satisfactory labour conditions in the few industrial undertakings can be ensured by district officers. In Swaziland biennial inspections of mines and machinery are carried out by inspectors loaned by the Government of the Union of South Africa. There are no employers' or workers' organisations.

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

#### *Union of South Africa.*

##### *South-West Africa.*

The labour inspection services provided for in the territory comprise the following: services connected with the working of mines and machinery and the manufacture, handling and use of explosives; those connected with the employment of apprentices or minors in any scheduled industry; those undertaken by inspectors of fishing boats and fish factories; those undertaken by shop inspectors; inspections connected with the employment of Native labourers on mines and works and, to a limited extent, patrols carried out by members of the South African Police in rural areas.

The scope of the legislation affecting mines, machinery and explosives is such that, though the inspector or inspectors appointed to exercise supervision are not primarily engaged in labour inspection services, such services form a part of the general duties. The state of the development of the territory is not such that the number of workers engaged in the industries where the use of machinery or explosives is involved demand the appointment of full-time inspectors concerned solely with labour inspection services.

An Ordinance of 1938 provides for the appointment of an inspector of apprenticeship; the administrator may appoint any officer in the service of the administration to investigate any matter connected with wages, hours and conditions of employment of apprentices or minors employed in certain industries. However, this Ordinance is not yet in force.

A Government Notice of 1949 provides for the appointment of officers to inspect fishing boats and fish factories; the administrator is empowered to impose conditions on such factories. An Ordinance of 1939 provides for the appointment of shop inspectors, all of whom are members of the police force. Under a Proclamation of 1917, as amended, and the relative regulations of 1925, as amended, every officer in charge of Native affairs in any district in the territory is required to investigate and supervise within his area the conditions under which Natives are engaged and employed as labourers on any mine or works, and if necessary, to report upon any grievances on the part of such Natives. In practice, inspections by these officers are carried out every six months but, if considered necessary, at more frequent intervals. Reports on these inspections must be rendered to the Secretary for South-West Africa on forms, copies of which are appended to the report. In addition the medical officer to the administration or his deputy, any officer in charge of Native affairs and any other person authorised in writing by the competent authority, may enter any part of any mine or works and any premises on which Native labourers reside, at any hour of the day or night, for inspection purposes.

Members of the police force undertake regular monthly patrols in all rural areas in which they operate. They visit all farms in the course of these patrols and investigate complaints by masters and servants, if requested to do so.

All officials have received suitable training in the various departments in which they are employed. The police, who act as shop inspectors, are competent to do the work by virtue of their previous experience.

The legislative provisions relating to inspections do not specifically provide for free communication with inspectors on the part of workers, but this is regarded as an inherent privilege and the normal channels of personal contact are always available.

Under the regulations relating to the inspection of conditions of employment of Native labourers on mines and works, it is an offence punishable by law for any person in charge of any such labourers to fail or neglect to afford to inspecting officials access to all these labourers. In practice all the labourers are paraded before the inspecting officer, if possible, and are asked by the latter whether they have any complaints to make.

All inspectors are appointed by the competent authority and, where necessary, are supplied with credentials; it has not, however, been laid down in the law at what intervals inspections are to be undertaken. In practice inspections are sufficiently frequent to reveal any unsatisfactory conditions of employment shortly after such conditions may arise. By law the onus is placed on the manager of a mine and on the user of machinery and

<sup>1</sup> This Convention has been ratified by the United Kingdom.

explosives to maintain safe working conditions and, in practice, this leads to inspections at frequent intervals by competent persons appointed by the employers in accordance with the requirements of the law.

The report mentions the legislative provisions which ensure the right to enter and inspect premises freely at any hour of the day or night in the different categories of undertakings subject to inspection; in the case of shops, the Ordinance of 1939 provides that inspectors may enter such premises at any time during business hours to ascertain whether the provisions of the law are being observed. The Ordinance of 1938, which is not yet in force, provides that an officer is authorised to investigate any matter connected with the employment of apprentices or minors employed in specified industries and may enter any premises or place during working hours. The report also contains information relating to the powers of investigation, supervision and enquiry of the different inspection services; in the case of mines, provision is made, in particular, for the posting of labour regulations. Mines and explosives inspectors are authorised to remove samples for examination; the inspector of Native workers in mines and factories may also remove for examination any samples of food and drinking water supplied to such labourers.

Inspectors are not obliged by law to notify any party of their presence. In practice the employer or his representative is always notified, unless such notification is likely to prejudice the inspection. Notice must be given to the employer concerned by the medical officer to the Administration or his deputy of the intention to examine any Native labourer, or to conduct a general medical examination of all Native labourers unless he has reasonable grounds for suspecting either that a labourer is suffering from the effects of ill-treatment or personal violence to which he has been unlawfully subjected or in certain cases of illness.

The legislation concerning labour inspection contains no provisions relating to Article 5 (a) of the Convention; however, the South-West Africa Administration views with disfavour the holding of any interest by its officers in undertakings under their supervision. On the other hand, this Article of

the Convention is applied to the police force and therefore to shop inspectors, since they are members of the force. Under Article 5 (b) the report states that the Union Public Services Act (which applies also to public servants in South-West Africa) shall apply in that a public servant is deemed to be guilty of misconduct if he discloses otherwise than in the discharge of his duties information acquired in the course thereof; similar provisions apply to the police force. Article 5 (c) is applied in practice; legislative provisions apply it to members of the police force.

The application of the legislation relating to mines, machinery and explosives is the responsibility of the inspector of mines appointed by the administrator. In the case of fishing boats and fish factories the appropriate authorities are the fisheries officer and the magistrate of the district. Enforcement of the legislation relating to shops is entrusted to shop inspectors, who are all members of the police force; the legislation relating to the employment of Native workers on mines and works is enforced by officers in charge of Native affairs in all districts and by the medical officer to the Administration and the Secretary for South-West Africa. Methods employed are direct inspection from time to time and insistence on the keeping of proper registers.

There are no workers' organisations in the territory and the only employers' organisation, that for the building industry, has only recently been set up. Employers co-operate willingly with the inspection staff. Mines and works employ officials, such as supervisors, accident investigation officers and compound inspectors, whose duties include inspection visits.

The national law and practice are in general in conformity with the provisions of the Convention, although they are not as extensive as the latter. The legislative provisions only apply to certain industrial undertakings; an investigation which envisages further legislation in this field is being conducted.

Copies of the legislation and regulations relating to labour inspection are appended to the report.

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



# **INTERNATIONAL LABOUR CONFERENCE**

**THIRTY-FOURTH SESSION**

**GENEVA, 1951**

## **SUMMARY OF INFORMATION**

**CONCERNING THE SUBMISSION TO THE COMPETENT AUTHORITIES  
OF THE CONVENTIONS AND RECOMMENDATIONS ADOPTED BY THE  
INTERNATIONAL LABOUR CONFERENCE AT ITS 32<sup>nd</sup> SESSION**

**(GENEVA, 1949)**

**(ARTICLE 19 OF THE CONSTITUTION)**

**Third Item on the Agenda**



**INTERNATIONAL LABOUR OFFICE**  
**GENEVA, 1951**

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## INTRODUCTION

Article 19 of the Constitution of the International Labour Organisation prescribes, in paragraphs 5, 6 and 7, that States Members shall bring the Conventions and Recommendations adopted by the Conference before the competent authorities within a stipulated period.

In accordance with Article 23 of the Constitution, as amended in 1946, a summary of the information communicated in pursuance of Article 19 is submitted to the Conference. This summary contains information relating to the submission to the competent authorities of the Conventions and Recommendations adopted by the Conference at its 32nd Session, held in Geneva from 8 June to 2 July 1949.

These Conventions and Recommendations are listed below :

Convention concerning Vacation Holidays with Pay for Seafarers (Revised 1949) (No. 91).

Convention concerning Crew Accommodation on Board Ship (Revised 1949) (No. 92).

Convention concerning Wages, Hours of Work on Board Ship and Manning (Revised 1949) (No. 93).

Convention concerning Labour Clauses in Public Contracts (No. 94).

Convention concerning the Protection of Wages (No. 95).

Convention concerning Fee-Charging Employment Agencies (Revised 1949) (No. 96).

Convention concerning Migration for Employment (Revised 1949) (No. 97).

Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (No. 98).

Recommendation concerning Labour Clauses in Public Contracts (No. 84).

Recommendation concerning the Protection of Wages (No. 85).

Recommendation concerning Migration for Employment (Revised 1949) (No. 86).

Recommendation concerning Vocational Guidance (No. 87).

As the closing date of the 32nd Session of the Conference was 2 July 1949, the period of one year provided for the submission to the competent authorities came to an end on 2 July 1950, and the period of 18 months on 2 January 1951.

The present report contains a summary of the information received from Governments up to 27 March 1951, the date of the meeting of the Committee of Experts on the Application of Conventions and Recommendations ; the Committee examined the communications received from Governments on this subject, as stated in its report.

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## NON-FEDERAL STATES

### *Belgium.*

The various Conventions have been examined by the departments concerned, in some cases with the collaboration of the employers' and workers' organisations.

A Tripartite Committee convened through the Ministry of Communications decided unanimously that it was not possible to propose the ratification of the following Conventions: Paid Vacations (Seafarers) Convention (Revised) (No. 91); Accommodation of Crews Convention (Revised) (No. 92); Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 93).

The Government intends to propose to Parliament the approval of the Labour Clauses (Public Contracts) Convention (No. 94).

The Government is unable to propose to Parliament the approval of the Protection of Wages Convention (No. 95) at the present time.

The Government will shortly propose to Parliament the approval of the Fee-Charging Employment Agencies Convention (Revised) (No. 96) and will suggest the acceptance of the provisions of Part II concerning the progressive abolition of fee-charging employment agencies and the regulation of other agencies.

The Government will propose to Parliament the approval of the Migration for Employment Convention (Revised) (No. 97) in the near future.

The Government has initiated the procedure for the ratification of the Right to Organise and Collective Bargaining Convention (No. 98).

The Government has commenced a study of the Labour Clauses (Public Contracts) Recommendation (No. 84), the Protection of Wages Recommendation (No. 85), the Migration for Employment Recommendation (Revised) (No. 86) and the Vocational Guidance Recommendation (No. 87). It is considering the adoption of the Protection of Wages Recommendation (No. 85) and the Migration for Employment Recommendation (Revised) (No. 86).

### *Burma.*

Measures have been taken to draw the attention of the Union Government to the texts of the Conventions and Recommendations.

### *Bolivia.*

In view of the fact that the texts of some of the Conventions and Recommendations reached the Ministry of Labour and Social Welfare only recently, and that the National Congress is not at present sitting, it has not been possible to submit these texts for the approval of the legislature. All the Conventions and Recommendations answering to the needs of the country, and the contents of which are already widely incorporated in the national legislation, will be submitted for approval to the National Congress at the first meetings of the next session.

### *China.*

The ratification of the decisions adopted by the Conference at its 32nd Session has been postponed to a later date on account of the present military situation.

### *Colombia.*

In a letter of 18 January 1951, the Government stated that it had not been possible to submit the Conventions and Recommendations to Parliament since its meetings had been suspended for the present.

### *Cuba.*

The Conventions and Recommendations will be submitted very shortly to the Senate.

### *Denmark.*

The Government stated in September 1950 that the Danish delegation to the 32nd Session of the Conference had submitted a report on the Conference to Parliament. This report contains the texts of the Conventions and Recommendations adopted.

On 22 March 1950, Parliament approved the ratification of the Accommodation of Crews Convention (Revised) (No. 92), which was then ratified.

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

### *France.*

The following Conventions have been the object of ratification Bills laid before the National Assembly:

Paid Vacations (Seafarers) Convention (Revised) (No. 91), and Accommodation of Crews Convention (Revised) (No. 92).

(Bill No. 11098 of 24 October 1950); Labour Clauses (Public Contracts) Convention (No. 94).

(Bill No. 10126 of 31 May 1950); Protection of Wages Convention (No. 95).

(Bill No. 9294 of 23 February 1950); Fee-Charging Employment Agencies Convention (Revised) (No. 96).

(Bill No. 9991 of 23 May 1950); and Right to Organise and Collective Bargaining Convention (No. 98).

(Bill No. 11388 of 22 November 1950).

The texts of the Labour Clauses (Public Contracts) Recommendation (No. 84) and the Protection of Wages Recommendation (No. 85) were communicated to Parliament at the same time as the corresponding Conventions.

The Government has opened the statutory procedure with a view to the ratification of the Migration for Employment Convention (Revised) (No. 97), having asked for information concerning its non-application in France to foreign *métayers*.

As regards the Migration for Employment Recommendation (Revised) (No. 86), the Government foresees some difficulties.

The Government has informed Parliament that it will not propose the ratification of the Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 93).

The Vocational Guidance Recommendation (No. 87) is at present being examined by the various ministerial services concerned.

#### *Iceland.*

In a letter of 3 March 1951, the Government stated that the Conventions and Recommendations had been submitted to the Althing. None of these Conventions will be ratified by Iceland at this stage.

Copies of the document submitted to the Althing have been communicated to the representative employers' and workers' organisations.

#### *Iran.*

The Conventions and Recommendations were submitted to Parliament by the Government on 15 January 1951.

#### *Iraq.*

The following measures have been taken in respect to the Conventions and Recommendations adopted.

The Paid Vacations (Seafarers) Convention (Revised) (No. 91), the Accommodation of Crews Convention (Revised) (No. 92) and the Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 93) have already been referred for study to the Directorate-General of Iraqi ports in Basrah.

Summaries of the Labour Clauses (Public Contracts) Convention (No. 94) the Protection of Wages Convention (No. 95), and the Fee-Charging Employment Agencies Convention (Revised) (No. 96) have already been prepared in Arabic and are being studied by the competent authorities.

The Government does not propose to take any action at the present stage as regards the Migration for Employment Convention (No. 97) nor, at the present stage of industrial organisation, as regards the Right to Organise and Collective Bargaining Convention (No. 98).

Summaries of the Labour Clauses (Public Contracts) Recommendation (No. 84), the Protection of Wages Recommendation (No. 85), and the Vocational Guidance Recommendation (No. 87) have been prepared in Arabic and are being studied by the competent authorities.

The Government does not propose to take any action at present as regards the Migration for Employment Recommendation (Revised) (No. 86).

The Cabinet is considered to be the competent authority.

#### *Ireland.*

The Conventions and Recommendations were presented to the Oireachtas of 11 October 1950 in the report of the Irish Government delegates to this session.

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

#### *Israel.*

Before submitting the Conventions and Recommendations to the competent authorities, these texts must be translated into Hebrew and this involves a considerable amount of work.

The translation was almost completed at the end of August 1950 and the Government hoped that these texts would be submitted to the competent authorities within two months.

#### *Italy.*

The Government supplied detailed information regarding the conclusions reached as a result of the study effected by the services and bodies concerned, regarding the possibility and consequences of the ratification of the Conventions and the application of the Recommendations. As a result of this study, the ratification of the Labour Clauses (Public Contracts) Convention (No. 94), the Protection of Wages Convention (No. 95), the Fee-Charging Employment Agencies Convention (Revised) (No. 96) and the Migration for Employment Convention (Revised) (No. 97) was proposed to the Ministry of Foreign Affairs.

The Government gives the reasons for which it has not been possible to propose the ratification of the Paid Vacations (Seafarers) Convention (Revised) (No. 91),

the Accommodation of Crews Convention (Revised) (No. 92) and the Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 93).

As regards the Right to Organise and Collective Bargaining Convention (No. 98), it has not been possible to propose its ratification at present since this question forms the object of the new Italian Trade Union Act now being drawn up.

The Government gives information on the national legislation and practice in respect of the Labour Clauses (Public Contracts) Recommendation (No. 84), the Protection of Wages Recommendation (No. 85), and the Vocational Guidance Recommendation (No. 87).

#### *Luxembourg.*

In October 1949, the Government stated that all the texts adopted by the Conference at its 32nd Session had been communicated for examination to the competent legislative authorities, that is, to the Chamber of Deputies and the Council of State.

#### *Norway.*

The decisions adopted by the Conference were submitted by the Government to the legislative authorities (Storting) on 24 March 1950 (Proposition No. 63 of 1950).

At its session of 9 June 1950 the Storting authorised the ratification of the following four Conventions: Paid Vacations (Seafarers) Convention (Revised) (No. 91); Accommodation of Crews Convention (Revised) (No. 92); Protection of Wages Convention (No. 95); Fee-Charging Employment Agencies Convention (Revised) (No. 96).

These Conventions were ratified on 24 June 1950 and the instruments of ratification were registered on 29 June 1950.

The Storting approved the Government's proposition recommending that the Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 93) be left pending for the time being. As regards the Labour Clauses (Public Contracts) Convention (No. 94) and the Labour Clauses (Public Contracts) Recommendation (No. 84), the Storting approved the Government's proposition that a ratification would involve increased administrative work without improving the advantages already enjoyed by Norwegian workers.

In pursuance of the Government's proposition, the Storting declared its adherence to the principal provisions of the Protection of Wages Recommendation (No. 85).

As regards the Migration for Employment Convention (Revised) (No. 97) and the Migration for Employment Recommendation (Revised) (No. 86), the Storting decided on 9 June 1950 to approve the Government's proposition recommending the postponement of the ratification of

this Convention to a later date; it also expressed the hope that the present enquiries might result in the ratification of this Convention by Norway.

No decision was taken in respect of the Right to Organise and Collective Bargaining Convention (No. 98) since the Government recommended that the question of ratification be postponed in view of the fact that studies on some questions were being carried out.

Finally the Storting approved the Government's proposition that Norway should adhere to the Vocational Guidance Recommendation (No. 87).

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

#### *Netherlands.*

The Conventions and Recommendations were submitted to the Second Chamber of the States General during January 1951.

The Labour Clauses (Public Contracts) Convention (No. 94), the Protection of Wages Convention (No. 95), the Fee-Charging Employment Agencies Convention (Revised) (No. 96), and the Migration for Employment Convention (Revised) (No. 97) have been submitted to the House together with Bills recommending the approval of these Conventions.

Bills recommending the reservation to the Crown of the authorisation to ratify were submitted in respect of the Paid Vacations (Seafarers) Convention (Revised) (No. 91) and the Accommodation of Crews Convention (Revised) (No. 92).

The Government considers that it is not possible to propose the ratification of the Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 93) and the Right to Organise and Collective Bargaining Convention (No. 98).

This information has been communicated to the representative employers' and workers' organisations.

#### *New Zealand.*

The texts of the Conventions and Recommendations adopted by the Conference at its 32nd Session were laid before the New Zealand House of Representatives on 18 October 1949 and before the Legislative Council on 21 October 1949.

The Migration for Employment Convention (Revised) (No. 97) has been ratified.

#### *Philippines.*

In a letter of 15 August 1950, the Government stated that, on the recommendation of the Department of Labour, the President of the Philippines had forwarded to the Senate the texts of the Conventions and Recommendations, advising that the Senate give due consideration to these Conventions and Recommenda-

tions with a view to their implementation by the enactment of appropriate legislation.

In this connection, Bills have been submitted to Congress on the recommendation of the Department of Labour to implement the following Conventions and Recommendations: Protection of Wages Convention (No. 95) and Recommendation (No. 85); Fee-Charging Employment Agencies Convention (Revised) (No. 96); Right to Organise and Collective Bargaining Convention (No. 98); and the Vocational Guidance Recommendation (No. 87).

These Bills were approved by the House of Representatives and efforts will be made to have them examined by the Senate in the course of its next session. The representatives of employers' and workers' organisations were heard in the course of the preparation of these Bills.

#### *Portugal.*

In November 1950 the Government stated that the Conventions and Recommendations had been submitted to the competent authorities, that is, to the Ministry of Shipping, the Ministry of Public Works, and the Ministry of Corporations and Social Welfare.

Under the Portuguese Constitution the legislative competence lies with both the National Assembly and the Government.

#### *Sweden.*

The decisions of the Conference were submitted to the Riksdag in two Government Bills, Nos. 188 and 207, on 18 February and 10 March 1950.

In Bill No. 188 of 1950, the Government proposed the ratification of the Fee-Charging Employment Agencies Convention (Revised) (No. 96) and the Right to Organise and Collective Bargaining Convention (No. 98).

As regards the Migration for Employment Convention (Revised) (No. 97) the Minister for Social Affairs stated that although the legislation and practice as a whole seem to be in conformity with the provisions of the Convention, its ratification could not be recommended before a detailed study of the relevant legislative provisions had been effected; such a study will be undertaken in the near future.

As regards the Vocational Guidance Recommendation (No. 87), the Minister stated that it would be taken into consideration in the course of the development of the Swedish Vocational Guidance Scheme.

In Bill No. 207 of 1950, the Government proposed the ratification of the Accommodation of Crews Convention (Revised) (No. 92).

These two Bills have been submitted to the Second Legislative Committee of the Riksdag which recommended their adoption. This Committee emphasised, as regards the Migration for Employment

Convention (Revised) (No. 97), that the study proposed by the Minister for Social Affairs should be carried out at the earliest possible date in order that the ratification of this Convention by Sweden should not be unnecessarily delayed.

On 19 May 1950, the Standing Financial Committee submitted its report on the Vocational Guidance Recommendation (No. 87).

In three communications of 16 and 26 May 1950, the Riksdag declared its adherence to the proposals made by the Government in Bills Nos. 188 and 207 of 1950.

This information has been communicated to the representative employers' and workers' organisations.

Sweden has ratified the Accommodation of Crews Convention (Revised) (No. 92), the Migration for Employment Convention (Revised) (No. 97) and the Right to Organise and Collective Bargaining Convention (No. 98).

#### *Turkey.*

The Conventions and Recommendations are at present being studied.

#### *Union of South Africa.*

The Conventions and Recommendations were laid before the House of Assembly on 22 February 1950, and before the Senate on 9 March 1950.

The Government states that the Executive Council constitutes the competent authority.

The Paid Vacations (Seafarers) Convention (Revised) (No. 91), the Accommodation of Crews Convention (Revised) (No. 92), and the Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 93) have been submitted to the Executive Council, which decided on 6 October 1950 that they should not be ratified for the following reasons:

The Accommodation of Crews Convention (Revised) (No. 92) and those provisions of the Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 93) which refer in particular to manning, concern matters which fall within the scope of the Merchant Shipping Bill 1950, which has not yet been adopted by Parliament. It is not possible, therefore, to decide on ratification at this stage.

As regards the Paid Vacations (Seafarers) Convention (Revised) (No. 91) and those provisions of the Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 93) which refer in particular to wages and hours of work, the Government states that the relevant Acts are at present not applicable outside South African territorial waters and that, consequently, no machinery exists for the enforcement of conditions of work not less favourable than those provided for in these Conventions.

Ratification of the three Conventions mentioned above can, therefore, not be



effected at the present stage, but the Government intends to review the situation when the final decision has been taken with regard to the above-mentioned Bill.

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

The Labour Clauses (Public Contracts) Convention (No. 94) and Recommendation (No. 84) were submitted to the Executive Council, which decided on 25 November 1950 that it was not possible either to ratify the Convention or to accept the Recommendation, in view of the fact that the labour clauses in contract forms do not meet the requirements of these texts. Administrative action is, however, being taken to bring the contract forms into conformity with these texts.

The Protection of Wages Convention (No. 95) and Recommendation (No. 85) were submitted to the Executive Council which, on 22 September 1950, decided that the Convention should not be ratified and that the provisions of the Recommendation should not be accepted, in particular, because in present circumstances they could not be applied to all workers.

The information relating to the Convention and to the Recommendation, as well as to the submission of the Conference Decisions to the House of Assembly and the Senate, have been communicated to the representative employers' and workers' organisations.

The Fee-Charging Employment Agencies Convention (Revised) (No. 96) was submitted to the Executive Council which decided on 26 May 1950 against its ratification: the Government is not in favour of the abolition of fee-charging employment agencies but prefers to control and regulate them. It has no objection to the provisions of Parts I, IV and V of the Convention, but the application of Articles 11 and 12 of Part III presents difficulties.

The Right to Organise and Collective Bargaining Convention (No. 98) was submitted to the Executive Council which decided on 18 April 1950 against its ratification since the difference in population groups at various levels of social, cultural and economic development within the metropolitan territory precludes free and unrestricted bargaining.

The Vocational Guidance Recommendation (No. 87) was submitted to the Executive Council which decided on 30 May 1950 to take no legislative or other action at present to make effective those provisions of the Recommendation with which the national legislation is not already in conformity.

#### *United Kingdom.*

The texts of the Conventions and Recommendations were submitted to

Parliament and published, in December 1949, in Command Paper No. 7852 which contains the report of the British Government delegation to the 32nd Session of the Conference.

The decisions of the Government with regard to some of these Conventions and Recommendations, which are set out in Command Papers Nos. 7956 and 8070, are as follows:

The Government is not in a position to ratify the Paid Vacations (Seafarers) Convention (Revised) (No. 91), since the obstacles to the ratification of the Paid Vacations (Seafarers) Convention, 1946 (No. 72) were not affected by the adoption of the new Convention.

The Government proposes to ratify the Accommodation of Crews Convention (Revised) (No. 92) as soon as regulations on crew accommodation embodying the requirements of the Convention have been drafted by the Minister of Transport.

The Government is not in a position to ratify the Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 93), since the amendments of the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1946 (No. 76), do not substantially affect the matters on which the existing collective agreements are at variance with the provisions of the Convention.

The Government proposes to ratify the Labour Clauses (Public Contracts) Convention (No. 94) and to accept generally Paragraph 1 of the Labour Clauses (Public Contracts) Recommendation (No. 84) with a reservation as to Paragraph 2.

The Government proposes to ratify the Migration for Employment Convention (Revised) (No. 97), and to append to its instrument of ratification a declaration excluding annexes I and III to the Convention from the ratification.

The Government proposes to accept the Migration for Employment Recommendation (Revised) (No. 86) with a reservation as to Paragraph 14.

The Government proposes to ratify the Right to Organise and Collective Bargaining Convention (No. 98).

The Government proposes to accept the Vocational Guidance Recommendation (No. 87).

The Labour Clauses (Public Contracts) Convention (No. 94), the Migration for Employment Convention (Revised) (No. 97) and the Right to Organise and Collective Bargaining Convention (No. 98) have been ratified.

Copies of the Command Papers mentioned above, together with a copy of the information communicated by the Government on this subject, have been forwarded to the representative employers' and workers' organisations.

## FEDERAL STATES

### *Argentina.*

The competent services are now preparing a report which will be laid before Congress at its next session, beginning on 1 May 1951.

### *Australia.*

The Migration for Employment Convention (Revised) (No. 97) and Recommendation (No. 86) are regarded as appropriate for Federal action.

The other Conventions and Recommendations are regarded as appropriate for Federal and State action.

In so far as Federal action is appropriate, the Conventions and Recommendations in question were still being studied in January 1951 by the departments concerned. The Conventions and Recommendations which fall in part within the province of the States were communicated to them on 24 March 1950. The States were requested to indicate their attitude regarding the ratification of these Conventions by the Commonwealth. In January 1951 the following replies had been received :

#### *New South Wales.*

As regards the Paid Vacations (Seafarers) Convention (Revised) (No. 91), this State is not prepared to go beyond the provisions of the Annual Holidays Act.

New South Wales law is not in conformity with the Accommodation of Crews Convention (Revised) (No. 92), but the latter will be referred to the Maritime Service Board for consideration in drafting the future legislation now being envisaged.

Effect has already been given to the provisions of the Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 93) regarding the manning of ships. As to the other matters dealt with by this Convention, the same remarks apply as were made concerning the Paid Vacations (Seafarers) (Revised) Convention (No. 91).

As regards the Labour Clauses (Public Contracts) Convention (No. 94) and Recommendation (No. 84), it is felt that the normal industrial laws provide a sufficient safeguard for the conditions of employees of contractors with Government agencies.

The State law in general conforms to the provisions of the Protection of Wages Convention (No. 95).

The provisions of the Industrial Arbitration Act, 1940-1948 are in accordance with the Fee-Charging Employment Agencies Convention (Revised) (No. 96), except that the Act does not provide for the eventual abolition of fee-charging agencies. The question of Government

policy is involved in this matter and will have consideration.

The Right to Organise and Collective Bargaining Convention (No. 98) will be considered together with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

The Vocational Guidance Recommendation (No. 87) is consistent with the policy and practice in New South Wales, although some principles have not yet been completely developed.

#### *Western Australia.*

The Paid Vacations (Seafarers) Convention (No. 91), the Accommodation of Crews Convention (Revised) (No. 92), and the Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 93) refer to maritime matters with which the State is not specially concerned. The regulations in force generally prescribe wages and working conditions equal to and, in many cases, better than those envisaged in these Conventions.

The State would not oppose the adoption of the following Conventions and Recommendations: the Labour Clauses (Public Contracts) Convention (No. 94), the Protection of Wages Convention (No. 95), the Fee-Charging Employment Agencies Convention (Revised) (No. 96) and the Right to Organise and Collective Bargaining Convention (No. 98); the Labour Clauses (Public Contracts) (No. 84), the Protection of Wages Recommendation (No. 85) and the Vocational Guidance Recommendation (No. 87).

Copies of this report are being communicated to the representative employers' and workers' organisations.

### *Austria.*

In two reports dated 8 February 1951, the Government submitted the Conventions and Recommendations to the National Council.

The Government decided on 6 April 1951 to propose to the Federal President the ratification without any reservations of the Labour Clauses (Public Contracts) Convention (No. 94), the Protection of Wages Convention (No. 95) and the Right to Organise and Collective Bargaining Convention (No. 98) and, for this purpose, asked the approval of the National Council. The Government also decided to accept the Labour Clauses (Public Contracts) Recommendation (No. 84), the Protection of Wages Recommendation (No. 85) and the Vocational Guidance Recommendation (No. 87).

The Government decided to refrain from ratifying the Paid Vacations (Seafarers) Convention (Revised) (No. 91), the Accommodation of Crews Convention (Revised) (No. 92) and the Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 93) since Austria has no merchant service.

The Government decided to refrain from ratifying the Fee-Charging Employment Agencies Convention (Revised) (No. 96) until new legislation has been introduced.

The Government also decided to refrain from ratifying the Migration for Employment Convention (Revised) (No. 97), since the displaced persons and refugees now in Austria are not assimilated to immigrants under the terms of the Convention.

The Government decided to refrain from accepting the Migration for Employment Recommendation (Revised) (No. 86) since some of its provisions would not be applicable in Austria and since, moreover, the acceptance of the Recommendation implies the ratification of the Convention.

#### *Canada.*

The Department of Justice expressed the opinion on 11 July 1950, that the Paid Vacations (Seafarers) Convention (Revised) (No. 91), the Accommodation of Crews Convention (Revised) (No. 92), the Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 93) and the Labour Clauses (Public Contracts) Convention (No. 94), were wholly within the authority of the Federal Parliament and that the Protection of Wages Convention (No. 95), the Fee-Charging Employment Agencies Convention (Revised) (No. 96), the Migration for Employment Convention (Revised) (No. 97) and the Right to Organise and Collective Bargaining Convention (No. 98), were partly within the authority of the provincial legislatures.

In June 1950, the Conventions and Recommendations were brought before the Federal Parliament by the Minister of Labour.

The texts of the Conventions and Recommendations which are wholly, or partly, within the legislative authority of the provinces, were officially transmitted to the Lieutenant-Governors of the various provinces by the Secretary of State.

The texts of the Conventions and Recommendations adopted by the Conference at its 32nd Session were communicated to the representative employers' and workers' organisations.

#### *India.*

The Conventions and Recommendations were brought before Parliament on 21 December 1950 together with a statement indicating in detail the action which the Government proposed to take in their respect.

The question of the ratification of the Conventions adopted at Seattle—Paid Vacations (Seafarers) Convention (Revised) (No. 91), Accommodation of Crews Convention (Revised) (No. 92), and Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 93)—had been examined by the Government in consultation with the interests concerned. The partition of India, however, intervened and prevented the setting up of the Maritime Boards as envisaged. The seamen recruited in the two major ports—Calcutta and Bombay—now belong to two different States.

The consultation of the trade unions and shipowners concerned is further complicated by the fact that 80-90 per cent. of the seamen recruited in Indian ports are employed on board foreign—particularly British—ships. It is, therefore, considered desirable that India should defer the ratification of these Conventions until the Government of the United Kingdom has ratified them and/or an agreement has been concluded with the shipping companies regarding the application of the provisions of the Conventions to all Indian seamen equally.

In order to speed up consideration of this matter, the Government proposes to make renewed efforts to bring together the interests of shipowners and seafarers and to enable them to negotiate collective agreements on the questions covered by these Conventions.

The Government considers that before any major measures of reform are introduced for Indian seamen, it is necessary to stabilise the labour force and to reduce unemployment.

The Government hopes that the different measures already taken or envisaged will assist in the planning and implementation of reforms based on the Conventions in question.

As regards the Labour Clauses (Public Contracts) Convention (No. 94) and Recommendation (No. 84) :

1. The Government is not able to ratify the Convention as it now stands in view of its wide scope: it would only be able to accept it in respect of contracts relating to public works.

It adds, however, that it has recognised the principle of regulating wages and conditions of work of employees in general although the degree of practical application of this principle is subject to financial and administrative considerations.

2. The Recommendation goes further than the Convention and could not be put into practice in India for some years to come.

The general principles underlying the Protection of Wages Convention (No. 95) and Recommendation (No. 85) have been accepted by India but cannot be applied to all categories of industrial and non-industrial workers: these principles will

be progressively applied in so far as circumstances permit.

At the present time financial conditions do not permit any of the solutions provided for in the Fee-Charging Employment Agencies Convention (Revised) (No. 96), and the Government is not in a position to ratify it; this is mainly because of the fact that the employment service has not yet been placed on a permanent footing.

The Indian Emigration Act of 1922 and the Indian Emigration Rules of 1923 cover the majority of the provisions of the Migration for Employment Convention (Revised) (No. 97) and Recommendation (No. 86). However, as regards immigration, the Government considers that the difficulties continue, particularly because of the constant movements of population between Pakistan and India since the partition, and since it does not appear desirable to amend the present legislation or even to enforce some of its provisions before more normal conditions are established. The Government therefore considers it preferable to defer for at least two years any decision concerning this Convention and Recommendation.

The general principles underlying the Right to Organise and Collective Bargaining Convention (No. 98) have been adopted by the Government and there is nothing in the social legislation which might prevent the ratification of this Convention by India. It is doubtful, however, whether this ratification is advisable before the ratification of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). It is therefore proposed not to ratify the Right to Organise and Collective Bargaining Convention (No. 98) in the present circumstances but to review the situation at a later date in order to decide whether these two Conventions could be ratified separately.

The implementation of the Vocational Guidance Recommendation (No. 87) would involve financial commitments which the Government cannot undertake, although it is in full agreement with the general principles underlying the Recommendation. The Recommendation will be brought to the notice of the various States for such action as is possible in the present circumstances.

#### *Pakistan.*

The question of the submission to the competent authorities of the Conventions and Recommendations is being examined by the Government.

#### *Switzerland.*

In its report submitted to the Federal Assembly on 25 September 1950 the Federal Council states that, until the Swiss maritime legislation has become a reality, it is not in a position to take a

decision on the Paid Vacations (Seafarers) Convention (Revised) (No. 91), the Accommodation of Crews Convention (Revised) (No. 92) and the Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 93).

The Federal Council states that the principles of the Labour Clauses (Public Contracts) Convention (No. 94) are, in a large measure, applied in Switzerland; it adds, however, that not only the Confederation but also, in a large measure, the cantons, communes and other public corporations, allocate public works. The Federal Council considers that the Convention lays down too many details and does not give sufficient consideration to conditions peculiar to the various countries. It does not propose to ratify this Convention.

As regards the Protection of Wages Convention (No. 95) and Recommendation (No. 85):

1. The Federal Council is of the opinion that several of the provisions of the Convention are included, in part, in the national legislation and that other provisions are applied, although not prescribed by law. The Federal Council adds that the Convention could not be applied at present since the principles contained therein do not apply in Switzerland to all types of employment and, in particular, since they are not all confirmed by legislation. The conception of the Convention, whose effectiveness depends on State control and intervention, is not in full conformity with that existing in Switzerland as regards the freedom of employer-worker relationships. In these circumstances the Federal Council states that it does not propose to ratify this Convention at the present time.

2. As regards the Recommendation, the Federal Council states that the suggestions contained therein are largely implemented in Switzerland and that there is no need to take any special measures to this effect.

The Federal Council states that the Fee-Charging Employment Agencies Convention (Revised) (No. 96) goes somewhat further than the regulations contained in the Federal Employment Service Act; it is not to be foreseen that the discrepancies between the provisions of the Convention and the Federal regulations will be fully laid aside in the cantonal legislation. In these circumstances the Federal Council does not propose to ask for the authorisation to ratify this Convention.

As regards the Convention (Revised) (No. 97) and the Recommendation (No. 86) concerning Migration for Employment:

1. The Federal Council considers that a large number of the measures envisaged in the Convention have already been taken in Switzerland but that some of these provisions are not adapted to the conditions peculiar to Switzerland. In

view of the fact that on several points the national legislation is not in conformity with the provisions of the Convention, and that an amendment to the existing legislation is not considered necessary by the Federal Council, the latter states that it is not in a position to propose the ratification of the Convention.

2. The legislation and the international agreements concluded take into account in a large measure the rules contained in the Recommendation and the Federal Council will give all consideration possible to the suggestions contained therein ; some of these suggestions cannot be accepted since their implementation would necessitate the creation of a complicated administrative machinery whose utility would not be proportionate to the costs involved.

The Federal Council states that, until a decision has been taken in respect of the Freedom of Association and Protection of the Right to Organise Convention (No. 87), which is being examined, it has decided to defer to a later date a decision on the closely-related Right to Organise and Collective Bargaining Convention (No. 98). It notes, however, that the ratification of the latter Convention would necessitate some amendments to the national legislation, in particular as regards the provisions concerning employment contracts.

The Federal Council states that both the aim of the cantonal and regional or local vocational guidance offices and the principles and methods which they apply, are, in a large measure, in conformity with the provisions of the Vocational Guidance Recommendation (No. 87) ; the Federal Council therefore considers that it is not necessary to take any further measures in this field at the present time.

A copy of the Federal Council's report has been communicated to each of the most

representative employers' and workers' organisations.

The National Council approved this report unanimously at its meeting of 12 December 1950.

#### *United States of America.*

It has been decided that the Protection of Wages Convention (No. 95), the Fee-Charging Employment Agencies Convention (Revised) (No. 96) and the Right to Organise and Collective Bargaining Convention (No. 98), together with the Protection of Wages Recommendation (No. 85) and the Vocational Guidance Recommendation (No. 87), are appropriate in part for Federal action and in part for action by the constituent States ; the Secretary of Labor transmitted these texts to the Governors of the 48 States on 26 January 1951.

The Paid Vacations (Seafarers) Convention (Revised) (No. 91), the Accommodation of Crews Convention (Revised) (No. 92) and the Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 93) are considered as appropriate for Federal action. Agreement has been reached between the interested Federal departments and agencies concerning the recommendations to be made to the President, and it is anticipated that these texts will be submitted by the President to the Federal legislative authorities in the near future.

The Labour Clauses (Public Contracts) Convention (No. 94) and the Migration for Employment Convention (Revised) (No. 97) together with the Labour Clauses (Public Contracts) Recommendation (No. 84) and the Migration for Employment Recommendation (Revised) (No. 86) have given rise to difficulties as to their legal import in the light of the constitutional system.

## APPENDIX

This appendix contains information communicated by some Governments regarding the submission to the competent authorities of the Conventions and Recommendation adopted by the Conference at its 31st Session and which reached the Office too late to be submitted to the 33rd Session.

*Burma.*

The Government has communicated reports as to the present situation regarding the Conventions and Recommendation adopted by the Conference at its 31st Session.

The ratification of the Freedom of Association and Protection of the Right to Organise Convention (No. 87) is at present being considered by the Government.

The Government is not in a position at present to ratify the Employment Service Convention (No. 88) nor to apply fully the provisions of the Recommendation (No. 83) on the same question.

It is not possible for Burma to ratify the Night Work (Women) Convention (Revised) (No. 89) or the Night Work of Young Persons (Industry) Convention (Revised) (No. 90), unless the present legislation is amended.

*Iceland.*

The Government stated in January 1951 that the Conventions and Recommendation adopted by the Conference at its 31st Session had recently been submitted to the Althing.

The Freedom of Association and Protection of the Right to Organise Convention (No. 87) was ratified, but the Government states that it will not be possible to ratify the other Conventions adopted by this session in the near future.

*Pakistan.*

The Freedom of Association and Protection of the Right to Organise Convention (No. 87), the Night Work (Women) Convention (Revised) (No. 89) and the Night Work of Young Persons (Industry) Convention (Revised) (No. 90) were submitted to the Constituent Assembly (legislature) of Pakistan on 7 October 1950; they were subsequently ratified.

The question of the submission to this Assembly of the Employment Service Convention (No. 88) and Recommendation (No. 83) is still being examined by the Government of Pakistan.

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# **INTERNATIONAL LABOUR CONFERENCE**

**THIRTY-FOURTH SESSION**

**GENEVA, 1951**

## **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, 1951**

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# Report of the Committee of Experts on the Application of Conventions and Recommendations

## GENERAL REPORT

### I. INTRODUCTION

1. 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 27 March to 7 April 1951 and held its 21st Session.

2. Since the last meeting of the Committee the only alteration in its composition is that the period of appointment of Professor TA CHEN (China) has now terminated.

3. The present 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;

Mr. H. S. KIRKALDY (United Kingdom),

Barrister; Professor of Industrial Relations at the University of Cambridge;

Mr. Helio LOBO (Brazil),

Doctor of Law, Member of Brazilian Academy of Letters; former Representative of the Brazilian Government on the Governing Body of the International Labour Office;

Mr. Tomaso PERASI (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. Committee of Social Security Experts;

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.

4. Of these twelve members, the following were present :

Baron Frederik VAN ASBECK,  
Mr. Paal BERG,  
Sir Atul CHATTERJEE,  
Mr. H. S. KIRKALDY,  
Mr. Tomaso PERASI,  
Mr. William RAPPARD,  
Miss G. J. STEMBERG,  
Mr. Paul TSCHOFFEN,  
Hon. Charles E. WYZANSKI, Jr.

5. Much to the Committee's regret Mr. SCELLE was prevented by illness and Mr. ADAMS and Mr. LOBO by their duties in their own countries from attending the Session.

6. The Committee elected Mr. TSCHOFFEN as Chairman and Mr. KIRKALDY as Reporter of the Committee. Baron VAN ASBECK acted as Reporter on questions affecting non-metropolitan territories.

## II. THE WORK OF THE COMMITTEE

7. The Committee was this year, in accordance with its terms of reference, called upon to consider the following matters :

- (a) Reports from Governments under Article 22 of the Constitution on the Conventions which they have ratified.
- (b) Reports from Governments under Article 22 of the Constitution on the application in non-metropolitan territories of the Conventions which they have ratified.
- (c) Information from Governments under Article 19 of the Constitution on the measures taken by them to bring certain Conventions and Recommendations before the competent authorities for the enactment of legislation or other action.
- (d) Reports from Governments under Article 19 of the Constitution on unratified Conventions and on Recommendations selected by the Governing Body.

8. Each of these matters is dealt with in detail in later sections of this report. At this stage, however, the Committee would wish to make certain observations

of a general nature in regard to the matters with which it was called upon to deal.

9. This is only the second year in which the Committee has been called upon to participate in the extended programme of supervision of the application of Conference decisions resulting from the amendments made to the Constitution of the International Labour Organisation. It is, therefore, perhaps still too early to pronounce a definitive judgment on the effectiveness of that programme to achieve the desired results or on the extent to which it will prove possible for the Committee of Experts with the resources at its disposal to perform a useful part in its application. The Committee remains as convinced as ever of the importance of international supervision of the application of Conference decisions. Such supervision, if it is properly applied, can do much both to advance labour conditions and to promote international confidence. The effectiveness of the present system of supervision depends fundamentally on the prompt supply of complete information by Governments in accordance with their obligations under the Constitution. The information called for comprises not only the texts of the legislative measures designed to implement the terms of the Conventions but also commentaries necessary for the appreciation of its purport. It includes also material on which a judgment can be formed on the extent of application in practice, such as reports of inspection services, judicial decisions, statistical data and the comments of employers' and workers' organisations. The information thus called for relates, moreover, to a growing number of Conventions and a rapidly increasing number of ratifications. In this connection, the Committee learnt that the year 1950 has seen 80 new ratifications, bringing the total number of ratifications to the figure of 1,200. Finally, it may be mentioned that the information now called for each year relates not only, as in the past, to all ratified Conventions which have entered into force but also to selected unratified Conventions and Recommendations and to the procedure for submitting Conventions and Recommendations to the competent authorities.

10. The dilemma which faces the Committee, and indeed all who are called upon to play any part in the supervision of Con-

ference decisions, is evident. If adequate information is not supplied, effective supervision is impossible. If an excessive amount of information is asked for it will either not be forthcoming, or it will prove beyond the capacity of the Committee at its brief annual session to assimilate it. In that event, again, effective supervision would not be achieved. The problem is perhaps one which does not permit of any entirely satisfactory answer but within the limits of present possibilities it would seem to indicate the prime importance of concentrating demands for information on matters of first importance rather than diffusing the efforts of those concerned in the supply and examination of such information over too wide a field. Certain measures have already been adopted towards this end and others can be suggested which would alleviate the difficulties and assist in the effective operation of the existing system.

11. In the first place, the Committee has for a number of years concentrated its special attention on the reports on ratified Conventions submitted by Governments on the first occasion after ratification. The Committee is pleased to note that the Governing Body at its 114th Session (March 1951), taking account of the suggestions made in this connection by the Committee of Experts and the Conference Committee, decided on certain changes in the method of reporting on ratified Conventions. The Governing Body considered that in cases where the annual reports supplied by Governments had not given rise to any observations on the part of the Committee of Experts or the Conference Committee, subsequent reports could conveniently be simplified, in particular by avoiding the repetition of information previously supplied, it being understood that particulars on effective application should continue to be given every year. The Governing Body accordingly requested the Office to draw the attention of Governments to this possibility of simplifying their reports in the letter by which report forms are despatched to them annually. This alteration, the Committee is convinced, will relieve Governments of unnecessary labour and will also enable the Committee, once it is satisfied regarding conformity between national legislation and the ratified Conventions, to devote increasing attention to the question of effective application.

12. The Committee would also urge Governments to supply their reports in the manner and order requested in the forms adopted by the Governing Body. A number of countries continue year after year to supply reports in a manner which bears no relation to the prescribed form.

13. The Committee would also renew its appeal to Governments to endeavour to supply the reports within the time limits requested. On this depends the ability of the Office to prepare the documentation necessary for the study of the reports by the members of the Committee and to supply the reports and documentation to them in adequate time to enable them to study them in advance of the meeting of the Committee. This is a matter of special importance in relation to the first reports submitted after ratification, in view of the special documentation and careful study which such reports require. The Committee is pleased this year to note a marked improvement in the number of reports supplied by the date requested.

14. It is, however, on the question of practical application of ratified Conventions, as distinct from mere legislative conformity, that the Committee is still faced with its greatest difficulties in discharging its duties in relation to the supervision of the application of Conference decisions. Here the Committee is faced not with a superfluity of information but with almost a complete lack. It would therefore once more ask Governments to reply each year to the questions which call for statistical information, for particulars regarding inspection and enforcement, for judicial decisions on matters of principle concerning application and for observations received from employers' and workers' organisations. Too many countries still fail to reply to these questions or merely state that they have nothing to add to previous reports.

15. The Committee is glad to note the increasing number of reports which state the names of the representative organisations of employers and workers to which the reports have been communicated in accordance with the Constitution. The Committee would, however, emphasise that this obligation applies not merely to reports on ratified Conventions but also to the information regarding submission of Conventions and Recommendations to the competent authorities and to the reports

on unratified Conventions and Recommendations.

16. The Committee has in the past emphasised the importance which it attaches to the development of efficient inspection services as a means of ensuring the effective application in practice of labour legislation. The Committee has, therefore, learned with satisfaction that since its last session the Labour Inspection Convention, 1947 (No. 81), has come into force, that it has already received as many as 11 ratifications and that a number of other countries are actively considering its ratification. The Committee is convinced that the reports which it will receive in coming years from the States which have ratified this Convention will be of the greatest assistance to it in assessing the extent and efficiency of practical application of the legislation which has been passed in the various countries to give effect to the Conventions which they have ratified.

17. It is no part of the functions of the Committee to urge States to ratify Conventions or even to express an opinion on the suitability of Conventions for ratification by particular countries. The subject matter, however, of certain Conventions which have been adopted in recent years deals not with special details of labour conditions but with the fundamental bases on which all effective labour legislation is founded. Reference in this connection may be made in particular to the Labour Inspection Convention, 1947 (No. 81), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Employment Service Convention, 1948 (No. 88). The Committee is gratified to note that all these Conventions have now entered into force.

### III. REPORTS SUBMITTED BY GOVERNMENTS ON RATIFIED CONVENTIONS

#### (a) *Supply of Annual Reports*

18. The reports which came before the Committee this year related to the period 1 July 1949 to 30 June 1950. For the period in question the Governments were called upon to supply a total of 831 annual reports in respect of the application of 58 Conventions then in force. Up to the date of the session of the Committee, the Office had received 597 reports (*i.e.*,

71.8 per cent.). A list showing the reports received classified according to countries and Conventions, is given in Appendix II. There is also attached (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.

19. The Committee regrets that the proportion of reports received this year is substantially lower than last year when 82.6 per cent. of the reports were received by the time of the meeting of the Committee. It is encouraging, however, to find that a larger proportion than previously was supplied by the date requested. Up to 15 October 1950, the date by which reports had been requested, 253 reports were received as against 134 on the corresponding date last year, and the great majority of the other reports received reached the Office shortly after 15 October 1950.

20. Of the 45 countries called upon to supply the reports, 31 submitted all those requested. On the other hand, no reports at all have so far been received from Brazil, Bulgaria, China, Colombia, Cuba, Hungary, Mexico, Uruguay and Venezuela. In this connection the Committee deplores that Colombia has failed to carry out its obligations under Article 22 of the Constitution for a number of years despite repeated reminders addressed to the Government by the Committee of Experts and by the Conference Committee. This year again no reports were received from Nicaragua, which undertook to continue to fulfil its obligations as regards the Conventions it had ratified when it withdrew from membership of the Organisation in 1938.

21. First reports due since ratification were received from Argentina (Nos. 17, 19, 21, 22, 23), Belgium (Nos. 50, 64), Finland (Nos. 8, 12, 17), France (Nos. 42, 44, 56, 58), Norway (No. 81), Poland (Nos. 35, 36, 37, 38, 39, 40, 42), and the United Kingdom (Nos. 17, 40, 56).

22. Voluntary reports (reports on Conventions which are not yet in force for the country concerned) were submitted by Argentina (Nos. 26, 27, 29, 30, 32, 33, 34, 41, 42, 45, 50, 52), Belgium (Nos. 54, 57), and New Zealand (Nos. 47, 52, 60, 61, 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.

23. The Committee was particularly happy this year to receive from Yugoslavia for the first time since 1939 reports on all 22 Conventions which that country had ratified prior to its having withdrawn from membership of the Organisation.

24. The Committee is also very grateful for the efforts which have been made by certain States recently admitted to the Organisation to fulfil their obligations to supply reports on ratified Conventions despite all the difficulties inherent in the formative stages of their administrative organisation.

(b) *Examination of Reports by the Committee*

25. The Committee has continued, despite the other tasks now assigned to it, to devote as much as possible of its time to the detailed examination of the annual reports submitted by Governments on ratified Conventions. This was the original purpose of the Committee and it still considers this to be its principal duty.

26. In the report on its last session, the Committee explained in some detail the procedure it had recently adopted of giving special attention to the reports on ratified Conventions submitted by Governments on the first occasion after ratification. The Committee expressed the hope that such reports would be of an especially detailed nature. The purpose of this procedure, as then explained, was to assist Governments by 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; to lighten the task of Governments in submitting subsequent annual reports; and to facilitate the work of the Committee which would then, in the absence of amending legislation, be called upon in subsequent years to examine reports relating mainly to the application in practice of legislation which it had previously examined in detail.

27. As above noted, the Committee was pleased to learn that this procedure had met with the approval of the Govern-

ing Body. The Committee has continued so to arrange its work and had before it this year 37 first reports. It is particularly grateful to many Governments for the care with which they have prepared such reports and to the International Labour Office for the detailed documentation in regard thereto which has greatly assisted the Committee in its examination of these reports.

28. In its last report the Committee expressed concern at the number of cases affecting certain countries in which the Committee of Experts and the Conference Committee had had to make, year after year, the same observations in regard to lack of conformity between national legislation and ratified Conventions or in regard to various defects in the reports submitted on ratified Conventions. The Committee, therefore, suggested 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 and explanations which are given by Government representatives of the countries concerned in the Conference Committee. The Committee suggested that this might be done by incorporating a special question in the forms of 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 points in question. The Committee is, therefore, pleased to note that the Governing Body at its 114th Session (March 1951) decided to include in the annual report forms for ratified Conventions a special question asking for information on the action taken by Governments in response to such observations made by the Committee of Experts and the Conference Committee. The Governing Body further approved a proposal by the Director-General that he should call the particular attention of the Governments concerned when sending them report forms to the requests for information and observations made by these Committees.

29. 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.

30. Certain countries have continued, as in the past, to supply reports which are models of adequacy and clarity and which afford an admirable basis on which to form a judgment as to legislative conformity with ratified Conventions and even in some cases of the extent of practical application. Other countries, fortunately a small minority, consistently submit reports which form no basis whatever for judging the extent of their compliance with the international obligations they have assumed by their membership of the International Labour Organisation and their ratification of international labour Conventions. There is however, unfortunately, a larger number of reports which are confused and are even contradictory in their drafting and from which it is difficult to draw precise conclusions. The countries which submit such reports would lighten their own labours and materially assist the Committee in its task if they would reply precisely and succinctly to the questions in the forms of annual report.

31. In making its detailed examination of the reports submitted by Governments on ratified Conventions the Committee continued its previous practice under which such 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

32. Last year the Committee had undertaken a closer examination of the reports on the application of Conventions in non-metropolitan territories; it intends to carry out a similar study every five years. Its task had been simplified to some extent by the reports received from the United Kingdom in accordance with

the new provisions in force since the previous year. On the other hand the Committee had little information at its disposal, in particular from Belgium, France and New Zealand and a number of reports from Portugal still contained gaps. It is on the detailed examination of these reports that the Committee has concentrated this year. It is hoped that now that this five-yearly examination has been completed, it will be easier for the Committee to follow the progress realised in specific matters during subsequent years until the next more detailed five-yearly examination in 1955, in so far, that is, as the observations the Committee feels called upon to make in the future prove effective.

33. The Committee wishes, before proceeding to the detailed examination of the reports submitted to it, to dispel certain misgivings which have apparently arisen with regard to the obligation to supply reports on the application of Conventions in non-metropolitan territories.

34. The Committee received in respect of certain territories reports submitted under Article 19 of the Constitution. However, the reports due in respect of these territories, even if the Conventions cannot be applied there, are owed in virtue of constitutional provisions entirely different from those which Article 19 of the Constitution contains as regards unratified Conventions.

35. Article 35 lays down the principle that ratified Conventions shall be applied to non-metropolitan territories. This obligation is, however, not unqualified; Governments have the right to declare a Convention inapplicable owing to local conditions, to make such modifications as may become necessary because of these conditions or to take advantage of a clause inserted in certain Conventions authorising Members to reserve their decision.

36. The obligations accepted by States are specified in the above provisions of the Constitution. Further, the obligation to supply reports according to the form prescribed by the Governing Body carries with it that of States giving all information for appraising the development which may occur in the application of Conventions to a territory. Before the Constitution was amended one question actually appeared in all the report forms asking for an account of any changes which might have taken place in local conditions after the Con-

vention had been in force for two years. In the Memorandum prescribing the form for reports on non-metropolitan territories following the amendment of the Constitution this period was increased to five years.

37. As regards the reservations made by a Government at the time of ratification, it is inadmissible that a State which was able to ratify a Convention as long ago as 1920 or 1921 should thenceforth be excused, because at that time it had made a reservation, from supplying any information at all.

38. In point of fact, the Committee is glad to note that these provisions are not disputed by the Governments concerned. The Belgian Government has told the Conference that in future its reports will contain, as far as possible, the information asked for by the Committee of Experts; the French Government stated at the last session of the Conference that in future reports would be submitted on Conventions applicable in non-metropolitan territories as well as on Conventions which are not applied and on which reports have been asked for.

39. The Committee fully appreciates these statements and expresses the hope that in future all Governments responsible for the administration of non-metropolitan territories will be good enough to submit their reports on the basis of the report forms and of the Memorandum adopted by the Governing Body.

#### V. SUBMISSION TO THE COMPETENT AUTHORITIES OF THE CONVENTIONS AND RECOMMENDATIONS ADOPTED BY THE 32ND SESSION OF THE INTERNATIONAL LABOUR CONFERENCE (GENEVA, 1949)

40. The Committee was again called upon to study the information communicated by Governments in pursuance of Article 19, paragraphs 5 (c), 6 (c), 7 (a) and 7 (b) (iii) of the Constitution regarding submission of Conventions and Recommendations to the competent authorities. The information this year related to the eight Conventions and four Recommendations adopted by the Conference at its 32nd Session (Geneva, 1949). The periods of one year and 18 months referred to in the relevant Articles of the Constitution for the submission by Governments of

these texts to the competent authorities expired on 2 July 1950 and 2 January 1951 respectively. The information supplied by Governments up to 27 March 1951, the date of opening of the Committee's present session, was examined by the Committee.

41. The detailed observations of the Committee regarding the results of the examination of this information will be found in Appendix IV. The Committee would, however, wish to draw the particular attention of the Governing Body to certain matters of general importance arising from its consideration of this question.

42. At the time of the 32nd Session of the Conference there were 60 States Members of the Organisation, and these States were accordingly under the obligations imposed by the Constitution to submit the Conventions and Recommendations adopted by the 32nd Session of the Conference to the competent authorities and to inform the Director-General of the measures taken by them to that end.

43. At the time of the meeting of the Committee, only 32 of the 60 States had submitted information on the matter to the Director-General. The information supplied by the 32 States showed that 17 States had submitted all the texts in question to the competent authorities, two States had submitted some but not all of the texts and 13 States had submitted none of them.

44. The Committee recognises that the obligation to notify the Director-General of the action taken to submit Conventions and Recommendations to the competent authorities is a new one, the exact significance and importance of which may not yet have been fully appreciated by some of the Governments. It has every confidence that it will suffice to draw attention to the position to secure a substantial improvement in it, but it must emphasise that the existing situation, even if it proves to be a transitory one, is none the less profoundly unsatisfactory in character. The obligations imposed by Article 19 regarding submission of the Conventions and Recommendations to the competent authorities are a fundamental part of the scheme of international labour legislation embodied in the Constitution; they are binding upon States Members and admit of no exception. The obligation

to inform the Director-General of the measures taken is of an equally binding character and its fulfilment is essential to the international supervision of the effective application of the obligations of membership. With a view to facilitating the tasks of the Governing Body and the Conference in connection with the matter, the Committee has included in its report and proposes to include in future reports precise information concerning the extent to which each Member has fulfilled the obligations of the Constitution in regard to submitting Conventions and Recommendations to the competent authorities.

45. The Committee has, of course, no knowledge of whether or not the 28 States which have supplied no information have taken any steps to submit the texts to the competent authorities. With regard to the 15 States which appear from the information they themselves have supplied to have failed to submit some or all of the texts to the competent authorities, various reasons have been adduced by some of them for delay or failure to comply with their obligations. It is disappointing, however, that of the numerous States which failed last year to supply information in time only three have subsequently supplied such information.

46. The Committee understands that the request sent each year by the International Labour Office to Governments for information relates only to the Conventions and Recommendations adopted by the Conference in one particular year. If that information is not supplied or if it shows that the texts have not been submitted to the competent authority, no further request for information regarding the submission of the texts in question is addressed to the Governments concerned. The Committee suggests to the Governing Body that Governments should each year be asked to supply information regarding all Conventions and Recommendations on which they have previously failed to supply information or on which the information previously supplied showed that they had failed to submit the texts in question to the competent authorities. The Committee suggests that it would perhaps be reasonable to make such requests only in respect of Conventions and Recommendations adopted by the Conference since the entry into force of the amended Constitution.

## VI. REPORTS SUBMITTED BY GOVERNMENTS ON UNRATIFIED CONVENTIONS AND ON RECOMMENDATIONS

### (a) *Supply by Governments of Reports*

47. This year is the second 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.

48. The reports which the Governments were asked by the Governing Body to supply this year related to the following Conventions and Recommendations :

Protection Against Accidents (Dockers) Convention (Revised), 1932 (No. 32).

Protection Against Accidents (Dockers) Reciprocity Recommendation, 1932 (No. 40).

Vocational Training Recommendation, 1939 (No. 57).

Apprenticeship Recommendation, 1939 (No. 60).

Labour Inspection Convention, 1947 (No. 81).

Labour Inspection Recommendation, 1947 (No. 81).

Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82).

Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85).

49. The total number of reports called for was in the neighbourhood of 450, but the total number received was only 192. A table showing in detail the number of reports supplied by the various Governments will be found in Appendix VI.

50. The Committee cannot but regard this result as disconcerting. The Committee would suggest to the Governing Body the desirability of a serious investigation into the reasons which have deterred so many countries from submitting reports in accordance with the obligations imposed by Article 19 of the Constitution. In earlier passages of the report the Committee has drawn attention to the dangers inherent in excessive demands being made upon Governments for information. The Committee fully realises the value which reports on unratified Conventions and on Recommendations may have for assessing what is the real influence of Conference decisions on



national labour legislation and for guiding the Organisation in its future programme. Nevertheless it would be regrettable if demands for too many reports on unratified Conventions and on Recommendations should deter Governments from submitting adequate and timely reports on ratified Conventions.

51. The Committee trusts that the simplified forms for reporting on unratified Conventions and on Recommendations which the Governing Body has at present under consideration, following the suggestions made by the Committee of Experts and the Conference Committee last year, will go some way towards securing a more adequate response from Governments in future years. Nevertheless, the Committee considers it to be its duty to urge the Governing Body to limit in the future, as far as it feels possible, the number of Conventions and Recommendations on which it calls for reports under Article 19, at least until further experience of this procedure has been gained.

(b) *Examination of Reports by the Committee*

52. 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 remarks on reports resulting from this procedure were examined and approved by the Committee as a whole and will be found in Appendix V.

53. The nature of certain of the Conventions and Recommendations under examination this year has enabled the Committee to present in its remarks a clearer picture of the international progress achieved in the field covered by the Conference decisions in question. It would be rash to attempt here to draw any general conclusion in regard to all of them. The impression, however, which the Committee has gathered, at least so far as concerns the more industrially advanced countries which have not yet been able to ratify the Protection Against Accidents (Dockers) Convention (Revised), 1932 (No. 32), and the Labour Inspection Convention, 1947

(No. 81), is that good progress has been achieved, which holds out a measure of hope, despite certain difficulties to which the countries concerned are devoting attention, of the prospect of further substantial numbers of ratifications in the future.

VII. QUESTION OF THE NEED FOR IMPLEMENTING LEGISLATION IN CASES WHERE THE CONDITIONS WHICH A RATIFIED CONVENTION IS DESIGNED TO REGULATE DO NOT ARISE IN A COUNTRY

54. The Committee on the Application of Conventions and Recommendations at the 33rd Session of the International Labour Conference (Geneva, 1950) included the following paragraph in its report :

23. The Committee also concerned itself with the case where ratifications do not lead to legislation covering the whole subject matter of the Convention because of the absence of certain material circumstances envisaged by it. The Committee would be grateful if the Experts could give attention to this question at their next session.

55. It will be recalled that the present Committee had drawn attention last year to the fact that the Brazilian Government, in its legislation to implement the Underground Work (Women) Convention, 1935 (No. 45), had excluded public undertakings from the scope of that legislation, whereas the Convention is applicable to both public and private undertakings. In reply to that observation the Brazilian Government representative explained to the Conference Committee that since public undertakings in Brazil did not carry out underground work, legislative measures applying to such work could not be proposed at this juncture. If the situation envisaged did, however, arise the labour inspection service would immediately put matters right.

56. The question which the Conference Committee has asked the Committee of Experts to examine does not appear to it to be one which admits of any general or simple answer. The answer must to some degree depend on the nature of the Convention in question and on the circumstances in which it is alleged that the conditions which it envisages do not arise in the country in question.

57. In the first place, the whole of the provisions of the Convention in question may be designed to deal with matters which from the nature of things do not and cannot in the future arise in the country concerned. An obvious example is the

case of a Convention applying exclusively to maritime ports when the country in question has not seaboard. It is undoubtedly true that every State Member has the right, if it so desires, to ratify such a Convention. The question arises, however, as to whether in such a case ratification is desirable and whether, moreover, the Committee is competent to form an opinion on this point.

58. In the second place, a Convention may be of a general character dealing, say, with conditions of work of women in all undertakings including industry, commerce and mines. In such case, a country which has no mines may desire to ratify in respect of its industry and commerce. It would no doubt be asking too much of such a country to suggest that it should enact special legislation applicable to mines, which do not exist.

59. A third type of case is where the situation envisaged by the Convention does not at the moment arise but could easily arise in the future. For example, a country may state that as unemployment does not exist in its country, no implementing legislation is required to give effect to a Convention dealing with measures to relieve unemployment. In general the Committee believes that great weight should be given to a statement by a Government that the conditions envisaged by a Convention do not arise in its territory. Nevertheless, it feels that in cases where there is any reasonable possibility of these conditions existing in the future, it would be desirable for implementing legislation to be passed.

60. The general conclusion of the Committee on the matter referred to it by the Conference Committee is as follows: The Committee is of the opinion that it would be going too far to ask a State to take regulatory measures in cases where it has been established without question that such measures would find no application because there exists no subject matter for regulation and there is no prospect of the subject matter arising in the near future.

61. A special examination of the question as it affects non-metropolitan territories was made by the member of the Committee specially competent to deal with such territories. His conclusion—with which the Committee is in agreement—was that, even though the circumstances envisaged by a Convention might not at the present time arise in a non-metropolitan territory, conditions in such territories are subject to rapid change and it is therefore desirable, even when legislation is not at present necessary, that powers should be taken to adopt regulatory measures to meet changing circumstances.

62. The Committee wishes again to express its gratitude to the Members of the International Labour Organisation for the reports and information they have supplied to enable the Committee to perform its work. They will appreciate from earlier passages in this report that the Committee is not unmindful of the serious burdens which this work entails for the Government services responsible. While the Committee hopes that no effort will be spared by the International Labour Office to alleviate this burden where that course is possible, it feels sure that the continuing realisation of the essential part which such information forms in advancing the aims and objects of the Organisation will be an encouragement to Governments to respond in future to all requests.

63. The Committee is once more deeply indebted to all members of the staff of the International Labour Office who were associated in any way with the work of the Committee, both in the preparations for and during its session. Their help as well as the carefully prepared documentation which they supplied to the Committee were, as in previous years, most valuable.

Geneva, 7 April 1951.

(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.—Nos. 4, 13, 41, 45.

###### *Argentina :*

Part A.

Part B.—Nos. 2, 4, 6, 8, 9, 10, 13, 17, 19, 22, 23,  
26, 27, 32, 33, 41, 42, 45, 52.

###### *Austria :*

Part B.—Nos. 4, 5, 33, 45.

###### *Australia :*

Part C.

###### *Belgium :*

Part B.—Nos. 41, 58.

Part C.

###### *Brazil :*

Part A.—Nos. 3, 5, 6, 16, 41, 42, 45, 58.

###### *Burma :*

Part B.—No. 27.

###### *Canada :*

Part B.—Nos. 1, 14.

###### *Chile :*

Part B.—Nos. 2, 3, 4, 6, 11, 14, 17, 24, 25, 35, 36.

###### *Cuba :*

Part A.—Nos. 8, 26, 33.

###### *Czechoslovakia :*

Part A.—Nos. 24, 25.

Part B.—No. 4.

###### *Denmark :*

Part A.

Part B.—Nos. 6, 7, 63.

###### *Dominican Republic :*

Part A.—Nos. 7, 10.

Part B.—No. 5.

###### *Egypt :*

Part B.—No. 53.

###### *Finland :*

Part B.—Nos. 8, 17, 62, 63.

###### *France :*

Part B.—Nos. 4, 33, 35, 36, 37, 38, 42, 44, 58.

Part C.

###### *Greece :*

Part B.—Nos. 1, 3, 41.

###### *India :*

Part B.—No. 32.

###### *Iraq :*

Part B.—Nos. 41, 42.

###### *Ireland :*

Part A.—No. 28.

Part B.—No. 26.

###### *Italy :*

Part B.—Nos. 4, 6, 10, 26, 35, 36, 37, 38.

###### *Liberia :*

Part B.—No. 29.

###### *Mexico :*

Part A.—Nos. 8, 9, 13, 17, 22, 32, 43, 52, 55, 62,  
63.

###### *Netherlands :*

Part B.—Nos. 26, 48, 63.

Part C.

###### *New Zealand :*

Part B.—Nos. 17, 59, 60.

Part C.

###### *Norway :*

Part B.—No. 63.

###### *Pakistan :*

Part B.—Nos. 14, 32.

###### *Peru :*

Part B.—Nos. 4, 24, 35, 37, 39, 41.

###### *Poland :*

Part B.—Nos. 2, 24, 25, 35, 36, 37, 38, 39, 40.

###### *Portugal :*

Part B.—No. 17.

Part C.

###### *Switzerland :*

Part B.—Nos. 6, 29, 41.

###### *Turkey :*

Part B.—No. 14.

###### *Union of South Africa :*

Part C.

###### *United Kingdom :*

Part B.—Nos. 35, 56.

Part C.

###### *United States :*

Part C.

###### *Uruguay :*

Part A.—Nos. 2, 3, 4, 5, 6, 10, 13, 15, 17, 20, 24,  
25, 26.

###### *Venezuela :*

Part A.—Nos. 2, 3, 14, 26, 41.

## A. General Observations

The observations and requests for supplementary information made by the Committee, on the application of Conventions in a certain number of States, will be found below (Part B). The Committee considers it necessary to point out that some other States did not supply reports in cases where either observations or requests for supplementary information had been made last year. The following is a list of these observations, by country and by Convention :

*Brazil* : Conventions Nos. 3, 5, 6, 16, 41, 42, 45, 58.

*Cuba* : Conventions Nos. 8, 26, 33.

*Czechoslovakia* : Conventions Nos. 24, 25.

*Dominican Republic* : Conventions Nos. 7, 10.

*Ireland* : Convention No. 28.

*Mexico* : Conventions Nos. 8, 9, 13, 17, 22, 32, 43, 52, 55, 62, 63.

*Uruguay* : Conventions Nos. 2, 3, 4, 5, 6, 10, 13, 15, 17, 20, 24, 25, 26.

*Venezuela* : Conventions Nos. 2, 3, 14, 26, 41.

*Argentina*. The Committee wishes to express its appreciation of the Government's action in forwarding reports on the Conventions ratified by it on 14 March 1950, both in respect of the Conventions which came into force immediately on ratification, and on those which only came into force in March 1951.

While the Committee is grateful to the Government for having forwarded, in general, copies or extracts of the relevant laws, it wishes to point out that the communication of these texts cannot be considered a satisfactory substitute for the replies requested in the report forms under the individual Articles of the Conventions nor, in particular, as taking the place of the information concerning effective application, without which it is not possible for the Committee to give a definite opinion on the implementation of the various Conventions. The communication of a full report, in conformity with the information requested in the report forms, is all the more important in the case of first reports for which a detailed examination is essential.

*Denmark*. The Committee wishes to draw the attention of the Government to the fact that the reports supplied by it are limited as a rule to references to previous reports ; the latter are frequently very incomplete themselves, and in most cases contain no reply to the questions concerning the application of the various Articles of a Convention or concerning its practical application. No information is given either concerning observations which may have been submitted by the employers' and workers' organisations, or concerning the communication of reports to these organisations. The Committee hopes that the Government will be able to draw up its future reports in accordance with the forms prescribed by the Governing Body.

## B. Observations and Requests for Supplementary Information on the Application of Conventions

*Convention No. 1 : Hours of Work (Industry), 1919.*

Number of reports requested : 20.

Number of reports received : 14.

Reports missing : 6.

(*Bulgaria, Colombia, Cuba, Nicaragua, Uruguay, Venezuela.*)

*Canada* (ratification : 21.3.1935). The Committee takes note with interest of the information supplied by the Government concerning the practical application of the Convention in certain provinces.

*Greece* (ratification : 19.11.1920). The Committee takes note of the information submitted by the Government concerning the protest made by the International Transport Federation in respect of the non-application of the eight-hour day to some categories of workers employed on railways. The Committee notes that the number of workers concerned is small and that the additional hours are paid at 125 per cent. of the regular rate. However, these hours are not covered by the exceptions authorised under Article 4 of the Convention, and the case of *force majeure* would no longer appear to apply. Although fully aware of the difficulties mentioned by the Government, the Committee hopes that serious efforts will be made to settle this question, of which the Pan-Hellenic Federation of Railway Workers and the International Transport Federation have made a special point.

*Convention No. 2 : Unemployment, 1919.*

Number of reports requested : 27.

Number of reports received : 21.

Reports missing : 6.

(*Bulgaria, Colombia, Hungary, Nicaragua, Uruguay, Venezuela.*)

*Argentina* (ratification : 30.11.1933). The Committee notes with interest that, under Act No. 13591 of 11 October 1949, a National Employment Service Directorate was established under the Ministry of Labour ; the Directorate is assisted by an industrial advisory council. The above Act stipulates that the operation of private employment agencies for profit shall be prohibited and that the permission of the National Employment Service is required for the establishment of private agencies not conducted for profit.

The Committee notes that the industrial advisory council corresponds, to a large extent, to the advisory committees provided for in Article 2 of the Convention. However, the Committee would be glad to be informed whether the council, which is established at the national level, is responsible for appointing committees to advise on matters concerning the running of free public employment agencies.

*Chile* (ratification : 31.5.1933). With reference to the observation made by the Committee last year as regards Article 2 of the Convention, the report states that Article 86 of the Labour Code provides that joint

committees of salaried and wage-earning employees shall be appointed to advise the general labour inspectorate on all matters relating to the working of the employment exchanges. The Code further provides that regulations shall be issued regarding the composition of such committees; however, no such regulations have been issued up to the present. The only regulations which exist with regard to the joint committees provided for under Article 2 of the Convention are those relating to certain categories of workers (persons employed in bakeries, dockers, workers engaged in river and lake navigation).

The Committee would be glad to be informed whether the Government contemplates the early adoption of regulations to provide for the establishment and maintenance of joint advisory committees representing all categories of workers.

*Poland* (ratification : 21.6.1924). The Committee would be glad if the Government would be good enough to supply information regarding the operations of the public employment service (Article 2 of the Convention) and its practice as regards equality of treatment in respect of the benefits provided for under Article 3.

*Convention No. 3 : Maternity Protection, 1919.*

Number of reports requested : 13.

Number of reports received : 5.

Reports missing : 8.

(*Brazil, Bulgaria, Colombia, Cuba, Hungary, Nicaragua, Uruguay, Venezuela.*)

*Chile* (ratification : 15.9.1925). In reply to the observations made by the Committee on several occasions in the past as regards Article 3 (c) and (d) of the Convention, the report states that the Bill for the revision of Act No. 4054 of 8 September 1924 (which provides that maternity benefits are to be paid entirely out of social insurance funds) has not yet been approved by the National Congress. In addition, it has not yet been possible to undertake the revision of the Labour Code so as to ensure harmony between national legislation and the Convention as regards the granting of nursing periods to women employed by private undertakings.

The Committee draws the attention of the Government to the fact that the above-mentioned discrepancies between the legislation and the Convention have persisted over a long period; it therefore requests the Government to take the necessary action in this respect.

*Greece* (ratification : 19.11.1920). The Committee takes note with interest of the information supplied in this year's report in response to the observations made last year. According to this information, which was also submitted to the Conference Committee in 1950 by a Government representative, the social insurance system has been, and will be, extended to other towns and regions, and there are now few women who are not covered by insurance.

As regards the fixing of maternity allowances by the competent authority, the Committee notes that the decisions of some special insurance funds which are public bodies are approved by the Government. The decisions of other funds operating as autonomous bodies in virtue of the relevant legislation are taken

in conformity with existing legislation; these funds are under the supervision and administrative control of the Ministry of Labour. A maternity allowance granted by a special fund is sufficient for the full and healthy maintenance of a woman and her child.

The Committee would be glad to know whether, with the extension of the national insurance system to further areas of the country, the women in these areas who were hitherto affiliated to special funds become affiliated to the national insurance institution, and, if so, whether they continue at the same time to be members of the special fund. In the latter case, it would be interesting to know what is the relation between the national insurance institution and the special fund, i.e., which of the two is responsible for paying maternity benefits or whether these benefits are paid by both funds. If women who are newly insured with the national insurance institution cease to be affiliated to special funds, the question arises whether the special funds are to be abolished altogether once the extension of the national insurance system to the entire national territory has been completed.

The Committee would also be glad if, in its next report, the Government would supply statistical data regarding the benefits paid by special funds.

*Convention No. 4 : Night Work (Women), 1919.*

Number of reports requested : 19.

Number of reports received : 14.

Reports missing : 5.

(*Bulgaria, Colombia, Cuba, Nicaragua, Uruguay.*)

*Afghanistan* (ratification : 12.6.1939). The Committee notes that, according to the information supplied this year, women are employed only in family undertakings. The Committee also notes that consideration is being given to the enactment of legislation on the lines of the Convention, and hopes that it will be possible, at an early date, to take the necessary measures in this connection.

*Argentina* (ratification : 30.11.1933). The Committee notes with satisfaction that, in order to take into account the observation made last year as regards the absence of legislation providing for a consecutive period of 11 hours' rest at night, the Minister of Labour and Social Welfare issued Order No. 355 on 2 December 1949. This Order instructs the competent services of the Ministry not to approve work timetables for women and young persons in undertakings, unless these timetables ensure an interval of at least 11 consecutive hours between the end of one day's work and the beginning of the next.

*Austria* (ratification : 12.6.1924). The report gives the following information in response to the observation made last year regarding the discrepancy between the Convention and the national legislation on hours of work : a Bill on hours of work, which takes full account of the requirements of the Convention, has been submitted to the Council of Ministers; after the approval of this Bill by the Council, the Government will refer it to Parliament for further action.

The Committee takes note of this information and hopes that the new legislation will be enacted at an early date.

*Chile* (ratification : 8.10.1931). With reference to the observations made by the Committee in previous years, the report states that the National Congress has not yet approved the ratification of the revised Convention which would make possible the denunciation of Convention No. 4.

The Committee therefore reiterates its hope that the Government will in the near future either supply information regarding the application of Convention No. 4 or take the contemplated action to ensure ratification of the revised Convention.

*Czechoslovakia* (ratification : 24.8.1921). The Committee expresses its appreciation of the following information, supplied in response to the observation made last year.

During the period under review, Order No. 2609 of 30 October 1944, respecting measures to ensure a smooth electricity supply, was replaced by two legislative measures (authorising the temporary employment of women on night work where necessary) which, however, were not applied in practice, and both of which ceased to be in force as from 28 February 1950. The Committee hopes that it will not be necessary in the future for the Government to have recourse to similar provisions.

As regards the exceptions provided for under Section 9 (3) of the Act of 19 December 1918 (authorising the employment of women over 18 years of age on comparatively light work), the Government states that the national regional committees have granted exceptional permits under this Section only in cases where the interests of the national economy necessitated the employment of women at night because of a shortage of male workers. Applications for such permits are strictly controlled by the regional national committees, and are approved only subject to approval by the labour inspectorates, the works councils of undertakings and the regional trade union councils. In this connection, the report refers to the revising Convention, No. 89 (ratified by Czechoslovakia in 1950), Article 5 of which provides for the suspension of the prohibition of the night work of women (after consultation with the employers' and workers' organisations concerned) when, in the national interest, it is necessitated by a serious emergency.

The Committee points out that once Convention No. 89 has come into force for Czechoslovakia, the Government can only make use of the provisions of Article 5 thereof provided that it has denounced Convention No. 4.

*France* (ratification : 14.5.1925). The Committee notes that, while the Government states that Section 22 (a) of Book II of the Labour Code is not in complete harmony with the provisions of Article 4 of the Convention (authorising exceptions in cases of *force majeure*), the provisions of the Code are in conformity with Article 5 of Convention No. 89, which revises Conventions Nos. 4 and 41.

The Committee draws the attention of the Government to the fact that, until it has ratified Convention No. 89 and denounced Convention No. 4, it remains bound by the provisions of the latter-named Convention.

Moreover Article 5 of Convention No. 89 authorises exceptions only "in case of serious emergency, after consultation with the employers' and workers' organisations concern-

ed"; these conditions are not contained in Section 22 (a) of Book II of the Labour Code.

*Italy* (ratification : 14.5.1925). The Committee expresses its appreciation of the detailed information on the application of the Convention supplied by the Government in response to the questions which it raised last year.

With reference to the exceptions granted in order to take due account of differences in technical equipment in the various sections of an undertaking, the Committee notes that these exceptions were generally, but not in all cases, for a short period and related only to a limited number of persons. However, the Committee points out that it would be difficult in connection with such exceptions to invoke reasons of *force majeure* within the meaning of Article 4 (a) of the Convention. This observation is also applicable to the case in which the exception was granted because it was considered that "it was essential in order to prepare in good time the materials intended for export".

The Committee hopes that, as soon as circumstances permit, the Government will be in a position to abolish exceptions of this kind, as it already proposes to do in connection with those occasioned by the shortage of electric power.

Finally, the Committee would be glad to know if any progress has been made in connection with the Bill which according to the Government's last report had been submitted to the Council of Ministers. This Bill was intended to provide a clearer interpretation of Article 13 of Act No. 653 of 1934 as regards the definition of night work in bakeries, in order to ensure conformity with the Convention.

*Peru* (ratification : 8.11.1945). With reference to the observations made in 1950, the report states that Article 10 of Act No. 2851 of 1918, which authorises the employment of women for ten hours a day on 60 days of the year (day and night work included) when this is required in the immediate needs of an industry, is in conformity with the exception provided for under Article 4 of the Convention.

In this connection, the Committee would be glad to know whether this exception applies, as provided in Article 4 of the Convention, only in case of *force majeure* and to individual undertakings or when it is necessary to preserve materials which are subject to rapid deterioration from certain loss. The Committee would also like to know the number and nature of the undertakings which are authorised to apply such exceptions and, if possible, the number of women employed therein, as well as the number of hours worked by such women.

The Committee points out that, in order to be in complete harmony with the Convention, Peruvian legislation should limit explicitly the exception in question to the cases defined in Article 4.

*Convention No. 5 : Minimum Age (Industry), 1919.*

Number of reports requested : 24.

Number of reports received : 17.

Reports missing : 7.

(Brazil, Bulgaria, Colombia, Cuba, Nicaragua, Uruguay, Venezuela.)

*Austria* (ratification : 26.2.1936). With reference to the observation made last year, the Committee notes that the Government is continuing its efforts with a view to eliminating a minor discrepancy between the provisions of the Convention and of the national legislation as regards the keeping of registers of young persons.

The Committee hopes that the Government will soon be in a position to enact the amending legislation.

*Dominican Republic* (ratification : 4.2.1933). The Committee notes that, in conformity with the assurance given to the Conference Committee in 1950 by the Government member, the Secretariat of Labour has not made use of the provisions of Article 7 of Act No. 637 of 1944, which authorises children under 14 years of age to enter into a contract of employment.

The Committee hopes that, pursuant to the information previously supplied, it will be possible for the Government, to enact at an early date the Labour Act which was under consideration, and so to ensure complete legislative conformity with the Convention.

*Convention No. 6 : Night Work of Young Persons (Industry), 1919.*

Number of reports requested : 26.

Number of reports received : 18.

Reports missing : 8.

(*Brazil, Bulgaria, Cuba, Hungary, Mexico, Nicaragua, Uruguay, Venezuela.*)

*Argentina* (ratification : 30.11.1933). See under Convention No. 4.

*Chile* (ratification : 15.9.1925). The Committee thanks the Government for the detailed information which it has been good enough to supply regarding the nature of the exceptions authorised, under Article 2 (2) of the Convention, in connection with continuous processes.

As regards Article 3 (3) (baking industry), the Committee notes that Section 346 of the Labour Code prohibits the employment in bakeries of persons under 18 years of age. Consequently, the shortening of the period of nightly rest authorised under Section 342 of the Code, which does not concern young persons, does not imply an infraction of the Convention.

*Denmark* (ratification : 4.1.1923). The Committee would be glad if, in its next report, the Government would be good enough to supply full information regarding the practical application of the Convention (Points III, IV, VI of the report form).

*Italy* (ratification : 10.4.1923). The Committee thanks the Government for the information which it has supplied regarding the exceptions authorised in connection with the shortage of electricity and the employment of children up to 11 p.m. in bakeries. The Committee hopes that the Government will soon be in a position to eliminate completely any exceptions which are not in conformity with the Convention.

The Committee notes that the Government contemplates ratifying Convention No. 90. However, this ratification would provide for exceptions only under certain conditions which differ from those of Convention No. 6. Further, Italy remains bound by the latter

Convention which fixes at 18 years the age from which night work is authorised.

*Switzerland* (ratification : 9.10.1922). With reference to the observations which it made in 1950 in connection with the difficulties experienced by Switzerland in applying the Convention to bakeries, the Committee notes with appreciation that, on 27 June 1950, a circular was despatched to the cantons in order to induce bakeries to conform to the provisions of Section 3 of the Federal Act relating to the employment of young persons and women in arts and crafts.

The Committee also notes that the Government intends to supply, in its next report, the information received in response to this circular.

*Convention No. 7 : Minimum Age (Sea), 1920.*

Number of reports requested : 27.

Number of reports received : 16.

Reports missing : 11.

(*Brazil, Bulgaria, China, Colombia, Cuba, Dominican Republic, Hungary, Mexico, Nicaragua, Uruguay, Venezuela.*)

*Denmark* (ratification : 12.5.1924). The Committee would be glad if, in its next report, the Government would be good enough to supply detailed information regarding the practical application of the Convention, including particulars regarding the communication of the report to the representative employers' and workers' organisations.

*Convention No. 8 : Unemployment Indemnity (Shipwreck), 1920.*

Number of reports requested : 24.

Number of reports received : 18.

Reports missing : 6.

(*Bulgaria, Colombia, Cuba, Mexico, Nicaragua, Uruguay.*)

*Argentina* (ratification : 30.11.1933). The Committee notes with interest that a new Act (No. 13591) has now been promulgated setting up a National Department of Employment, through which indemnities shall be granted to involuntarily unemployed persons. As the information previously supplied by the Government delegate indicates that the Convention is applied by Act No. 12921, the Committee would be glad if the Government would be good enough to supply, in its next report, copies of the laws, regulations, etc., applying the Convention, and details regarding the practical application of the Convention.

*Finland* (ratification : 20.1.1950). The Committee thanks the Finnish Government for the detailed information contained in its first report, and takes note of it with interest. The Committee notes with satisfaction that in certain respects the national legislation ensures a wider degree of protection than is laid down in the Convention. However, it would like to have some additional information in connection with the requirements of Article 1 of the Convention; in particular, it would like to know whether the legislative provisions apply also to foreign seamen.

The Committee would also be grateful if the Government, in its next report, would supply more particulars on the practical application of the Convention—e.g., the number of cases in which allowances were paid, etc.

*Convention No. 9 : Placing of Seamen, 1920.*

Number of reports requested : 22.

Number of reports received : 16.

Reports missing : 6.

(Bulgaria, Colombia, Cuba, Mexico, Nicaragua, Uruguay.)

*Argentina* (ratification : 30.11.1933). On several occasions the Committee has had to remark that the Government had not supplied the statistical information asked for in the report form. In 1950 the Argentine Government member of the Conference Committee had stated that this information would appear in the next report. Yet the report indicates that as the National Employment Service Directorate is of recent creation, it has not yet been possible to draw up statistics.

The Committee would be grateful if the Government would make every effort to compile these statistics and communicate them to the Office.

*Convention No. 10 : Minimum Age (Agriculture), 1921.*

Number of reports requested : 17.

Number of reports received : 11.

Reports missing : 6.

(Bulgaria, Cuba, Dominican Republic, Hungary, Nicaragua, Uruguay.)

*Argentina* (ratification : 26.5.1936). The Committee notes that Decree No. 34147 of 1949, which governs the application of the Agricultural Labour Code provides in Article 55, which is identical with Article 1 of Act No. 11317 of 1924, that a child welfare authority may authorise the employment of persons over the age of 12 years who are of school age and who have not completed their compulsory education "if it considers their employment essential for their own maintenance or that of their parents or brothers or sisters, provided that the minimum educational requirements prescribed by the law are complied with in a satisfactory manner".

The Committee would be glad to know at what age these minimum requirements are complied with in the various provinces and territories of Argentina.

*Italy* (ratification : 8.9.1924). The Committee notes with interest that legislation covering working time after school hours is now being considered. The Committee also takes note of the Government's statement that it is sometimes difficult to avoid altogether the employment of children under 14 years of age in small undertakings worked directly by farmers and share-croppers. The Committee would be glad to know whether the Government intends to take steps to ensure that such work is performed in accordance with the provisions of the Convention, i.e., outside the hours fixed for school attendance.

*Convention No. 11 : Right of Association (Agriculture), 1921.*

Number of reports requested : 31.

Number of reports received : 23.

Reports missing : 8.

(Bulgaria, China, Colombia, Cuba, Mexico, Nicaragua, Uruguay, Venezuela.)

*Chile* (ratification : 15.9.1925). The Committee notes with deep regret that it has not so far been possible for the Government to carry out the amendments to the legislation necessary to achieve full harmony with the provisions of the Convention.

The Committee wishes to recall the Government's statement in its report for 1948-1949 that it was endeavouring to secure from the National Congress the amendment of Article 14 of Act No. 8811 of 1947 (introduced into the Labour Code as Article 431) which prohibits the amalgamation or federation of agricultural unions. The Committee also learnt with interest from the Government representative's declaration before the Conference Committee in 1950 that it was now possible to secure the amendment of Article 53 of the above Act (Article 470 of the Labour Code) prohibiting demands by agricultural workers during sowing and harvesting periods.

The Committee is therefore all the more disappointed that no progress whatever has been achieved in amending Act No. 8811 in spite of the fact that the above-mentioned provisions of this Act are clearly contrary to the terms of the Convention, which was specifically designed to ensure to agricultural workers the same rights as those of industrial workers. The Committee addresses an earnest appeal to the Government to continue its efforts with a view to securing the necessary legislative changes so that the Convention, which from the time of the ratification in 1925 until the adoption of the above Act in 1947 had received full application in Chile, will again be fully implemented in that country.

*Convention No. 12 : Workmen's Compensation (Agriculture), 1921.*

Number of reports requested : 20.

Number of reports received : 14.

Reports missing : 6.

(Bulgaria, Colombia, Cuba, Mexico, Nicaragua, Uruguay.)

No observations.

*Convention No. 13 : White Lead (Painting), 1921.*

Number of reports requested : 22.

Number of reports received : 15.

Reports missing : 7.

(Bulgaria, Colombia, Cuba, Mexico, Nicaragua, Uruguay, Venezuela.)

*Afghanistan* (ratification 12.6.1939). The Committee refers to its observation of 1950 and notes that no other information has been supplied by the Government regarding this question, beyond a statement that it has no knowledge of the use of white lead in the country.

*Argentina* (ratification : 26.5.1936). The Committee refers to its previous observation relating to the adoption of the necessary regulations to give full effect to the Convention. As stated in the reports previously supplied, this question was being examined by the Government. However, the Committee notes that the existing legislation covers only certain points of the Convention and applies only to certain areas.



As the present report does not give any new information on the progress which should have been achieved on this important question, the Committee draws the attention of the Government to this situation and expresses the earnest hope that next year it will be possible for the Government to bring its law and practice into full conformity with the provisions of this Convention.

*Convention No. 14 : Weekly Rest (Industry), 1921.*

Number of reports requested : 32.

Number of reports received : 25.

Reports missing : 7.

(Bulgaria, China, Colombia, Mexico, Nicaragua, Uruguay, Venezuela.)

Canada (ratification : 21.3.1935). The Committee notes that the Federal Government has not as yet been able to supply the detailed analysis of legislation on weekly rest referred to in the report for 1948-1949, and hopes that it will be possible to include this information in the next report.

Chile (ratification : 15.9.1925). The Committee takes note of the statement in the report that the only exception to the legislation on weekly rest in industrial undertakings is that granted by decree to a steel plant. The Committee would be glad to know whether this exception is granted under Article 4, which states that exceptions to the provisions for the period of rest of 24 hours in every period of seven days may be authorised; and whether provision is made for compensatory periods of rest in accordance with Article 5.

Pakistan (ratification : 11.5.1923). The Committee examined with interest the tables attached to the Government's report, regarding *inter alia* perennial and seasonal factories in which the provisions of the Convention concerning weekly rest are applied. Since these tables show that there are no provisions for weekly rest in 90 perennial and 115 seasonal factories, the Committee would be glad to know whether these exceptions were authorised in accordance with Article 4 of the Convention, whether the responsible associations of employers and workers were duly consulted, and whether compensatory periods of rest were granted in any of these cases.

Turkey (ratification : 8.7.1946). The Committee notes with much interest that the provision of Article 7 of the Convention relating to the drawing up of rosters is now applied in this country, and would be glad to know whether notices are also posted, in accordance with Article 7 (a) of the Convention. The Committee hopes that the Government may be in a position to include in its next report the statistical data on breaches of the Convention referred to in its report for the period 1947-1948, together with more detailed information relating to the organisation of the inspection service.

*Convention No. 15 : Minimum Age (Trimmers and Stokers), 1921.*

Number of reports requested : 28.

Number of reports received : 21.

Reports missing : 7.

(Bulgaria, China, Colombia, Cuba, Hungary, Nicaragua, Uruguay.)

No observations.

*Convention No. 16 : Medical Examination of Young Persons (Sea), 1921.*

Number of reports requested : 29.

Number of reports received : 20.

Reports missing : 9.

(Brazil, Bulgaria, China, Colombia, Cuba, Hungary, Mexico, Nicaragua, Uruguay.)

No observations.

*Convention No. 17 : Workmen's Compensation (Accidents), 1925.*

Number of reports requested : 21.

Number of reports received : 14.

Reports missing : 7.

(Brazil, Bulgaria, China, Colombia, Cuba, Mexico, Nicaragua, Uruguay.)

Argentina (ratification : 14.3.1950) The Committee takes note with interest of the first report submitted by the Government of Argentina on the application of this Convention, which came into force only on 14 March 1950.

As no information is given concerning the legislation applying the Convention, the Committee refers to the information contained in the voluntary report submitted by the Government in 1950, from which it is noted that Act No. 6988 covers the provisions of this Convention in part only. It also notes that the proposed amendments which were to bring Argentine legislation into full conformity with the provisions of the Convention, and which were submitted to the National Congress, have not as yet been enacted.

The Committee expresses the earnest hope that the Government will supply its next report in accordance with the form of annual report, so that the Committee may be in a position at its next session to note the complete conformity of the national legislation with the terms of the Convention.

Chile (ratification : 8.10.1931). The Committee notes that the report of the Chilean Government for the period under review states that no progress has as yet been made towards amending the legislation so as to provide that compensation in case of permanent partial incapacity—which is at present limited to the twelve months following the accident—shall normally take the form of a pension (Article 5).

The Committee would like to know when it is intended to give effect to the above-mentioned Article of the Convention.

Finland (ratification : 20.1.1950). The Committee wishes to express its appreciation to the Finnish Government for the valuable information contained in its first report regarding the application of the Convention, which came into force for Finland on 20 January 1950.

It notes with satisfaction that the provisions of the Convention are largely covered by national legislation, and that the latter ensures in some cases even wider protection than that provided for in the Convention.

However, the Committee would like to have additional information regarding the rules

applicable to persons working under certain contracts, *e.g.*, persons working for the State, who benefit from special schemes, in order to know whether the protection guaranteed by these systems is at least equivalent to that provided under Article 2, paragraph 1 of the Convention.

The Committee would also be grateful if the Government would be good enough to indicate whether legislation provides, in accordance with the provisions of Article 11, for the payment of the compensation in the case of insolvency of the employer or the insurer.

*New Zealand* (ratification : 29.3.1938). The Committee refers to its observation of 1949 and 1950 and to the statement made by the Government representative to the Conference Committee (33rd Session) to the effect that the legislation in force was at that time being revised, so that the injured person in need of constant attendance by another person may receive additional compensation no matter what his financial resources may be.

*Portugal* (ratification : 27.3.1929). The Committee takes note of the information (supplied to the Conference Committee in 1950) according to which public officials are not subject to the same regulations as other workers employed by the State.

However, the information (the forwarding of which had been promised by the Government) about the standards of industrial accident compensation for public officials has not yet been given. The Committee therefore expresses the hope that the next report will include this information and, if possible, the conclusion reached by the committee entrusted with the revision of the Portuguese legislation concerning compensation for industrial accidents.

*Convention No. 18 : Workmen's Compensation (Occupational Diseases), 1925.*

Number of reports requested : 24.

Number of reports received : 17.

Reports missing : 7.

(*Bulgaria, Colombia, Cuba, Czechoslovakia, Hungary, Nicaragua, Uruguay.*)

No observations.

*Convention No. 19 : Equality of Treatment (Accident Compensation), 1925.*

Number of reports requested : 36.

Number of reports received : 26.

Reports missing : 10.

(*Bulgaria, China, Colombia, Cuba, Czechoslovakia, Hungary, Mexico, Nicaragua, Uruguay, Venezuela.*)

*Argentina* (ratification : 14.3.1950). The Committee took note of the Government's first report on the application of this Convention. The Committee finds that Article 14 of the Industrial Accidents Act (No. 9688 of 1915), disqualifies the dependants of foreign workers from receiving benefits if they did not reside in the country at the time when the accident took place, whereas no such condition is expressly laid down as regards the benefits of Argentine workers. This is not in accordance with Article 1, paragraph 2 of the Convention which provides that "equality of treatment shall be guaranteed to foreign workers and their dependants without any conditions as to residence".

Moreover, Article 1, paragraph 1 of the Convention provides that "each Member of the International Labour Organisation which ratifies this Convention undertakes to grant to the nationals of any other Member which shall have ratified the Convention, who suffer personal injury due to industrial accidents happening in its territory, or to their dependants, the same treatment in respect of workmen's compensation as it grants to its own nationals". The above-mentioned Act, however, makes a distinction in this respect, since it grants the same equality of treatment not to the nationals of all States Members which have ratified the Convention, but only to the States—whether or not they have ratified the said Convention—which have concluded special reciprocal agreements with Argentina respecting industrial accidents.

The Committee would be glad to be informed of any changes which the Government envisages in the relevant legislation with a view to bringing it into full harmony with the provisions of the Convention. It would also be glad to receive data in reply to Question V of the report form, on the approximate number of foreign workers in the national territory, their nationality, their occupational distribution, the number and nature of the accidents reported in their case, etc.

*Convention No. 20 : Night Work (Bakeries), 1925.*

Number of reports requested : 10.

Number of reports received : 5.

Reports missing : 5.

(*Bulgaria, Colombia, Cuba, Nicaragua, Uruguay.*)

No observations.

*Convention No. 21 : Inspection of Emigrants, 1926.*

Number of reports requested : 20.

Number of reports received : 13.

Reports missing : 7.

(*Bulgaria, Colombia, Hungary, Mexico, Nicaragua, Uruguay, Venezuela.*)

No observations.

*Convention No. 22 : Seamen's Articles of Agreement, 1926.*

Number of reports requested : 27.

Number of reports received : 19.

Reports missing : 8.

(*Bulgaria, China, Colombia, Cuba, Mexico, Nicaragua, Uruguay, Venezuela.*)

*Argentina* (ratification : 14.3.1950). The Committee observes that the first report due from the Argentine Government confined itself, in the matter of legislation, to citing some articles of the Commercial Code and the Maritime Code and to stating that the provisions of the national legislation are in conformity with the Convention. The Committee also notes that the provisions mentioned seem to ensure the application only of some of the Articles of the Convention, and then only to a very limited degree. Moreover, the report provides no answer to the questions in the report form regarding the various Articles of the Convention. In addition, it does not

supply the information requested on the practical application of the Convention (authorities to which the application of the legislation and administrative regulations is entrusted, decisions by courts of law regarding the application of the Convention, extracts from the reports of the inspection and registration services, available information concerning the number of seamen signed on during the year under review, the number and nature of the contraventions reported and observations, if any, by employers' and workers' organizations).

The Committee has therefore been unable to judge how far Argentine law and practice are in conformity with the provisions of the Convention. It would therefore be obliged if the Argentine Government would be so good as to supply in its next report the texts of the laws and regulations relevant to the application of this Convention, as well as all the other information mentioned in the form of report. This information is indispensable if the Committee is to form an idea of the extent to which this Convention is applied.

*Convention No. 23 : Repatriation of Seamen, 1926.*

Number of reports requested : 16.

Number of reports received : 9.

Reports missing : 7.

(Bulgaria, China, Colombia, Cuba, Mexico, Nicaragua, Uruguay.)

*Argentina* (ratification : 14.3.1950). The Committee wishes to express its appreciation of the first report submitted by the Argentine Government. It would like, however, to draw its attention to the fact that, although the national legislation seems to ensure, as a general principle, the right of repatriation, the report does not contain enough information to permit a complete analysis as to the application of this Convention.

Thus no reference is made to Articles 1 and 2, and it is not clear whether foreign seamen have the same rights as Argentine seamen (Article 3, paragraph 4, and Article 6). Moreover, the question of repatriation of a seaman to his own country is not mentioned. Finally, while the Convention entitles a seaman to remuneration when repatriated as a member of the crew, Article 175 of the Consular Regulations, without mentioning any remuneration, gives to the captain the right to make use of the services of repatriated seamen.

The Committee would, therefore, be grateful if the Government would be good enough to supply a complete report for the next period.

*Convention No. 24 : Sickness Insurance (Industry), 1927.*

Number of reports requested : 14.

Number of reports received : 8.

Reports missing : 6.

(Bulgaria, Colombia, Czechoslovakia, Hungary, Nicaragua, Uruguay.)

*Chile* (ratification : 8.10.1931). The Committee has taken note with interest of the information contained in the report, which shows that the Bill before the National Congress provides, among other amendments to

compulsory insurance legislation, for the abolition of the present four days' waiting period for the payment of sickness benefit. The Committee has also taken note of the statement of the Government member (in the Conference Committee at the 33rd Session) according to which the amendments in question were to be adopted in the National Congress by September 1950. It would be glad if the Government would be good enough to indicate whether the approval of Congress has been obtained on this point in the meanwhile.

*Peru* (ratification : 8.11.1945). The Committee has taken note with interest of the further information contained in the report ; this information, which it had not been possible to supply at the time at the 33rd Session of the Conference, concerns in particular some of the questions raised in the Committee's observations in 1950. The Committee notices, however, that it does not indicate that any measures have been taken to put an end to the discrepancies pointed out.

Thus the Committee notes that, provisionally, insurance is still optional for domestic servants, until such time as the executive authorities decide how and from what date this category of workers shall be included in the compulsory insurance scheme. The Committee would be grateful if the Government would state whether it intends to adopt such measures in the near future, so that domestic servants may be covered by compulsory insurance in accordance with the provisions of the Convention (Article 2, paragraph 1).

The Committee also notes that workers who are affiliated to retirement and pensions funds are excluded from compulsory insurance ; it would be glad to be informed whether in case of sickness such workers are entitled, as provided for in the Convention (Article 2, paragraph 3), to advantages at least equivalent on the whole to those provided for in the Convention.

The Committee has also noted that manual workers drawing an invalidity or old-age pension have the option of participating in the insurance scheme if they so desire. However, it cannot but call attention to the fact that the Convention does not provide for any exception to the rule of compulsory insurance for this category of workers.

Moreover the Committee observes that it appears from the report that neither benefits in kind nor cash benefits are granted in the case of incapacity which does not last more than three days, whereas the Convention (Article 4, paragraph 1) provides that benefits in kind shall be granted as from the commencement of the illness.

Finally, the Committee notes that the compulsory insurance scheme applies to salaried employees all over the country, but that for manual workers it is fully operative only in certain areas. Noting that the Government apparently wishes to avail itself of the clause of Article 10 of the Convention providing for an exception in the case of areas where the small density and wide dispersion of the population and the inadequacy of the means of communication make the application of the Convention impossible, the Committee must nevertheless remind the Government that, by the terms of the Convention, notice of the intention to take advantage of this exception should be given at the time of communicating the ratification to the International Labour Office, and that Member States should

indicate, in that case, the districts to which they apply the exception as well as their reasons therefor. The Committee would appreciate it if the Government would state the reasons why the Convention is not applied in certain districts and whether it intends in the near future to extend the system of compulsory insurance for manual workers to the whole country.

*Poland* (ratification : 20.9.1948). The Committee has taken note of the communication addressed by the Government to the Conference Committee (33rd Session) regarding Section 121 of the Social Insurance Act, which provides that cash benefits may be reduced or withheld if the illness is due to the wilful participation of the insured person in a riot or in acts of violence. The Committee notes that the present report supplied by the Government contains no indication on this subject, and it would be interested to know whether the provision referred to by the Government in the above-mentioned letter is still in force.

*Convention No. 25 : Sickness Insurance (Agriculture), 1927.*

Number of reports requested : 10.

Number of reports received : 5.

Reports missing : 5.

(Bulgaria, Colombia, Czechoslovakia, Nicaragua, Uruguay.)

*Chile* (ratification : 8.10.1931). See under Convention No. 24.

*Poland* (ratification : 20.9.1948). See under Convention No. 24.

*Convention No. 26 : Minimum Wage-Fixing Machinery, 1928.*

Number of reports requested : 22.

Number of reports received : 13.

Reports missing : 9.

(Bulgaria, China, Colombia, Cuba, Hungary, Mexico, Nicaragua, Uruguay, Venezuela.)

*Argentina* (ratification : 14.3.1950). See General Observations.<sup>1</sup>

*Ireland* (ratification : 3.6.1930). The Committee appreciates the very full report submitted by the Government and would be glad if in its next report the Government would supply any information which is available regarding the number of visits of inspection carried out and the total arrears of wages recovered as a result of those inspections.

*Italy* (ratification : 9.9.1930). The Committee appreciates the detailed information which, in reply to the observations made in 1950, the Government was good enough to communicate to the Conference Committee (33rd Session) and to include in its present report.

The Committee has taken careful note of the statement that the new Trade Unions Act, based on the principles of the Italian Constitution, will lay down complete and authoritative rules for the application of the principle of fixing minimum wage rates for categories of workers for which such rates have not been fixed by collective agreements.

It is hoped that the next report will contain indications of the progress achieved towards the adoption of this proposed legislation.

The Committee thanks the Government for indicating in detail the procedure followed, until such time as this legislation may be introduced, with regard to workers not covered by a collective agreement. As this procedure might raise certain difficulties in the case of workers who are not members of trade unions or not in a position to choose representatives, the Committee would like to receive figures showing the extent to which the procedure in question has been applied in practice. It would therefore be appreciated if the next report would contain the information which the Committee asked for in 1949 in accordance with Article 5 of the Convention and which, according to the Government's report for 1948-1949, was to be available after the reorganisation of the statistical service. The information which the Committee would thus like to find in the Government's report would include indications of the approximate number of workers covered by the various collective agreements establishing minimum wages, as well as the approximate number of workers covered by decisions of the Government fixing such wage rates.

*Netherlands* (ratification : 10.11.1936). The Committee takes note with interest of the information contained in the report, which shows that following the application to almost all branches of industry of the Emergency (Industrial Relations) Decree, 1945, there exists in nearly every case an effective system of protection of wages levels. Noting, however, that home workers in the textile industry are expressly excluded from the jurisdiction of the Board of Government Conciliators the Committee would like some information on the wage-fixing machinery for this category of workers.

The Committee has also taken note of the communication addressed by the Government to the Conference Committee (33rd Session) saying that it will be possible to supply information on the number of workers within the jurisdiction of the Board of Government Conciliators as soon as the results of the last occupational census, which took place in 1947, are known. It would be appreciated if the Government would kindly supply, in accordance with the wish expressed by the Committee in 1950, a general statement giving a list of the trades or parts of trades in which the minimum wage-fixing machinery has been applied and indicating in summary form the approximate number of workers covered and the minimum rates of wages fixed (Article 5 of the Convention).

The Committee would also be glad if the Government would be so good as to supply the information asked for in 1950 on the organisation and functioning of inspection services and the system of penalties in force (Article 4, paragraph 1 of the Convention).

*Convention No. 27 : Marking of Weight (Packages Transported by Vessels), 1929.*

Number of reports requested : 29.

Number of reports received : 22.

Reports missing : 7.

(Bulgaria, China, Hungary, Mexico, Nicaragua, Uruguay, Venezuela.)

<sup>1</sup> On p. 12.

*Argentina* (ratification : 14.3.1950). The Committee is grateful to the Government for having furnished a report although the Convention was not yet in force in Argentina when this report was drawn up. Articles 1020 and 1028 of Book III, Title VII of the Commercial Code, which are mentioned in the report as giving general application to the provisions of the Convention, relate, however, solely to indications of weight on documents, such as the bill of lading and the manifest, while Article 1, paragraph 1 of the Convention provides that any package or object of 1,000 kilograms or more consigned for transport by sea or inland waterway must have its weight marked on the outside of the package itself before it is loaded aboard.

The Committee would be glad to know whether there exists a specific provision in Argentine legislation requiring the marking of heavy packages, and if not whether the adoption of such legislation is contemplated.

*Burma* (ratification : 7.9.1931). The Committee took note with interest of the statement made by a Government representative to the Conference Committee in 1950 that the Government was taking steps to ensure the complete application of the Convention. Since the report for the period 1949-1950 covers application of the Convention only in the Port of Rangoon, the Committee would be glad to know whether similar measures for regulating the marking of weights on heavy packages transported by vessels have been taken in the other ports of the country, such as Moulmein, Akyab, Henzada, and Bassein.

*Convention No. 28 : Protection against Accidents (Dockers), 1929.*

Number of reports requested : 3.

Number of reports received : 1.

Reports missing : 2.

(Ireland, Nicaragua.)

No observations.

*Convention No. 29 : Forcel Labour, 1930.<sup>1</sup>*

Number of reports requested : 20.

Number of reports received : 15.

Reports missing : 5.

(Bulgaria, Mexico, Netherlands, Nicaragua, Venezuela.)

*General Observation*

The Committee has noted with satisfaction that the request which was addressed last year to the Governments which have ratified it to supply reports on the application of this Convention, the provisions of which are not applicable solely to non-metropolitan territories, has received attention from several Governments. Nevertheless, the number of replies received is still very limited, and the Committee has not been able to estimate exactly the extent to which recourse has been had to the forms of compulsory labour excluded under Article 2, paragraph 2, from the definition of forced or compulsory labour given in the Convention.

The Committee hopes that next year all the Governments which have ratified this Convention will be so good as to supply the information asked for in the report form.

*Liberia* (ratification : 1.5.1931). The Committee thanks the Government of Liberia for supplying, after several years' interruption, a report on the application of this Convention. The Committee has referred to the reports previously supplied as well as to the Government's answers to the observations which it had made thereon in connection with road work on the main highways and trade routes and with portage labour.

The Committee notes that the obligation to keep the roads and streets in repair applies without discrimination to all male inhabitants regarded as of a suitable age for the work and in this respect is apparently in conformity with the provisions of Articles 7 and 10 of the Convention. Provisions regarding compulsory portage labour are laid down in Article 70 of the Administrative Regulations of 1931, which provides that any traveller requiring porters shall apply to the chief of the village for the required number, and that the chief shall supply them. In reply to an observation by the Committee the Government of Liberia had indicated in its report for 1937-1938 that transport work exacted by order of the chiefs of the villages was a public utility which it was incumbent upon the Government to perform under Article 34 of the Administrative Regulations of 1931. The Committee had nevertheless felt that the regulations in respect of compulsory portage labour were interpreted by the Government of Liberia in a manner at variance with the interpretation adopted by other States.

Finally, the report submitted by the Government had mentioned an Act of 17 September 1936, approving the Administrative Regulations relating to the hinterland of the Republic, as well as an amendment to those Regulations. There being no mention in the report for 1949-1950 of the Administrative Regulations of 1936, which contained provisions respecting personal services to chiefs, hours of work (fixed at eight, whereas the present report says ten) and compensation for compulsory labour exacted for the transport of persons and goods, it would be appreciated if the Government would be good enough to state whether the Regulations of 1936 are still in force. The Committee would also like to know whether the same applies to Article 64 of the Criminal Code of the Republic, referred to in the 1940 report as containing the sanctions applicable in the case of illegal exaction of forced labour, but not mentioned at all in this year's report. Finally, the Committee would be grateful if the Government would be so good as to supply in its next report copies of the texts of all the laws and regulations at present in force respecting forced or compulsory labour, and to give all possible details of compensation granted in respect of such work.

*Switzerland* (ratification : 23.5.1940). The very complete report supplied by the Swiss Government contains a satisfactory answer to the question raised last year by the Committee, regarding the possibility of labour being exacted through an administrative decision. The Committee wishes to thank the Government for elucidating this matter.

<sup>1</sup> See also p. 32.

*Convention No. 30 : Hours of Work (Commerce and Offices), 1930.*

Number of reports requested : 8.

Number of reports received : 3.

Reports missing : 5.

(Bulgaria, Cuba, Mexico, Nicaragua, Uruguay.)

No observations.

*Convention No. 32 : Protection against Accidents (Dockers) (Revised), 1932.*

Number of reports requested : 11.

Number of reports received : 8.

Reports missing : 3.

(China, Mexico, Uruguay.)

*Argentina* (ratification : 14.3.1950). See under General Observations.

*India* (ratification : 10.2.1947). The Committee is pleased to note, from the information communicated by the Government to the Conference Committee (33rd Session) and included in the last annual report, that the Dock Labourers Regulations, 1948 have been so amended as now to give full effect to Article 5, paragraph 5 (respecting the safety of ladders used in the holds of vessels which are not decked), Article 6, paragraph 2 (respecting protective measures for openings in a deck which could be dangerous to workers) and Article 14 of the Convention (respecting the prohibition from removing fencing, gangways, etc.).

*Pakistan* (ratification : 10.2.1947). The Committee notes with interest the statement in the report that steps have now been taken to amend the Dock Labourers Regulations, 1948, to bring them into line with the provisions of the Convention respecting the use of ladders in the holds of vessels which are not decked (Article 5, paragraph 5) and protective measures for dangerous openings in a deck (Article 6, paragraph 2). The Committee hopes that it will be possible to adopt these amendments at an early date.

*Convention No. 33 : Minimum Age (Non-Industrial Employment), 1932.*

Number of reports requested : 6.

Number of reports received : 4.

Reports missing : 2.

(Cuba, Uruguay.)

*Argentina* (ratification : 14.3.1950). The Committee notes with appreciation that the Government has been good enough to supply a first (voluntary) report on the application of this Convention.

However, the Committee notes that the report merely refers to Act No. 11317 of 30 September 1924, to regulate the employment of women and children. In this connection, the Committee must point out that, although Article 2 of the above-named Act prohibits the employment of young persons under 14 years of age in domestic work and in commercial undertakings, Article 4 of the Act provides that boys under 14 years of age and girls under 18 years of age may not engage in any occupation which is carried on in the streets, or in open places. This would seem to indicate that the legislation does not contain the strict limitation of the employ-

ment of children between 12 and 14 years of age in other non-industrial occupations (public entertainments and offices) laid down by the Convention for children in this age group.

*Austria* (ratification : 26.2.1936). With reference to the observations made in previous years, the Committee notes that it has not yet been possible for the Government to adopt legislation amending the Young Persons' Employment Act, with a view to ensuring conformity between the legislation and the provisions of the Convention as regards the employment of children in domestic work.

The Committee expresses the hope that the new legislation will soon be enacted.

*France* (ratification : 24.9.1939). The Committee thanks the Government for the detailed information which it has been good enough to supply in response to the observations made in 1950 regarding the prohibition of the employment of children in places of public entertainment (Article 4, subparagraph 2 (c) of the Convention). In this connection, the Committee would be glad to be informed whether any permits have been issued (under Section 59 of Book II of the Labour Code) to authorise exceptions for the employment of children under 14 years of age in theatres in connection with the performance of certain plays.

The Committee also notes that, in order to take into account the observations which it made last year, the Government contemplates revising Section 60 of Book II of the Labour Code, so as to raise from 12 to 14 years the age under which children may not be employed in public performances given by their fathers and mothers who engage in the profession of acrobat, tumbler, charlatan, exhibitor of animals or circus director. In this connection, the Committee ventures to point out that the Convention does not exclude from its scope any undertakings where children are employed on work which is harmful, dangerous and likely to be injurious to them ; moreover, Article 5 of the Convention lays down that a higher age limit than that prescribed in Article 2 must be fixed for the admission of children to such employment.

*Convention No. 34 : Fee-Charging Employment Agencies, 1933.*

Number of reports requested : 5.

Number of reports received : 4.

Report missing : 1.

(Mexico.)

No observations.

*Convention No. 35 : Old-Age Insurance (Industry, etc.), 1933.*

Number of reports requested : 6.

Number of reports received : 6.

*Chile* (ratification : 18.10.1935). The Committee has studied with interest the detailed statistical information supplied by the Government regarding the application of the various Conventions on social insurance. It notes that these statistics indicate that during the year 1949 the number of old-age pensions awarded was very small (10), practically all the insured persons entitled to a pension

(6,609) having had this pension converted into a lump sum payment. In view of the fact that under the Convention insurance implies the payment of a pension (Article 4), the Committee would be glad if the Government would be good enough to state the circumstances under which old-age pensions may be converted into a lump sum and the reasons why such conversion seems nearly always to be preferred to the payment of the pension.

*France* (ratification : 23.8.1939). The Committee has taken note of the statement made by the French Government member to the Conference Committee (33rd Session) and of the statement in the report, both of them to the effect that there has been no change in the situation in France regarding the method of financing insurance, the public authorities making, as a general rule, no contribution towards the financing of the insurance scheme.

The Committee cannot but note that the discrepancy which exists on this point between the rules in force in France and the text of the Convention, and which had already been pointed out, still subsists.

*Italy* (ratification : 22.10.1947). The Committee appreciates the detailed information which, in reply to the observations made in 1950, the Government has been good enough to communicate to the Conference Committee (33rd Session) and to include in its report for the present period.

The Committee has noted with satisfaction that the State is continuing to contribute to the financial resources of the insurance scheme (in accordance with Article 9, paragraph 4 of the Convention). It has also noted with interest the information regarding the representation of workers and employers in the management of the insurance institution.

The Committee would be grateful to the Government if statistical information of the type communicated to the Conference Committee in 1950, covering the year 1948 and relating to such matters as the number of insured persons and pensioners and the receipts and expenditure of the insurance scheme, could be included in every annual report.

*Peru* (ratification : 8.11.1945). The Committee has taken note with interest of the further information contained in the report ; this information, which it had not been possible to supply at the time of the 33rd Session of the Conference, concerns in particular some of the questions raised in the Committee's observations in 1950. The Committee notes, however, that it is not indicated that any measures have been taken to put an end to the discrepancies pointed out.

As regards insurance for domestic servants, which is still optional, the Committee feels bound to make the same remark as it made in connection with Convention No. 24.

The Committee would also appreciate it if the Government would indicate whether it contemplates taking measures for compulsory insurance to cover salaried employees and the liberal professions ; this, as the Committee recalled last year, is provided for under the Convention.

The Committee noted with interest that the right to appeal is recognised for an insured person, but it points out that disputes

are brought before the administration and, in the last instance, before the governing body of the social security fund, whereas the Convention (Article 11, paragraph 2) provides that "such disputes shall be referred to special tribunals which shall include judges, whether professional or not, who are specially cognisant of the purposes of insurance and the needs of insured persons or assisted by assessors chosen as representative of insured persons and employers".

*Poland* (ratification : 29.9.1948). The Committee takes note with interest of the detailed information contained in the first report supplied by the Government, which shows that in certain respects the national legislation is such as to ensure a wider degree of protection than is laid down in the minimum requirements provided for in the Convention.

It would be appreciated if the Government could supply certain supplementary particulars respecting the field of application of compulsory insurance, in particular with regard to apprentices ; the Convention provides (Article 2, paragraph 1) that the insurance scheme should cover these persons, whereas the report indicates on the one hand that apprentices are liable to compulsory insurance, and on the other hand, that apprentices completing their training under articles of apprenticeship are exempt.

Moreover, the Committee notes that whereas the Convention provides (Article 2, paragraph 1) for compulsory insurance for persons employed in the liberal professions, the report shows that certain employees, such as notaries' clerks, may be exempt.

The Committee also observes that according to the Government's report exemption from compulsory insurance is provided for persons in short-term occupations of a duration not exceeding a week *with the same employer*, and for persons occupied in household work such that their engagements *with the same employer* are necessarily of short duration, not exceeding two weeks ; whereas the Convention (Article 2, paragraph 2 (f)) provides for no exemption except in the case of "workers whose employment is of such a nature that, its total duration being necessarily short, they cannot qualify for benefit, and persons engaged solely in occasional or subsidiary employment".

The Committee feels bound to point out that a discrepancy seems to exist regarding the rights in respect of contributions credited to the account of an insured person who ceases to be liable to insurance. The Convention (Article 6, paragraph 2) provides that national law may terminate rights in respect of these contributions on the expiry of a term reckoned from the date when the insured person ceased to be liable to insurance, whereas the Government's report indicates that in Poland, under the general insurance scheme for workers, the term is reckoned during a prescribed period (three to ten years) prior to the occurrence of the contingency covered. The Committee wonders if this does not imply that all rights in respect of contributions are terminated for an insured person who ceases to be liable to insurance—and pays no contributions afterwards—more than three years before reaching the pensionable age, whereas the Convention lays down that in all cases rights in respect of contributions paid are retained for at least 18 months after the insured person ceases to be liable to insurance.



Finally, the Committee notes that while the Convention provides that insurance shall be financed from the contributions of insured persons, their employers and the public authorities, the scheme in force in Poland places the whole burden of contributions upon the employers.

*United Kingdom* (ratification : 18.7.1936). The Committee notes that no pension is payable to an insured person if the average yearly number of weekly contributions falls below 13, and points out that this regulation is not in conformity with the provisions of the Convention.

*Convention No. 36 : Old-Age Insurance (Agriculture), 1933.*

Number of reports requested : 5.

Number of reports received : 5.

*Chile* (ratification : 18.10.1935). See under Convention No. 35.

*France* (ratification : 23.8.1939). See under Convention No. 35.

*Italy* (ratification : 22.10.1947). See under Convention No. 35.

*Poland* (ratification : 29.9.1948). See under Convention No. 35.

*Convention No. 37 : Invalidity Insurance (Industry, etc.), 1933.*

Number of reports requested : 6.

Number of reports received : 6.

*France* (ratification : 23.8.1939). See under Convention No. 35.

*Italy* (ratification : 22.10.1947). See under Convention No. 35.

*Peru* (ratification : 8.11.1945). See under Convention No. 35.

*Poland* (ratification : 29.9.1948). The Committee refers to the observations and requests for supplementary information made in connection with Convention No. 35.

It would also be glad if the Government would be so good as to indicate the measures giving effect to Article 5, paragraph 3 of the Convention, which provides that periods for which benefit has been paid in respect of temporary incapacity for work or of unemployment shall be reckoned, for the completion of the qualifying period, as contribution periods.

*Convention No. 38 : Invalidity Insurance (Agriculture), 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). See under Convention No. 35.

*Poland* (ratification : 23.9.1948). See under Convention No. 37.

*Convention No. 39 : Survivors' Insurance (Industry, etc.), 1933.*

Number of reports requested : 3.

Number of reports received : 3.

*Peru* (ratification : 8.11.1945). With regard to domestic servants, and the use of the right of appeal, the Committee feels bound to make the same observations as it made in connection with Conventions Nos. 24, 35 and 37.

However, the Committee has taken note with interest of the further information contained in the report, indicating that the present scheme, which provides only for a lump sum payment, is of a provisional nature, and that investigations are being made with a view to replacing it by a system allowing for the payment of a pension in accordance with the provisions of the Convention. The Committee would be obliged if the Government would be so good as to supply in its next report some indications of the progress accomplished in this direction with a view to ensuring conformity of the national legislation with the Convention.

*Poland* (ratification : 29.9.1948). The Committee refers to the observations and requests for elucidation made in connection with Convention No. 35.

It would also be glad if the Government would be so good as to indicate the measures giving effect to Article 4, paragraph 3 of the Convention, which provides that periods for which benefit has been paid in respect of temporary incapacity for work or of unemployment shall be reckoned, for the completion of the qualifying period, as contribution periods.

*Convention No. 40 : Survivors' Insurance (Agriculture), 1933.*

Number of reports requested : 2.

Number of reports received : 2.

*Poland* (ratification : 29.9.1948). See under Convention No. 39.

*Convention No. 41 : Night Work (Women) (Revised), 1934.*

Number of reports requested : 18.

Number of reports received : 15.

Reports missing : 3.

(*Brazil, Hungary, Venezuela.*)

*Afghanistan* (ratification : 12.6.1939). See under Convention No. 4.

*Argentina* (ratification : 14.3.1950). The Committee expresses its appreciation of the first (voluntary) report on this Convention.

In view of the fact that this report merely refers to information supplied in connection with other reports (presumably on Convention No. 4, the ratification of which by Argentina was registered on 30.11.1933), the Committee hopes that in its next report the Government will be good enough to supply the detailed information asked for in the report form.

*Belgium* (ratification : 8.6.1937). The Committee notes with satisfaction that, according to the statement made to the Conference Committee in 1950 by the Belgian Government member, the Royal Order of 26 August 1939 (authorising 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) ceased to



be in effect as from 15 June 1949, the date on which the army was restored to a peace footing.

*Greece* (ratification : 30.5.1936). The Committee notes that, in response to the observation which it made last year in connection with the exceptions authorised under Article 4 (b) of the Convention (work in connection with materials subject to deterioration), information was submitted to the Conference Committee in 1950 as regards the exceptions of this nature which had been authorised by various Decrees issued under the Act of 1912.

The Committee notes, however, that according to the Government's report, no statistics are available regarding the number of women employed, as the labour statistics services are not yet in operation.

*Iraq* (ratification : 28.3.1938). The Committee notes with interest that the Government has been good enough to give detailed information regarding the cases of *force majeure* necessitating the employment of women during the night, other than in cases of an interruption of work which it is impossible to foresee, as provided for in Article 4 (a) of the Convention.

The Committee also notes that the Government proposes to amend the provisions relating to the exceptions authorised under the legislation (Section 9 of the Labour Act), which is not in strict conformity with the Convention.

*Peru* (ratification : 8.11.1945). See under Convention No. 4.

*Switzerland* (ratification : 4.6.1936). With reference to the observation made by the Committee last year in connection with the exceptions authorised as a result of a shortage of electricity, the Committee takes note with satisfaction of the statement by the Government in its letter of 22 May 1950, to the effect that the Ordinance of 22 June 1948 (designed to adjust hours of work in factories to restrictions in the consumption of electricity) was repealed under the Ordinance of 30 April 1950.

*Convention No. 42 : Workmen's Compensation (Occupational Diseases) (Revised), 1934.*

Number of reports requested : 16.

Number of reports received : 12.

Reports missing : 4.

(*Brazil, Cuba, Hungary, Mexico.*)

*Argentina* (ratification 14.3.1950). The Committee wishes to thank the Government for having supplied a voluntary report on the application of this Convention, which came into force for Argentina on 14 March 1951. It notes with interest that the provisions of the national legislation are in conformity with the provisions of the Convention. However, in order to enable it to appreciate the extent to which the Convention is applied, the Committee would be glad if in its next report the Government would be good enough to supply general information regarding the practical application of the Convention.

*France* (ratification : 17.5.1948). The Committee wishes to express its appreciation for the information contained in the first report regarding the application of this Convention.

With respect to the statement made in 1949 by the Government representative, in reply to an observation made by the Committee on a voluntary report submitted by France, that a Bill to abolish the slight discrepancy relating to temporary incapacity due to occupational diseases was being prepared, the Committee notes that this Bill has not yet been adopted, and expresses the hope that the Government will soon be in a position to ensure the full application of the Convention.

*Iraq* (ratification : 25.7.1941). The Committee would be grateful if the Government would include in its next report, as it has done in previous reports, statistical data relating to the number of workers employed in the trades and industries concerned, the number of cases of disease or poisoning, and the sums paid by way of compensation.

*Convention No. 43 : Sheet-Glass Works, 1934.*

Number of reports requested : 7.

Number of reports received : 6.

Report missing : 1.

(*Mexico.*)

No observations.

*Convention No. 44 : Unemployment Provision, 1934.*

Number of reports requested : 5.

Number of reports received : 5.

*France* (ratification : 21.2.1949). The Committee wishes to express its appreciation of the detailed comprehensive first report supplied by the Government.

The Committee notes that a decree which is under consideration will consolidate in one single text all existing enactments, introduce a certain amount of flexibility into the present system, and ensure harmony between the provisions of the national legislation and those of the Convention. While there appears to be substantial conformity, the Committee ventures to draw the attention of the Government to the following points :

Under Article 3 of the Convention, the report states that allowances for partial unemployment are payable only in industry, whereas Article 6 of the Decree of 6 May 1939 includes, among the persons who may be granted unemployment assistance, persons employed in commerce and industry in the event of partial unemployment. The Committee would be glad to be informed of the position as regards partially unemployed persons in commerce.

As regards subparagraph 1 (b) of Article 10, Article 24 (4) of the above Decree states that the employment offered must be employment remunerated at the normal rate of wages current in the occupation and in the district. This would appear to be in conformity with the cases envisaged in Article 10, paragraph 1 (b) (ii) of the Convention. However, the Committee would be glad to have information with regard to the circumstances envisaged by 1 (b) (i) of Article 10, i.e., where the employment offered is employment in the claimant's usual occupation and in the district in which he was last ordinarily employed.

*Convention No. 45 : Underground Work (Women), 1935.*

Number of reports requested : 26.

Number of reports received : 20.

Reports missing : 6.

(Brazil, China, Cuba, Hungary, Mexico, Venezuela.)

*Afghanistan* (ratification : 14.5.1937). The Committee notes that consideration is being given to the enactment of relevant legislation and would be glad to be informed of the progress made in this connection.

*Argentina* (ratification : 14.3.1950). The Committee notes with appreciation that the Government has been good enough to submit a first, voluntary, report on the application of the Convention.

At the same time the Committee would be glad if, in its next report, the Government would be good enough to supply detailed information regarding the practical application of the Convention (Parts III to V of the report form).

*Austria* (ratification : 3.7.1935). The Committee notes that existing legislation (Federal Act of 1 July 1948, respecting the employment of children and young persons) does not prohibit explicitly the employment of young female persons under 18 years of age in underground work. However, the proposed amendments to the above Act will include the underground work of such young persons in the list of prohibited occupations. The report adds that the above Act empowers the mining authorities or the labour inspection services to put a stop to any such employment if it is detected in any mine.

The Committee points out that the Convention prohibits the employment of females, whatever may be their age, on underground work in mines, and hopes that the Government will soon be in a position to enact the necessary legislative amendments and so ensure complete harmony between the national legislation and the provisions of the Convention.

*Convention No. 48 : Maintenance of Migrants' Pension Rights, 1935.*

Number of reports requested : 4.

Number of reports received : 3.

Report missing : 1.

(Hungary.)

*Netherlands* (ratification : 6.10.1938). The Committee has noted the indication in the report that it has not yet been possible to carry out the proposed measures for giving full effect to Article 10 of the Convention, which concerns the maintenance of rights acquired by persons affiliated to an insurance institution of a Member State. The Committee would be glad if the Government would be good enough to indicate in its next report the progress achieved towards the adoption of the proposal in question.

*Convention No. 49 : Reduction of Hours of Work (Glass-Bottle Works), 1935.*

Number of reports requested : 6.

Number of reports received : 5.

Report missing : 1.

(Mexico.)

No observations.

*Convention No. 50 : Recruiting of Indigenous Workers, 1936.*

Number of reports requested : 4.

Number of reports received : 4.

See page 33.

*Convention No. 52 : Holidays with Pay, 1936.*

Number of reports requested : 4.

Number of reports received : 2.

Reports missing : 2.

(Brazil, Mexico.)

*Argentina* (ratification : 14.3.1950). The Committee takes note with interest of the voluntary report supplied by the Argentine Government, and notes that the provisions of the Convention appear to be generally applied. The Committee, however, would be glad to have further information on the following two points, which do not appear to be fully covered in the legislation attached to the Government's report, viz., the prohibition of agreements to relinquish the right to annual holidays (Article 4 of the Convention), and the keeping of records (Article 7).

*Convention No. 53 : Officers' Competency Certificates, 1936.*

Number of reports requested : 10.

Number of reports received : 8.

Reports missing : 2.

(Brazil, Mexico.)

*Egypt* (ratification : 20.5.1939). The Committee notes with interest that uncertificated deck officers are no longer employed in foreign-going vessels. It expresses the hope that it will be possible as well, in due course, to employ only certificated engineer officers on such vessels. The Committee would also be glad to receive any information which may be available on the practical application of the Convention, including in particular statistics of the different classes of certificates issued during the period under review, the number and nature of contraventions reported, etc., as requested in Point V of the report form.

*Convention No. 55 : Shipowners' Liability (Sick and Injured Seamen), 1936.*

Number of reports requested : 4.

Number of reports received : 3.

Report missing : 1.

(Mexico.)

No observations.

*Convention No. 56 : Sickness Insurance (Sea), 1936.*

Number of reports requested : 2.

Number of reports received : 2.

*United Kingdom* (ratification : 30.9.1944). The Committee has taken note with interest of the detailed information contained in the first report, which shows that the scheme in operation in the United Kingdom is in a number of respects more advanced than the provisions of the Convention.

However, the Committee has noted that with regard to the cash benefit granted in

the case of sickness, the Convention provides for the possible reduction or refusal of this benefit, but only in the case of sickness caused by the insured person's wilful misconduct (Article 2, paragraph 5) whereas the legislation authorises discontinuance of benefit where the incapacity is due to the misconduct of the insured person, or if he has failed without a valid reason to present himself for medical examination or treatment. The Committee would be glad if the Government could clarify this point.

*Convention No. 58 : Minimum Age (Sea) (Revised), 1937.*

Number of reports requested : 9.

Number of reports received : 8.

Report missing : 1.

(Brazil.)

*Belgium* (ratification : 11.4.1938). With reference to the observation which it made last year, the Committee notes that a Bill is under consideration, and will soon be introduced, to ensure harmony between the provisions of the national legislation and the Convention as regards the minimum age for the admission of children to employment at sea.

*France* (ratification : 9.12.1948). The Committee expresses its appreciation of the first detailed report supplied by the Government.

As regards Article 2 of the Convention, the Committee notes that the Seamen's Code of 1926, as subsequently amended, authorises the employment of children who are at least 12 years of age, during the period of school holidays, in fishing carried on by small craft or as an industry, or their employment on a merchant ship, provided that a near relative is present on board the vessel. The legislation makes no specific reference to "vessels upon which members of the same family are employed". Further, the report states that, by law, "only young persons who have attained the age of 14 years may be signed on for employment on small fishing vessels or small craft, the latter being usually in the nature of family undertakings".

The Committee ventures to point out that this interpretation appears to be somewhat wider in scope than the provisions of the Convention, inasmuch as the latter specifically refers to vessels upon which only members of the same family are employed.

*Convention No. 59 : Minimum Age (Industry) (Revised), 1937.*

Number of reports requested : 3.

Number of reports received : 2.

Report missing : 1.

(China.)

*New Zealand* (ratification : 8.7.1947). The Committee notes, in connection with its observations made in previous years as regards the employment of young persons under 15 years of age who are exempted from school enrolment, that the proposed measure to ensure the full application of the Convention has not yet been introduced.

The Committee notes that, according to the report for this year, only 23 authorisations were issued during the period under review (as compared with 38 in the preceding year),

mostly to juveniles who were almost 15 years of age and, in a few cases, to juveniles for whom further school attendance was undesirable for medical or other sufficient reasons. However, the Committee again expresses the hope that, at an early date, legislation in complete harmony with the Convention will be adopted.

*Convention No. 60 : Minimum Age (Non-Industrial Employment) (Revised), 1937.*

Entered into force on 29.12.1950.

*New Zealand* (ratification : 8.7.1947). The Committee refers to its previous observations, and notes that this Convention has recently come into force. It hopes that legislation will soon be adopted which will cover non-industrial (as well as industrial) employment, and so ensure to all workers the protective measures specified in the Convention.

*Convention No. 62 : Safety Provisions (Building), 1937.*

Number of reports requested : 3.

Number of reports received : 2.

Report missing : 1.

(Mexico.)

*Finland* (ratification : 8.4.1947). The Committee took note with interest of the Government's statement to the Conference Committee in 1950 that decisions had already been taken in regard to some of the points on which observations were made by the Committee of Experts in 1949. The Committee also noted the assurance given by the Government that two other points raised in 1949 and relating to Article 7, paragraph 1, and to Article 17 of the Convention would be taken into consideration when the legislation was revised.

The Committee ventures to call attention, in connection with this revision, to certain additional points which the Government might find it possible to take into consideration :

Periodical inspections of scaffolds are not at present provided for in the legislation (Article 7, paragraph 7 of the Convention).

There is no provision fixing the height above which persons employed on a roof may not work in the absence of suitable precautions (Article 9, paragraph 2).

No intervals are fixed for the periodic re-examination of hoisting machines and tackle (Article 12).

The provisions concerning safe working loads for hoisting machines and gear so far cover only lifts (Article 14).

No precautionary measures are prescribed to reduce to a minimum the risk in using hoisting appliances, of any part of a suspended load becoming accidentally displaced (Article 15, paragraph 3).

*Convention No. 63 : Statistics of Wages and Hours of Work, 1938.*

Number of reports requested : 14.

Number of reports received : 13.

Report missing : 1.

(Mexico.)

*Denmark* (ratification : 22.6.1939). The Committee notes the Government's statement, in the report for the period under review,

that the joint committee for the Northern European countries on the co-ordination of wage statistics will make a recommendation in the near future, but that this will not greatly affect Danish statistics.

The Committee ventures to draw attention in this connection to certain discrepancies, which continue to exist, between the Danish statistics on wages and hours of work and the provisions of the Convention :

(1) Current statistics on the wages of skilled workers are compiled only by trades, whereas the statistics for unskilled workers are given by industries. Article 5 of the Convention calls for the establishment of wage statistics for wage earners in each of the principal industries.

(2) At present statistics are not available for hours actually worked, as required by Article 5 of the Convention.

(3) Separate statistics on average earnings are not compiled once every three years for juvenile workers as provided for in Article 10 of the Convention.

The Committee would be glad to know whether it is intended to take account of the above points when contemplating any changes in the compilation and publication of statistics on wages and hours of work.

*Finland* (ratification : 8.4.1947). The Committee took note with interest of the Government's full reply to its observation made in 1950. It finds, however, that the Government has not, as yet, been able to draw up satisfactory statistics of average hourly earnings in the building and construction industries as required under Article 5, paragraph 1 of the Convention. The Committee would be glad to know whether it is intended to compile these statistics in future.

*Netherlands* (ratification : 9.3.1940). The Committee wishes to thank the Government for the very detailed report concerning statis-

tics and conditions of work in the mining industry, and expresses the hope that future reports will also include particulars on the application of the Convention as regards manufacturing (including building and construction), and agriculture.

*Norway* (ratification : 29.3.1940). The Committee took note with interest of the Government's statement to the Conference Committee in 1950, that while no figures were available on hours worked in mining, in industry and in building and construction, as provided for in Article 5, paragraph 1 of the Convention, the number of hours worked each week would be calculated when the new system of uni-computation of wage statistics was introduced in 1950.

The Committee looks forward therefore to receiving this data in due course in the Government's future reports.

*Convention No. 64 : Contracts of Employment (Indigenous Workers), 1939.*

Number of reports requested : 3.

Number of reports received : 3.

See page 33.

*Convention No. 65 : Penal Sanctions (Indigenous Workers), 1939.*

Number of reports requested : 2.

Number of reports received : 2.

See page 33.

*Convention No. 81 : Labour Inspection, 1947.*

Number of reports requested : 1.

Number of reports received : 1.

No observation.

## C. Observations and Requests for Supplementary Information on the Application of Conventions in Non-Metropolitan Territories

### 1. GENERAL

#### *Introduction*

The programme of work drawn up by the Committee at its 18th Session provides that, as from 1950, there shall be conducted every five years a searching enquiry into the application of Conventions in non-metropolitan territories. With this end in view, the Committee had asked for complete and detailed reports in respect of the period 1948-1949, to enable it to obtain an accurate picture of the stage reached in the application of Conventions : complete application, partial or modified application due to "local conditions" as provided for under Article 35 of the Constitution of the International Labour Organisation, or again non-application justified by the same local conditions. Last year, since a substantial body of information was supplied in quite a large number of reports, the Committee was able to undertake the enquiry on which it had decided. It was obliged to note, however, that for certain territories and certain Conventions the information supplied still left something to be desired, and it there-

fore expressed the hope that Governments would submit, for the next year, all the information not yet given.

The Committee is glad to note that in the case of several of the reports for the period 1949-1950 its requests have been borne in mind. In many cases the new information supplied is of particular interest, and has enabled the Committee to form a better judgment on certain aspects of the application of Conventions in various territories. Moreover, certain Governments have greatly eased the task of the Committee by replying, often in great detail, to its observations and requests for information of last year. The Committee wishes to thank these Governments for the effort they have made in circumstances which according to information received are sometimes rendered difficult by the shortage of staff and the amount of work with which the administrative authorities of non-metropolitan territories have to cope. The general observations below are mainly intended to help in elucidating certain questions, and to point out certain gaps which continue to exist. The Committee hopes that the observations thus submitted will enable Governments to supply

in their next reports all the information which it considers indispensable.

#### *Examination of Local Conditions*

The problem of applying Conventions in non-metropolitan territories results largely from the meaning given to "local conditions" and from their possible influence on decisions as to the possibility of applying a Convention in a given territory. Already last year the Committee had stated in its report that these local conditions may vary considerably in the course of time, and that for this reason the method and extent of the application of Conventions in non-metropolitan territories must be a constant concern of Governments. This is especially true in the case of territories where industrialisation and the concentration of a part of the population in urban areas create conditions of life and social problems such that the application of international labour Conventions, with some modifications, would be calculated to afford that effective protection of workers which is the essential goal of international labour legislation. Hence, in view of the fact that local conditions are subject to change, which is often quite considerable, it is clear that a Government could not be entirely justified in taking advantage, without having conducted a periodical examination of these conditions, of reservations made in the past, at the time of the formal ratification of an international labour Convention ten, fifteen, twenty or more years ago. The present rate of social development in a number of territories ought, in the opinion of the Committee, to induce Governments to give, periodically, careful consideration to the question whether this or that Convention, previously declared inapplicable, could not, in the light of this development, be considered applicable at least in part or with certain modifications. Such a system of partial application or of application modified in the light of local conditions would render possible a considerable extension of the application of certain Conventions the importance of which is universally recognised. The Committee appeals to the Governments concerned to co-operate, and to undertake, in this spirit, a new examination of the situation; it ventures to hope that future reports will contain convincing proof of such intentions.

#### *Employment of Women and Children*

The Conventions dealing with the employment of women and children have again claimed the attention of the Committee. It was particularly struck by the fact that, in several territories, the problems peculiar to these two categories of workers do not seem to be receiving the attention they deserve. Contrary to the provisions of the Conventions, many Governments still allow night work by women and even by children without giving convincing proof of its necessity; elsewhere, the minimum age for admission of children to industrial or agricultural employment is lower than that generally provided for in the Conventions, though no sufficient explanation is given. The Committee feels that in this field there should be no departures from the provisions of the Conventions except after a scrupulous examination of the situation, and then only if absolutely necessary. It is true that, for example, in tropical regions the physical development of young persons is

more rapid than in other regions. Nevertheless, it is essential if it is desired to raise the standard of protection—and that is one of the principal aims of the International Labour Code—that the employment of women and children in industry in particular should be regulated so far as possible according to the rules laid down by the Conventions. It may be observed on the other hand that a greater latitude, such as is in fact provided for by the Conventions, could be allowed in the case of work of a domestic nature.

#### *Differences in the Application of Conventions in Territories where Conditions are Comparable*

Its examination of the reports for the period 1949-1950 has led the Committee to stress once more how valuable it is to ascertain the exact reasons for the differences in the application of Conventions in territories where the economic structure and the stage of social development seem similar at first sight—this applies particularly to the Conventions on minimum age for admission to industrial employment or the Penal Sanctions (Indigenous Workers) Convention. In some cases the divergences are so marked that the Committee would be especially grateful if the Governments responsible for the administration of non-metropolitan territories would be so good as to give special attention to this problem and consider whether it would not be possible to eliminate the divergences which still persist in the application of Conventions to territories where local conditions are apparently similar.

#### *Effective Application of Conventions*

The Committee hoped that, following the requests it had made on several occasions, the Governments would supply it with more complete information on the effective application of international labour Conventions. However, it has noted with regret that as a general rule the reports contained little information of this kind, and that statistics in particular are very scanty, even where they seem essential for an exact estimate of the stage reached in the application of Conventions. Thus statistics are often lacking for the Workmen's Compensation (Accidents) Convention. The Committee therefore expresses once more the hope that Governments will spare no effort to include in their reports all available information on the effective application of Conventions, and especially the statistics which the authorities responsible for social policy have collected.

It would also be particularly useful if data could be given, wherever available, on the visits carried out by inspection services and the contraventions thereby brought to light. As a matter of fact, the Committee had noted, in examining the reports supplied under Article 19 of the Constitution on the application of the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947, that inspection services are in operation in a large number of territories even when this Convention has not been ratified. Consequently, it seemed to the Committee that it ought to be possible, by making use of the information collected by these services, to give a more accurate picture of the practical application of the laws and regulations corresponding to the provisions of international labour Conventions.

## 2. OBSERVATIONS CONCERNING CERTAIN COUNTRIES

### *Australia*

Last year the Committee took note of the statement made by the Australian Government member before the Conference Committee in 1949 to the effect that a reply to the observations of the Committee was being prepared, and that consideration was being given to the possibility of applying to New Guinea the great majority of the Conventions ratified by Australia. The Committee notes with regret that the Australian Government has not supplied reports on the application in non-metropolitan territories of any of the Conventions which it has ratified except Nos. 8, 27 and 29. The Committee would therefore be grateful if the Government would be so good as to supply for the next year detailed reports, drawn up on the basis of the standard report forms adopted by the Governing Body, on each of the Conventions ratified by Australia.

### *Belgium*

The Committee has taken note with interest of the reports supplied by the Belgian Government, especially those on the Conventions concerning workmen's compensation for accidents, recruiting of indigenous workers and contracts of employment of indigenous workers. The Committee's remarks on the two last-named Conventions will be found below. As the reports received do not always make it clear whether the laws and regulations mentioned apply both to the Belgian Congo and to Ruanda-Urundi, the Committee would appreciate it if the Government would be so good as to give the required details, or to supply a separate report for the Trusteeship Territory of Ruanda-Urundi if that seems advisable.

The Committee has taken note of the further information given to the Conference Committee last year by a Belgian Government representative, and of his statements regarding the possibility of communicating a full set of reports on ratified Conventions. The Committee would be grateful if the Government would be so good as to see that a full set of reports on all the Conventions it has ratified, including, if appropriate, indications of the extent to which local conditions make them inapplicable in non-metropolitan territories, is sent in future.

### *France*

The Committee wishes to thank the Government for having made a considerable effort, in reply to the observations and suggestions made by the Committee last year, to communicate a greater number of reports on the application, in non-metropolitan territories, of the Conventions ratified by France. It notes, however, that no report has been received for French West Africa, Togoland, Morocco, Tunisia and Guiana. Moreover, in the case of certain territories such, for example, as Somaliland, the reports related only to a very small number of Conventions. Finally, the Committee wishes to point out that the reports are very uneven as to their contents. Although, for example, those supplied for Madagascar and New Caledonia contain very

detailed information, other reports, such as those for Algeria and the French overseas *départements*, are much briefer. The Committee would therefore be grateful if the Government would be so good as to supply, for the next period, reports drawn up on the basis of the forms adopted by the Governing Body, and to annex to these reports copies of the laws and regulations in force in the different territories, together with all available information regarding effective application.

In examining the reports received, the Committee noted that for some territories the Conventions on night work of women, night work of children, and white lead, which had been declared applicable, were not yet fully applied. Observations relating to these Conventions will be found below; the Committee would be glad if the Government would state in its next reports whether it intends to proceed with a further examination of the question in order to ensure a full application of these Conventions.

The Committee also noted that, in a large number of territories, the legislation and regulations in force had sometimes been adopted a certain number of years ago. However, there is a tendency, as regards compensation for industrial injuries and social security for example, to adopt more modern legislative provisions inspired, in some cases, by the text in force in the metropolis. The Committee would be particularly interested in any information which the Government could supply on this point. It would also be glad to have more detailed information as to the exact nature of the local conditions which may still prevent the application of the provisions of ratified Conventions; the Committee would also be grateful if the Government would be so good as to state whether these local conditions have been re-examined recently.

The Committee would be obliged if the Government would be good enough to elucidate some points regarding the application of the following three Conventions.

#### *Night Work of Young Persons (Industry) Convention, 1919 (No. 6).*

The reports indicate that in Martinique young persons under 16 years of age are employed at night in raw sugar refineries. In French Equatorial Africa the employment of child labour is regulated by two Orders, one of the chief of the Middle Congo, and the other of the chief of the Chad; but in two other territories, Gabun and Ubangi-Shari, there are apparently no regulations.

#### *White Lead (Painting) Convention, 1921 (No. 13).*

The report for French Equatorial Africa, while indicating that no contraventions of the provisions of the Convention have been established, states that the use of white lead, sulphate of lead or products containing these pigments is not regulated, which is contrary to the provisions of the Convention. For the French Establishments in India the reason why the use of white lead, sulphate of lead, etc., is not regulated is, according to the report, its rarity. The employment of apprentices in painting work involving the use of white lead is authorised. Finally, there are no regulations corresponding to the provisions of Article 5 of the Convention. In the French Settlements in Oceania apprentices under

18 years of age may, with the approval of the labour inspector, be employed on work involving the use of white lead; this, too, is contrary to the provisions of the Convention. No steps appear to have been taken in such matters as the handling of white lead, etc.

*Night Work (Women) Convention (Revised), 1934 (No. 41).*

The Committee notes that for the French Establishments in India the exception allowed for under Article 6 of the Convention, which provides that the night period may, in seasonal undertakings, be reduced to 10 hours, is not limited to the 60 days prescribed by the Convention. In Martinique women are authorised to perform certain kinds of night work. Article 4 of the Convention provides for an exception in cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, but the exception authorised does not seem to come under this definition, since according to the report the women are largely employed in sewing sacks in raw sugar refineries.

*Netherlands*

No report has been received on the application of ratified Conventions in the Netherlands West Indies and Surinam. While making every allowance for the difficulties entailed by the setting up of a new constitutional system in these two territories, the Committee expresses the hope that accurate and detailed reports, drawn up on the basis of the standard form adopted by the Governing Body, may shortly be supplied for both of them.

*New Zealand*

In accordance with the request of the Committee at its last meeting and the undertaking given to the Conference Committee by the New Zealand Government representative, the Government has submitted reports in regard to the application to Western Samoa, the Cook Islands and the Tokelau Islands of all the Conventions it has ratified. The Committee wishes to express its appreciation of the prompt response of the Government to its observations.

In respect of Western Samoa and the Cook Islands, it is noted that, apart from the Weekly Rest (Industry) Convention, 1921 (No. 14) and Conventions Nos. 29, 50, 64 and 65, the Conventions ratified by New Zealand have not yet been applied. Nevertheless, the reports submitted indicate clearly that the Government is devoting serious study to the possibility of applying a number of Conventions to these two territories. In view of the statements made on investigations which have been or are being carried out with this end in view, the Committee hopes, in particular, to receive further information in the reports for the period 1950-1951 on developments in respect of the application of the following Conventions to the following territories:

*Western Samoa*—Conventions Nos. 1, 10, 12, 17, 30, 32, 42, 51, 53, 59, 60.

*Cook Islands*—Conventions Nos. 1, 12, 17, 30, 32, 42, 61, 97.

The Committee would also be grateful if the Government would, in its next report,

clarify two points contained in the reports now before it. In respect of the possibility of application of Conventions Nos. 10, 59 and 60 to Western Samoa, the Government has referred to the Contracts of Employment (Indigenous Workers) Ordinance of November 1950 in terms which, in the absence of a copy of the text of the Ordinance, do not make it clear whether the limitation of age for entry into a contract would in law and practice also be a limitation on entry into employment in the sense of the Conventions concerned. In the report on the application of Convention No. 26 to the Cook Islands, it is stated that "the provisions of the Cook Islands Industrial Unions Regulation are considered to provide arrangements for the effective regulation of wages, and application of the Convention is not being proceeded with". In view of the wide variety of systems which can operate within the framework of the Minimum Wage-Fixing Machinery Convention (No. 26), the Committee would be glad to be informed of the reasons for which the Government considers that the arrangements it has instituted do not constitute application of the Convention.

*Portugal*

The Committee wishes to thank the Government for having been so good as to supply reports on each of the Conventions ratified by it, in respect of all the territories which it administers. It notes that an effort has been made to draw up these reports on the basis of the forms adopted by the Governing Body; the Committee also took note with interest of the statement made in 1950 by a representative of the Government before the Conference Committee.

However, although some reports contain practical information on the application of the legislative and statutory provisions relating to Conventions, a certain amount of information is still missing, in particular statistical data, which would give a more detailed picture of the situation. The Committee would therefore be grateful if the Government would make every effort to supply in its next reports all available information relating to the practical application of the laws and regulations in force in the different territories.

In addition, the Committee was glad to note that in several cases the texts in force do in fact correspond to the provisions of Conventions. In these circumstances, it would be grateful if the Government would be so good as to state whether it proposes to proceed with a further examination of the possibility of applying the ratified Conventions in the non-metropolitan territories.

*Union of South Africa*

The Committee takes note with interest of the two reports supplied by the Government on the application to the territory of South West Africa of the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19) and the Underground Work (Women) Convention, 1935 (No. 45). It wishes to thank the Government for the information supplied in its first report and expresses the hope that the following reports, particularly that concerning the Equality of Treatment Convention, will contain the statistical and practical information available to the Government.



*United Kingdom*

The Committee wishes to thank the Government for the effort it has made to supply the supplementary information requested by the Committee at its last meeting. It notes with satisfaction that reports on the application of the ratified Conventions to the Bahamas have been received for the first time since the establishment of the new reporting procedure approved by the Governing Body.

The Government has also provided a set of voluntary reports on the application to most of its territories of the Workmen's Compensation (Accidents) Convention, 1925 (No. 17). These reports reveal that comprehensive accident compensation measures are applied in a wide range of British territories.

The reports under consideration show, *inter alia*, that further progress has been made in two respects, viz., in remedying the incomplete character of some reports, particularly in regard to information on methods for effective application, and in the extent to which reports are being communicated to local organisations of employers and workers or local Labour Advisory Boards. Nevertheless, in both these respects, reporting practice is not yet uniform. On the question of the communication of reports to local organisations, the Committee would be obliged if the Government could provide the clarification of the situation in British Guiana which was requested in its observations last year.

The Committee takes note of the explanation given by the United Kingdom Government representative to the Conference Committee in respect of differences in the application of Conventions to areas with apparently similar local conditions. While recognising the difficulties outlined, it urges that the Government continue to take such appropriate action as it has mentioned, so as to reduce such differences progressively.

The Committee notes with approval the extent to which efforts are being made by the Government to extend labour inspection services in non-metropolitan territories; even in the case of smaller territories, such as the Seychelles, progress is revealed in the reports under consideration. As the Committee has, however, previously pointed out, the utilisation of the police as enforcement officers in some territories suggests that further progress still needs to be made in the direction of providing adequate specialised labour supervision services.

Last year the Committee drew the attention of the Government to cases in which the application of a Convention had been under consideration for some time without final action being taken. It wishes this year to refer specifically to one case of this kind—the application of Conventions Nos. 12, 17, 19 and 42 to Basutoland—and hopes that the Government will endeavour to resolve the difficulties which have resulted in this delay.

*United States of America*

The Committee had expressed last year its interest in the question of the application of the Conventions ratified by the United States of America to the Trusteeship Territory of the Pacific Islands. It had asked the Government to be good enough to indicate whether any steps had been taken to this effect. The Government had stated that consideration was still being given to the question, and that

organic legislation for this territory was being prepared. The Committee hopes that the promulgation of this legislation will not be long delayed, and that it will thus be possible for the Conventions in question to be declared applicable to this territory.

### 3. OBSERVATIONS CONCERNING CONVENTIONS NOS. 29, 50, 64 AND 65

*Forced Labour Convention, 1930 (No. 29)**France.*

The Committee wishes to thank the Government for the information supplied in reply to observations made last year. It believes it is right in assuming that the prohibition of all types of forced and compulsory labour aimed at in the Convention has become general and absolute in the overseas *départements* and the Territories of the French Union. The Committee would be grateful if the Government would inform it whether this is in fact so. In this case, the only question still to be settled is that of penalties. The French Government stated that the prohibition of forced or compulsory labour is effective even in the absence of the penalties which were to be laid down by the penal provisions contemplated in the Act of 11 April 1946. The Committee does not see how a penalty yet to be prescribed can be such as to ensure the application of a rule which does not lay open to any penal provisions the persons who may break the rule. There is probably a misunderstanding here; the Committee would be very grateful to the French Government if it could clear it up.

The Committee also notes the suppression in the territories of Madagascar and French West Africa of the right to call up the "second contingent". It hopes that as a result, the Government will be able to withdraw the reservation which it had made on this subject when ratifying the Convention.

Finally the Committee notes with interest that, according to the report of the Government of New Caledonia, measures were taken to eliminate the possibility of assigning penal labour to private employers, a possibility which is provided for in an Order of 1941 issued by the Government of New Caledonia, and of which use had never been made.

*United Kingdom.*

In reply to an observation made by the Committee of Experts, the Government of Bechuanaland stated in its last report that Section 25 of the Native Administration Proclamation No. 32 of 1943 which concerns work approved by the Resident Commissioner, had been taken from the legislation of Northern Rhodesia and was no longer applied in practice. However, the Committee notes that since this provision is still included in the legislation, it may therefore be applied; and the Committee would be glad to know for what kinds of labour compulsory work may be required.

The Committee notes that the report received for the territory of Swaziland contains no information regarding the application of Article 18 of the Convention, concerning portage. It would be grateful if the Government would supply further information in its next report.



*Recruiting of Indigenous Workers Convention,  
1936 (No. 50)*

*General Observation.*

The Committee notes that measures can be taken in the Belgian Congo to restrict or prohibit this recruiting in a specific community, for demographic and social reasons. The Government mentions the measures which it took in order to encourage recruiting by family. The Committee wishes to draw attention in particular to these two measures which correspond to the basic principles contained in the Convention.

*Belgium.*

The Committee takes note with interest of the detailed report supplied by the Government of the Belgian Congo on the application of Convention No. 50. It notes, however, that no information is given regarding the application of Articles 11, 12, 14, 15, 16, 18, 19, 20, 21, 22 and 23 of the Convention, which provide for a certain number of protective measures in respect of indigenous workers. This applies, in particular, to the prohibition to recruit without a licence (Article 12), to the obligation to bring recruited workers before a public official (Article 16), to medical examinations (Article 18), to the provisions concerning the transport of workers (Articles 19 and 20), to the obligation to repatriate (Article 21), and to the limitation of advances of wages (Article 22). The Committee would therefore be grateful if the Government would be so good as to state whether the legislation of the Belgian Congo ensures the application of these provisions in all cases.

*United Kingdom.*

The report for the territory of Brunei concerning the application of Convention No. 50 contains a declaration which was already included in last year's report, to the effect that the legislation on this subject was being revised. The Committee would be grateful if the Government would supply at an early date information as to the date on which it will be possible to adopt and bring into force this legislation.

In its report for the period 1948-1949, the Government of Malaya had stated that it intended to enact at an early date legislation to apply the provisions of Convention No. 50. Since the last report received makes no further mention of this question, the Committee would be glad if the Government would supply an explanation in its next report.

The report received for the territory of Sarawak states that Convention No. 50 is not applicable in the territory and that the existing legislation is "scanty and inadequate". The Committee would therefore be glad to be informed whether the Government intends to bring into force new legislation on this question and, if so, when.

*Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64)*

*Belgium.*

The Committee wishes to thank the Government for having supplied a first report containing a certain amount of detailed information; however, no information was given regarding the application of Articles 3, 4, 5, 10, 11, 15 and 17 of the Convention. Moreover, the information supplied under Article 6 appears to apply to Article 5; thus the measures taken regarding the attestation of contracts of employment—a particularly important provision of the Convention—are not very clearly shown. The information supplied under Article 7 of the Convention does not state whether the medical examination takes place before the attestation of the contract. Finally, no information is given regarding the application of the first two paragraphs of Article 19. The Committee would therefore be glad if the Government would supply further details on these points in its next report.

*United Kingdom.*

The reports supplied for Grenada and British Honduras state that the application of Convention No. 64 in these two territories is being examined. The Committee would be glad to be informed as soon as possible of the results of these studies.

The Committee takes note with interest of the information supplied by the Colonial Office to the effect that the Government of British Somaliland intends to amend its legislation in order that Convention No. 64 may be applied in this territory. It hopes that future reports will contain information as to the amendments in the legislation which may have been made.

*Penal Sanctions (Indigenous Workers)  
Convention, 1939 (No. 65)*

The Committee made a special study last year of the questions raised by the application of this Convention; it made a certain number of requests for information and some observations. The reports for the period 1949-1950 which reached the Office contained many relevant replies, of which the Committee takes note with the greatest interest; it wishes to thank the Governments for their co-operation. However, the Committee does not consider it advisable to study in greater detail this year the problem of penal sanctions, since a special questionnaire relating to this problem has recently been forwarded to the States responsible for the administration of non-metropolitan territories.

APPENDIX II

ANNUAL REPORTS FOR 1949-1950 (ARTICLE 22)

Received or Still Due, 27 March 1951

Total requested : 831—Reports received : 597—Reports still due : 234

Country	Reports received		Reports still due	
	Number received	Conventions No.	Number due	Conventions No.
Afghanistan .....	5	4, 13, 14, 41, 45	0	—
Argentina .....	21	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 21, 22, 23	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.....	32	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, 50, 53, 55, 58, 64	0	—
Brazil.....	0	—	11	3, 5, 6, 7, 16, 41, 42, 45, 52, 53, 58
Bulgaria .....	0	—	29	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30
Burma .....	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 .....	0	—	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
Czechoslovakia.....	11	1, 4, 5, 10, 11, 13, 14, 21, 27, 43, 49	4	18, 19, 24, 25
Denmark.....	18	2, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19, 29, 42, 52, 53, 63	0	—

Country	Reports received		Reports still due	
	Number received	Conventions No.	Number due	Conventions No.
Dominican Republic .....	2	1, 5	2	7, 10
Egypt .....	5	19, 41, 45, 53, 63	0	—
Finland .....	24	2, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 27, 29, 30, 34, 45, 53, 62, 63	0	—
France .....	37	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, 42, 43, 44, 45, 49, 52, 53, 55, 56, 58	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 .....	26	2, 5, 6, 7, 8, 10, 11, 12, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 29, 41, 42, 43, 44, 45, 49, 63	1	28
Italy .....	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 .....	1	29	0	—
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 .....	0	—	29	6, 7, 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
Netherlands .....	24	2, 5, 6, 8, 9, 11, 12, 13, 15, 16, 17, 19, 21, 22, 23, 26, 27, 33, 41, 42, 45, 48, 58, 63	1	29
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 .....	24	2, 5, 7, 8, 9, 11, 13, 14, 15, 18, 19, 22, 26, 27, 29, 42, 43, 49, 50, 53, 58, 59, 63, 81	0	—
Pakistan .....	15	1, 4, 6, 11, 14, 15, 16, 18, 19, 21, 22, 27, 32, 41, 45	0	—
Peru .....	11	1, 4, 11, 14, 19, 24, 35, 37, 39, 41, 45	0	—
Poland .....	29	2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 27, 35, 36, 37, 38, 39, 40, 42, 48	0	—

Country	Reports received		Reports still due	
	Number received	Conventions No.	Number due	Conventions No.
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.....	31	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65	0	—
United States .....	3	53, 55, 58	0	—
Uruguay .....	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, 30, 32, 33
Venezuela .....	0	—	17	1, 2, 3, 5, 6, 7, 11, 13, 14, 19, 21, 22, 26, 27, 29, 41, 45
Yugoslavia .....	22	2, 3, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 27, 29, 48	0	—

Ratifications Registered between 1921 and 1938 in respect of which no Reports were Requested for the Period 1949-1950 <sup>1</sup>

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

<sup>1</sup> 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

SUPPLY OF ANNUAL REPORTS ON RATIFIED CONVENTIONS  
(Article 22 of the Constitution)

Period	Reports requested	Reports received before the session of the Committee <sup>1</sup>		Reports received for the session of the Conference	
		Number	Percentage	Number	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	— <sup>2</sup>	—
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	695	86.2
1949-1950 . . . . .	831	597	71.8		

<sup>1</sup> The session of the Committee of Experts has usually opened at 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.

<sup>2</sup> The Conference did not meet in 1940.

## APPENDIX IV

**OBSERVATIONS CONCERNING THE INFORMATION RECEIVED FROM GOVERNMENTS  
ON THE SUBMISSION TO THE COMPETENT AUTHORITIES OF THE CONVENTIONS  
AND RECOMMENDATIONS ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCE  
AT ITS 32nd SESSION (GENEVA, 1949)**

The information communicated by Governments in accordance with Article 19 (paragraphs 5 (c), 6 (c), 7 (a) and (b) (iii)) of the Constitution, regarding the submission to the competent authorities of the Conventions and Recommendations adopted at the 32nd Session of the Conference gives rise to similar observations to those made by the Committee last year.

The Committee notes in the first place that the information from a considerable number of States was still missing at the time of its meeting. Only 32 States out of the 60 which were Members of the Organisation at the time of the 32nd Session of the Conference have so far supplied information on the situation in their respective countries. Those 32 States are as follows : Argentina, Australia, Austria, Belgium, Bolivia, Burma, Canada, China, Colombia, Cuba, Denmark, France, Iceland, India, Iran, Iraq, Ireland, Israel, Italy, Luxembourg, the Netherlands, New Zealand, Norway, Pakistan, the Philippines, Portugal, Sweden, Switzerland, Turkey, the Union of South Africa, the United Kingdom and the United States of America.

Of the 32 States which have supplied information on this matter, the Committee notes that 13 had not yet complied at all, at the time of communicating that information to the Office, with the obligation to bring the Conventions and Recommendations before the competent authorities.

The Governments of some of these 13 States indicate that compliance with this formality has been prevented or delayed by various factors such as the political situation (China), the fact that the legislature was not in session at the time (Bolivia, Colombia, Cuba), the difficulties arising from the necessity of translating the texts into the national language (Israel), and the difficult constitutional problems experienced by federal States (United States of America). In some cases, the Governments give detailed information as to the present state of the legislation in their countries in the field covered by the Conventions and Recommendations in question (Italy) and set forth the steps that they have taken or intend to take with respect to the ratification of some of the Conventions (Belgium, Iraq, Italy). Other Governments say that submission to the competent authorities is at present under consideration (Pakistan, Turkey), or will shortly take place (Argentina, Bolivia, Cuba, Israel).

The Committee has noted with satisfaction that 17 Governments (those of Austria, Canada, Denmark, Iceland, India, Iran, Ireland, Luxembourg, the Netherlands, New Zealand, Norway, the Philippines, Portugal, Sweden, Switzerland, the Union of South Africa and the United Kingdom) have submitted to

the competent authorities all the Conventions and Recommendations. One Government (France) has submitted almost all the Conventions and Recommendations, and another (Iraq) has submitted a number of them.

The Committee regrets that a certain number of Governments (those of Czechoslovakia, Colombia and Mexico), which had been able last year to submit to the competent authorities all the Conventions and Recommendations adopted by the 31st Session of the Conference, have either not yet replied regarding the submission of those adopted by the 32nd Session of the Conference or have indicated that submission has not yet taken place. Similarly, certain Governments (those of Belgium, Brazil, Bulgaria, the Dominican Republic, Finland, Syria and the United States of America), which last year had indicated that they had submitted certain of the Conventions and Recommendations to the competent authorities, have this year either not replied or have indicated that submission has not yet taken place. On the other hand, the Committee notes that certain States which last year had not fulfilled this obligation have this year discharged it in full (Iceland, Iran, Portugal), or in part (France, Iraq).

In the vast majority of cases, the obligation was fulfilled within the 18 months, and sometimes even (Canada, Luxembourg, New Zealand, Norway, Sweden, Union of South Africa, United Kingdom) within the period of one year from the closing of the Conference. In four cases (Austria, Iceland, Iran, Netherlands) it was fulfilled a few days or at the most a few weeks after the end of the 18-month period allotted.

The Committee notes that the manner in which the Conventions and Recommendations have been submitted to the competent authorities varies from State to State : some States communicate the texts adopted by the Conference, with no commentary, at the same time as the report of their delegation to the Conference (Denmark, Ireland, United Kingdom); concrete proposals regarding the action contemplated by the Government are made in Parliament later on, sometimes after the expiry of the period allowed under the Constitution for submission.

In other cases (Austria, France, India, Netherlands, Norway, Philippines, Sweden, Switzerland) submission to the competent authorities is accompanied by very detailed proposals of the Government to Parliament; these proposals are of very great interest because of the information they contain on the state of national legislation and the intentions of the Governments.

The Committee notes, as it did last year, that a certain number of Governments, apparently thinking that the obligation to submit reports

is dependent on the possibility of ratifying Conventions or giving effect to Recommendations, submit the texts to their Parliaments only where such action seems possible. In this connection the Committee recalls that under the Constitution, Conventions and Recommendations must be submitted to the competent authorities in all cases.

The information supplied by Governments indicates that, in the great majority of cases, it is the national parliament which is regarded in each country as the competent authority to which Conventions and Recommendations must be submitted. This conception corresponds to the underlying conception of the Constitution, clearly set forth by the Conference Delegation on Constitutional Questions, whose report supplied the basis for the 1946 revision of the Constitution.

However, in some countries submission to the competent authorities presents certain peculiarities. Thus the Government of the Union of South Africa considers the Executive Council to be the competent authority to which the texts of Conventions and Recommendations should be submitted for decisions, though these texts are also brought before the House of Assembly and the Senate. In Iraq, it is the Cabinet which is apparently regarded by the Government as the competent authority. Similarly, in Portugal, the Government says that it regards the ministries concerned as the competent authority, stating in another connection that the legislative competence rests with the National Assembly and the Government.

The Committee has noted with interest that though the time limits laid down in Article 19 of the Constitution apply only to submission to the competent authorities, certain Governments have within the allotted periods been able also to secure the decisions of these authorities. Thus the information supplied shows in certain cases that the competent authorities have approved the proposals made by the Governments (Norway, Sweden, Switzerland, Union of South Africa) and in some cases authorised the ratification of a number of Conventions (Denmark, New Zealand, Sweden, United Kingdom). Ten ratifications have been recorded up to the present time, while proposals for 16 more have been made by certain Governments (Austria, France, Netherlands, United Kingdom) to their Parliaments.

With regard to federal States, the Constitution distinguishes the cases where federal action or action by the constituent States, provinces or cantons is more appropriate under their constitutional systems. The information received indicates that for three federal States (Austria, India, Switzerland) all the Conventions are within the competence of the federal Government and have been submitted to the central legislative authority in the same way as in the case of non-federal States.

In Australia, Canada, and the United States of America certain Conventions and Recommendations were also regarded as entirely within the purview of the federal authorities, but whereas in Canada all the Conventions and Recommendations have been brought before the Federal Parliament, in Australia they were still undergoing study, in January 1951, by the appropriate ministries; in the United States of America the federal departments and agencies had agreed on the recommendations to be made to the President. The Committee recalls in this connection that

Article 19, paragraph 7 (a) of the Constitution provides that in respect of Conventions and Recommendations for which federal action is appropriate, the obligations of the federal State shall be the same as those of States which are not federal. These Conventions should therefore be submitted to the competent authorities in the same way and within the same time limits as for non-federal States.

Australia, Canada and the United States of America also indicate that a certain number of Conventions and Recommendations were considered as requiring, wholly or in part, action by the constituent States or provinces.

The Australian Government has communicated these Conventions and Recommendations to the constituent States, asking them to indicate their attitude with regard to the ratification of the Conventions, and has received a number of replies from them; similarly the Governments of Canada and the United States of America have forwarded these texts officially to the Lieutenant-Governors of the provinces or the State Governors.

Although these measures are calculated to give effect to the Conventions and Recommendations, the Committee would be glad if the Governments of the federal States could also give information on the application of the clauses of the Constitution providing that, in the case of Conventions and Recommendations requiring action by the constituent States or provinces, Governments shall make, in accordance with their Constitutions and the Constitutions of the States, provinces or cantons concerned, effective arrangements for the reference of such Conventions and Recommendations to the appropriate federal State, provincial or cantonal authorities for the enactment of legislation or other action (Article 19, paragraph 7 (b) (1)).

The Committee observed last year—and the Conference Committee laid stress on the point—that under the Constitution information respecting submission of texts to the competent authorities should be communicated to the representative employers' and workers' organisations. The Committee is glad to note that this year a certain number of States have communicated to these organisations either the texts of their reports to the legislature (Denmark, Iceland, Switzerland, United Kingdom), or the texts of the statements communicated to the Office on this subject or, in one case (Canada), the texts of the Conventions and Recommendations themselves.

The Committee hopes that such communication to the employers' and workers' organisations will in future be carried out by all Governments.

Finally, the Committee has studied certain statements which relate to the submission to the competent authorities of the Conventions and the Recommendation adopted by the 31st Session of the Conference, and which had arrived too late to be passed on to the 33rd Session. The Committee notes that though in one case (Ireland) it has proved possible to communicate these Conventions and Recommendations, albeit rather late, to the competent legislative authority, in another case (Pakistan) only those Conventions whose ratification seemed feasible have been submitted, while a third Government (Burma), though sending interesting information on the legislative situation and the action which it contemplates, gives no indication that the obligation has been carried out.

## APPENDIX V

**GENERAL REMARKS CONCERNING REPORTS ON UNRATIFIED CONVENTIONS AND  
ON RECOMMENDATIONS  
(ARTICLE 19 OF THE CONSTITUTION)**

**PROTECTION AGAINST ACCIDENTS (DOCKERS)  
CONVENTION (REVISED), 1932 (No. 32)**

*Introduction*

The question of the protection of dockers against accidents had formed, in 1929, the subject of a Convention (No. 28) which had obtained only four ratifications. Hence certain changes were called for to make it more flexible, and it was revised in 1932.

The revised Convention (No. 32), which it was the task of the Committee to examine, is designed to ensure the protection of dockers during the various stages of the work of loading and unloading. In consequence it contains a number of extremely detailed provisions.

The provisions of the Convention seem to correspond in general to three different types of aims: to lay down general rules for the protection of dockers, to prescribe special standards with regard to the method of construction for certain parts of ships and the various types of gear employed in loading and unloading, and finally, to ensure an effective supervision of the conditions under which the processes of loading and unloading are carried on.

*Examination of Reports*

The number of reports on this Convention received in conformity with Article 19 of the Constitution was 18. They came from the following States: Argentina, Australia, Austria, Belgium, Burma, Cuba, Dominican Republic, France, Greece, Guatemala, Luxembourg, Netherlands, Norway, Poland, Switzerland, Turkey, Union of South Africa and United States of America. It is worth noting that Argentina has supplied, together with its report in conformity with Article 19, a report in conformity with Article 22, having ratified the Convention, (but at a recent date, so that it was not due to come into force for this country until 14 March 1951). Luxembourg has not ratified Convention No. 32 and has therefore submitted a report in accordance with Article 19, but has ratified Convention No. 28, the provisions of which are more strict than those of the revised Convention.

Allowance must certainly be made, in noting the relatively small number of reports received from Governments in conformity with Article 19, for the fact that this Convention contains a mass of technical details which may have deterred certain Governments, that it has already been ratified by 15 States, and that it concerns primarily

countries possessing maritime or inland ports of some importance. Nevertheless, if exceptions are authorised under Article 15 for States the maritime traffic of which is limited, those States are not thereby exempted from the obligation to submit reports.

The Committee also observes that the reports submitted differ greatly among themselves both in the quantity of information they contain and in the situations which they describe.

Some of the reports submitted contain little information on the state of national legislation and practice; they either state simply that there are at present no provisions relating specifically to the protection of dockers (Dominican Republic, France, Guatemala, Turkey), or express the opinion that the Convention, though applying to inland navigation, would have no application to the cases where traffic is limited to boats of small tonnage, as in the case of the port of Basle (Switzerland), or confine themselves to the assurance that on the whole the Convention is applied to a large extent (Cuba, Poland)—which does not allow of any estimate of the extent to which the numerous and detailed provisions of the Convention are applied in national law.

Some States supply lists of the legislation or regulations which deal with the question (Burma, Netherlands, Poland) sometimes indicating which of the provisions of the national law correspond to each of the provisions of the Convention (Austria), but without communicating at the same time the actual text of the provisions of the national law to which they refer.

In other cases the text of these provisions has been included in (Greece) or appended to (Burma, Norway) the report. However, the Committee feels that while the forwarding of texts could provide the Office with information of great value, it is nonetheless necessary for Governments to indicate in the reports themselves the extent to which national legislation and practice give effect to the Convention.

The Committee has, however, noted with satisfaction that a certain number of reports supply detailed information on the extent to which the various Articles of the Convention are applied, in some cases containing precise information on the application of each of these Articles, in others indicating in what respects the Convention is not applied in a country.

A comprehensive study of the reports has shown, first, that in the countries where the protection of dockers is to some extent covered by national law, the matter is not always governed by legislation. Though there are sometimes Acts relating to the question, it is not unusual for the protection of dockers to be



covered wholly or partly by regulations (Cuba, Dominican Republic), departmental instructions (Union of South Africa), Prefectorial Orders (France), working instructions (Burma), decisions of local or port authorities (Australia) or collective agreements (Dominican Republic, Guatemala, United States of America). In the United States of America, the protection of dockers is governed by federal and State legislation, by collective agreements, and sometimes even by safety regulations issued by employers. Elsewhere certain safety measures apparently had to be taken as a result of practical experience (Australia, Cuba, Dominican Republic).

In the various cases where protection of dockers is ensured by laws or regulations, protection is based sometimes on texts or provisions specifically relating to the protection of employees occupied in loading and unloading ships (Belgium, Burma, Norway, United States of America), and sometimes on general provisions respecting the protection of employees, also applicable to dockers (Cuba, Dominican Republic, Greece, Guatemala). In the latter case, certain provisions of the Convention appear to be adequately applied by the national legislation, particularly the provisions respecting hoisting machinery; in some cases (Greece) the national legislation even gives effect to the detailed provisions of the Convention regarding the installing and the strength of ladders, the height of fencing, etc. However, the Committee notes that because of the absence of texts laying down specific rules for the protection of dockers, the various provisions of the Convention which were inserted to allow for the special character of dockers' work (such as Article 4 on access to the ship by water and Articles 6 and 8 on hatchways and holds) cannot be applied in these countries.

In view of the very detailed character of the Convention and the unevenness of the information contained in the various reports, it does not seem possible for the Committee to indicate to what extent each of the provisions of the Convention is put into effect in the various countries that have supplied a minimum of information on the state of their national legislation and practice. However, an attempt can be made to classify these countries into three distinct groups, this classification being only approximate and intended only to give a very general idea of the rules in force in the various countries which have not ratified the Convention.

The first group might include a certain number of States where existing legislation and regulations include no provisions respecting the protection of dockers (Turkey), or where there are only a few very general rules, especially with regard to the functioning of hoisting machinery, which is the subject of Article 9 of the Convention (Cuba, Dominican Republic, Guatemala). In France, another country where there is no legislation except on hoisting machinery, the provisions of the Decree of 23 August 1947 are very detailed on this subject and give effect to various provisions of Articles 9, 10 and 11 of the Convention.

In a second group of States the number of provisions of the Convention to be found in national legislation and practice seems greater than in the first group, but on the whole these provisions are applied only in a general way and not in all the detail laid down by the Convention. Furthermore, some of the provisions of the Convention are not to

be found at all in the national law of these countries.

Thus, it may be noted that in Burma an appreciable number of the Convention's provisions are covered by the national regulations, although certain of them are covered by "working instructions" which do not seem to be of a binding character. The essential provisions of the Convention, for example those laying down rules on approaches to the ship (Article 3), lighting (Article 7), the fixing of hatches (Article 8), hoisting machines and gear (Article 9), working methods (Article 10), etc., appear to a certain extent in the national regulations, but those regulations are framed only in general terms and do not correspond in detail to certain precise provisions of the Convention, such as those prescribing the width of gangways or ladders and the height of fencing (Article 3), etc. Furthermore, certain provisions of the Convention such as Articles 2 and 5 are not covered at all by the national regulations.

In Greece, as was stated above, certain questions dealt with by the Convention, such as the existence of ladders and fencing, receive sufficiently detailed treatment in the national legislation, while that legislation gives no effect to other provisions of the Convention, in particular those inserted to provide for the special nature of dockers' work.

In the United States of America, a certain number of provisions of the Convention, including those respecting the approaches to the ship (Article 3), holds (Article 5) and safety of hoisting machinery, are applied in general, but the instructions in force lay down no rules respecting the various detailed prescriptions of the Convention, such as the dimensions of gangways or ladders and the supervision of hoisting machinery. The national regulations seem also to correspond to a certain extent to the provisions of the Convention as regards the handling of, or work in proximity to, dangerous goods (Article 12), and first aid in case of accidents (Article 13), but for a whole series of questions dealt with in the Convention the national law contains no express provisions: the Government considers that those questions are "matters of operation" the certificated officers and seamen being responsible for safety during those operations; this applies to lighting of the means of access to the ship and on the ship itself (Article 7), the competence of persons occupied in operating lifting machinery (Article 10) and working methods (Article 11). It should also be noted that the safety rules in force in the United States may vary according to whether they apply to wartime or to peacetime, whether or not the ship was built or equipped by the United States Maritime Commission, and whether the ship is loaded or unloaded in a port where a maritime safety code is in force.

The Convention seems to be applied to a considerable extent in a third group of States, such as Australia, Austria, Belgium and the Netherlands, where the reports submitted show that the provisions of the national law come very close to the standards laid down in the Convention, the divergences indicated relating in most cases only to matters of detail. While Austria gives no details of the rules in force under the national law, Belgium indicates that in its broad lines her legislation embodies the provisions of the Convention. The Belgian report contains a very precise account of the amendments and addi-

tions that would be needed to bring the national legislation into conformity with the provisions of the Convention; these changes would relate mainly to detailed provisions, such as the safety measures to be taken in respect of dangerous parts of approaches to working places (Article 2, paragraph 4), the dimensions of gangways and similar constructions (Article 3, paragraph 3), and the protection of hatchways (Article 5, paragraphs 1 and 2).

The report submitted by Australia shows that the rules in force in that country conform on the whole to the provisions of the Convention except in certain relatively minor points which are in any case generally covered by accepted practice.

In the Netherlands, the principal divergence seems to relate to the extent of protection of dockers, since the national law differs from the Convention in not embracing all the operations of loading and unloading in inland navigation but only those which are related to maritime navigation. A second point of divergence, respecting Article 2 of the Convention on approaches to the shore, is apparently to be amended by legislation.

The Committee notes that on the whole the reports submitted, apart from that of the Netherlands, contain no information regarding the conclusion of reciprocal agreements for the mutual recognition of the arrangements made in the various countries for testing, examining and annealing, and of certificates and records relating thereto. It should, however, be noted that this question, which is the subject of Article 18 of the Convention, concerns States that have ratified the Convention, and that it can only arise if its provisions regarding testing, examining and annealing, the issue of certificates and the keeping of records are already applied in the countries concerned.

Some of the reports submitted contain an account of the difficulties that have prevented or delayed the ratification of the Convention, and indicate the principal divergences still existing between national legislation and practice on the one hand, and the provisions of the Convention on the other.

Three States (Austria, Poland and the United States of America) point out the difficulties arising from the strict and detailed character of the provisions of the Convention, one of these States (Austria) also mentions the expense that the complete application of these provisions would entail, while another State (United States of America) says that a further difficulty arises from the advances made since the adoption of the Convention in the mechanisation of the processes of loading and unloading ships, a great many of the provisions of the Convention having thus become obsolete.

Again, as already stated, the Netherlands mentions that the principal difficulty in that country is the application of the Convention to inland navigation, which in that country is of an international character and has hence given rise to previous agreements with neighbouring countries which must be taken into account.

Finally, Australia indicates that the principal obstacle to ratification resides in the fact that, because of the federal structure of the country, it would not be easy to achieve a uniform law and practice in the various States that make up the Commonwealth, especially in view of the fact that the question comes partly within the purview of independent local authorities.

Nevertheless, the Committee has noted that in spite of these difficulties and the divergences existing between the national legislation of these various States and the provisions of the Convention, certain Governments are intending either to amend their legislation, in some cases so as to bring it into greater conformity with the Convention, or even to ratify the Convention itself.

The Netherlands Government indicates its intention of introducing into the rules embodied in its national law certain amendments based on the provisions of the Convention. The same applies to France, where the Decree of 23 August 1947 is to be amended and completed in the light of the provisions of Article 9 of the Convention; the other safety measures prescribed by the Convention apparently admit of amendment by Prefectorial Order. The Norwegian Government also indicates that the Seafarers' Act of 8 July 1949, which is to come into force in the near future, will provide an adequate basis for the introduction of the regulations required to ensure conformity of the national legislation with the Convention. Turkey speaks of preparations to enact legislation respecting the protection of dockers, and the Government of the Union of South Africa states that a Merchant Shipping Bill is designed to enable the administrative authorities to draw up in this connection regulations in the framing of which regard will be had to the provisions of the Convention.

Finally, as to the possibilities of ratification, the information supplied gives grounds for expecting three or four ratifications in the relatively near future.

Thus, the Government of Greece will submit the Convention to a committee set up within the Ministry of Labour, to determine which international labour Conventions can be ratified by Greece, and hopes that ratification of this Convention will soon be possible. For its part, the Luxembourg Government, which has already ratified Convention No. 28, intends to submit the revised Convention in question to the approval of the legislature, though this Convention is not of much practical interest to the country.

Again, it is stated in some reports that the possibility of ratification is dependent on the amendment of national legislation, so that conformity between the Convention and the legislation may be ensured beforehand. This applies especially to France, which will be in a position to set in motion the procedure for ratification when the various texts and measures under consideration in the national law have been finally adopted. In Norway, Parliament has already given, as far back as June 1949, its consent to the ratification of the Convention, and the Government thinks that it will be possible for it to take place in the near future, as soon as the necessary regulations have been framed.

### Conclusion

As may be seen from the foregoing analysis, the extent to which effect has been given to provisions of the Convention varies considerably from country to country, some giving as yet little or no effect to these provisions, some applying an appreciable number of them by virtue either of special legislation respecting the protection of dockers, or of general legislation applicable also to dockers; while other States, finally, come very close to the rules contained in the Convention. The main

obstacle to the application of these rules arises from the very strict and detailed character of some of them, which is apparently preventing several States from putting them fully into practice, while other States consider that some of them have been rendered obsolete by technical advances.

Still, the fact remains that a certain number of Governments have expressed the intention either of amending their national legislation, in some cases bringing it nearer to the Convention (France, Luxembourg, Netherlands, Norway, Turkey, Union of South Africa) or even of ratifying the Convention (France, Greece, Luxembourg, Norway).

#### PROTECTION AGAINST ACCIDENTS (DOCKERS) RECIPROCITY RECOMMENDATION, 1932 (No. 40)

##### *Introduction*

The purpose of this Recommendation is to expedite not only the conclusion of the reciprocal agreements on the special points covered by Article 18 of the Convention on the protection of dockers against accidents (testing of machinery, records and certificates) and generally on all the other provisions of the Convention, but also negotiations towards the same end. It was in fact considered that such negotiations were urgent and indispensable, since the persons concerned are required to work on ships of all nationalities and since their safety depends to a large extent on the proper maintenance of the equipment of those ships. A special feature of the Recommendation is that it is addressed primarily to Governments which have ratified Convention No. 32.

##### *Examination of Reports*

Of the twenty-six reports supplied by Governments in connection with this Recommendation, ten (those from Argentina, Canada, Chile, Finland, India, Italy, New Zealand, Pakistan, Sweden and the United Kingdom, the Government of which has also supplied information regarding Basutoland, Bechuanaland and Swaziland) come from States among the fifteen which have ratified the above-mentioned Convention; in addition sixteen reports have been submitted by States which have not ratified it (Australia, Austria, Belgium, Burma, Cuba, France, Greece, Guatemala, Luxembourg, Netherlands, Norway, Poland, Switzerland, Turkey, Union of South Africa, United States of America).

While most of the States which have not ratified the Convention considered rightly that for that reason they were not under an obligation to supply information in connection with the Recommendation, some nevertheless thought that the Recommendation was of some interest for them because of the international character of navigation. Thus the Luxembourg Government indicates that, recognising the utility of the Recommendation, it will make every effort to secure acceptance of the Convention in due time and will then proceed to the conclusion of reciprocal agreements with the other Governments concerned with the object of giving effect to the Recommendation.

Furthermore, several reports recall that in 1932 and 1935, at the suggestion of the Bri-

tish Government, States which had not ratified the Convention took part in London, with States which had ratified it, in negotiations for the conclusion of reciprocal agreements.

The Netherlands Government, which took part in these meetings, indicates that the negotiations did not lead to any positive result, while the United Kingdom Government considers that some progress resulted indirectly from these conferences.

The Belgian and Netherlands reports also indicate that in 1949 and 1950 the Recommendation was placed on the agenda of the competent committees of the Member States of the Brussels Pact. The information given reveals that it has not yet been possible to reach an agreement on reciprocity but that the question will be reconsidered after further investigation. The French Government is also of the opinion that it is important to achieve a reasonable uniformity in the application of safety measures relating to loading and unloading machinery. It states that the divergences which have come to light at recent meetings, and which have hampered the adoption of reciprocal arrangements, concern particularly the examination of hoisting machinery, the persons competent to issue records and certificates, and the marking of safety loads. It adds that it will probably be easier to conclude reciprocal agreements when a certain number of countries have ratified Convention No. 32 and when their own regulations have been issued.

In effect, the reports of several Governments (Canada, Chile, India, Italy, Pakistan) which have ratified the Convention lay stress on the fact that no reciprocal agreement has been concluded in the field covered by the Recommendation, while in other cases (Australia, Finland, India, New Zealand) national legislation provides for the recognition, subject to certain conditions, of certificates and documents issued in a foreign country, though no reciprocal agreement between the countries concerned exists. Some of the information supplied concerns other problems of reciprocity which do not come within the scope of the Recommendation, for example compensation for industrial accidents (Argentina, Canada).

The United Kingdom considers that the proposals worked out at the London conferences advocate methods capable of being applied internationally, and that thus the purpose of the Recommendation would appear to have been achieved, since negotiations have taken place and have already led to progress in the direction of a uniform practice in various countries, whether those countries have ratified the Convention or not.

If past negotiations have not so far led to any final agreements, the reasons must undoubtedly be looked for in the differences existing between the regulations in force in the various countries. Thus Sweden considers it unlikely that it will be able to conclude reciprocal agreements with countries where there is no regular supervision of the issue of certificates, particularly regarding the maximum loads of hoisting machinery. The Swedish Government states, however, that in order to encourage the creation of uniform certificates for international use, Swedish certificates are modelled as far as possible on British certificates.

While noting the difficulties in the way of reaching reciprocal agreements on the matters which are regulated in different ways in the various countries, it should be noted

that the reports received reveal an undeniable desire to achieve a certain uniformity in existing regulations. This desire has found expression in the calling of conferences, which have been held even between the countries which have not ratified the Convention, and which are to be continued.

In view of the apparent obstacles to the conclusion of individual agreements between States, the Government of India considers that it would be desirable for the International Labour Office to ask all Member States which have ratified the Convention to send in forms, model certificates, etc., and for the Office to study these documents with a view to preparing a set of models acceptable to all maritime countries. This Government considers that such a step would be more satisfactory than the method at present laid down of asking each of the States which have ratified the Convention to enter individually into negotiation with the other ratifying States. The Indian Government also feels that it would be preferable for the Office to make the question of reciprocal agreements its own concern and to take steps to induce maritime States which have not yet ratified the Convention to apply its provisions, or at least to base their certificates on a uniform model which could be used internationally.

The Committee has noted the suggestion with great interest and observes that a distinction could perhaps be drawn between the two questions which it raises: on the one hand, with regard to the help that the Office could provide in the study and the standardisation of model certificates, the Committee feels that any assistance that the Office could give interested Governments in bringing together and distributing the documents necessary for the conclusion of agreements could not fail to expedite it. On the other hand, with regard to the suggestion that the Office should take the initiative to bring about the conclusion of the agreements envisaged in this field, the Committee cannot at present express a definite opinion, since a suggestion of this kind lies outside the present scope of the Convention and the Recommendation under consideration: in consequence, the question of whether the States themselves would not be in a better position to judge of the desirability of these negotiations would require a special study which could only take place at the time of a possible revision of the Convention.

#### *Conclusion*

Coming to general observations, the Committee notes that more than 18 years have elapsed since the adoption of this Recommendation, and that in spite of the emphasis laid on the importance of expediting negotiations, the results achieved, though not completely negative, do not seem to have come up to the expectations of the Conference. Moreover, the Recommendation is addressed to States which have ratified the Convention, and only 15 have done so. However, the Committee was glad to note that a certain number of steps have been taken in this field, that negotiations have not been abandoned, and that these steps concerned countries which had not yet ratified the Convention but had recognised the desirability of the agreements advocated. Therefore the Recommendation still preserves its interest and the Committee recalls that, under paragraph (2) of this text annual reports must be sent to the Office on

the steps taken to give effect to the Recommendation and the progress achieved in this direction.

### VOCATIONAL TRAINING RECOMMENDATION, 1939 (No. 57)

#### *Introduction*

Technical and vocational education and apprenticeship, which is expressly mentioned in the preamble of the Constitution of the International Labour Organisation as one of the main points with which the Organisation should deal, was discussed several times by the Conference when examining other special problems, before the question became the subject of two Recommendations which were unanimously adopted by the Conference at its 25th Session. One of these Recommendations was the Vocational Training Recommendation (No. 57).

In view of the complexity of the question, the subject has been treated in the Recommendation on broad lines to cover every form of vocational and technical education, apart from apprenticeship, from pre-apprenticeship to higher technical training.

#### *Examination of Reports*

At the date of the meeting of the Committee of Experts reports had been received from the following 24 countries: Argentina, Australia, Austria, Belgium, Canada, Chile, Cuba, Finland, France, Guatemala, India, Ireland, Italy, Luxembourg, the Netherlands, Norway, Pakistan, Poland, Sweden, Switzerland, Turkey, the Union of South Africa, the United Kingdom, and the United States of America. In addition, Australia and the United Kingdom supplied voluntary reports in regard to some of their non-metropolitan territories.

The amount of information given in these reports varies considerably; some countries, such as Argentina, Cuba, Guatemala, Sweden, Turkey, and the Union of South Africa, do not give sufficient information to permit an estimation of the degree of conformity with the provisions of the Recommendation. The Governments of Finland, Luxembourg and Norway state that their national legislation and practice apply the Recommendation, but do not state in detail how this is done; and the Australian Government covers in its report only those points on which the Australian principles and practice are not in full conformity with the provisions of the Recommendation (this report was received too late to be included in the summary of reports submitted under Article 19 of the Constitution). Finally, 11 States have submitted detailed reports in which the position in the respective countries is examined in relation to each principle of the Recommendation (Austria, Belgium, Canada, Chile, France, Ireland, Netherlands, Pakistan, Poland, Switzerland, United Kingdom).

The legislation of some countries (Austria, Canada, France, Ireland, Poland) contains definitions of the terms used in the Recommendation. There appears to be no conflict between the sense in which these terms are used in the reporting countries and the definition given in the instrument. France, however, states that there is no strict dividing line between the terms "vocational education" and "apprenticeship".

As regards general organisation, the work of vocational training is co-ordinated on the basis of a general programme in practically all the reporting countries ; co-ordination may be ensured by the ministry responsible for vocational training (Netherlands), by an inter-departmental committee (France), through a co-ordinating council (Belgium), by means of standards set by representative committees (Canadian provinces), through Government vocational schemes for adults and further education schemes for children and young persons (United Kingdom), or in other ways. The Austrian Government states, on the other hand, that the large number of bodies concerned in vocational training make it impossible to draw up a general programme ; two other federal countries, India and the United States, also state that co-ordination, to the extent envisaged by the Recommendation, does not exist.

The programmes drawn up by the different countries generally take due account of the provisions laid down in the Recommendation relating to the interests of the persons concerned and of the community, and to the educational and economic factors. They are usually drawn up with the collaboration of the authorities and interested parties.

A certain number of countries (*e.g.*, Belgium, some Canadian provinces, the Netherlands, Switzerland and the United Kingdom) include in their compulsory education programme courses to develop a liking for manual work. In France experiments have been made in this field, and the Governments of Austria and Luxembourg are considering the introduction of this system. Little information is given concerning the age at which pre-vocational preparation begins in these countries, or the period over which it extends.

On the other hand, the large majority of reporting countries have pre-apprenticeship courses for children who have reached school-leaving age ; these courses are organised in vocational schools or apprenticeship centres with a view to imparting basic training and determining aptitudes. In some countries, such as Pakistan, circumstances have not yet permitted an extensive application of the principles of the Recommendation in this respect.

All the Governments supplying more detailed information concerning technical and vocational education state that their respective countries already have a network of vocational schools. In the case of many countries the schemes are well developed and afford adequate opportunity of developing trade and technical knowledge ; in other cases, *e.g.*, in the United States, the federal nature of the States Members prevents the development of a national network of schools ; finally, in some countries, *e.g.*, Guatemala, the need for vocational schools has been felt only in recent years, and it has not been possible to evolve such a network. The majority of the reports state that economic fluctuations would not be allowed to reduce facilities for vocational and technical education, although it might slow down the rate at which new facilities were provided.

Admission to technical and vocational schools is free in some countries (some Australian States, Canada, Chile, France, Poland, Switzerland, the United Kingdom) ; in others fees are nominal and may be remitted in needy cases. Many countries also grant scholarships, or take other measures to facili-

tate attendance at school. Several Governments report that provision is made for courses in different branches of economic activity and for transfer to other schools and to more advanced studies (Belgium, Canada, Ireland, Netherlands, United Kingdom). Several countries indicate that the future vocational adaptability of workers is safeguarded, (*e.g.*, Austria, Ireland, Poland) ; stress is frequently laid (*e.g.*, in Chile and the United Kingdom) on the general educational value of the instruction received.

The reports show that, as a rule, workers of both sexes have equal rights of admission to vocational and technical schools and that, with few exceptions, appropriate training facilities are provided for women and girls.

As regards vocational training before and during employment, pre-employment training is specifically provided for in several countries (*e.g.*, Austria, France) ; in others, apprenticeship is so widespread that the need for such training is not felt (*e.g.*, in the United Kingdom). Where training is given during employment, few countries report that it has been possible to set up separate workshops for the purposes of training.

Workers of various categories are able to attend part-time supplementary courses in many countries (*e.g.*, Belgium, Ireland) but time spent by apprentices in attending such courses is not always included in normal working hours.

All the Governments which supplied more detailed reports state that they have taken steps to ensure collaboration between technical or vocational schools and industry. Nearly all these countries have also taken steps to ensure that information concerning occupations for which young persons can be trained is regularly supplied to such persons.

End-of-training examinations are organised in most countries and the certificates issued are generally recognised throughout the national territory, although in a federal country such as Australia recognition in the various States may be discretionary. However, a few Governments (*e.g.*, those of Ireland and the Netherlands) report the existence of schemes for the regional, national or international exchange of students, but others (*e.g.*, the United Kingdom) state that such arrangements are being developed. France and Italy, where some exchanges have already taken place, have suggested that the International Labour Organisation should help organise such arrangements at the international level.

On the whole, the provisions of the Recommendation concerning the qualifications of teachers are applied in the majority of the reporting countries ; the Canadian provinces, however, attach more importance to the practical than to the theoretical qualifications of instructors. Steps are also taken in many countries (*e.g.*, Belgium, Switzerland) to improve the qualifications of teachers and keep their knowledge up to date. Finally, some Governments (*e.g.*, those of France and Norway) report that arrangements have been made with employers for the appointment, as part-time teachers, of persons employed in industry and commerce.

### Conclusion

It is regretted that only 24 Governments submitted reports, and that only about 50 per cent. of these replied fully to the various points of the report form. (Reply was made more dif-

ficult by the detailed nature of the Recommendation.)

A study of these reports, however, enabled the Committee to draw the conclusion that all the reporting countries have a system of vocational training, although the extent of the systems varies greatly. In some countries nearly all the principles of the Recommendation are applied, but in others financial, practical or post-war difficulties have prevented the application of varying numbers of the clauses of the Recommendation.

The majority of the countries which have been unable to apply fully the provisions of the Recommendation state, however, that they are taking measures to ensure better application. In fact vocational training is, by its very nature, a subject of concern for all Governments faced with any of the numerous problems (the modernisation of methods of production, the improvement of productivity per head of population, the industrialisation of backward regions, and other related problems such as unemployment, the training of demobilised soldiers and the drift to the towns) which can be solved only by this means.

It should be borne in mind, however, that the scope of the programme for vocational training set out in this instrument is flexible, and gives Governments the faculty of extending vocational training yet further, according to their policies and possibilities.

#### APPRENTICESHIP RECOMMENDATION, 1939 (No. 60)

##### *Introduction*

This Recommendation was adopted by the Conference when it examined the general question of vocational training; the Conference was of the opinion that, "of the various methods of vocational training, apprenticeship raises special problems, particularly because it is given in undertakings and involves contractual relations between master and apprentice".

##### *Supply of Reports*

Up to the date of the meeting of this Committee, 25 reports had been received from the following States Members: Argentina, Australia, Austria, Belgium, Canada, Chile, Cuba, Denmark, Finland, France, Guatemala, India, Ireland, Italy, Luxembourg, the Netherlands, New Zealand, Norway, Pakistan, Poland, Sweden, Switzerland, Turkey, the United Kingdom and the United States of America.

##### *Federal States*

Comprehensive and detailed reports have been submitted by the following federal States: Australia, Austria, Canada, Switzerland and the United States of America. Less detailed reports have been received from Argentina, India and Pakistan.

In Australia, the system of individual State responsibility as regards apprenticeship measures, which was established prior to federation, has been maintained. The Commonwealth Parliament has no power to enact legislation directly regulating apprenticeship but, in virtue of the power conferred upon it under the Constitution, the High Court of Australia has held that the terms and conditions of employment of apprentices may

be dealt with in an arbitration award. Many Commonwealth arbitration awards contain clauses dealing with apprenticeship. Where applicable, ordinances are promulgated covering apprenticeship provisions. There are various differences as between States in the implementation of the principles of apprenticeship, as for example, in the supervisory organs and in wages. No machinery exists at the national level for the co-ordination of State activities. In Austria, both the establishment of the principles to be contained in the legislation and the enforcement of labour law, except as regards certain categories of workers, are within federal jurisdiction. In Canada, the regulation of apprenticeship is primarily within the jurisdiction of the provinces. The report for India (where no legislation has been enacted) refers to the legislative and other measures contemplated by the Governments of various States, but does not indicate which provisions of the Recommendation are appropriate for action by the constituent States and which are appropriate for action by the central Government. In Switzerland, the federal Act is a basic Act, valid for the entire national territory. There are no discrepancies between federal and cantonal legislation and practice, and the provisions of the Recommendation. In the United States, all the provisions of the Recommendation are regarded by the federal Government as appropriate under its constitutional system for action by both the constituent States and the federal Government itself.

##### *General*

In most cases, the information which has been supplied regarding the various principles and rules embodied in the Recommendation shows that there is substantial provision for the principles advocated by the latter. The following countries, however, confine their reports to a list of legislation, and give little or no information regarding the application of the Recommendation: Argentina, Cuba, Guatemala, Luxembourg and Poland.

In Argentina, the conception of apprenticeship differs from that of the Recommendation in that it constitutes attendance at appropriate courses in order to supplement work.

The Government of Chile states that in the absence of adequate legislation it is unable to apply the Recommendation; but it quotes various legislative texts relating to wages and social security and containing references to apprentices.

Some difficulties are encountered by Guatemala in applying the Recommendation, owing to the special features of the employment system; however, apprenticeship is becoming general in various industries and occupations.

In India (where there is no legislation to regulate or control apprenticeship), proposals are under consideration for initiating action on the lines indicated in the Recommendation.

The report for Norway states that the matter is to be regulated by an Act of 14 July 1950. The report also gives fragmentary information regarding the provisions made in collective agreements for some industrial trades and the regulations relating to handicrafts.

There is no legislation relating to apprenticeship in Pakistan but an apprenticeship system is in force for certain railway workshops.



In Sweden, while there is no Government regulation of apprenticeship, the competent authorities are in favour of the provisions of the Recommendation.

The Government of Switzerland does not supply detailed information regarding the application of the various provisions of the Recommendation, but draws attention to a discrepancy between the latter and the law and practice as regards medical examination before entry into apprenticeship.

Legislation is in course of preparation in Turkey and the Government is therefore unable to supply the information requested.

In all the reporting countries that apply the Recommendation, except India and Pakistan, apprenticeship is governed by legislation. In some countries (Austria, Canada, Italy, the Netherlands, Norway and Sweden), provisions relating to apprenticeship are also contained in collective agreements. In the United Kingdom, apprenticeship arrangements are generally the subject of agreements between employers and workers, each industry determining the appropriate method of training.

The definition of "apprenticeship" is not referred to in the reports from Australia, Belgium (where the drawing up of apprenticeship contracts is not always compulsory), Denmark, India, the Netherlands, Norway (under present regulations), and Pakistan. In the remaining reporting countries in which the Recommendation is applied, the definition given is in conformity with that of the Recommendation, except in Argentina, France and Italy.

In Argentina, the legislation defines an "apprentice" as a young person between 14 and 18 years of age who, with the authorisation of the Ministry of Labour and Welfare, supplements his work by attendance at appropriate courses. In France, "apprenticeship" means any training which qualifies the person concerned to become a skilled worker or employee. In Italy, the definition given in the report does not specify that the young person is always employed under a contract.

No designation of the trades in which apprenticeship seems necessary appears to exist in the following countries: Argentina, Belgium, Cuba, France, Guatemala, India, Italy, (where a list of trades has been compiled in the appropriate workshops of small undertakings), and Pakistan. In Canada, in the province of New Brunswick, the designation of trades is not compulsory; the Quebec Act does not provide for the designation of trades. In the United Kingdom, where there is a long tradition of apprenticeship, no comprehensive list of trades has been prepared.

From the information supplied by countries in which the Recommendation is applied, or from an analysis of the legislation in countries which have supplied no other information, it appears that there are provisions to ensure adequate training by the employer or a qualified person, except in Argentina, Guatemala, India, Norway and Pakistan.

The provisions of the Recommendation as regards minimum age and a minimum standard of general education do not appear to be observed in Finland, Guatemala, India, Luxembourg, Norway (at present) and Pakistan.

Provision for a preliminary medical examination and special aptitude tests is the general rule except in Denmark, Finland, India, Luxembourg, Norway (at present), and

Pakistan. In Austria, a preliminary medical examination is not required by law in certain trades, but in practice all children are examined by the school doctor on leaving school, and the physical fitness of a young person is tested before he enters apprenticeship. In Switzerland, the federal Act does not provide for a medical examination, but several cantons have introduced a provision to this effect in their legislation. In the United Kingdom, few schemes provide for special aptitude tests, but the use of such tests by individual firms is increasing. In the United States of America, the Bureau of Apprenticeship has not specifically recommended medical examination, but the Office of Education and the vocational education agencies and employment services are responsible for the development of aptitude tests in industry.

No provisions regarding the registration of apprentices and the control of their number appear to exist in Cuba, Guatemala, India, Italy, the Netherlands, Norway (under the present regulations relating to handicrafts) and Pakistan. At present, no form of registration exists for workers apprenticed under a court of arbitration award in New Zealand, but employers are required to notify the labour inspectors in case of dismissal or discharge. In the United States, the Bureau of Apprenticeship has not advocated that the control of the number of apprentices should be a function of the registration agency, but it has promoted the policy that their number should be in proportion to the number of journeymen.

The determination of the duration of apprenticeship appears to be provided for in all the reporting countries in which the Recommendation is applied, with the exception of Cuba, Guatemala, India, the Netherlands, Norway (under present regulations), and Pakistan. In some countries (Canada, Ireland and New Zealand) previous training in technical or vocational schools is taken into account.

No provisions for examinations on the expiry and during the course of apprenticeship appear to exist in Cuba, Guatemala, India, Ireland (where tests and certificates are required in respect of certain occupations), Italy, Norway (under present regulations and during apprenticeship in the new legislation), Pakistan and Poland. In Australia these provisions are matters for separate action by the individual States. The recognition given in one State to standards attained in another State is discretionary. There is no obligation for automatic acceptance. In the United Kingdom, examinations are not normally held, but certificates of apprenticeship are generally given. In all countries certificates of apprenticeship appear to be the general rule. In Belgium, France, Italy, Switzerland, the United Kingdom and the United States, examinations are organised on a uniform basis for the various trades and the certificates issued are recognised throughout the country.

The provisions of the Recommendation as regards the form and the terms of the contract appear to be observed in Australia, Austria, Belgium, Canada, Denmark, Luxembourg, the Netherlands and Switzerland.

Provisions for the registration of contracts with appropriate bodies exist in Austria, Canada, Finland, France, Ireland, Luxembourg, New Zealand, Poland, the United Kingdom and the United States.

In several countries no reference is made to the remuneration of apprentices. In Bel-

gium, the payment of wages is not compulsory. In handicraft undertakings in Italy, in cases where special technical qualifications are required of the employer, the latter is not obliged to remunerate an apprentice during the first six months of his engagement. A number of countries do not refer to the method of remuneration, to remuneration during sickness or to holidays with pay.

Collaboration with official bodies as regards the supervision of apprenticeship exists in various forms (including collaboration with the labour inspection authorities) in a number of countries: Australia, Austria, Belgium, Canada, Denmark, India, Ireland, the Netherlands, New Zealand, the United Kingdom and the United States. Two countries (France and Italy) refer to the part played by the labour inspectors. In Switzerland, while there is no provision for collaboration between the employment exchanges and the labour inspection authorities, collaboration is maintained in practice.

### *Conclusion*

In view of the small number of reports supplied by States Members, it is not possible to form a general opinion of the extent to which the system of apprenticeship is applied. However, it appears from the foregoing analysis of the reports received, that in the majority of the reporting countries there is an established system of apprenticeship based on a definition which specifies employment under contract and which is, in most cases, in accordance with that given in the Recommendation.

It can be considered, on the whole, that there is a large measure of compliance with the provisions of the Recommendation as regards the technical qualifications required of employers and the fixing of an age for entry to apprenticeship which is not below that laid down for the completion of compulsory school attendance. In a number of countries, the duration of apprenticeship is determined in advance. In some countries, no examinations appear to be held on the completion of apprenticeship, and certificates take the place of examinations. The remuneration of apprentices is by no means a general rule, and explicit information is not always given in this connection. This applies also to remuneration during sickness and to holidays with pay. On the other hand, there appears to be substantial compliance with the provisions of the Recommendation as regards collaboration with official bodies, including the labour inspection authorities. In the case of countries which have merely submitted a list of, or referred to, relevant legislation, it is difficult to form any opinion regarding the extent to which the provisions of the Recommendation are applied.

In no case has it been stated that any modifications of the provisions of the Recommendation have been found necessary for the application of these provisions.

## LABOUR INSPECTION CONVENTION, 1947 (No. 81)

### *Introduction*

The Labour Inspection Convention is undoubtedly one of the most important texts in the International Labour Code. Instead of

defining minimum labour standards, as is the case for most Conventions, it describes the machinery and methods needed to supervise the application of such standards. Its provisions are designed to assure continuous follow-up of the effect given to the legislative enactments protecting labour in a given country. From the international point of view, the observance of these provisions gives an assurance that I.L.O. standards are not only part of the national law, but are also part of the national practice.

The Convention applies to both industrial and commercial workplaces, but the latter (covered by Part II) may be excluded from acceptance at the time of ratification. Mining and transport undertakings may also be exempted in whole or in part from application. The Convention treats successively of the organisation, routine and presentation of results of inspection. It enumerates the functions of a labour inspectorate, lays down the qualifications of its staff, and states the principles governing its size and structure as well as its relations with other governmental agencies and with employers and workers. The Convention also defines the powers of labour inspectors, the facilities put at their disposal to enable them to carry out their functions, the code of conduct by which they are bound, and the methods and procedures designed to secure compliance with the law. Finally the Convention describes the manner in which the results of inspection are to be assembled and published.

The Labour Inspection Convention has so far been ratified by the following eleven countries: Austria, Bulgaria, Finland, France, India, Iraq, Norway, Sweden, Switzerland, Turkey and the United Kingdom. Its ratification has been approved by the Parliament of the Netherlands. The Convention came into force on 7 April 1950.

### *Supply of Reports*

The following twenty countries have submitted reports on the Convention in accordance with Article 19 of the Constitution: Argentina, Australia, Belgium, Canada, Chile, Cuba, Denmark, the Dominican Republic, France<sup>1</sup>, Greece, Guatemala, Ireland, Italy, Luxembourg, the Netherlands, Pakistan, Poland, Turkey<sup>1</sup>, the Union of South Africa and the United States of America. Thus, less than half of the Members that should have submitted reports on the Labour Inspection Convention in accordance with Article 19 of the Constitution have fulfilled their obligation—a result which can by no means be regarded as satisfactory.

The amount of detail given varies considerably from report to report. Only those of Canada, France, Greece, Ireland, Italy, Pakistan and the United States are full enough to afford a solid basis for assessing the extent to which effect has been given to the various provisions of the Convention. In the case of nine countries (Australia, Belgium, Chile, Denmark, Dominican Republic, Luxembourg, Netherlands, Poland, Union of South Africa) the reports contain particulars in respect of some, but not all, of the Articles of the Convention. Although the inspection services of the latter countries may satisfy

<sup>1</sup> The ratifications of the Convention by France and Turkey were registered on 16 December 1950 and on 5 March 1951, i.e., after the receipt of these Governments' reports.



or even surpass the requirements of the Convention, it would be difficult, on the basis of these reports alone, to draw any valid conclusions on the position of national law and practice in the countries concerned. The reports of Argentina, Cuba, Guatemala and Turkey supply little or no information on the actual organisation and working of their systems of inspection.

Attention should also be called to the fact that four of the reporting countries, Australia, Canada, Pakistan and the United States, are federal States where the provisions of the Convention are regarded as being wholly or partly within the competence of the constituent units of the federation. Despite the added difficulties which have to be overcome by the central Governments in question in order to supply data on the action taken in the various States or provinces, the information given for the above-mentioned countries is in a number of cases quite detailed, and the efforts made to this end are particularly appreciated. The United States report, in particular, contains a full analysis of the labour inspection legislation in force for the union and for every one of the constituent units.

### *Findings*

In view of the great importance of the Labour Inspection Convention, it has been thought useful to review the effect given to its various provisions in the reporting countries.

#### *Article 1.*

All these countries seem to fulfil the basic requirement, laid down in Article 1 of the Convention, to maintain a system of labour inspection in industrial workplaces. Two Canadian provinces, however, Prince Edward Island and Newfoundland, do not have such a system at present. In the Union of South Africa there exists, apart from inspectors appointed by the Government, an extensive system of labour inspectors employed by industrial councils (joint employer-employee bodies). In the United States labour inspectorates exist both at the federal level and in all the States except three (New Mexico, South Dakota, and Wyoming) which are predominantly rural.

#### *Article 2.*

Belgium, France and Ireland indicate that they have separate inspection services for mining and transport undertakings. Several other countries refer, in this respect, to their reports on the Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82), reviewed below.

#### *Article 3.*

Many reports describe the functions of their systems of labour inspection. Canada and Ireland state that their inspectors have no further duties than those mentioned by the Convention; Australian and Greek inspectors have further duties, but it is emphasised in the case of the former that these additional functions do not interfere with the effective discharge of their primary duties. In the United States the functions of the federal and of most State labour inspection systems correspond substantially to the requirements of this Article.

#### *Article 4.*

Labour inspection is usually placed under the control of a central authority. In Argentina, Cuba, the Dominican Republic, France, Greece, Guatemala, Luxembourg and the Netherlands this authority is the Ministry of Labour; in Belgium control is shared by the Ministries of Labour and of Economic Affairs. In the Canadian provinces of Alberta, Ontario and Quebec, the departments of labour and of health centralise labour inspection activities, while in five States of the United States, these activities are carried out by both the labour departments and the Workmen's Compensation Agency.

#### *Article 5.*

The reports from Canada, Chile, Greece, Ireland, the Netherlands and the United States emphasise that the inspectorates collaborate closely both with their corresponding public and private services and with employers and workers. In Poland the State inspectorate is aided in its activities by the trade unions, the works councils and the Union of Polish Youth.

#### *Articles 6 and 7.*

In Canada, Chile, France, Greece, Ireland, Italy, Pakistan and the United States, labour inspectors are recruited in the same manner as, and have the status and stability of employment of, public officials. Commonwealth inspectors in Australia are appointed for terms not exceeding three years, and may be reappointed; however, the abolition of this three-year limit is under consideration.

The Governments of Canada, the Dominican Republic, Ireland, Italy, Pakistan and the United States also make specific mention of training courses for inspectors.

#### *Articles 8 and 9.*

The Governments of Australia, Canada, Chile, France, Greece, Ireland, Italy, Pakistan and the United States indicate that women are eligible as inspectors, but in Pakistan no female inspectors have been appointed so far, because of the small number of women working in industry.

All the above Governments, with the exception of that of Australia, state that qualified technical experts are among the inspection staff. Such experts are included on the staffs of the highly industrialised States of the United States, while in the case of Canada this inclusion is becoming feasible in the larger provinces.

#### *Article 10.*

Few reports contain data on the numerical strength of the inspectorate. Italy gives figures on the increase in the number of inspectors since 1945. Canada and Ireland state that their services are still slightly undermanned, but that this is being remedied. The understaffing of the Greek inspectorate is due to financial difficulties.

#### *Article 11.*

The reimbursement of inspectors' travelling expenses is mentioned in the reports of France and Greece, as well as in those of Canada, Ireland and the United States, which speak also of local offices put at the disposal of inspectors. Pakistan states in addition that transport facilities are put at the inspectors' disposal if necessary.

*Articles 12 and 13.*

The Governments of Canada, Chile, France, Greece, Ireland and Italy confirm that inspectors are legally empowered to carry out the duties of investigation and prevention enumerated in the Convention. In Australia and Denmark not all these powers are fully vested in the inspectorate by law, but they exist in fact. In the United States the degree of such authority varies considerably from State to State, but the union and all industrial States have statutes dealing with the subject. In the Netherlands inspectors are not able to order measures with immediate executory force, but the granting of appropriate powers is being considered.

*Article 14.*

Canada (province of Ontario), Ireland, Poland and the United States (most of the States) report that their labour inspectorates are informed not only of industrial accidents, but also of occupational diseases. Australia and Greece state that the inspectorates receive no such notice of industrial accidents. In addition, it appears from the annual inspection reports appended in certain cases that such information is also available to the inspection services of Belgium, Ireland, Luxembourg and the Netherlands.

*Article 15.*

In France, Greece, Ireland and in certain Canadian provinces, the Convention's provisions as to the conduct and obligations of labour inspectors seem to apply in full. Similar provisions apply to the federal inspectors in the United States.

In Pakistan these officials are prohibited from having any interest in the undertakings under their supervision. In Belgium, inspectors having such an interest will, in future, be disqualified from supervising the undertakings concerned. In Chile, public officials are permitted "to engage freely in any profession or trade, or to hold any office compatible with their official functions."

*Article 16.*

While Canada, Pakistan and the United States state that workplaces are inspected as often as necessary, only Greece and Ireland indicate the actual periodicity of inspections, i.e., respectively twice and once a year, as a rule.

*Articles 17 and 18.*

Canada, Greece, Ireland and the United States specifically refer to judicial sanctions against those violating the legal provisions enforceable by labour inspectors and against those who obstruct inspectors in the performance of their duties.

*Articles 19, 20 and 21.*

Belgium, Ireland and Luxembourg submit their annual inspection reports for 1946-1947, 1948 and 1949 respectively. The documents in question contain all the particulars required by the Convention, except for data on the inspection staff, which are not given in the Irish report. Chile, Denmark and the Netherlands communicate regularly to the International Labour Office annual reports, or information in other forms, on the results of inspection. Australia and Canada supply such reports for most of the State or provincial Governments. In Pakistan, inspection reports are prepared by the central Government. In the United States these reports are published

annually for the Union, and for the majority of States, and biennially for the rest. In France and Greece no annual reports have been printed for some time, but the former country is resuming the practice as of 1950.

Several Governments refer, as regards the publication of inspection reports, to the information given for the Labour Inspection Recommendation, 1947 (No. 81), and reviewed below.

*Articles 22, 23 and 24.*

All but four of the reporting countries indicate that their systems of inspection apply not only to industrial but also to commercial workplaces, in accordance with Part II of the Convention; this also applies to all but one (Montana) of the States of the United States. In Denmark, commercial undertakings are not covered, except as regards work of children and young persons. Guatemala, Turkey and the Union of South Africa do not reply on this point.

*Ratification Prospects*

Italy and Luxembourg signify their intention to ratify the Convention. Chile states that ratification is possible. Belgium, Ireland and the Netherlands state that ratification will be possible as soon as the remaining discrepancy mentioned above for each country<sup>1</sup> has been eliminated.

Argentina, the Dominican Republic, Greece, Guatemala and Pakistan state that the possibility of ratification is under consideration. Poland indicates that this contingency can be envisaged in 1951.

Legislation now before the Danish Parliament may enable that country to consider ratification at a later date.

Australia explains that ratification is prevented principally by the difficulties encountered under the federal Constitution in obtaining uniformity of legislation and practice among the various constituent States.

*Conclusion*

Although no general conclusion can be drawn from the information supplied by the 20 reporting Governments, it is nevertheless encouraging to note that labour inspectorates exist in all the countries concerned. Any attempt to make further generalisations concerning the organisation and functioning of these inspection systems is, however, made extremely difficult by the lack of comparability as between most of the reports. If all Governments had followed the general lines of the report form in drafting their replies, it might have been possible to analyse and collate the various aspects of labour inspection in all the reporting countries. Together with the information forthcoming in due course from States which have ratified the Convention, such a survey would have reflected in detail the progress so far achieved in the field of labour inspection by a large proportion of I.L.O. members.

Even on the basis of the limited data available, however, it appears possible to state that labour inspection is now highly developed in a number of countries. The main difficulties encountered by Governments seem to have been due to financial reasons, to lack of trained staff and to the administrative dislocations caused by the war and its aftermath.

<sup>1</sup> For Belgium, see under Article 15; for Ireland, under Article 10; for the Netherlands, under Articles 12 and 13.

In certain cases inspectors do not as yet possess all the powers essential to an effective execution of their duties. In some countries the collection and publication of the results of inspection still prove difficult. Several reports indicate, however, that these and other obstacles are being gradually overcome. It also appears from a majority of the reports that a single central authority, usually the Ministry of Labour, supervises the functioning of the inspectorates.

In a number of cases special emphasis is laid on the fact that employers and workers collaborate closely with the authorities in the work of inspection. In some instances these industrial organisations carry the main burden of the day-to-day task of supervision on the spot.

It is also noteworthy that in practically all the reporting countries, labour inspectors are responsible for the protection not only of industrial workers but also of those employed in commercial undertakings. Thus Part II of the Convention is in the process of being implemented.

A final important point concerns the drawing up and publication of annual reports by the central inspection authority. Copies of such reports were available for a number of the Members concerned. These reports contain statistical and administrative information on such subjects as the staff of the inspection service, the number of workplaces liable to inspection, the number of inspection visits, etc. Annual inspection reports, containing all the particulars required by the Convention in this respect, afford in fact the only valid test whereby the practical application of the labour and welfare legislation can be gauged and the necessity of improvements considered. It is to be hoped, therefore, that more and more Governments will find it possible to compile and publish such reports.

The value of the Committee's findings would have been greatly enhanced if a larger number of Members had submitted reports, and if there had been a wider measure of comparability in the information actually submitted. In view of the particular importance of the Labour Inspection Convention, both from a national and an international point of view, the Committee looks forward with keen interest to additional ratifications, and expresses the hope that even those Member States which have not submitted reports in accordance with Article 19 will also give serious consideration to the possibility of ratifying this Convention.

On the whole, the information supplied indicates that there exists in the various countries an increasingly solid basis for measuring the effectiveness of application of the standards adopted by the Conference. The Committee wishes to stress the vital importance of labour inspection in this respect, and to emphasise the importance it attaches to the Governments continuing to improve the systematic organisation of their inspectorates wherever the latter are not as yet in full conformity with the requirements of the Convention.

#### LABOUR INSPECTION RECOMMENDATION, 1947 (No. 81)

##### *Introduction*

The purpose of the Labour Inspection Recommendation, 1947, is to supplement and complete the provisions of the Labour Inspec-

tion Convention adopted at the same Session, and of the Labour Inspection Recommendation adopted at the 1923 Session of the International Labour Conference. To this end it deals in greater detail with three questions already covered in more succinct form in the Convention: preventive duties of labour inspectorates, collaboration of employers and workers with regard to health and safety, and annual reports on inspection. The Recommendation also suggests that inspectors should not act as conciliators or arbitrators in proceedings concerning labour disputes.

##### *Supply of Reports*

Reports on the Recommendation were submitted by the following 27 countries: Argentina, Australia, Austria<sup>1</sup>, Belgium, Canada, Ceylon, Chile, Cuba, Denmark, Finland<sup>1</sup>, France<sup>1</sup>, Greece, Guatemala, India<sup>1</sup>, Ireland, Italy, Luxembourg, the Netherlands, Norway<sup>1</sup>, Pakistan, Poland, Sweden<sup>1</sup>, Switzerland<sup>1</sup>, Turkey<sup>1</sup>, the Union of South Africa, the United Kingdom<sup>1</sup>, and the United States of America. Since all but two (Bulgaria and Iraq) of the 11 States Members having ratified the Labour Inspection Convention are included in this list, the number of reports received is higher than in the case of the Convention. The total result can, however, hardly be regarded as any more satisfactory, for less than half of the Member States of the I.L.O. have found it possible to communicate their reports on the Recommendation.

From the point of view of content, however, the situation is somewhat more encouraging. With the exception of the reports from Argentina and Guatemala, the information supplied is generally sufficient to afford a picture of the extent to which the various points of the Recommendation are implemented. The data given by Austria, Canada, Chile, Finland, France, Ireland, Italy, Sweden, Switzerland, Turkey, the United Kingdom and the United States are particularly detailed, and the effort made by these Governments is greatly appreciated. It should also be noted, in this connection, that the United Kingdom report includes particulars on the effect given to the Recommendation in Basutoland, Bechuanaland and Swaziland.

##### *Findings*

For convenience, the divisions of this survey correspond to the four Parts of the Recommendation.

##### *Part I. Preventive Duties of Labour Inspectorates.*

According to the reports from Austria, Chile, Finland (industrial workplaces only), France, India, Norway, Poland and Turkey, Part I is fully applied in these countries. In Cuba, Denmark, Sweden and the Union of South Africa, advance notice of opening an industrial or commercial establishment need not be given, but the other preventive duties seem to apply there. Notice and the submission of plans are also fully mandatory in the United Kingdom and partly so in Belgium. The only relevant provision in Ireland calls for the carrying out of alterations, if ordered by labour inspectors, for the purpose of securing the health and safety of industrial workers. In Ceylon, new factories must be registered.

<sup>1</sup> These countries have ratified the Labour Inspection Convention, 1947.

In Greece, Italy and the Netherlands, this Part of the Recommendation is not yet implemented, but appropriate measures to this effect are under consideration in the latter two countries. The Luxembourg report contains no specific information on Part I.

In Australia, Canada and Pakistan where labour inspection is not primarily the responsibility of the central Government, most States or provinces are applying some at least of the provisions of Part I. In Switzerland, also a federal State, the implementation of the relevant federal legislation, which is in conformity with this Part, is supervised by the cantons.

#### *Part II. Collaboration of Employers and Workers in regard to Health and Safety.*

Legislative provisions form the basis of employer-worker collaboration on matters of safety in Austria, Belgium, Finland, France, the Netherlands, Poland, Sweden, Switzerland and the United Kingdom. In two of these countries (Belgium and Finland) safety committees are mandatory only in industrial establishments of a certain size. In Australia, Canada, India, Ireland and the United States, general affect is given to this Part of the Recommendation, although no specific legislation has been enacted. Luxembourg and Norway mention the work done in this field by safety delegates and production committees.

The formation of safety committees is being encouraged in Chile and Cuba, while Denmark, Italy and Turkey are planning to stimulate industrial collaboration with regard to health and safety, through the adoption of legislation or of other measures. Switzerland is also planning to provide for further collaboration in a new Labour Act.

Advice, instruction and publicity on these matters are being provided in most countries, including Greece and the Union of South Africa where the other points of Part II have received little implementation. Pakistan has so far been unable to take any action in this field.

#### *Part III. Labour Disputes.*

Only half of the reporting Governments (Australia, Austria, Canada, Cuba, Finland, India, Ireland, the Netherlands, Norway, Poland, Switzerland, the United Kingdom and the United States), state that their inspectors do not act as conciliators or arbitrators in proceedings concerning labour disputes. The Governments of Chile, Luxembourg and Turkey state that such functions form a definite and useful part of the inspectors' duties and that experience has confirmed the value of this practice. In nine other countries labour inspectors may, under certain circumstances, intervene in labour disputes.

#### *Part IV. Annual Reports on Inspection.*

The annual inspection reports published by the following seven States contain practically all the information specified in the Recommendation: Austria (no laws and regulations listed so far, but their inclusion is being considered), Belgium, Ireland (no particulars given as regards the labour inspection staff or the number of persons employed in workplaces liable to inspection), Luxembourg, the Netherlands, Sweden (except for number of inspection visits made), and the United Kingdom. The Governments of the following countries state that their inspection reports conform substantially with the requirements of

this Part: Chile, Denmark (not all the required statistics are compiled), Finland (legislative amendments will make available further information) and Norway. The Government of Ceylon indicates that its Administration Report contains some of the particulars specified, and that a number of others will be included in future reports.

No inspection reports have been published, at least since the war, by the Governments of Cuba, France (it was reported that publication was being resumed in 1950), Greece, Italy, Poland, Turkey and the Union of South Africa.

Among the federal States, the Governments of Australia and Canada state that while no reports are published, those compiled by the States or provinces cover most of the points enumerated in this Part. The Governments of India and Pakistan indicate that their inspectorates comply in a general way with these requirements. The Government of Switzerland explains that the federal and cantonal labour inspection reports contain most of the answers, and that further amplification of the relevant documents is contemplated. In the United States an annual report is published by the federal inspectorate; reports of the State inspectorates appear either annually or biennially and vary widely in content.

#### *Conclusion*

The information received on the Labour Inspection Recommendation affords, on the whole, a more comprehensive and therefore clearer picture of the effect given to it than in the case of the corresponding Convention. This may, in part, be due to the fact that the matters dealt with in the Recommendation are limited both in scope and in number, making it easier for Governments to frame full replies.

The main fact emerging from the Governments' reports is that the vast majority of labour inspectorates are active in improving conditions of health and safety. Many of their activities are carried out in pursuance of legislative enactments. This is particularly true as regards the approval of plans for the building or conversion of industrial and commercial facilities. Several countries, where no such provisions exist as yet, are in the process of drafting appropriate laws.

Employer-worker collaboration in health and safety matters is encouraged in practically all cases. Its effectiveness is greatest at the factory and shop level, where joint efforts by management and labour can have immediate results. Such legislation as has been enacted in this sense covers primarily medium and large-scale undertakings. Many reports stress the value which Governments attach to the working of safety committees and similar arrangements, and refer here also to plans for further legislative measures. Industrial safety and hygiene are taught in all technical schools, and promoted by the Governments themselves, by insurance firms, and by allied institutions.

Opinion, as expressed in the reports, is much more divided on the advisability of having inspectors intervene in labour disputes.

It is regrettable that, in quite a large number of cases, no annual inspection reports are being published, and that all the requirements contained in the Recommendation in this respect are as yet fulfilled in very few instances. Assurances are given in many

cases that the documents in question are being progressively expanded in size and detail. The remarks made above in regard to the Convention fully apply here as well. The information outlined in Part IV of the Recommendation may, no doubt, be considered as a framework which Governments should aim at while gradually developing their labour inspection machinery, rather than as a minimum standard.

#### LABOUR INSPECTION (MINING AND TRANSPORT) RECOMMENDATION, 1947 (No. 82)

##### *Introduction*

The Labour Inspection Convention, 1947, provides (in Article 2, paragraph 2) that mining and transport undertakings or parts thereof may be exempted from application. The Conference, however, adopted a Recommendation, drawn up in general terms, suggesting that there should be appropriate systems of labour inspection to ensure compliance with legal provisions relating to conditions of work and the protection of workers in such undertakings.

##### *Supply of Reports*

The Governments of the following 28 countries submitted reports on this Recommendation : Argentina, Australia, Austria, Belgium, Burma, Canada, Ceylon, Chile, Cuba, Denmark, Finland, France, Greece, Guatemala, India, Ireland, Italy, Luxembourg, the Netherlands, Norway, Pakistan, Poland, Sweden, Switzerland, Turkey, the Union of South Africa, the United Kingdom and the United States of America. Included in this list are nine of the eleven countries which have ratified the Labour Inspection Convention, 1947.<sup>1</sup>

With the exception of those from Argentina and Guatemala, the reports are detailed enough to give at least a general idea of the manner in which labour conditions in mining and transport are supervised. The information supplied by the Governments of France, India, Sweden, Switzerland and the United States is particularly full. The United Kingdom Government was good enough to include in its report particulars on the effect given to the Recommendation in Basutoland, Bechuanaland and Swaziland.

##### *Findings*

In a certain number of countries, the protection of workers in all or some mining and transport undertakings is ensured by the regular labour inspectors. Thus, in Australia<sup>2</sup>, Chile, Cuba, Finland, Luxembourg, Norway, Turkey and the United States (Union and State inspectorates), these inspectors supervise conditions in all undertakings covered by labour legislation. In Burma, the general inspectorate is responsible for the various branches of transport ; this is true also in Finland, Poland and the Union of South Africa, except as regards railways ; and in Sweden, except for air transport and the loading and unloading of ships. The general inspectorate is responsible for the supervision of motor transport in Ceylon and Greece, of rail transport in India and Pakistan, and of

both these branches in Belgium. In Poland<sup>1</sup>, miners' social and hygiene conditions are controlled by the regular labour inspectorate.

Austria and Norway point out that both mining and transport are included in their ratification of the Labour Inspection Convention. The United Kingdom recalls that its ratification of the Convention was deemed to cover mining, those parts of transport undertakings which are factories, and the loading and unloading of ships.

In the majority of countries, separate inspection services have been set up for mining and transport.

##### *Mining Undertakings.*

Australia (to supervise regulations covering working conditions, safety, machinery, etc.), Belgium, Canada (all the mining provinces), Ceylon, France, Greece, India, Ireland, Italy, the Netherlands and Pakistan have special mines inspectorates. In Poland, this inspectorate is concerned only with questions of safety. In the United States, primary responsibility for promoting health and safety standards in mining lies with the Bureau of Mines, but all the States also have laws regulating mining facilities within their jurisdictions. The Italian Government states that its legislation concerning mines inspection is in the process of revision, and the Pakistan report indicates that the strength of its mines inspectorate is to be increased.

In Denmark and Switzerland little or no mining is carried on at present. The Government of Burma supplies no information on mines inspection.

##### *Transport Undertakings.*

The situation as regards transport is complicated by the fact that this industry is composed of a number of distinct branches differing widely in their characteristics and in the problems of labour protection they raise. Many reports describing separate inspection activities in this field refer to railways (Canada (self-inspection of the two nation-wide railway systems), France, Greece, Ireland, Poland, Switzerland, the Union of South Africa and the United States). Others mention supervision of labour conditions in motor transport by road (France, India, Ireland, Switzerland, United States); or in water transport (Belgium, Canada, France); or in the loading and unloading of ships (Belgium, Sweden); or finally in air transport (France, Sweden, United States). In Italy, the Ministry of Transport is responsible for the supervision of public transport. In Switzerland, the postal authorities possess supervisory functions for their own vehicles.

Denmark, the Netherlands and the United Kingdom are contemplating measures to develop their inspection facilities applying to transport.

##### *Conclusion*

Because of the limited and well defined objective of this Recommendation, it is possible, on the basis of the reports received, to draw certain definite conclusions as regards the measures taken by the States in question to supervise conditions of work in the mining and transport industries. The information supplied clearly shows that these industries are subject to inspection in practically all the reporting countries.

<sup>1</sup> See p. 48.

<sup>2</sup> See also below under Mining Undertakings.

<sup>1</sup> See also below under Mining Undertakings.

In the case of mining, the industry with perhaps the greatest need for and the longest experience of inspection, the existence of specially trained inspection staffs has resulted in a large measure of autonomy, even in cases where over-all supervision remains the task of a central authority. Obviously no such inspectorate is necessary in the absence of industrially useful mineral deposits.

For the vast and diversified field of transport, there exists a very great variety of administrative arrangements, ranging from supervision by the general inspectorate all the way to a series of separate and often autonomous services for the various subdivisions of the industry. In the latter case, some inspectorates are under the control of the Ministry of Transport or of Shipping. In certain countries State or private railways have their own inspectors.

From the point of view of the application of the Recommendation itself, it would appear that the great majority of the reporting States could, when ratifying the Labour Inspection Convention, apply the provisions of the Convention to mining and transport undertakings.

#### LABOUR INSPECTORATES (NON-METROPOLITAN TERRITORIES) CONVENTION, 1947 (No. 85)

##### *Introduction*

The Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947, corresponds, in a much simpler and more general form, to the Labour Inspection Convention (No. 81) adopted the same year by the Conference, but with one fundamental difference. While Convention No. 81 is to apply to industrial workplaces, with exceptions provided for in the case of mining and transport as well as commercial undertakings, the Convention concerning Labour Inspectorates in Non-Metropolitan Territories embraces in its scope undertakings of all kinds.

The Convention provides that inspection services shall consist of suitably trained inspectors, that workers and their representatives shall have free communication with the inspectors, and that the latter shall, in establishments subject to their supervision, inspect conditions of employment at frequent intervals; for this purpose they must be provided with certain powers and facilities to ensure the performance of their duties. Finally, the inspectors must not have any interest in the undertakings under their supervision and are bound to professional secrecy.

##### *Supply of Reports*

Since the Convention applies exclusively to non-metropolitan territories, the following States, which do not administer any, have confined themselves to stating that the Convention does not concern them: Argentina, Austria, Canada, Chile, Cuba, the Dominican Republic, Finland, Greece, Guatemala, India, Ireland, Luxembourg, Norway, Pakistan, Sweden, Switzerland and Turkey.

All the States administering non-metropolitan territories are required to submit reports replying to the questions asked by the Governing Body, except for the United Kingdom which has ratified the Convention. No reports, however, have yet been received from the Netherlands, New Zealand and Por-

tugal. On the other hand Australia, Belgium, Denmark, France, Italy, the Union of South Africa and the United States of America submitted the reports requested.

##### *Findings*

One of the first facts established by a study of the various reports is the great variety of systems of inspection. Sometimes a single instrument prescribes the organisation of the inspectorate and defines its competence; in other cases, the provisions relating to inspection appear in various enactments which lay down systems, often differing widely among themselves, applicable to such and such categories of undertakings or economic activities.

As far as can be gathered from the reports, the matters coming within the purview of the inspectorate are also somewhat varied. Sometimes labour inspection seems to cover the whole or nearly the whole field of social legislation, and to apply without racial distinction to all the workers employed in the undertakings subject to supervision. In certain territories, on the other hand, inspection sometimes affects more limited categories of enterprises or only parts of undertakings, and sometimes only certain categories of workers, a distinction being made also between natives and non-indigenous workers.

In general, the powers of the inspectors and the facilities afforded them for the performance of their duties seem to come close to the provisions of the Convention, and even in some cases to go beyond them. On the other hand, in several cases the reports do not make it clear whether the inspection staff has undergone the suitable training laid down by the Convention. In addition, no steps have been taken in some countries to ensure that inspectors shall have no interest in the undertakings under their supervision—which is one of the main points of the Convention.

Finally, the information regarding the practical application of the laws and regulations relating to inspection is mostly inadequate, and it is impossible to form a general idea of the efficacy of the supervision that the inspection services are required to exercise. Even where the reports contain tables of the total strength of the inspection services, copies of report forms, etc., no statistical information is supplied regarding the undertakings liable to inspection, the number and frequency of visits, and the infringements established by the inspectors. The legislative texts relating to inspection constitute in some cases sufficient evidence of whether, in accordance with one provision of the Convention, the inspectors "are required to inspect conditions of employment at frequent intervals". Nevertheless, even in cases where this legal obligation exists, only concrete information would make it possible to state with full knowledge of the facts whether, in accordance with another provision of the Convention, every "examination, test or enquiry which they may consider necessary in order to satisfy themselves that the legal provisions are being strictly observed" has really been carried out.

The Committee is not unaware of the complex problems in the way of an immediate and full application of this provision of the Convention. The extent of the territories over which inspection must be carried out—even in the case where undertakings have been concentrated in relatively few areas—, com-

munication difficulties, the absence in many cases of a permanent labour force, the variety of racial groups and of their stages of development, and the difficulty of recruiting personnel combining the general and technical education needed for the work of inspection with a thorough knowledge of extremely varied local conditions, raise problems very different from those encountered in most metropolitan countries. Nevertheless, the necessity of organising inspection services subsists, particularly in those territories where there are undertakings which employ a fairly large number of wage earners. A number of Governments have already set up these services, and in some cases they employ personnel born in these territories ; it appears likely that this method will give excellent results.

### *Conclusion*

For the reasons already set out above, the Committee was not, in general, in a position to appreciate whether the principal aim of the Convention, that is, the effective control of the application of labour legislation, is already attained in practice. Moreover, account should be taken of the fact that the Convention was adopted only in 1947, and that in several non-metropolitan territories the creation of a new administrative service, particularly such a difficult service as labour

inspection, requires an effort the results of which will not be felt for several years. The Committee recalls the opinions which it expressed as to the great importance of efficient labour inspectorates in non-metropolitan territories, and wishes to state its appreciation of the task accomplished in several of these countries to strengthen the practical control of the application of the legislation, and consequently of the international labour Conventions. The Committee was particularly glad to note, in this connection, that a certain number of countries have already examined the possibility of applying the Convention. Thus, the reports show that in Australia ratification is being considered. In Belgium, although no indication is supplied in the report, it would appear that ratification is possible since the legislative work has followed closely the provisions of the Convention. Italy states that the competent organs are proceeding with an examination of the possibility of applying the Convention, and that the latter will also be submitted to the trusteeship administration of Somaliland. In France, the Government proposes to submit the Convention to Parliament for ratification in the near future. Finally, the Government of the Union of South Africa, which stated that the legislation and practice are not yet as detailed as is required by the Convention, is considering an extension of the legislative provisions in force.

APPENDIX VI

REPORTS ON UNRATIFIED CONVENTIONS AND ON RECOMMENDATIONS  
(Article 19 of the Constitution)

Reports Received by 27 March 1951

Conventions : 63

Recommendations : 130

Country	Conventions		Recommendations	
	No. of reports received	Nos. of Conventions	No. of reports received	Nos. of Recommendations
Argentina .....	3	32, 81, 85	5	40, 57, 60, 81, 82
Australia .....	3	32, 81, 85	5	40, 57, 60, 81, 82
Austria <sup>2</sup> .....	2	32, 85	5	40, 57, 60, 81, 82
Belgium .....	3	32, 81, 85	5	40, 57, 60, 81, 82
Burma .....	1	32	2	40, 82
Canada <sup>1</sup> .....	2	81, 85	5	40, 57, 60, 81, 82
Ceylon .....			2	81, 82
Chile <sup>1</sup> .....	2	81, 85	5	40, 57, 60, 81, 82
Cuba .....	3	32, 81, 85	5	40, 57, 60, 81, 82
Denmark .....	2	81, 85	3	60, 81, 82
Dominican Republic .....	3	32, 81, 85		
Finland <sup>3</sup> .....	1	85	5	40, 57, 60, 81, 82
France .....	3	32, 81, 85	5	40, 57, 60, 81, 82
Greece .....	3	32, 81, 85	3	40, 81, 82
Guatemala .....	3	32, 81, 85	5	40, 57, 60, 81, 82
India <sup>3</sup> .....	1	85	5	40, 57, 60, 81, 82
Ireland .....	2	81, 85	4	57, 60, 81, 82
Italy <sup>1</sup> .....	2	81, 85	5	40, 57, 60, 81, 82
Luxembourg .....	3	32, 81, 85	5	40, 57, 60, 81, 82
Netherlands .....	2	32, 81	5	40, 57, 60, 81, 82
New Zealand <sup>1</sup> .....			2	40, 60
Norway <sup>2</sup> .....	2	32, 85	5	40, 57, 60, 81, 82
Pakistan <sup>1</sup> .....	2	81, 85	5	40, 57, 60, 81, 82
Poland .....	2	32, 81	5	40, 57, 60, 81, 82
Sweden <sup>3</sup> .....	1	85	5	40, 57, 60, 81, 82
Switzerland <sup>2</sup> .....	2	32, 85	5	40, 57, 60, 81, 82
Turkey .....	3	32, 81, 85	5	40, 57, 60, 81, 82
Union of South Africa ...	3	32, 81, 85	4	40, 57, 81, 82
United States of America .	3	32, 81, 85	5	40, 57, 60, 81, 82
United Kingdom <sup>3</sup> .....	1	85	5	40, 57, 60, 81, 82
	63		130	

<sup>1</sup> Has ratified Convention No. 32.  
<sup>2</sup> Has ratified Convention No. 81.  
<sup>3</sup> Has ratified Conventions Nos. 32 and 81.