

REPORT III
(PART I)

**INTERNATIONAL LABOUR
CONFERENCE**

THIRTY-FIFTH SESSION

GENEVA, 1952

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

Third Item on the Agenda



INTERNATIONAL LABOUR OFFICE
GENEVA, 1952

09661

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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 1950 to 30 June 1951, is submitted to the Conference in pursuance of the obligation laid down in Article 23 of the Constitution and contains information on the 65 Conventions in force at the beginning of this period.

A total of 907 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. It will be recalled that last year the Governing Body decided that, in so far as annual reports on ratified Conventions had not given rise to any observations, the subsequent reports could be simplified by avoiding a repetition of the information already supplied. Consequently, such information has not been reproduced in the present summary. On the other hand, special care has been taken in analysing information supplied by Governments for the first time (*i.e.*, in respect of reports submitted after the coming into force of Conventions for the Government concerned), as well as important changes in legislation.¹

As 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—as was the case last year—under the heading "Application of Ratified Conventions in Non-Metropolitan Territories". This summary also includes new information contained in the reports supplied for the period under review.

* * *

The present volume covers reports received by the Office up to 17 March 1952, the opening date of the 22nd Session of the Committee of Experts on the Application of Conventions and Recommendations, which finished its work on 29 March 1952. 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 1952.

¹ The following abbreviation is used throughout the summary:

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
Argentina	30.11.1933
Austria ¹	12. 6.1924
Belgium	6. 9.1926
Bulgaria	14. 2.1922
Burma ²	14. 7.1921
Canada	21. 3.1935
Chile	15. 9.1925
Colombia	20. 6.1933
Cuba	20. 9.1934
Czechoslovakia	24. 8.1921
Dominican Republic	4. 2.1933
France ¹	2. 6.1927
Greece	19.11.1920
Haiti	31. 3.1952
India	14. 7.1921
Israel	26. 6.1951
Italy ¹	6.10.1924
Latvia ¹	15. 8.1925
Lithuania	19. 6.1931
Luxembourg	16. 4.1928
New Zealand	29. 3.1938
Nicaragua	12. 4.1934
Pakistan ³	14. 7.1921
Peru	8.11.1945
Portugal	3. 7.1928
Rumania	13. 6.1921
Spain	22. 2.1929
Uruguay	6. 6.1933
Venezuela	20.11.1944

¹ Conditional ratification.

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

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

Argentina.

During the period under review a total of 1,750 contraventions of the provisions of Act No. 1,154 concerning the eight-hour day was reported. The documents appended to the report show the position in detail with regard to contraventions in various districts of the country.

Belgium.

Royal Order of 24 April 1951, to give force of law to the decision taken by the National Joint Transport Committee on 8 December 1951 with regard to the hours of work of persons employed in motor-coach undertakings.

Royal Order of 28 May 1951, to give force of law to the decision taken by the National Joint Transport Committee on 31 January 1951 with regard to the hours of work and the wages of persons employed in motor-coach undertakings.

At the request of the workers' representatives on the joint committee for clothing, the Minister of Labour is at present examining the possibility of repealing the Royal Orders concerning clothing and accessory industries, laundries in holiday resorts, and the industrial manufacture of women's hats, which contain provisions for exceptions to the Act of 14 June 1921 concerning the eight-hour day and 48-hour week (normal limits recognised to be inapplicable).

During the period under review 48 decisions were given by courts of law with regard to the application of the Convention. The social inspection service visited a total of 14,397 undertakings in which 135,542 persons were employed; 228 breaches of the Convention were reported. The authorisations for overtime granted between 1 July 1950 and 30 June 1951 by virtue of section 7 of the Act of 14 June 1921 (exceptional increase in orders caused by unexpected events) affected 125 undertakings and 4,718 workers; a total of 274,267 hours overtime was worked.

Burma.

During the period under review 11 contraventions were reported.

Canada.

Alberta.

Hours of Work and Minimum Wage Order No. 20 (1950), under the Alberta Labour Act.

British Columbia.

Hours of Work Order No. 28B (1950), under the Hours of Work Act.

Ontario.

Ontario Regulation No. 175/50 (1950), under the Hours of Work and Vacations with Pay Act.

Quebec.

Order-in-Council No. 351 (1951), amending General Order No. 4, under the Minimum Wage Act.

Saskatchewan.

Act to amend the Saskatchewan Hours of Work Act, 1951.

Order-in-Council No. 2,006/50 (1950), amending Order No. 6 (1947), under the Hours of Work Act.

Order-in-Council No. 377/51 (1951), amending Order No. 17 (1949), under the Hours of Work Act.

The new regulations listed above deal mainly with exceptions from the standards set by hours of work legislation and make minor changes in existing regulations.

The amendment to the Saskatchewan Hours of Work Act, which will come into effect on proclamation, slightly widens the scope of the Act by bringing under that instrument *all* workplaces in centres with a population of over 300 persons.

In British Columbia Order No. 28B removed hours of work restrictions on taxicab drivers, who had previously been permitted to work nine hours a day and 50 hours a week. At the same time a minimum wage order requires time-and-a-half the normal rate to be paid for the first two hours worked after eight in a day, double-time for all hours worked after ten in a day, and time-and-a-half for hours worked in excess of 48 in a week, provided the weekly overtime does not include any overtime calculated on a daily basis. In Saskatchewan, where the Act requires the payment of overtime after eight and 44 hours, the Order permitting shop and office workers in the smaller towns and villages to work up to 48 hours in a week without payment of overtime at the rate of time-and-a-half was extended to 31 December 1952.

In British Columbia there were five court cases in which employers were prosecuted for contravention of the Hours of Work Act; fines were imposed in three cases.

Under the Hours of Work Act 26 applications for exemptions were filed with the Manitoba Labour Board. Orders allowing exemption from overtime payments were issued in 17 cases; six Orders granted exemption from the daily overtime provisions, and three applications were refused. These Orders affected 429 employers and 3,911 employees.

In Ontario, following 1,803 complaints of violation of the Act, 1,517 inspections were made and, in most cases, the complaints were adjusted satisfactorily. Food-processing and wood-products industries showed the highest proportion of employees working in excess of a 48-hour week. The Board granted approval for the execution of overtime by the employees of 911 employers. Blanket approval was granted for the execution of overtime by employees in the highway transport industry. In the fruit and vegetable-processing industries 52 authorisations were granted for overtime. One employer was fined for permitting employees to work excessive hours.

In Saskatchewan the Minister issued 11 authorisations permitting a nine-hour day for the purpose of confining the 44-hour week within five days. Authorisations providing special arrangements for shift workers were issued in 10 cases, and there was one prosecution under the Hours of Work Act.

The report contains some statistical information which shows that average hours of work in different industries and areas vary between 38 and 45 per week.

Chile.

A total of 25,988 workers and 6,751 salaried employees are covered by the legislative provisions applying the Convention to railways. No information is available concerning the number of breaches reported with regard to the Convention.

Cuba.

Resolutions Nos. 2,728 of 1950 and 3,149 and 3,223 of 1951.

Resolution No. 2,728 of 1950 authorises the extension of hours of work in the sugar-refining industry, in accordance with Article 4 of the Convention; the sugar-refining industry works continuously in three shifts of eight hours each. No regulations have been issued in pursuance of Article 6 of the Convention, since the Constitution of Cuba prohibits permanent or temporary extensions except in the case of continuous processes.

As there is a tendency for hours of work to be shortened, few contraventions have been reported. Inspectors carry out periodical visits of industrial undertakings.

Greece.

Royal Decree of 14 August 1950, to extend the powers of prefects with regard to labour legislation.

Royal Decree of 8 September 1950, to regulate the hours of work of persons employed in taxicab and private motor services.

Decision No. 9,391 of 31 May 1951, to establish an eight-hour working day for washers and greasers in garages.

The Government took due note both of the report of the Committee of Experts on the Application of Conventions and Recommendations and of the observations made at the 34th Session of the Conference with regard to the non-application of the eight-hour working day to some categories of workers employed on railways (operation, station, and maintenance personnel). The responsible departments of the Ministry of Transport are at present making serious efforts to find a solution to this question, due account being taken of the economic situation in general, the financial position of the railway undertakings, and the existing possibilities.

The Government has set up a committee consisting of representatives of the competent administrative service, of the Pan-Hellenic Federation of Railway Workers, and of the railway undertakings, and has entrusted it with the drafting of new regulations governing the conditions of work and rest of the categories of workers concerned. These regulations have already been drawn up and are at present going through the last stages of legislative procedure before being adopted; they fix the working day at eight hours and only authorise exceptions subject to the payment of a special wage rate.

As regards authorisation to work overtime, the report repeats that overtime may never exceed 120 hours per annum for each undertaking and adds that overtime is authorised only in case of urgent work and when certified as necessary by the labour inspectors. In view of the increasing number of unemployed persons, this rule has recently been reinforced by new instructions drawn up by the competent authority for the labour inspection services. The financial difficulties which the Government has had to meet have prevented an increase in inspection personnel, although the need for inspectors is growing more pressing, as has been pointed out in the various reports submitted by local directors and as can be seen from the complaints made by the General Labour Confederation of Greece and the local labour centres. The same financial difficulties have prevented the setting up of new labour inspection offices in certain towns where the application of labour legislation is still

entrusted to the police authorities. It should be noted, however, that the police authorities assist the labour inspection services in towns where such services have been set up.

A certain degree of administrative decentralisation has been authorised as a result of the introduction of the system of "permanent prefects". A Royal Decree of 14 August 1950, to extend the powers of prefects with regard to labour legislation, authorises the prefects to settle certain labour questions without referring the matter to the central authorities.

The report supplies information regarding the supervision of the application of hours of work legislation and shows the number of authorisations granted for overtime in the districts of Nea Ionia (district of the capital), Athens (first district), and Patras; it also shows that the labour inspection services have instituted proceedings with regard to breaches of legislation concerning the eight-hour working day in 62 cases in Athens and in 14 cases in Patras. In view of the fact that a statistical division has recently been established in the Ministry of Labour, the Government hopes that it will shortly be in a position to supply information regarding the number of workers covered by the legislation.

India.

Railway Servants (Hours of Employment) Rules, 1951.
State Rules issued under the Factories Act of 1948.

Rules have been issued by most States under the Factories Act of 1948. The Railway Servants (Hours of Employment) Rules, 1931, have been replaced by the Rules of 1951; these provide for a 45-hour week in the case of intensive work, a 54-hour week in the case of continuous work, and a 75-hour week in the case of essentially intermittent work.

At the end of 1949, 2,433,988 workers were covered by the Factories Act and 421,159 workers were covered by the Indian Mines Act.

Luxembourg.

A total of 45,000 workers is covered by the legislation applying the eight-hour day and 48-hour week; of these workers, 3,000 are employed in continuous processes. During 1951, 51 authorisations to extend hours of work temporarily because of exceptional pressure of work were granted to 42 undertakings. A total of 109,707 hours overtime was worked by 941 workers employed for one to two hours extra per day.

It was necessary to make 428 special interventions in respect of 137 contraventions reported with regard to hours of work and of 96 contraventions reported with regard to payment of overtime or the legal premium. Last warnings in writing were received by eight quarries and one handicrafts undertaking; legal proceedings were instituted regarding a contravention by a mining undertaking.

New Zealand.

In April 1951, 270,161 workers were covered by the legislation applying the Convention. Information regarding overtime in factories shows

that, in 1947-1948, this amounted to 12,841,462 hours for males and to 1,133,318 hours for females.

Pakistan.

Altogether 193 convictions were obtained in 1949, mostly in the Punjab; they related to employment and hours of work, and to registers and returns. The average daily number of workers employed in factories during 1949 amounted to 181,752, of which 52,983 were employed on seasonal work.

Portugal.

Decisions of 4 May, 4 July and 24 July 1951, concerning processes to be considered as continuous.

During the period under review all the collective agreements published were in conformity with the provisions of the Convention. As regards Article 2 of the Convention, the report states that the collective agreement covering flour mills, undertakings manufacturing Italian-paste products, and similar industries in the district of Lisbon, provides for an eight-hour working day. Two collective agreements provide for an extension of hours of work by 15 to 30 minutes daily in exceptional cases, in accordance with Article 5 of the Convention. Decisions issued during 1951 provide that the following processes shall be considered as necessarily continuous: manufacture of agglomerated cork, chemical treatment of minerals, and certain electricity works.

A total of 4,551 cases relating to the application of the Convention was noted; overtime worked in the district of Lisbon amounted to 11,102,845 hours.

Uruguay.

Act No. 11,577 of 14 October 1950, to reduce hours of work in unhealthy industries to six per day.

The Act of 14 October 1950 reduces the hours of work in unhealthy industries to 36 per week in the case of day work and to 30 hours per week in the case of night work.

The labour inspection services, under the National Labour Institute, consist at present of eight chief inspectors, 68 inspectors, and four women inspectors. A plan for reorganising the National Labour Institute and its auxiliary services is at present being examined by Parliament; this plan takes due account of the new tasks attributed to the Institute by the legislation adopted during the last ten years.

The decisions given by courts of law relate only to fines which have not been made effective by administrative means. The legislation on hours of work protects approximately 180,000 wage earners employed in industry. In 1950, 54,360 inspection visits were carried out and 315 contraventions were reported; the total amount imposed in fines was 9,450 pesos. The contraventions relate to failure to enter wage earners in control registers and the illegal extension of hours of work. In order to accelerate the recovery of fines and thus make the penalties effective, the executive authority has conferred on labour inspectors the functions of procurators.

2. Convention concerning unemployment

This Convention came into force on 14 July 1921

Countries	Date of registration of ratification
Argentina	30.11.1933
Austria	12. 6.1924
Belgium	25. 8.1930
Burma ¹	14. 7.1921
Bulgaria	14. 2.1922
Chile	31. 5.1933
Colombia	20. 6.1933
Denmark	13.10.1921
Estonia	20.12.1922
Finland	19.10.1921
France	25. 8.1925
Germany	6. 6.1925
Greece	19.11.1920
Hungary	1. 3.1928
India ²	14. 7.1921
Ireland	4. 9.1925
Italy	10. 4.1923
Japan	23.11.1922
Luxembourg	16. 4.1928
Netherlands	6. 2.1932
New Zealand	29. 3.1938
Nicaragua	12. 4.1934
Norway	23.11.1921
Poland	21. 6.1924
Rumania	13. 6.1921
Spain	4. 7.1923
Sweden	27. 9.1921
Switzerland	9.10.1922
Turkey	14. 7.1950
Union of South Africa	20. 2.1924
United Kingdom	14. 7.1921
Uruguay	6. 6.1933
Venezuela	20.11.1944
Yugoslavia	1. 4.1927

¹ See footnote 2 to Convention No. 1.

² Ratification denounced.

Argentina.

The technical services of the National Employment Service Directorate assemble information and conduct enquiries with a view to compiling the data required and adopting the necessary measures to deal with any emergency.

In pursuance of Act No. 13,591 of 11 October 1949 the functions of the advisory committees provided for in Article 2 of the Convention (and referred to in the observation made by the Committee of Experts in 1951) are carried out by the Director of the National Employment Service Directorate and by the Industrial Advisory Council. Consequently, it has not been necessary to set up any other similar committees. However, no Regulations have as yet been issued in pursuance of the basic Act (No. 13,591). It is possible that such regulations would be in complete conformity with the requirements of the Convention, as the provisions of the above-mentioned Act are not contrary to those of Convention No. 2.

Statistical data are appended to the report; these data show that, during the period under review, the employment exchanges registered 71,548 vacancies and 83,654 applications for employment; 63,225 placings were effected.

During this same period 15,570 workers were placed in employment by the special service for the baking industry.

Austria.

Act of 5 July 1950, to amend the Act of 25 July 1946 respecting the recruitment and employment of disabled persons.

Act of 25 October 1950, to amend the provisions of the Act of 4 July 1947 respecting assistance to war victims.

Act of 6 December 1950, to amend the provisions of the Act of 4 July 1947 relating to the reinstatement in employment of certain categories of workers.

Act of 31 January 1951, respecting assistance to persons of German origin (*Volksdeutsche*).

Order of the Federal Minister of Social Affairs, dated 22 March 1951, respecting the employment of German (*Volksdeutsche*) workers.

The two Bills (referred to in previous reports) relating to the organisation of employment offices and vocational guidance and the organisation of the employment service have not yet been approved by the legislative authority.

During the period under review one new local employment office was established, bringing the total to 99.

There are now 31 secondary employment offices.

The average monthly number of persons seeking work and registered with the employment offices was 66,016; the number of registered vacancies was 48,445; and the number of placings effected was 38,643.

A new private employment office was opened by the trade union for employees in independent occupations. The activities of this office are confined to the provinces of Vienna and lower Austria.

In accordance with the Federal Act of 31 January 1951 persons of German origin (*Volksdeutsche*) who are now Stateless or of unspecified nationality are paid unemployment assistance allowances under the same conditions as those applying to Austrian citizens.

The Ministry of Social Affairs is responsible for directing and controlling the activities of the local and regional employment office as regards the employment service, vocational training, and assistance to unemployed persons. With a view to co-ordinating placing activities, the regional employment offices and the Federal Ministry of Social Affairs have set up a control service which is competent to undertake a thorough investigation of the work carried on by the regional offices.

Belgium.

Ministerial Order of 10 May 1951 and Royal Orders of 24 April and 22 June 1951, to amend the Order of the Regent of 26 May 1945 (L.S. 1945—Bel. 1) setting up the Provisional Fund for the maintenance of involuntarily unemployed persons.

Various Orders, issued in 1950 and 1951, respecting unemployment allowances and compensation to

various categories of workers and unemployed persons, etc.

The fund for the maintenance of involuntarily unemployed persons now has 29 regional employment offices to which are attached 45 local offices. There are now 23 non-fee-charging private employment agencies approved by the Minister of Labour and Social Welfare.

Statistical data supplied by the above-mentioned fund are appended to the report and show that, during the period under review, the daily average number of totally unemployed persons looking for work and in receipt of benefit was 156,000; the total number of vacancies notified was 324,000, 241,000 of which were filled by the employment service.

The Royal Order of 22 June 1951 modifies the provisions of the Order of 26 May 1945 relating to the payment of unemployment allowances to foreign workers. A general agreement respecting social security for workers was concluded between Belgium and the Grand Duchy of Luxembourg on 3 December 1949 and ratified on 23 March 1951.

Burma.

Employment and Training Act No. 37 of 1950.

The above-mentioned Act came into force on 1 June 1951.

With a view to relieving the general unemployment problem, a Rehabilitation Corps (with headquarters at Rangoon and various district branches) has been set up under the Ministry of Public Works, Rehabilitation and Labour in order to assist, train and resettle persons displaced by present conditions in the country. The corps also deals with unemployed ex-servicemen. In order to combat unemployment, relief works have been organised by the Government in various parts of the country. In addition, a technical training centre has been set up in Rangoon for the purpose of training an adequate supply of skilled labour for industries. Similar institutes will be set up in other industrially important towns.

There are now nine labour offices and two free employment agencies. During the period under review there were 10,031 applications for employment; 33,021 vacancies were notified; and 1,972 persons were placed in employment. The Government appends to its report a paper explaining the methods of statistical sampling used by the employment exchanges in order to estimate unemployment.

The general supervision of the legislation and administrative regulations on all labour matters is now entrusted to the Ministry of Public Works, Rehabilitation and Labour.

Chile.

In response to the request by the Committee of Experts in 1951 to be informed as to whether the Government contemplated the early adoption of regulations to provide for the establishment and functioning of joint advisory committees for all categories of workers, the report states that the National Employment Service has been requested to prepare appropriate draft regulations with a view to the promulgation of a Supreme Decree dealing with this question.

France.

Decree of 12 March 1951, to amend in certain respects, and to consolidate in one single text, existing legislative provisions laying down conditions for the payment of unemployment allowances.

Order of 20 March 1951, to limit the payment of allowances for partial unemployment in certain occupations.

The Manpower Directorate of the Ministry of Labour and Social Security forwards regularly to the International Labour Office all available statistical and other information respecting unemployment and the organisation of the employment service.

During the period under review the Ministry of Labour and Social Security continued to put into effect measures for the application of the legislation relating to the employment service.

The number of unemployed persons who were in receipt of assistance on 1 July 1951 was 38,813 as compared with 53,832 on 1 July 1950. The number of unfilled vacancies increased from 21,097 in July 1950 to 34,464 in July 1951; the number of unplaced applicants fell from 141,103 to 104,593 in the same months. From 1 July 1950 to 1 July 1951, 827,536 persons were placed in employment.

No new free employment exchanges have been opened since the date of promulgation of the Ordinance of 24 May 1945 respecting the placing of employees and the supervision of employment. As a provisional measure the free employment exchanges set up by trade unions, labour offices, mutual benefit societies and former pupils' associations continue to be authorised to function, but under the supervision of the manpower services and provided they have applied for a licence within a time limit of two months from the date of promulgation of the above-mentioned Ordinance.

The Ministry of Labour and Social Security has endeavoured, through the International Labour Office, to co-ordinate all operations concerning the French employment service with the systems in force in various countries.

The Decree of 12 March 1951 provides that all foreigners, irrespective of their country of origin, shall be eligible for unemployment allowances during the period of validity of their worker's card. This provision also applies to the special schemes relating to workers in the building industry who become unemployed as the result of bad weather, and to dockers.

Greece.

Emergency Act No. 1,544 of 1950, to supplement and amend certain provisions of Act No. 751 of 1948 and Decree 1,196 of 1949 (protection of demobilised persons).

Emergency Act No. 1,846 of 1951, respecting social insurance.

Emergency Act No. 1,836 of 1951, to amend and consolidate the legislation respecting the protection of certain persons discharged from the armed forces.

Decision No. 48,819, to establish an employment office in the Province of Jannina.

Decision of the Minister of Labour, No. 23,835 of 1951, to extend unemployment insurance to the area of Arta.

Various legislative measures (Decrees and Decisions of the Minister of Labour), issued in 1950 and 1951, respecting unemployment control, unemployment benefits and contributions, the classification and employment of certain categories of workers, etc.

In 1950 the number of registered unemployed persons was 6,449 and the amount paid out in benefits 11,835,198,450 drachmae. During the first six months of 1951 there were 86,888 registered unemployed persons and the amount paid out in benefits was 13,709,966,050 drachmae. In view of the fact that the employment offices are in the early stages of development and are understaffed, the figures relating to the number of unemployed persons cannot be considered as exact. While a considerable number of persons have registered with the employment offices, there was evidence, nevertheless, of a marked increase in the number of unemployed persons during the period under review.

The Government has taken a series of measures in order to combat unemployment, to continue the work of reconstruction, and to encourage initiative and investments in different undertakings. The methods for the operation of employment agencies will be fixed by special rules and, until these rules have been issued, the agencies will be governed by existing provisions. Owing to the increase in the expenses of the unemployment fund, the Government was obliged to increase, as from 1 March 1951, the rates of contributions payable to unemployment insurance by employers in industrial undertakings.

Under Emergency Act No. 1,846 of 1951 the unemployment fund (established under Act No. 118 of 1945) was affiliated with the Social Insurance Institute (I.K.A.), which is responsible for covering the risk of unemployment. Employment agencies are now under the control of the Social Insurance Institute. There are 35 such agencies in operation in 35 towns listed in the report.

Detailed information is given regarding the conditions under which unemployed persons are admitted to insurance benefits, the definition of "suitable" employment, etc.

The setting up of private employment agencies is forbidden.

Foreigners are granted the same treatment as that accorded to Greek citizens in respect of unemployment insurance.

Ireland.

On 30 June 1950 there were 37,125 persons on the live register at employment exchanges and branch employment offices, including 35,716 registrations for unemployment benefit and assistance, and 1,409 other registrations. The fluctuations in the live register are due largely to the incidence of the Unemployment Assistance (Employment Periods) Orders, 1950 and 1951.

During the five weeks ended 30 June 1951, 3,278 vacancies were notified to the exchanges and branch employment offices, and 2,914 placings were effected.

Italy.

Act No. 375 of 3 June 1950, respecting the compulsory employment of war-disabled persons.

The supervision of the application of the above-mentioned Act, which came into force in July 1950, is entrusted to the Ministry of Labour and Social Welfare.

Regional advisory committees have been set up under the employment agencies in the chief

towns of the provinces. In addition, there are 310 municipal committees.

Luxembourg.

In preparing its quarterly and annual reports (copies of which are communicated regularly to the International Labour Office) the employment service takes due account of the suggestions contained in the questionnaire sent out by the Office in connection with the *Year Book of Labour Statistics*.

Netherlands.

During the period under review the unemployment situation remained about the same as in the preceding year. The Interdepartmental Committee on Employment, to which reference has been made in the previous reports, has studied measures to deal with the problem of unemployment and has prepared a Bill on the subject. Further, the above-mentioned Committee has submitted a Note to Parliament suggesting action against seasonal, structural and cyclical unemployment. In this connection, an employment bureau and a co-ordination board for public works have been created.

Progress has been made by the National Employment Office in training and placing persons demobilised from military service in Indonesia; in the rehabilitation of physically handicapped persons, for whom some 20 rehabilitation centres and special committees have been established; and in the vocational training and retraining, vocational guidance and reclassification of workers. The centres for rapid vocational training courses have a capacity of 8,000 persons a year.

The report gives details regarding subsidies for emigration, permits to certain categories of specialised foreign workers, the application of the Extraordinary Order of 5 October 1945 concerning employment relations, and special research on the state of the labour market undertaken by the National Employment Office. The Directorate-General for Industrialisation (in co-operation with the National Employment Office) has drawn up a Bill dealing, in particular, with the problems of certain depressed areas. Co-operation is maintained between the Employment Office and the competent Government departments concerned with public works, social assistance, agriculture, fisheries, and food. During the period under review the employment offices registered 717,414 applications for employment, 560,015 vacancies, and effected 430,487 placings.

New Zealand.

Social Security Amendment Act, 1950, to amend section 52 of the Social Security Act, 1938, and to repeal section 14 of the Social Security Amendment Act, 1949.

In June 1950 vacancies were notified for 612,596 men and 7,626 women; 1,861 men and 513 women were placed in employment. In the same month of 1950 there were 53 unemployed men and seven unemployed women.

Norway.

Act of 29 June 1951, to amend the Unemployment Insurance Act of 24 June 1938 (L.S. 1938—Nor. 3).

The situation is still characterised by a labour shortage, side by side with some local unemploy-

ment in the winter season, especially in North Norway. The number of persons registered as completely unemployed varied from a minimum of 2,350 at the end of July 1950 to a maximum of 22,500 at the end of March 1951. Exceptional weather conditions and planned reductions in investments caused the level of unemployment to be somewhat higher during the winter of 1950-1951 than during the preceding winter. Measures to combat seasonal unemployment include attempts to spread activities in the building and construction industry over a larger part of the year, a development scheme for North Norway to create lasting employment for approximately 10,000 persons, training courses for seafarers in North Norway and travelling allowances to enable them to seek employment in certain ports of South Norway, and encouragement to municipal authorities and State technical services to draw up a reserve of public works projects which can be implemented at short notice (an employment reserve of approximately 500 million working days has already been set aside).

The Directorate of Labour has at present under its administration 18 county employment offices and 696 local employment offices. During the period 1 July 1950 to 30 June 1951 the labour exchanges registered 223,557 applications for work and 246,073 vacancies; 198,493 placings were made.

On 18 January 1951 an agreement was signed between Norway and Denmark concerning reciprocity with respect to unemployment insurance; it came into force on 1 April 1951. Under this agreement Danish citizens who have been employed for at least four weeks in Norway on work entailing liability to unemployment insurance may claim that contributions made to a recognised Danish unemployment fund and contributions made to a recognised Swedish unemployment fund, and which are valid in relation to the Danish fund, may be credited as premiums under the Norwegian Unemployment Insurance Act. This right, however, cannot be claimed with respect to grants for vocational training or claims for benefit during stay in a foreign harbour.

Sweden.

At present there are 243 local employment offices and approximately 900 agents working under these offices. During the period under review the employment service registered 1,753,199 applications and 1,505,887 vacancies; 1,215,250 placings were effected.

Appended to the report is the annual report of the State Employment Board; this contains a general appreciation of the manner in which the Convention is applied, as well as information relating to the employment service for workers in theatrical undertakings.

Switzerland.

Federal Act of 22 June 1951, respecting the employment service.

Federal Act of 22 June 1951, respecting unemployment insurance.

The last-named Act, which came into force on 1 January 1952, not only repeals the existing provisions which were adopted in virtue of the extraordinary authority granted to the Federal Council during the last war but adapts unemploy-

ment insurance legislation to present circumstances.

The two Acts referred to above confirm in a general way what has now become an accomplished fact.

There was a marked improvement in the employment situation at the beginning of the period under review. From 1 July 1950 to 30 June 1951 the employment offices registered 121,657 vacancies and 118,249 applications for employment; 61,029 persons were placed in employment.

The Federal Act of 22 June 1951 respecting the employment service does not introduce any important modifications to the present system except as regards new uniform regulations for the entire country in connection with fee-charging and continuous placing operations for recruiting and placing workers abroad. These new provisions have been framed with a view to protecting workers and to incorporating the activities of fee-charging employment agencies in the general policy of the employment market.

Turkey (first report).

Act No. 1,554 of 8 February 1930, respecting the duties of the Central Office of Statistics.

Labour Act, No. 3,008 of 8 June 1936 (L.S. 1936—Turk. 2).

Act No. 4,837 of 25 January 1946 (as amended by Act No. 5,562 of 1 March 1950), respecting the organisation and duties of the Employment Exchange Department (L.S. 1946—Turk.1).

Act No. 5,543 of 16 February 1951, to ratify the Convention (No. 2) concerning unemployment.

The following information is given regarding the application of the various Articles of the Convention.

Article 1: in order to combat unemployment provision is made in the national budget for increasing public investments. The report contains details showing the subsidies granted and the amounts set aside for this purpose.

The compilation of statistical information relating to unemployment is the responsibility of the Employment Exchange Department in the Ministry of Labour and of the Central Office of Statistics. When proceeding to a general or special census, the latter draws up forms for the purpose of estimating the number of unemployed persons. According to a document relating to the Government's full employment policy and which is appended to the report, it is not possible at present to supply complete information regarding the number of unemployed persons. During the last six months of 1950, 31,045 unemployed persons applied for work to the Employment Exchange Department; 10,381 of these persons were placed in employment. During the first quarter of 1951 the corresponding figures were 36,640 unemployed persons and 8,909 placings.

Article 2: the Employment Exchange Department was set up as a free public employment service under Act No. 4,837 of 25 January 1946. The Department consists of 13 regional offices under the General Directorate, and has its headquarters at Ankara.

The activities of the Employment Exchange Department are examined each year by an advisory board composed of representatives of the Ministries concerned, representatives of chambers of commerce and industry, and represen-

tatives of employers and workers, all appointed for a period of office of three years.

Section 10 of Act No. 4,837, as amended by Act No. 5,562, provides for the setting up, where necessary, of local advisory committees, on the recommendation of the Employment Exchange Department and subject to approval by the Ministry of Labour.

There are no private free employment agencies.

Article 3: unemployment insurance has not been introduced in Turkey.

The supervision of the application of the relevant legislation is entrusted to the inspection service of the Employment Exchange Department. This service is composed of an inspector and a number of deputy inspectors. The activities of regional offices are subject to periodical inspection. The activities of the Employment Exchange Department are subject to inspection by officers of the Ministry of Labour.

Union of South Africa.

Native Laws Amendment Act, No. 56 of 1949.

The numbers of persons employed on special works subsidised by the Government to combat unemployment was 1,820 in July-September 1950, 1,784 in October-December 1950, 1,847 in January-March 1951, and 1,814 in April-June 1951.

During the period 1 January to 31 December 1950 unemployment benefit was paid to 63,983 applicants. Most of the applicants in question were paid benefit for short periods; the total amount of benefit paid was £1,109,029. At the end of 1950 a total of 6,606 persons (4,569 men and 2,037 women) was in receipt of benefit. The tendency was for the number of beneficiaries to decrease during the year.

There are now nine regional area employment agencies directed by divisional inspectors of labour, with suboffices in five large urban centres and 16 large rural centres.

There are also 327 local employment agencies directed, on behalf of the Department of Labour, by magistrates and justices of the peace, and 22 agencies dealing specifically with young persons seeking employment.

The report contains figures from the exchanges functioning under the Department of Labour; these figures show the number of registered adult and juvenile applicants for work and the placings effected during each month of the period July 1950 to June 1951.

In pursuance of Act No. 56 of 1949, which amended section 23 of the Native Labour Regulations Act, No. 15 of 1911, the Governor-General is empowered to make regulations providing for the establishment throughout the Union of native labour bureaux, operated either by the Department of Native Affairs or by urban local authorities. Owing to legal difficulties some delay has taken place in setting up these bureaux; a number of the local authorities have already established voluntary employment agencies.

The number of persons insured was approximately one million. The Central Board considered 124 appeals against decisions of unemployment benefit committees; 97 of these appeals were dismissed and 27 were allowed.

United Kingdom.

Great Britain.

The number of free employment agencies is now 2,438 (1,035 employment exchanges, 119 branch employment offices, 126 local agencies, 1,158 youth employment offices). There are 11 appointments offices as well as 15 regional and 124 local nursing appointments offices. The nursing appointments service was reorganised and extended in order to provide more points of contact with the public and with employers, and to assist in the development of recruitment.

During the 12 months ended 30 June 1951 the average number of applicants registered for employment was 276,822. Of the number of vacancies notified to employment exchanges, 487,388 were unfilled at 6 June 1951. During the 52 weeks ended 6 June 1951, 2,497,746 persons were placed in employment.

The number of women's advisory subcommittees has been reduced to 260.

The transfer of responsibility for the youth employment service to local education authorities has practically been completed.

Northern Ireland.

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

On 30 June 1951 there were 85 free employment agencies. The number of applicants registered for employment on 18 June 1951 was 23,748. During the period 30 September 1950 to 30 June 1951 the number of vacancies notified was 39,133 and that of vacancies filled 29,717.

Uruguay.

Various Decrees, to organise labour exchanges for certain categories of workers.

When the National Labour Institute has been reorganised it will be possible to supply fuller information regarding the number of employed and unemployed persons, classified according to occupation.

Yugoslavia.

Legislative Decree of 10 September 1948, respecting the service for the recruitment of manpower for industry.

As there is no unemployment problem in Yugoslavia, the reports called for under Article 1 of the Convention have not been forwarded to the International Labour Office.

It has not been necessary to set up public employment agencies. However, there are manpower divisions which are responsible for assembling data concerning available manpower, the recruitment of workers required for the economy of the country, and the distribution of existing manpower. Regulations for these manpower divisions are laid down in the above-mentioned Legislative Decree.

There is no system of insurance against unemployment. Consequently, no arrangements have been made with other Members under Article 3 of the Convention.

The reports from the following countries either reproduce, or refer to, the information previously supplied:

Finland, Poland.

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
Argentina	30.11.1933
Brazil	26. 4.1934
Bulgaria	14. 2.1922
Chile	15. 9.1925
Colombia	20. 6.1933
Cuba	6. 8.1928
France	16.12.1950
Germany	31.10.1927
Greece	19.11.1920
Hungary	19. 4.1928
Latvia	3. 6.1926
Luxembourg	16. 4.1928
Nicaragua	12. 4.1934
Rumania	13. 6.1921
Spain	4. 7.1923
Uruguay	6. 6.1933
Venezuela	20.11.1944
Yugoslavia	1. 4.1927

Argentina.

Statistical tables compiled by the National Social Welfare Institute and appended to the report show that, during the period under review, 4,369 employers and 77,367 women workers were members of the maternity fund. During the same period a sum of 4,787,795 pesos was paid out in benefits in respect of 15,998 cases in the various provinces and territories of the Republic.

Brazil.

On their ratification by Brazil all international Conventions have force of law in that country. A ratified Convention automatically abrogates all previous legislative provisions which conflict with those of the Convention. It was therefore considered unnecessary to adopt new legislation to apply the provisions of Convention No. 3.

As regards the scope of the Convention, the report states that the relevant national legislation does not apply to workers engaged in occupations directly connected with agriculture and stock-breeding other than certain occupations which are specified in section 7 (b) of the Consolidation of Labour Laws and which can be classified as industrial or commercial. In this connection the report quotes various decisions of the Supreme Labour Tribunal concerning the definition of an agricultural worker.

Detailed information is given regarding the control and inspection measures taken by the National Labour Department of the Ministry of Labour, Industry and Commerce in order to ensure compliance with the relevant legislative provisions. The Division of Industrial Safety and Hygiene is responsible for the conditions of employment of women. The report goes into considerable detail regarding the organisation and functioning of the inspection service under the Federal, State and municipal authorities, and representative industrial associations; it also gives information con-

cerning fines, appeals, the settlement of disputes by labour courts, and the action to be taken in case of contraventions of the regulations; it includes extracts from a number of decisions given by the courts.

Statistics for the year June 1950 to July 1951 are not available, as the Directors-General of the Ministry of Labour and the heads of the regional labour offices are not required to submit their reports for the preceding calendar year until March.

Chile.

With reference to the observations made by the Committee of Experts in regard to Article 3 (c) of the Convention, the Government states that, although it has given constant attention to the matter, it has not yet been able to obtain the approval of the National Congress to the proposed amendment to Act No. 4,054 concerning compulsory sickness, invalidity and old-age insurance, which provides that maternity benefits are to be paid entirely out of social insurance funds. The Government has informed Congress that it wishes the relevant Bill to be given priority during the present session of Congress.

As regards the provisions of the Labour Code relating to nursing periods for women employees, the report states that enquiries have shown that an amendment to ensure conformity with Article 3 (d) of the Convention would not, in practice, have the desired result as, owing to the social conditions and the mentality of the women in question, they are not inclined to make use of the accommodation supplied for the purpose of enabling them to nurse their children during the two half-hour periods provided for in Article 3 (d) of the Convention. On the other hand, it would not be possible for mothers to return home to nurse their infants in the time allowed.

Very few decisions were given by courts of law; during the period under review only one such decision (the text of which is appended to the report) was brought to the notice of the General Directorate of Labour. The reports of the labour inspection service show that in industrial and commercial undertakings the granting of maternity benefits has been carried out in a satisfactory manner. No breaches of the legislative provisions were reported.

During 1950 the Compulsory Insurance Fund paid 15,660 women maternity benefits amounting to 6,281,552 pesos; these benefits were in addition to the benefits paid by employers. The total number of days for which benefits were paid was 449,400. The Fund also paid nursing benefits amounting to 16,989,840 pesos, and covering 2,180,800 days, to 78,500 women. No other statistical information is available with regard to the cost of the benefits prescribed under Article 3 (c) of the Convention.

The report also contains figures showing the number of women wage earners in various occupations.

Cuba.

Decree No. 1,377 of 1950, to extend social insurance health and maternity benefits to agriculture.

Statistical information is appended to the report showing, for the period 1 July 1950 to 30 June 1951, the number of inspection visits, amounts paid in fines, etc., in connection with the employment of women before and after childbirth.

France (first report).

Book II of the Labour Code, sections 54 (a) to 54 (e) (prohibition of the employment of women before and after childbirth and rest periods for nursing mothers), as supplemented by the Acts of 17 June 1913 and of 5 August 1917, and as amended by the Ordinance of 2 November 1945 (L.S. 1945—Fr.2—H).

Book I of the Labour Code, sections 29 and 29 (a) (prohibition of the termination of the contract of employment during the suspension of work owing to confinement).

Ordinance No. 45-2,454 of 19 October 1945, respecting, *inter alia*, maternity benefits for insured persons engaged in occupations other than agriculture (L.S. 1945—Fr. 1—G).

The report contains the following detailed information regarding the application of the various Articles of the Convention.

Article 1: the legislation cited above applies to industrial and commercial establishments of all kinds, whether public or private, even when these establishments are carried on for the purpose of vocational training or are of a charitable nature, as well as to the liberal professions, trade unions, non-commercial companies and various public offices.

Article 2: the same provisions are applicable to every mother, whether married or unmarried, and to every child, whether legitimate or illegitimate.

Article 3: section 54 (a) of Book II of the Labour Code prohibits the employment of women in any undertaking during a total period of eight weeks before and after childbirth, six weeks of this period to be after confinement. Under section 46 of the Ordinance of 19 October 1945 an insured woman shall be entitled to a daily pecuniary rest benefit for the six weeks before the probable date of confinement, provided she abstains from all paid work during the benefit period.

Maternity benefits are provided under a social insurance system set up by social security legislation. There is no State contribution. The system provides both for cash benefits and benefits in kind. In order to be entitled to maternity benefits an insured woman must furnish evidence that she has been employed in gainful or assimilated work for at least 60 hours during the three months preceding the date of the first medical diagnosis of pregnancy, or that she has been registered as involuntarily unemployed for an equivalent number of hours during the same period. Further, an insured woman must prove that she has been registered as an insured person for not less than ten months at the probable date of confinement.

Cash benefits are granted to women who are themselves insured and who are obliged to interrupt their work owing to confinement. These benefits are granted for a period of 14 weeks (six weeks before and eight weeks after childbirth), subject to abstention from gainful employment

during the benefit period, and in any case for at least six weeks. The daily pecuniary benefits are equal to half the basic daily earnings, calculated on the basis of the wages paid to the insured person on the last pay period preceding the date of cessation of work. In the case of a woman who has three or more dependent children, the rate is two-thirds of the basic daily earnings as from the 31st day of incapacity.

Maternity insurance covers medical and pharmaceutical expenses, the cost of appliances and institutional treatment connected with pregnancy, confinement and the consequences thereof. Pharmaceutical expenses are fixed at a flat rate in accordance with the schedule of fees laid down by the rules of the social security fund. An insured person is not liable for any contribution towards medical and pharmaceutical expenses, the cost of appliances or institutional treatment connected with pregnancy, confinement and the consequences thereof. Confinement fees are reimbursed at a flat rate fixed, in accordance with section 10 of the Ordinance of 19 October 1945, in agreement with the trade unions, the medical or midwives' associations, and the regional fund in question; the rates of fees are approved by a national board. In cases where confinement takes place in a clinic, the rates of in-patient fees are fixed by an agreement concluded between the regional fund and the institution concerned; the additional expenses incurred are reimbursed as indicated above.

All wage-earning mothers who nurse their children themselves are entitled to two 30-minute breaks (one in the morning and the other in the afternoon) during working hours.

An insured woman, or the beneficiary of an insured man, who nurses her child herself is also entitled to the monthly grants fixed by the rules of the fund, within the limits of a maximum fixed by an Order of the Minister of Labour and Social Security. The maximum nursing bonus granted to the same beneficiary is 6,820 francs for the whole nursing period. The grant for each of the four first months may not be less than 1,300 francs. The grant provided in cases where the mother herself does not nurse her child entirely is equal to 40 per cent. of these amounts.

In cases where, owing to physical incapacity or sickness, the beneficiary is unable to nurse her infant herself and provided the infant is reared by her at home, she may receive milk tickets, the value of which must not exceed 30 per cent. of the nursing bonus. If the child is fed on pasteurised milk procured from approved dealers, she may receive milk tickets to the value of 60 per cent. of the nursing bonus. If the child must be weaned for medical reasons, the fund, on receipt of a favourable opinion from its medical supervisory service, may grant all or part of the milk tickets mentioned in the preceding paragraph. The same rule shall apply in the event of death of the mother.

Article 4: section 29 of Book I of the Labour Code provides that the employer may not, subject to payment of damages, terminate a woman's contract of employment owing to absence from work during the period of 12 consecutive weeks preceding and following confinement. This period may be extended to a maximum of 15 weeks if, owing to sickness shown by a medical certificate to be the result of pregnancy or confinement, the woman is unable to resume her work on the

anticipated date. Furthermore, section 29 (a) of Book I of the Labour Code provides that a woman who is obviously pregnant may leave her employment without notice and without penalty for breaking her contract.

The labour inspectors are responsible for ensuring the application of section 54 (a) of Book II of the Labour Code. Provisions relating to infringements are contained in sections 159 to 163 of Book II of the Code.

According to the reports of the labour inspection service, the provisions of the Convention as a whole are correctly applied.

During the period 1 July 1950 to 30 June 1951 maternity benefits in respect of 416,858 births were paid by the general social security funds for non-agricultural occupations. Benefits in kind in respect of these births amounted to 8,976 million francs.

Daily benefits amounting in all to 2,773 million francs were paid to 145,428 mothers by the general funds; 11,057 mothers employed in the civil service received their salaries from the administration during maternity leave.

Greece.

Ministerial Decision No. 47,893 of 1950, issued by the Ministers of Finance and Labour, to increase sickness and maternity benefits, etc.

Compulsory Act No. 1,845 of 1951, respecting social insurance.

Maternity and sickness insurance continued to be administered in the main by the Social Insurance Institute (I.K.A.) and by a number of occupational social insurance funds. These institutions cover all categories of workers employed by the undertakings enumerated in Article 1 of the Convention.

Pursuant to the promulgation of Act No. 1,845 of 1951, the number of persons insured with the Social Insurance Institute has increased and is now estimated at three-quarters of the wage-earning population. The Institute has become the principal social insurance body of the country. An appreciable number of the remaining workers are insured with special occupational funds. In the near future all working women will be covered by social insurance, in conformity with the social policy of the Government.

In accordance with Act No. 1,845 the Social Insurance Institute now has branches to deal with sickness and maternity benefits in cash and in kind. Section 31 of the above-mentioned Act provides for medical assistance at confinement, consisting of attendance by a midwife either in the home of the insured person or in a maternity clinic. The Act also provides for the supply of medicaments and of other therapeutic requisites in conformity with the regulations.

Sickness benefit amounts to 50 per cent. of the wages corresponding to the wage class of the insured person, with a 10 per cent. increase for each dependent member of the family. The total benefit may not exceed 70 per cent. of wages. Pregnancy and maternity benefits are equal to sickness benefit, but there is no maximum.

Section 5 of Act No. 1,845 requires the special occupational funds which cover the risk of sickness to grant, as from 1 January 1952, allowances of the same type, both in cash and in kind, as those granted by the sickness and maternity branches of the Social Insurance Institute.

The report gives the following details concerning the provisions of the regulations of the insurance fund applying to flour-mill workers and to technical workers in the Italian-paste products industry:

On confinement an insured woman, or the wife of an insured man, is granted an allowance equal to ten times her or her husband's wages, as the case may be, (to be calculated according to the regulations) on presentation of a medical certificate and of a document showing her civil status. The allowance is doubled in the case of a complicated confinement on production of a certificate from the fund's doctor. The beneficiary receives no other allowance, the doctor's and midwife's fees being paid by the fund.

An insured woman, or the wife of an insured man, is entitled to a daily allowance (pregnancy and maternity allowance) during a period of six weeks before and six weeks after confinement, including non-working days.

In the event of confinement an insured woman, or the wife of an insured man, is entitled to a nursing allowance for 60 days from the date on which the confinement allowance ceases, on condition that the child is living. Should an insured woman, or the wife of an insured man, die before the expiration of the benefit period, the allowance will be paid to whomsoever has charge of the child for the remainder of the benefit period.

Pregnancy, maternity and nursing allowances amount to two-thirds of the average daily wage received during the month preceding pregnancy. If confinement takes place in a clinic the maternity allowance is halved. If both husband and wife are insured the allowance is only paid once and on the basis of the higher wage. The allowance is increased by 50 per cent. in the event of twins and doubled in the event of triplets.

Detailed statistical data are given showing the number of persons insured with the Social Insurance Institute during the last six months of 1950 and the first six months of 1951, together with the number of women insured with the insurance fund for flour-mill workers during the second half of 1950 and the first half of 1951.

The amounts paid out in benefits by the Social Insurance Institute amounted to 4,019,695,547 drachmae in the last six months of 1950 and to 5,507,683,837 drachmae in the first six months of 1951.

Appended to the report is a list of the 12 local branches of the Social Insurance Institute which were established during the period 1 July 1950 to 30 June 1951.

Luxembourg.

The Government appends to its report a copy of the annual report of the Labour and Mines Inspection Service for 1950, which contains the following information:

The women officials of the labour inspection service responsible for the control of social legislation made 358 visits to 317 small industrial, commercial, and handicrafts establishments.

Uruguay.

Act No. 11,577 of 14 October 1950, respecting, *inter alia*, the limitation of hours of work in unhealthy industries.

Section 16 of the above-mentioned Act provides that a pregnant woman is entitled to four months' maternity leave. Although this period is longer than that provided for in the Convention, it is not divided into pre-natal and post-natal periods. During the period of four months' maternity leave a woman is entitled to retain her post and to full wages and, if it is necessary to extend her leave, to half her wages for the fifth and sixth months of absence. If, on the termination of this period, she is unable to resume her work, she is entitled to retain her post but not to receive any wages.

Section 37 of the Children's Code lays down that a woman may not be dismissed on account of absence resulting from childbirth without good reason, but does not fix a limit for the period of absence. Act No. 11,577 fixes six months' wages as the compensation to be paid to any working mother who is dismissed.

Compliance with the relevant legislation is supervised by the National Labour Institute and its branch offices and by the Children's Board. No reports or statistical information concerning the application of the legislation are available.

Venezuela.

The report gives comprehensive information regarding the legislation under which the various Articles of the Convention are applied, as well as details concerning the authorities responsible for ensuring compliance with the legislation, and concerning the functioning of the inspection service. A labour inspection service for women and young persons functions under the Labour Directorate of the Ministry of Labour.

Yugoslavia.

Decree of 27 September 1948, respecting contracts of employment (L.S. 1948—Yug. 1).

Act of 1 December 1948, to amend and supplement the Labour Inspection Act (L.S. 1948—Yug. 2).

Legislative Decree of 1 December 1949, respecting children's allowances.

Instruction No. 9,860 of 8 November 1950, issued by the Minister of Labour of the Federative People's Republic of Yugoslavia.

The provisions of the Act of 21 January 1950 respecting social insurance, and of the Decree of 14 October 1949 concerning the protection of women employed under contracts of employment or service, apply to women employed in all branches of activity, and not only to those employed in industry; consequently the line of division which separates industry and commerce from agriculture has not been defined. These provisions also apply to all women, whether married or unmarried, irrespective of age or nationality, and to all children, whether legitimate or illegitimate.

An employer is obliged to grant maternity leave on the basis of a report furnished by the competent State medical officer and certifying that the birth will probably take place within 45 days. If, with the consent of the appropriate medical officer, a pregnant woman has not taken the whole period of pre-natal leave due to her, her post-natal leave is increased by the number of unused pre-natal leave days. Pre-natal leave may begin at the earliest 45 days before confine-

ment and must begin at least 21 days before that date.

During her maternity leave every woman is entitled to her normal wages, as well as to the usual supplementary allowances payable in respect of the post in which she was regularly employed during the month immediately preceding the start of her leave. In order to prevent abuse the legislation requires a qualifying period of six months' continuous or 18 months' interrupted employment during the last two years preceding confinement. Maternity benefits are paid out of social insurance funds which are financed out of the State budget. In pursuance of section 12 of the Social Insurance Act women are also entitled to the necessary care during confinement.

The length of the nursing breaks to which mothers are entitled after every three hours' work is, as a rule, half an hour if the child is placed in a crèche near the undertaking where the woman is employed; in other cases, the breaks are extended according to the time required by the woman to go to and return from her home or elsewhere in order to nurse her child. However, the interruption of work for nursing purposes must not exceed two hours and the total time spent at work must not be less than four hours a day.

In pursuance of an Instruction of the Minister of Labour of the Federative People's Republic of Yugoslavia of 8 November 1950, a pregnant woman may not be dismissed from the fifth month of pregnancy or during maternity leave. Under the provisions of the Act concerning contracts of employment an employee may not be given notice during any illness which has lasted or is expected to last more than seven days. However, where the illness of the employee lasts more than 12 months, the employer may give the employee notice. Under the provisions of the Act concerning civil servants a civil servant may not be dismissed when absent on account of sickness, medical treatment or convalescence.

The supervision of the application of the relevant legislation is entrusted to the labour inspectorate, the social insurance bodies, and the trade unions. The organisation and functions of the labour inspection service are governed by the Act concerning labour inspection. Control of the social insurance bodies and participation of trade unions in this control is ensured by the provisions of the Act concerning social insurance.

The report contains statistical data showing the number of women who took maternity leave (15,816), together with the amount paid out in respect of such leave (97,531,241 dinars) during the period 1 July to 31 December 1950. Figures are also given for each of the five months January to May 1951; they show that a total of 111,371 women took maternity leave and that the amount paid out for these months was 73,653,191 dinars. The amounts referred to above are made up not only of the sums paid in benefits to pregnant women or to those taking maternity leave during the periods mentioned but also of the sums paid to the total number of pregnant women who were a charge upon social insurance. On the other hand, only those sums are shown which were paid by way of maternity benefits equal to wages, and not those paid in respect of other allowances (such as layette grants and supplementary allowances for nourishing food for the mother and child) to which women are entitled in Yugoslavia.

4. Convention concerning employment of women during the night

This Convention came into force on 13 June 1921

Countries	Date of registration or ratification
Afghanistan ¹	12. 6. 1939
Albania	17. 3. 1932
Argentina	30. 11. 1933
Austria	12. 6. 1924
Belgium ²	12. 7. 1924
Brazil ³	26. 4. 1934
Bulgaria	14. 2. 1922
Burma ⁴	14. 7. 1921
Ceylon	8. 10. 1951
Chile	8. 10. 1931
Colombia	20. 6. 1933
Cuba	6. 8. 1928
Czechoslovakia	24. 8. 1921
Estonia ⁵	20. 12. 1922
France ⁶	14. 5. 1925
Greece ³	19. 11. 1920
Hungary ³	19. 4. 1928
India ⁶	14. 7. 1921
Ireland ²	4. 9. 1925
Italy	10. 4. 1923
Lithuania	19. 6. 1931
Luxembourg	16. 4. 1928
Netherlands ³	4. 9. 1922
Nicaragua	12. 4. 1934
Pakistan ⁷	14. 7. 1921
Peru	8. 11. 1945
Portugal	10. 5. 1932
Rumania	13. 6. 1921
Spain	29. 9. 1932
Switzerland ⁶	9. 10. 1922
Union of South Africa ⁸	1. 11. 1921
United Kingdom ⁸	14. 7. 1921
Uruguay	6. 6. 1933
Venezuela ³	7. 3. 1933
Yugoslavia	1. 4. 1927

¹ Has ratified Conventions Nos. 4 and 41 simultaneously.

² Has denounced Convention No. 4 and ratified Convention No. 41; has subsequently ratified Convention No. 89, involving the immediate denunciation of Convention No. 41.

³ Has ratified Convention No. 41 and has denounced this Convention.

⁴ See footnote 2 to Convention No. 1.

⁵ Has ratified Convention No. 41 but has not denounced this Convention.

⁶ Has ratified Convention No. 89, involving the immediate denunciation of Convention No. 41.

⁷ See footnote 3 to Convention No. 1; however, Pakistan has ratified Convention No. 89, involving the immediate denunciation of Convention No. 41.

⁸ Has denounced Conventions Nos. 4 and 41.

Afghanistan.

Regulations of 16 January 1946, to govern the employment of persons in industrial establishments in Afghanistan (L.S. 1946—Afghan. 1).

The above-mentioned Regulations set forth clearly the rights and obligations of the parties concerned and ensure the necessary protection of workers.

Industrial development in Afghanistan has not reached the stage where the employment of women is necessary. Moreover, local and religious customs and traditions are not favourable to the employment of women in industry. Women are employed in occupations where the work is carried out solely by their own sex. Nevertheless, Afghanistan has taken steps to incorporate the Convention in the legislation relating to employment in industrial establishments.

Argentina.

For information relating to the number of inspection visits, infringements of the regulations, and fines imposed, the Government refers to the statistical data prepared by the Inspection and Supervisory Division of the General Directorate for the Control of Labour. According to these data, which are appended to the report on Convention No. 1, 74 infringements were reported in connection with Act No. 11,317 of 30 September 1924, which regulates the employment of women and young persons.

Austria.

The regulations relating to hours of work, which are referred to in the Government's annual report and in the observations made by the Committee of Experts in 1951, are now before Parliament for constitutional action.

The number of general inspection services is now 17. During the calendar year 1950 the labour inspection services reported 104 infringements of the provisions relating to night work (in respect of both men and women) in various branches of industry.

Chile.

The report contains the following information in reply to the request of the Committee of Experts in 1951 to be informed as to whether the Government contemplated either action to ensure the application of Convention No. 4, or ratification of Convention No. 41.

Up to the present no decision has been taken by the National Congress as regards the ratification of Convention No. 41 (with which the national legislation is in complete conformity), or the denunciation of Convention No. 4. Action has been initiated in connection with the ratification of the Convention (No. 89) concerning night work of women employed in industry (revised 1948).

The text of the only decision given by a labour court during the period under review is appended to the Government's report.

Cuba.

The report states that, in accordance with Article 7 of the Convention, commercial undertakings, offices, restaurants, etc., have adopted a "summer time-table" to allow two rest periods of half an afternoon each per week during the months of June, July and August.

Statistics appended to the report show that, during the period under review, there were no infringements of the provisions of Legislative Decree No. 598 of 1934.

France.

The following information is supplied in response to the observations made in 1951 by the Com-

mittee of Experts on the Application of Conventions and Recommendations.

In order to ensure complete accord between the national legislation and Convention No. 4, it would be necessary to repeal section 22 (a) of Book II of the Labour Code, which was adopted under the Legislative Decree of 21 April 1939. However, while the continued application of this section of the Labour Code is not in accordance with the provisions of the Convention, the provisions of the section in question are in conformity with those of Article 5 of Convention No. 89. As the last-named Convention is probably intended to replace Convention No. 4, it may be presumed that section 22 (a) of Book II of the Labour Code is in keeping with the present guiding principles of the International Labour Organisation.

India.

The number of women employed in factories in 1949 was 270,924.

Italy.

In connection with the request made by the Committee of Experts for additional information concerning the application of the Convention, the report reproduces the following details which were furnished both orally and in writing to the Conference Committee on the Application of Conventions and Recommendations.

Exceptions authorised (under Article 4 of the Convention) in order to make allowance for the differences in the technical equipment of the various sectors of an undertaking will be abolished as soon as the situation becomes normal, and steps will be taken to ensure that the Convention is strictly applied, as was the case before the war.

No exceptions are authorised for the preparation of materials intended for export.

Act No. 1,630 of 7 December 1951 gives the following authentic interpretation of the definition of night work in bakeries contained in Act No. 653 of 26 April 1934: "The reference to the provisions of the legislation regarding the making of bread, contained in section 13 of Act No. 653 of 26 April 1934, relates exclusively to the employment of young male workers under 18 years of age". A special enquiry among labour inspectors showed that, in practice, the employment of women of all ages, irrespective of the duties they perform, was prohibited in bakeries.

The reports of the inspection service show that the Convention applies to more than 400,000 women. Exceptions in connection with the treatment of raw materials subject to deterioration (Article 4 (b) of the Convention) were permitted in 192 cases in specific areas, and principally in respect of seasonal undertakings.

The few exceptions authorised as a result of a temporary breakdown in the production of different sectors of an undertaking were, in general, only granted for periods ranging between 15 days and three months, with the agreement of the trade union organisations concerned and subject to compliance with certain conditions designed to protect the health and wellbeing of the women in question. The inspection service reported 260 breaches of the provisions relating to the prohibition of night work.

The Ministry of Labour has devoted special attention to the application of the Convention and is endeavouring by all means to ensure its strict implementation.

Luxembourg.

For information relating to inspection visits, see under Convention No. 3.

Portugal.

During the period under review the labour inspectorate reported seven cases of infringement of the regulations.

Uruguay.

The national legislation has not yet been brought into line with the provisions of the Convention. Parliament still has to discuss the Bill on this subject which was submitted to it in 1938 by the Chamber of Deputies.

Yugoslavia.

Various Legislative Decrees, issued in 1948 and 1949, respecting the wages of persons employed in various occupations.

Act of 7 May 1948, respecting civil servants.

Act of 1 December 1948, to amend and supplement the Labour Inspection Act (L.S. 1948—Yug. 2).

The Government states that the above mentioned legislative provisions are not in complete accord with the Convention but that appropriate measures have been taken to remove any discrepancies. According to the legal system in Yugoslavia, a ratified Convention has force of law and is incorporated in the national legislation; it does not revoke existing laws but the latter are not applied once the matter is regulated by the Convention.

The line of division which separates industry from commerce and agriculture has not been defined and the provisions of the national labour legislation apply to all branches of economic activity. According to that legislation, the term "night work" implies work performed between 10 p.m. and 6 a.m. As work is arranged in shifts, women, like other workers, benefit from at least 11 consecutive hours' rest between two working days. Under section 9 of the Decree of 14 October 1949 respecting the protection of pregnant women and nursing mothers, night work is prohibited for pregnant women from the fourth month of pregnancy to the end of the period of eight months required for nursing the child; this period may be extended to a maximum of one year on the advice of the competent State medical practitioner. These provisions apply to all pregnant women and nursing mothers, irrespective of the branch of industry in which they are employed or of the nature of their duties. The same prohibition is laid down in section 32 of the Act respecting civil servants.

The national legislation does not make any provision for the use of the exceptions allowed under Article 4 of the Convention, nor does it provide for the reduction of the night period authorised in Article 6 of the Convention (industrial undertakings which are influenced by the seasons). No use has been made of the exceptions allowed under Article 7.

The supervision of the application of the relevant legislation is entrusted to the labour inspection service, the organisation and functioning of which are laid down in the Act of 1 December 1948 respecting labour inspection.

The reports from the following countries either reproduce, or refer to, the information previously supplied:

Burma, Pakistan, Portugal.

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
Albania	17. 3.1932
Argentina	30.11.1933
Austria	26. 2.1936
Belgium	12. 7.1924
Brazil	26. 4.1934
Bulgaria	14. 2.1922
Ceylon	27. 9.1951
Chile	15. 9.1925
Colombia	20. 6.1933
Cuba	6. 8.1928
Czechoslovakia	24. 8.1921
Denmark	4. 1.1923
Dominican Republic	4. 2.1933
Estonia	20.12.1922
France	29. 4.1939
Greece	19.11.1920
Ireland	4. 9.1925
Japan	7. 8.1926
Latvia	3. 6.1926
Luxembourg	16. 4.1928
Netherlands	21. 7.1928
Nicaragua	12. 4.1934
Norway ¹	7. 7.1937
Poland	21. 6.1924
Rumania	13. 6.1921
Spain	29. 9.1932
Switzerland	9.10.1922
United Kingdom	14. 7.1921
Uruguay	6. 6.1933
Venezuela	20.11.1944
Yugoslavia	1. 4.1927

¹ Has ratified Convention No. 59, but has not denounced this Convention.

Argentina.

During the period under review Decree No. 16,957 was promulgated; this Decree autho-

rises the registration of children of 12 years of age in monoteknical centres, under the supervision of the competent authority.

Cuba.

During the period under review 256 inspection visits were made and 65 infringements of the law reported.

Denmark.

One breach of the regulations was reported.

Greece.

In accordance with the national legislation, 2,034 work books were issued to minors; one breach of the legislative provisions was reported.

Netherlands.

During the period under review 621 official reports were drawn up in connection with infringements of the regulations.

The reports from the following countries either reproduce, or refer to, the information previously supplied:

Austria, Belgium, Chile, France, Ireland, Luxembourg, Norway, Poland, Switzerland, United Kingdom, Uruguay, Venezuela, Yugoslavia.

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
Albania	17. 3.1932
Argentina	30.11.1933
Austria	12. 6.1924
Belgium	12. 7.1924
Brazil	26. 4.1934
Bulgaria	14. 2.1922
Burma ¹	14. 7.1921
Ceylon	26.10.1950
Chile	15. 9.1925
Cuba	6. 8.1928
Denmark	4. 1.1923
Estonia	20.12.1922
France	25. 8.1925
Greece	19.11.1920
Hungary	19. 4.1928
India ²	14. 7.1921
Ireland	4. 9.1925
Italy	10. 4.1923
Latvia	3. 6.1926
Lithuania	19. 6.1931
Luxembourg	16. 4.1928
Mexico	20. 5.1937
Netherlands	17. 3.1924
Nicaragua	12. 4.1934
Pakistan ³	14. 7.1921
Poland	21. 6.1924
Portugal	10. 5.1932
Rumania	13. 6.1921
Spain	29. 9.1932
Switzerland	9.10.1922
United Kingdom ⁴	14. 7.1921
Uruguay	6. 6.1933
Venezuela	7. 3.1933
Yugoslavia	1. 4.1927

¹ See footnote 2 to Convention No. 1.

² Has ratified Convention No. 90, but has not denounced this Convention.

³ See footnote 3 to Convention No. 1; Pakistan has subsequently ratified Convention No. 90, but has not denounced this Convention.

⁴ Has denounced this Convention, but has not ratified Convention No. 90.

Argentina.

For information relating to inspection and infringements, see under Convention No. 1.

Austria.

The number of general inspection services is now 17.

See under Convention No. 4 for information relating to infringements reported by the labour inspection service.

Belgium.

The inspection service visited 3,246 establishments employing 4,752 persons. Five infringements of the relevant regulations were reported. Four decisions were given by courts of law.

Brazil.

With regard to the scope of the Convention the Government states that the relevant national legislation (Decree of 1 May 1943 to approve the Consolidation of Labour Laws) applies not only

to industry (including transport) but also to commerce and, under specified conditions, to agriculture.

Reference is made to the report on Convention No. 3 for information relating to the line of division which separates industry from commerce and agriculture.

The legislation makes no provision for the exceptions authorised under Article 2, paragraph 2, of the Convention (continuous processes). The employment of young persons under 18 years of age is authorised in workplaces where only members of their family are employed, under the direction of the father, mother or guardian.

With a view to controlling the application of the Convention, the National Labour Department is required to issue work books to all young persons under 18 years of age.

Persons guilty of an infringement of the legislation relating to the prohibition of the employment of young persons are liable to be fined up to a specified maximum amount. The report enumerates the authorities competent to impose the penalties laid down in section 438 of the Consolidation of Labour Laws.

The application of the provisions of the Convention does not, as a rule, give rise to controversy between employers and workers, but the administrative authorities are required to exercise strict supervision. The legislation provides for the lodging of complaints on behalf of young persons between 14 and 18 years of age.

See under Convention No. 3 for information relating to decisions by courts of law and the organisation and functioning of the inspection service.

Ceylon (first report).

Employment of Women, Young Persons and Children Ordinance and Schedule (Chapter 108, Legislative Enactments of Ceylon) (L.S. 1923—Ceyl. 1).

Legislative Enactments of Ceylon.

Schedule to Subsidiary Legislation, 1938 (Chapter 108).

The report contains the following information regarding the application of the various Articles of the Convention.

Article 1, paragraph 1: the provisions of the Convention have been embodied in the schedule to Chapter 108 of the Legislative Enactments of Ceylon.

Paragraph 2: the line of division separating industry from commerce and agriculture is defined in Chapter 108 of the Schedule to the Subsidiary Legislation, 1938.

Paragraph 2: there are no legislative provisions allowing employers to take advantage of the exceptions provided for in this Article.

Article 3, paragraph 2: there are no coal or lignite mines in Ceylon; the question of employing young persons over 16 years of age during the night does not arise.

Paragraph 3: night work in the baking industry is not prohibited for all workers; consequently, the question of the adoption of an alternative night interval for this industry does not arise.

Paragraph 4: a shorter night interval than 11 hours is not permitted.

Article 4: the national legislation does not authorise the exception provided for in this Article.

Article 7: during the period under review there was no suspension of the prohibition of night work under this Article.

Officers specially designated for each province are responsible for enforcing the provisions of Part II of the above-mentioned Schedule to the Subsidiary Legislation of 1938 (this part of the Schedule reproduces the provisions of the Convention). These officers are also responsible for enforcing the legislation itself.

The report gives figures showing that, on 30 June 1950, 1,215 young persons were employed in industrial undertakings covered by Part II of the Wages Board Ordinance. No information is available regarding the number of young persons employed in industrial undertakings not covered by Part II of this Ordinance.

Cuba.

The report states that, in accordance with Article 2 of the Convention, no young persons under 16 years of age were employed in sugar mills, in the manufacture of paper, or in iron and steel works.

Appended to the report are statistical data showing that, during the period under review, 256 inspection visits were made and there were 65 infringements of Legislative Decree No. 647 of 1934.

Denmark.

No use has been made of the exceptions authorised under Article 2, paragraph 2, of the Convention. The national legislation does not provide for the exceptions authorised in Article 7.

The Labour and Factories Inspection Service is responsible for ensuring compliance with the provisions of the Act of 18 April 1925 respecting the employment of children and young persons.

During the period under review proceedings were instituted in 17 cases of infringement of the legal provisions.

Appended to the report is a document relating to the scope and organisation of the Labour and Factories Inspection Service during 1950.

Greece.

The staff lists of various undertakings are controlled in order to ensure that working hours and work shifts are respected, and also that no young person under 18 years of age is employed at night.

No exceptions to the prohibition of night work for young persons under 18 years of age are authorised. The prohibition of night work has never been suspended.

For information respecting the present organisation of the labour inspectorate, see under Convention No. 1.

India.

In 1949 the number of children and young persons employed in factories covered by the Factories Act was 9,014 and 27,859 respectively.

Ireland.

Three contraventions of the provisions of the Convention were reported and the offenders prosecuted during the period under review.

Italy.

In response to the request made by the Committee of Experts for additional information regarding the application of the Convention, the report reproduces the following information which was furnished both orally and in writing to the Conference Committee on the Application of Conventions and Recommendations.

Only a limited number of exceptions, necessitated by the shortage of electric power or on account of employment in bakeries, has been authorised in respect of young persons. The exceptions due to the shortage of electric power were granted to three undertakings employing 22 young persons of over 16 years of age; the exceptions connected with employment in bakeries were in respect of a small number of children belonging to the family of the owner of the undertaking.

The Government will make every effort to ensure the strict application of the provisions of the Convention and to eliminate all exceptions which are not in conformity with these provisions.

Legislation has been promulgated prohibiting night work in bakeries between the hours of 9 p.m. and 4 a.m., with the exception of Saturday when work may be carried on up to 11 p.m., but only by young persons over 18 years of age.

The Convention was fully applied during the period under review and there were no difficulties of application.

In accordance with Article 2 of the Convention exceptions were authorised in various provinces in iron and steel, glass, paper, and sugar works. These exceptions were authorised only for short periods and were applicable to only a small number of children under 16 years of age.

Generally speaking the provisions of Article 3 of the Convention have been applied, except in a few provinces where infringements were reported and penalties imposed. Exceptions under Article 4, authorised in two cases in one province for the purpose of maintaining a regular rate of production in the undertakings concerned, were not considered by the inspection service as fully justified; night work was therefore discontinued.

The provisions of the Convention are applicable to 156,000 young persons; 197 infringements were notified by the service.

Luxembourg.

According to the annual report of the Labour and Mines Inspection Service (a copy of which is attached to the Government's report), no complaints relating to the application of the legal provisions regulating the night work of young persons were made to the labour inspectorate in 1950.

See under Convention No. 3 for information relating to inspection visits.

Netherlands.

During 1950 proceedings were instituted in six cases against employers who had obliged young persons to work between 10 p.m. and 5 a.m. These cases related mainly to bakeries and dairies. Fines were imposed varying between 10 and 200 florins.

Portugal.

During the period under review the labour inspectorate reported seven cases of infringement of the regulations.

Switzerland.

During the period under review an appeal in connection with the application of the Federal Factories Act was referred to the Federal Tribunal. This appeal was not pursued as agreement was reached between the parties concerned.

See under Convention No. 5 for information relating to the scope of the Factories Act.

The Government refers to a memorandum submitted to the Committee on the Application of Conventions and Recommendations at the 34th Session of the Conference. In this memorandum it asked the Committee to declare that, in view of Article 7 of the Convention, States Members of the Organisation might consider that there existed cases "of serious emergency" and that the public interest demanded the suspension of the prohibition of night work when the general training of apprentices absolutely required this for the benefit of a trade, such as the bakery trade, which was of vital importance to the whole population. The outcome of this memorandum is given in the report of the Committee, which was approved by the Conference.

The Government appends to its report the reports of the Federal and cantonal factory inspectors on their activities in 1949 and 1950. These reports show that, on the whole, the relevant provisions of the Convention are observed satisfactorily.

In its last report the Government stated that its next report would contain information supplied in reply to the Circular which was despatched to the cantons on 27 June 1950 in order to induce bakeries to conform to the provisions of section 3 of the Act relating to the employment of young persons and women in arts and crafts. The Committee of Experts on the Application of Conventions and Recommendations took note of this statement. The Circular brought forth observations which revealed the difficulties encountered by many cantons in applying section 3 of the above-mentioned Act to bakeries. The question was to be given a first examination at a meeting which the Government intended to convene in the autumn of 1951 and to which representatives of the cantons, the cantonal apprenticeship offices, the employers' and workers' organisations concerned, and the intercantonal associations of apprenticeship offices were to be invited with a view to considering any measures which might appropriately be taken. Information on the meeting will be given in the next report.

There were two complaints during the period under review: one, in December 1950, from a Swiss association of master bakers and pastrycooks, and another, in May 1951, from the Swiss Association of Bakery and Pastry Workers. The employers complained of the present regulations concerning the hour at which bakers' apprentices begin work. They were anxious that these apprentices should begin at 4 a.m. on the first five days of the week and at 3 a.m. on Saturdays. The legal provisions now in force prevented the employers from giving apprentices the instruction required by the Act respecting vocational training, and they declined all responsibility in the matter if the *status quo* were maintained. The workers' association complained that the relevant provisions were not observed even by some of the authorities. The Government replied that it had hoped to find a satisfactory solution to these problems by submitting the question of bakers' apprentices to the 34th Session of the Conference. However, this had not been the case. It would, therefore, be for the meeting which the Government intended to convene to examine the means of overcoming the difficulties in question.

Venezuela.

Children's Statute of 30 December 1949.

The above-mentioned legislation came into force on 15 February 1950.

The report contains detailed information regarding the legislation under which the various Articles of the Convention are applied, as well as details regarding the functioning of the inspection service. The labour inspectors make visits to undertakings in order to ensure the strict application of the Convention. All young persons in Venezuela are protected by the labour legislation, which includes the provisions of the Convention respecting the night work of young persons.

Yugoslavia.

Various Legislative Decrees, enacted in 1948, 1949 and 1950, respecting wages of workers and apprentices in certain trades and occupations.

The provisions of the above-mentioned legislation are not in strict conformity with those of the Convention. However, appropriate measures have been taken to remove any discrepancies.

Under the legal system of the Republic of Yugoslavia the ratification of a Convention constitutes its incorporation in the national legislation. A ratified Convention, therefore, has the force of a national law, which, while it does not abolish existing laws, implies that such laws need not be applied in cases provided for by the Convention.

The report contains the following information concerning the application of the various Articles of the Convention.

Article 1: the line of division which separates industry from commerce and agriculture has not been defined because the relevant labour legislative provisions are uniform and are therefore applicable to all branches of economic activity.

Article 2: under the relevant legislation all night work is prohibited for workers and appren-

tices under 16 years of age. There are no exceptions to this rule.

Article 3: in virtue of the legislation night work is considered as work performed during the interval between 10 p.m. and 6 a.m., which is one hour longer than the interval (between 10 p.m. and 5 a.m.) which is considered for the purpose of the Convention to be included in a term "night". On the other hand, as a result of the organisation of shift work, workers are granted a rest period of at least 11 consecutive hours between each day's work. There are no exceptions to this rule in respect of night work in industry.

No provision is made for the exception authorised in Article 3, paragraph 3, of the Convention as night work is not prohibited for all workers in the baking industry.

In view of the fact that the night work of young persons over 16 years of age is not prohibited, the national legislation does not provide for the exceptions authorised under Articles 4 and 7 of the Convention.

The supervision of the application of the relevant legislative provisions is entrusted to the labour inspection service, the organisation and functions of which are laid down in the Labour Inspection Act of 1 December 1948.

The reports from the following countries either reproduce, or refer to, the information previously supplied:

Burma, Chile, France, Pakistan, Poland, Uruguay.

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
Argentina	30.11.1933
Australia	28. 6.1935
Belgium	2. 2.1925
Brazil	8. 6.1936
Bulgaria	16. 3.1923
Canada	31. 3.1926
Ceylon	2. 9.1950
Chile	18.10.1935
China	2.12.1936
Colombia	20. 6.1933
Cuba	6. 8.1928
Denmark	12. 5.1924
Dominican Republic	4. 2.1933
Estonia	3. 3.1923
Finland	10.10.1925
Germany	11. 6.1929
Greece	16.12.1925
Hungary	1. 3.1928
Ireland	4. 9.1925
Italy	14. 7.1932
Japan	7. 6.1924
Latvia	3. 6.1926
Luxembourg	16. 4.1928
Mexico	17. 8.1948
Netherlands ¹	26. 3.1925
Nicaragua	12. 4.1934
Norway	7.10.1927
Poland	21. 6.1924
Rumania	8. 5.1922
Spain	20. 6.1924
Sweden	27. 9.1921
United Kingdom	14. 7.1921
Uruguay	6. 6.1933
Venezuela	20.11.1944
Yugoslavia	1. 4.1927

¹ Ratification denounced.

Argentina.

Appended to the report is a report by the National Maritime Prefecture relating to rules and standards for the registration of apprentice seamen.

Belgium.

See under Convention No. 58.

Brazil.

See under Convention No. 58.

Ceylon (first report).

The Government states that the provisions of the legislation are in conformity with the Convention. However, as there are only two fishing trawlers and a small number of sailing vessels engaged in coastal trade, it has not been con-

sidered necessary to adopt regulations or to establish a special administration to implement the provisions of the Convention. The assistant customs collectors and harbourmasters in the various ports are responsible for the application of the legislation; this provides that no one under 14 years of age may be employed in any capacity whatsoever on board vessels other than those in which only members of the same family are employed.

Cuba.

The report contains statistical data, from four port authorities, on the number of visits of inspection made, and, from seven port authorities, on the number of juveniles under 18 years of age admitted to employment at sea.

Denmark.

A special commission has drafted a new Seamen's Bill in which it is proposed that the minimum age for admission to employment at sea be changed to 15 years. This Bill will probably be tabled in Parliament during the current session. The age of each member of the crew is entered in the manning list of every vessel. A model of this list is appended to the report.

In order to ensure strict compliance with the legislation relating to the engagement of crews, this takes place in the presence of the superintendents of the mercantile marine offices.

Yugoslavia.

Regulations of 16 February 1951, to enforce the Act of 12 June 1950 respecting ships' articles and the registration of ships.

Section 4 of the above-mentioned Regulations stipulates that the dates of birth of all members of the crew shall be entered in the ship's articles.

The competent maritime authorities are responsible for ensuring that this provision is observed when certificates are being issued to seamen and when the necessary information is being entered in the ship's articles.

The reports from the following countries either reproduce, or refer to, the information previously supplied:

Australia, Canada, Chile, Finland, Greece, Ireland, Italy, Luxembourg, Norway, Poland, Sweden, United Kingdom, Uruguay.

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

Argentina.

Section 1004 of the Commercial Code defines the expression "loss by shipwreck" as "total loss of the vessel".

If the loss of, or damage to, the vessel involves the termination of a seaman's contract, he is entitled to the compensation provided for in the legislation; in cases where the contract is merely suspended the suspension may not last for more than 90 days; otherwise, the contract is deemed to be terminated and the appropriate compensation is payable, in accordance with Act No. 12,921.

For the purposes of this Act, the term "wages or salary" signifies any payment for services in cash, kind, foodstuffs, lodging, commissions, tips and travelling allowances.

Section 1375 of the Commercial Code provides that wages, emoluments and allowances due to the master and the members of the crew in respect of voyages for which the freight money has been collected have priority over the value of the cargo and are payable in the order indicated above.

Section 1377 of the same Code stipulates that wages, emoluments and allowances due to the master and the members of the crew in respect of any voyage have priority over the value of the vessel and are payable in the order indicated above. It is considered, therefore, that, in these sections, the principle underlying Article 3 of the Convention is applied.

The National Employment Service Directorate is the authority responsible for applying the laws and regulations connected with the Convention.

During the period under review various decisions were given by courts of law, including some of particular interest. One of these decisions ruled that "seamen who have entered into a contract of service with a shipowner are covered by the protective clauses concerning dismissal under Decree No. 33,302/45 (Act 12,921), without prejudice to the application of the special seamen's code".

Another decision, which also is concerned with dismissal, stated that "the provisions of Decree No. 33,302/45 are applicable to seamen on board vessels flying the national flag, who are consequently entitled to allowances in respect of length of service and to compensation when they are dismissed without due notice".

Belgium.

The number of seafarers covered by the relevant legislation was approximately 5,900; five fishing vessels were shipwrecked; there were no cases in which indemnities were granted.

Chile.

The reports of the labour inspection service show that in 1950 a steamship of 934 tons, with a crew of 12 officers and 24 men, was lost by shipwreck, as well as a schooner of 83 tons, with a crew of two officers and four men. The crews of these vessels were paid the appropriate statutory indemnity.

The number of persons covered by the relevant legislation is 1,660 men and 1,402 officers.

Cuba.

The National Congress has not yet approved the Bill (referred to in the report for last year) directed towards ensuring full accord between the national legislation and the provisions of the Convention. The last stage of this Bill is the exclusive responsibility of Congress.

In this connection the report states that the Minister of Labour has transmitted to the Minister of State a communication drawing attention to the Presidential Message of 26 September 1949. This communication stated that the discrepancies between Legislative Decree No. 660 of 1934 and the Convention could be summed up as follows: "Article 1 of the Convention gives a very wide definition of the term 'seamen'; section 1, paragraph 2, of Legislative Decree No. 660 excludes certain persons from this definition and does not state explicitly that claims by such persons for compensation in the event of shipwreck may be made through the courts."

According to the reports from harbourmasters and maritime committees in various ports, four

vessels were lost or foundered during the period under review. However, no details are available regarding the number of seamen concerned or the amount paid out to the crews of these vessels.

Denmark.

Compensation is payable in case of total loss or if the vessel is declared to be beyond repair. It is paid for unemployment which is actually a consequence of the loss of the vessel. A decision of the Supreme Court in 1943 established that a seaman who had been given notice, before the loss, to leave the vessel on its arrival in a Danish port, was entitled to compensation only until the day on which the vessel was scheduled to arrive in that port. Compensation includes wages but not board; the maximum period for which compensation is payable is two months. The seafarer has a maritime lien on the vessel and cargo in respect of his claim to indemnity (section 2, Act No. 96 of 7 April 1936).

Disputes in connection with the settlement of claims may be submitted to the superintendent of the mercantile marine office concerned; outside Denmark cases of dispute are referred to the Danish Consul. In the last resort, however, such questions come under the jurisdiction of the law courts.

Finland.

Decree of 14 June 1951, respecting the payment of wages in certain cases to foreign seamen for periods of unemployment.

Under the above-mentioned Decree unemployment indemnities in case of shipwreck are payable also to foreign seamen (who are nationals of countries which have ratified Convention No. 8) under the same conditions as those applying to Finnish seamen.

The number of Finnish seamen in overseas employment still amounts to about 6,000. Five vessels were damaged in 1950; the members of the crews were paid wages during their consequent period of unemployment. Twenty-two seamen received one month's wages and 11 received two months' wages.

France.

The latest available data (up to July 1950) show that approximately 128,000 seamen are covered by the Convention.

Greece.

During the period from 1 July 1950 to 3 June 1951, 20 vessels of small tonnage were shipwrecked and it is estimated that about 123 seamen received the indemnities due.

Italy.

During the period from 1 July 1950 to 30 June 1951, 76 vessels were shipwrecked or lost; indemnities were paid to 328 persons, in conformity with Article 2 of the Convention.

Mexico.

As, in accordance with Article 133 of the Mexican Constitution, the text of the Convention was transformed into constitutional law (*i.e.*, its application became compulsory throughout the Federation) and was promulgated, after approval by the Senate and the deposit of the relevant instrument of ratification, by a Decree signed by the President of the Republic, countersigned by the Minister of External Relations, and published in the *Diario Oficial* of the Federation, its provisions, including those which were not formerly contained in Mexican legislation, have force of law and abrogate all other provisions to the contrary.

The application of the provisions of the Convention is assured by the latter's promulgation and, as is the case with all legislation, any citizen can claim the benefits to be derived therefrom and must comply with the obligations laid down therein.

The above information has been supplied in respect of other Conventions ratified by Mexico (Nos. 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.

During the period under review three ships, whose crews together amounted to 21 men, were lost; all the members of the crews received the appropriate unemployment indemnity, in accordance with the provisions of the Convention.

Yugoslavia.

Regulations of 4 July 1951, respecting compensation for loss of personal effects by members of the crews of Yugoslav merchant vessels.

The above-mentioned regulations fix the quantity and value of cash compensation payable to seamen for loss of personal effects.

The application of these provisions is entrusted to the maritime administrative authorities and, in case of dispute, appeal can be made to the competent court.

The reports from the following countries either reproduce, or refer to, the information previously supplied:

Australia, Canada, Cuba, Ireland, Luxembourg, Norway, Poland, Sweden, United Kingdom, Uruguay.

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
Argentina	30. 11. 1933
Australia	3. 8. 1925
Belgium	4. 2. 1925
Bulgaria	16. 3. 1923
Chile	18. 10. 1935
Colombia	20. 6. 1933
Cuba	6. 8. 1928
Denmark	23. 8. 1938
Estonia	3. 3. 1923
Finland	7. 10. 1922
France	25. 1. 1928
Germany	6. 6. 1925
Greece	16. 12. 1925
Italy	8. 9. 1924
Japan	23. 11. 1922
Latvia	3. 6. 1926
Luxembourg	16. 4. 1928
Mexico	1. 9. 1939
Netherlands	9. 1. 1948
New Zealand	29. 3. 1938
Nicaragua	12. 4. 1934
Norway	23. 11. 1921
Poland	21. 6. 1924
Rumania	10. 11. 1930
Spain	23. 2. 1931
Sweden	27. 9. 1921
Uruguay	6. 6. 1933
Yugoslavia	30. 9. 1929

Argentina.

Under Act No. 13,591 of 11 October 1949, to establish a National Employment Service Directorate, no fee-charging employment agencies are permitted for workers of any kind. The system of public employment offices is organised by the National Employment Service Directorate. Appended to the report are various lists from the registry of the National Maritime Prefecture, which provide some of the data requested (Article 4).

The functions of the advisory committees referred to in the Convention are carried out by the National Director and the Industrial Advisory Council, which is a central body; in view of this no provision has been made for the creation of special advisory committees. However, the report adds that, as the provisions of Act No. 13,591 are not incompatible with those of the Convention, a Decree to issue Regulations under the Act could easily be drafted so as to bring the latter into conformity with the Convention.

The supervision referred to in Article 7 of the Convention is effected by trade unions which defend the rights of their members.

The available statistics are not adequate to supply information respecting the application of Article 8 of the Convention.

No distinction is made between deck officers and engine-room officers for the purpose of the application of Article 9.

The authority responsible for the application of the above-mentioned laws and regulations is the

National Employment Service Directorate which is a subdivision of the Ministry of Labour and Welfare.

Australia.

The number of seamen engaged in Australia during the year ended 30 June 1951 was 11,000. The number of engagements and re-engagements (including officers) was 35,865, and the estimated average daily number of unemployed seamen (excluding officers) was 268.

Chile.

The total number of registered members of crews amounts at present to 1,660 and that of registered officers to 1,402; together these numbers are sufficient to man all the vessels and also to effect the necessary replacements. The number of men and officers taken on represented 80 and 77 per cent. respectively of all registered applicants, leaving a surplus of 20 per cent. (men) and 23 per cent. (officers) who were partially unemployed. The 10,000 duly registered dockers work according to the "redondilla" system (group of seven workers) under the control of the 27 dockworkers' employment offices and the Inland Navigation Employment Office.

Cuba.

The provisions of section 10 of Legislative Decree No. 660 of 1934 have not yet been applied in practice. The Santiago de Cuba port authority is the only official department which has supplied information concerning unemployed seamen (228) in the period under review.

Denmark.

Fee-charging employment agencies were abolished when the Convention was ratified. Apart from public employment offices, only shipowners are permitted to engage crews, provided that the engagement is effected free of charge.

At present there are six public employment offices; these are under the control of the Ministry of Commerce and subject to inspection by superintendents of the mercantile marine offices.

The total number of engagements effected during the period from 1 April 1950 to 31 March 1951 amounted to 15,009.

The engagement and mustering scheme applies both to officers and men.

France.

Under the collective agreements concluded between the shipowners and seamen's organisations for the purpose of ensuring that properly qualified seamen are engaged, 70 per cent. of the crews of merchant ships are afforded stability of employment.

At present seven specialised employment offices exist on the coast of metropolitan France. During 1950, 4,784 registrations were made in these offices.

Foreign seamen are eligible for unemployment assistance under the same conditions as French nationals.

Greece.

During the period under review the seamen's employment offices received 28,191 applications for work and placed 26,350 seamen and apprentices in employment.

Italy.

The number of seamen and officers registered with the labour office on 30 June 1951 amounted to 50,315 (3,210 officers and 47,105 men).

Mexico.

The Joint Exchange at Veracruz, created for emergency reasons, has been abolished and, by virtue of the promulgation of the Convention, a seaman is entitled to choose his boat in the same way as a shipowner has the right to choose his crew.

Netherlands.

There are three seamen's employment offices; these are located in Rotterdam, Amsterdam and Groningen. The employment office in Rotterdam, which is the largest port in the country, also acts as a central agency for the placing of seamen throughout the Netherlands. This agency provides a 24-hour service because, even when the offices are closed, an official is available to accept, and if possible fill, all applications for employment made by seamen. This procedure makes it possible to minimise and avoid delays in the departure of ships owing to shortages in the crew. The increase in the number of placings effected is certainly due in part to the continuous service guaranteed by the central agency. The activities, during the period under review, of the three offices specialised in the placing of seamen may be summed up as follows: 10,783 applications for employment were received; 8,810 vacancies notified; and 8,461 placings effected.

New Zealand.

The report contains statistical data showing that, between 1 July 1950 and 30 April 1951, there were five unemployed persons in the "water transport" category of workers. Data are also supplied showing that 228 persons in this category were placed in employment from 1 July 1950 to 30 June 1951.

Sweden.

During the period covered by the report 62,169 seamen applied for employment. There were

48,258 vacancies, and 43,517 placings were effected. Of the 5,630 foreign seamen who registered, 5,235 were placed in employment.

Uruguay.

Act No. 10,090 of 12 December 1941, to establish a system for the distribution of employment among seamen and salt bargemen in the port of Montevideo. Decree of 6 February 1942, to issue regulations under the above-named Act.

Act No. 10,755 of 22 June 1946, respecting the distribution of employment among seamen, lightermen and tugmen not covered by Act No. 10,090. Decree of 11 January 1947, to issue regulations under Act No. 10,755.

With reference to Articles 2 and 3 of the Convention, the report states that there are no fee-charging employment agencies for seamen in Uruguay; moreover, apart from the fines imposed on shipowners who contravene the regulations, the trade unions may, in virtue of the above-mentioned legislation, order a stoppage of work if the law is not observed.

The administrative committee of the stevedore service is an official body composed of employers', workers', and Government representatives, and performs the functions of tax-collector and paymaster. It collects wages from shipowners and employers, as well as pension contributions, holiday pay, family allowances, premiums for insurance against employment injury, etc., and pays salaries and wages, as well as rates, taxes and social insurance premiums due from employers. The chairman of the administrative committee is appointed by the Government.

In accordance with the provisions of Articles 6 and 7 of the Convention, a seaman is always entitled to choose his ship, and a shipowner to choose his crew; the seamen's articles of agreement contain the necessary safeguards for protecting all the parties concerned, and proper facilities are assured to seamen for examining their contracts before and after signing.

The authorities entrusted with the practical application of the legislation are the administrative committee of the stevedore service, the National Labour Institute and its ancillary services, and the maritime authorities.

There are no special employment offices for seamen, but the labour exchanges are well equipped to act on their behalf.

Appended to the report is a copy of the *Ley de la Legislación social del Uruguay*.

Yugoslavia.

The placing of seamen is effected free of charge by the State Maritime Offices, which are staffed by persons who have practical experience.

The reports from the following countries either reproduce, or refer to, the information previously supplied:

Belgium, Finland, Luxembourg, Norway, Poland.

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
Argentina	26. 5. 1936
Austria	12. 6. 1924
Belgium	13. 6. 1928
Bulgaria	6. 3. 1925
Chile	18. 10. 1935
Cuba	22. 8. 1935
Czechoslovakia	31. 8. 1923
Dominican Republic	4. 2. 1933
Estonia	8. 9. 1922
France	7. 6. 1951
Hungary	2. 2. 1927
Ireland	26. 5. 1925
Italy	8. 9. 1924
Japan	19. 12. 1923
Luxembourg	16. 4. 1928
New Zealand	8. 7. 1947
Nicaragua	12. 4. 1934
Poland	21. 6. 1924
Rumania	10. 11. 1930
Spain	29. 8. 1932
Sweden	27. 11. 1923
Uruguay	6. 6. 1933

Argentina.

Under section 1 of Act No. 1,420 children between six and 14 years of age are considered to be of

school age; the report gives details of the standard of education required to have been reached when a child leaves school. However, no definite school-leaving age is laid down.

It is impossible to state "the age at which the required standard of education is generally reached" as the child must have completed successfully the curriculum referred to in section 6 of Act No. 1,420, his age not being taken into consideration; the time needed to reach the required standard of education varies according to the ability of each pupil.

Primary education comes under the joint jurisdiction of the provincial and federal governments. Each province adopts its own system of primary education which, as a rule, is very similar to the scheme established by the national legislation. The latter is applied in the Federal capital, in the national territories, and in the provinces where national primary schools have been established.

The reports from the following countries either reproduce, or refer to, the information previously supplied :

*Austria, Belgium, Chile, Cuba, Luxembourg,
New Zealand, Poland, Sweden, Uruguay.*

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
Argentina	26. 5.1936
Austria	12. 6.1924
Belgium	19. 7.1926
Bulgaria	6. 3.1925
Burma ¹	11. 5.1923
Chile	15. 9.1925
China	27. 4.1934
Colombia	20. 6.1933
Cuba	22. 8.1935
Czechoslovakia	31. 8.1923
Denmark	20. 6.1930
Estonia	8. 9.1922
Finland	19. 6.1923
France	23. 3.1929
Germany	6. 6.1925
India	11. 5.1923
Ireland	17. 6.1924
Italy	8. 9.1924

Countries	Date of registration of ratification
Latvia	9. 9.1924
Luxembourg	16. 4.1928
Mexico	20. 5.1937
Netherlands	20. 8.1926
New Zealand	29. 3.1938
Nicaragua	12. 4.1934
Norway	11. 6.1929
Pakistan ²	11. 5.1923
Peru	8.11.1945
Poland	24. 6.1924
Rumania	10.11.1930
Spain	29. 8.1932
Sweden	27.11.1923
Switzerland	23. 5.1940
United Kingdom	6. 8.1923
Uruguay	6. 6.1933
Venezuela	20.11.1944
Yugoslavia	30. 9.1929

¹ See footnote 2 to Convention No. 1.

² See footnote 3 to Convention No. 1.

Chile.

In reply to the observation made by the Committee of Experts on the Application of Conventions and Recommendations, the report states that a Bill has been drafted for the purpose of replacing section 431 of the Labour Code (which prohibits the amalgamation or federation of agricultural unions) by making applicable to the amalgamation and federation of agricultural unions the provisions on this subject at present applying, under the national legislation, to industrial unions. As regards section 470 of the Labour Code, which prohibits the presentation of claims by agricultural workers during the sowing and harvesting seasons, the report adds that, in the opinion of the Government, this provision does not affect the rights of association and federation of agricultural workers; the Government does not consider it opportune or convenient at the moment to amend this provision, which is based on customs and methods peculiar to agricultural labour; moreover, any stoppage or disturbance of work in the sowing or harvesting seasons would cause irreparable damage to the national interest, particularly in a country such as Chile, where agriculture is of vital importance. The report adds that, according to information from the labour inspection services, agricultural workers do not, in general, show any great interest in setting up trade unions, and that, consequently, progress in this respect has been rather slight. Since 1950 five new agricultural trade unions have been legally recognised, comprising a total of 350 workers.

Mexico.

Decree published on 28 September 1937, to promulgate the Convention.

The report refers to the above-mentioned legislation.

New Zealand.

Statutory Regulations, Serial No. 1950/16, to replace the Agricultural Workers (Market Gardens) Extension Order, Serial No. 1947/31.

On 31 December 1950 there were 16,373 members of the New Zealand Workers' Industrial Union of Workers, which has negotiated wage rates under the Agricultural Workers' Act, 1936.

Yugoslavia.

Article 20, paragraph 1, and Article 27 of the National Constitution.

The right of association is guaranteed by the above-mentioned provisions of the National Constitution, which applies without distinction to all workers. There is a union of agricultural workers which has 64,000 members.

The reports from the following countries either reproduce, or refer to, the information previously supplied:

Argentina, Austria, Belgium, Burma, Cuba, Denmark, Finland, France, India, Italy, Luxembourg, Netherlands, Norway, Pakistan, Poland, Sweden, Switzerland, United Kingdom, Uruguay.

12. Convention concerning workmen's compensation in agriculture

This Convention came into force on 26 February 1923

Countries	Date of registration or ratification
Argentina	26. 5.1936
Belgium	26.10.1932
Bulgaria	6. 3.1925
Chile	15. 9.1925
Colombia	20. 6.1933
Cuba	22. 8.1935
Czechoslovakia	12. 6.1950
Denmark	26. 2.1923
Estonia	8. 9.1922
Finland	20. 1.1950
France	4. 4.1928
Germany	6. 6.1925
Ireland	17. 6.1924
Italy	1. 9.1930
Latvia	29.11.1929
Luxembourg	16. 4.1928
Mexico	1.11.1937
Netherlands	20. 8.1926
New Zealand	29. 3.1938
Nicaragua	12. 4.1934
Poland	21. 6.1924
Spain	1.10.1931
Sweden	27.11.1923
United Kingdom	6. 8.1923
Uruguay	6. 6.1933

Argentina.

Resolution No. 425-50 of the Ministry of Labour and Social Welfare, dated 29 December 1950, to clarify the terms of Resolution No. 136-50 of 24 May 1950 concerning the fixing of basic wages for the calculation of accident compensation in agriculture.

The report refers to the above-mentioned legislation.

Chile.

During 1950 there were 18,849 industrial accidents and two cases of occupational disease. These figures are slightly lower than those for 1949. Copies of four decisions by courts of law are appended to the report.

Cuba.

Decree No. 2,119 of 7 June 1951.

The above Decree confirms the practice established by section 84 of Decree No. 223 of 1935 whereby in sugar-cane and tobacco plantations several employers may take out a joint insurance policy.

An employer who neglects to take out insurance is directly and personally liable for all accidents, and is held fully responsible under civil and penal law.

Finland.

Resolution of the Council of Ministers of 14 December 1950, concerning increases in the rates in marks prescribed in the Act respecting accident insurance.
Resolution of the Council of Ministers of 7 July 1951, concerning supplementary benefits.

The report refers to the adoption of the above-mentioned legislation.

Ireland.

Statistical data for 1949 show that compensation was granted in respect of 3,068 accidents (11 of which were fatal) and of one case of occupational disease; the total expenditure involved was £142,640.

Italy.

Ministerial Decree of 26 May 1951, to fix the wage rates in respect of workers occupied in the threshing of cereals.

For the purposes of insurance against industrial accidents and with a view to calculating compensation, the Minister of Labour and Social Insurance fixes each year, by Decree, standard wage rates for workers employed in threshing occupations.

Netherlands.

Act of 30 November 1950, to repeal the provisions (enacted during the Occupation) in respect of the Accident Insurance Act of 1921 and the Agricultural and Horticultural Accidents Act of 1922.

Act of 21 December 1950, to amend the Invalidity Act, the Accident Insurance Act, 1921, the Agricultural and Horticultural Accidents Act, 1922, the Maritime Accidents Act, 1919, the Sickness Insurance

Act, and the Children's Allowances Act, as amended by the Act of 28 June 1951.

Ministerial Decrees of 12 and 14 July 1950.

Various Royal Decrees, issued in 1950 and 1951.

The maximum daily earnings taken into account for the calculation of benefit has been raised from 12 to 14 florins, and for the funeral grant from 360 to 420 florins.

The Ministry of Social Affairs, which is responsible for the supervision of accident insurance in agriculture and horticulture, is now known as the Ministry of Social Affairs and Public Health.

The number of full-time workers (corresponding to 300 days' work per annum) covered by compulsory insurance is now 224,000; of these 25,000 are insured with the State Insurance Bank and 199,000 with the one remaining industrial organisation fund, in which the eight funds existing prior to 1 January 1950 have been amalgamated.

New Zealand.

See under Convention No. 17 for amendments to the legislation applying the Convention.

Poland.

See under Convention No. 17 for amendments to the legislation applying the Convention.

United Kingdom.

Various Amending Regulations relating to claims and payments, and to benefits and medical certification in respect of injuries caused by accidents were issued in 1950 and 1951.

The reports from the following countries either reproduce, or refer to, the information previously supplied:

Belgium, Denmark, France, Luxembourg, Mexico, Sweden, Uruguay.

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
Afghanistan	12. 6.1939
Argentina	26. 5.1936
Austria	12. 6.1924
Belgium	19. 7.1926
Bulgaria	6. 3.1925
Chile	15. 9.1925
Colombia	20. 6.1933
Cuba	7. 7.1928
Czechoslovakia	31. 8.1923
Estonia	8. 9.1922
Finland	5. 4.1929
France	19. 2.1926
Greece	22.12.1926
Hungary ¹	4. 1.1928
Latvia	9. 9.1924
Luxembourg	16. 4.1928
Mexico	7. 1.1938
Netherlands	15.12.1939
Nicaragua	12. 4.1934

¹ Conditional ratification.

Countries	Date of registration of ratification
Norway	11. 6.1929
Poland	21. 6.1924
Rumania	4.12.1925
Spain	20. 6.1924
Sweden	27.11.1923
Uruguay	6. 6.1933
Venezuela	28. 4.1933
Yugoslavia	30. 9.1929

Austria.

During 1950 there was a total of 143 cases of lead poisoning.

Belgium.

During the period under review nine cases of lead poisoning of a temporary nature were

reported. Permits issued for the purchase and use of white lead numbered 3,313.

Mexico.

The application of the relevant legislation is ensured by the Department of Labour acting through the Directorate of Social Insurance and the Permanent Safety Committee referred to in section 324 of the Federal Labour Act and in Chapter II of the Accident Prevention Regulations.

Yugoslavia.

There are no specific provisions concerning the prohibition of the use of white lead in painting. Provisions relating to the use of such substances

are contained in the regulations concerning technical and sanitary measures for the protection of workers in chemical and technological processes. The report points out that white lead is very rarely used, and that consequently no detailed regulations are required.

The supervision of the application of the Convention is carried out by the labour inspectorate, in accordance with the Labour Inspection Act of 1948.

The reports from the following countries either reproduce, or refer to, the information previously supplied:

Afghanistan, Argentina, Chile, Finland, France, Greece, Luxembourg, Netherlands, Norway, Poland, Sweden, Uruguay, Venezuela.

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
Afghanistan	12. 6. 1939
Argentina	26. 5. 1936
Belgium	19. 7. 1926
Bulgaria	6. 3. 1925
Burma ¹	11. 5. 1923
Canada	21. 3. 1935
Chile	15. 9. 1925
China	17. 5. 1934
Colombia	20. 6. 1933
Czechoslovakia	31. 8. 1923
Denmark	30. 8. 1935
Estonia	29. 11. 1923
Finland	19. 6. 1923
France	3. 9. 1926
Greece	11. 5. 1929
India	11. 5. 1923
Ireland	22. 7. 1930
Israel	26. 6. 1951
Italy	8. 9. 1924
Latvia	9. 9. 1924
Lithuania	19. 6. 1931
Luxembourg	16. 4. 1928
Mexico	7. 1. 1938
New Zealand	29. 3. 1938
Nicaragua	12. 4. 1934
Norway	7. 7. 1937
Pakistan ²	11. 5. 1923
Peru	8. 11. 1945
Poland	21. 6. 1924
Portugal	3. 7. 1928
Rumania	18. 8. 1923
Spain	20. 6. 1924
Sweden	22. 12. 1931
Switzerland	16. 1. 1935
Turkey	27. 12. 1946
Uruguay	6. 6. 1933
Venezuela	20. 11. 1944
Yugoslavia	1. 4. 1927

¹ See footnote 2 to Convention No. 1.
² See footnote 3 to Convention No. 1.

Argentina.

During the period under review 322 contraventions of the legislation concerning weekly rest were reported. The documents supplied by the Government show the position in detail with

regard to contraventions in the various districts of the country.

Belgium.

Royal Decree of 4 August 1950, authorising assistants in retail shops in certain seaside resorts to work on specified Sundays (23 and 30 July, 6, 13 and 20 August 1950).
Royal Decree of 20 March 1951, authorising the extension of the hours of work of nightshift workers in dye factories to six o'clock on Sunday mornings.

These Decrees were issued at the request of the persons concerned and after consultation with the competent joint committee and with the Council of Public Health. Provision is made in both cases for compensatory rest periods.

During the period under review five decisions in connection with the application of the Convention were given by courts of law. The inspection services visited 6,007 undertakings employing 64,398 workers. A total of 46 breaches of the legislation was reported.

Burma.

During the period under review only four contraventions were reported.

Canada.

British Columbia.

Orders Nos. 43 and 44, under the Male and Female Minimum Wage Acts, 1948.

Manitoba.

Hours and Conditions of Work Act, 1951.

Newfoundland.

Shops Act, 1940.
"Exploits Valley" (Closing Hours) Shops Act, 1938.
St. John's Shops Act, 1942.
Garage and Service Station (Sunday Closing) Act, 1943.
Shop (Barbers' and Hairdressers') Closing Hour Act, St. John's, 1938.

Ontario.

One-Day's-Rest-in-Seven Act, 1950.

Saskatchewan.

One-Day's-Rest-in-Seven Act, 1950.

Article 1: the Alberta Labour Act covers all the industrial undertakings enumerated in the Convention.

In pursuance of the Male and Female Minimum Wage Acts the Board of Industrial Relations in British Columbia may require a weekly rest to be given in all types of employment except farm labour and domestic service. This power has only been exercised in the case of certain Orders covering mainly non-industrial employment.

The Manitoba Hours and Conditions of Work Act, which was amended in 1951 to include weekly rest provisions, applies to the industrial undertakings listed under Article 1 of the Convention, except that, of those mentioned under subparagraph (d), only the transport of goods by road is taken into account.

The Nova Scotia Limitation of Hours of Labour Act covers mining, manufacturing, and construction as defined in the Convention, but not transport by road, rail or inland waterway.

Industrial undertakings are not covered by the Ontario One-Day's-Rest-in-Seven Act as the latter applies to hotels and restaurants in places with a population of over 10,000. However, a weekly rest of at least 24 hours is granted to most workers in Ontario in pursuance of the Hours of Work and Vacations with Pay Act, which limits working hours to eight in a day and 48 in a week.

In Quebec the Minimum Wage Act applies to all employed persons, with the exception of farm workers, domestic servants and workers covered by a collective agreement which has been made binding by an Order-in-Council under the authority of the Collective Agreement Act. General Order No. 4 and a number of special Orders made under the Minimum Wage Act provide for a weekly rest in all industries within the scope of the Convention and in various other types of employment. The Weekly Day of Rest Act applies to hotels and restaurants, with the exception of small establishments in municipalities having less than 3,000 inhabitants.

The Saskatchewan One-Day's-Rest-in-Seven Act applies, in the cities and in 21 of the larger towns, to the undertakings covered by the Convention and most other employment. The Minimum Wage Act and the Hours of Work Act apply in all places with a population of 300 or over. Nearly all employees in the smaller centres are guaranteed one day's rest by virtue of the fact that the employer must pay overtime for weekly hours in excess of 44 or 48, as the case may be. This also applies in the mining industry and in factories outside the cities and towns.

Article 2: the minimum weekly rest periods prescribed by Provincial Acts are as follows: 24 consecutive hours, unless the Board orders the rest to be in two periods, or a longer rest than 24 hours, in Alberta; 24 or 32 consecutive hours in British Columbia; 24 consecutive hours, if possible on Sunday, in Manitoba, Ontario and Saskatchewan; 24 consecutive hours, for all the staff of each undertaking, to be taken, if possible, simultaneously and on Sunday, in Nova Scotia; and 24 consecutive hours, or a double rest of at least 18 consecutive hours, in Quebec.

Article 3: the Manitoba Hours and Conditions of Work Act does not apply to family undertakings.

Article 4: in Alberta the Board may, on the application of an employer, exempt continuous

process industries in whole or in part from the weekly rest requirement, which may then be based on a four-week work period or longer. In the petroleum industry the Board has found it necessary to allow the accumulation of weekly days of rest for drilling crews employed in isolated areas. The accumulation of weekly days of rest has been limited to four.

In British Columbia Minimum Wage Orders with provisions relating to weekly rest stipulate that, in exceptional cases, the employers and employees coming within their scope may apply to the Board for an alternative arrangement respecting rest periods. Special arrangements have been made in the mining industry with regard to the treating of ore, which is a continuous process. By agreement between employers' and employees' representatives, employees very often work for a period of 12 days and are then given time off to compensate for the weekly rest. Approval for such an arrangement must be given by the Board of Industrial Relations, in accordance with the Hours of Work Act. The total number of hours worked over a given period may not average more than 44 per week and in fact frequently does not average more than 40 or 42.

The Manitoba Act excludes from the weekly rest provisions certain categories, such as watchmen, janitors and firemen, employees who are not usually employed for more than five hours a day, persons occupying supervisory, managerial or confidential posts, emergency repair workers, and persons employed on a weekly rest day for not more than three hours, merely for the purpose of looking after horses as part of their usual duty. On the written application of an employer the Minister may exempt an industrial undertaking from the weekly rest requirement for a period of less than a year, if he considers it would be an undue hardship for the employer to comply with this requirement.

The Ontario One-Day's-Rest-in-Seven Act exempts watchmen, janitors, superintendents or foremen, and employees who are not employed for more than five hours in a day.

The Saskatchewan One-Day's-Rest-in-Seven Act excludes employees occupying managerial posts, employees who are not usually required to work for more than five hours a day, and emergency repairmen. The Minister may grant an exemption in cases where he considers that the enforcement of the Act would cause hardship.

Article 5: see reference under Article 4 to continuous process industries in Alberta and British Columbia and to other exceptional cases in British Columbia.

Article 6: one exempting Order under the Saskatchewan Act, 1950, was published in the Saskatchewan Gazette.

Article 7: none of the above-mentioned legislation requires the posting of notices concerning weekly rest, but the same purpose is served where hours of work legislation requires employers to post notices indicating the hours at which work begins and ends.

The application of the legislation and administrative regulations concerning weekly rest is entrusted to the Board of Industrial Relations and the inspection staff in Alberta and British Columbia; the Labour Board and the Wages and Hours Section of the Department of Labour in

Manitoba; the Department of Provincial Affairs (which administers the Shops Acts) assisted by the Attorney-General's Department in Newfoundland; the Department of Labour and the inspection staff in Ontario; the Minimum Wage Commission and the inspection staff in Quebec; and the Department of Labour, through its Wages and Hours Branch, in Saskatchewan.

Although the effect given to the Convention in the form of legislative provisions is limited, consultation with the provincial Ministers of Labour in September 1951, and recent studies of prevailing conditions undertaken by the Federal Department of Labour, indicate that a weekly rest period of at least 24 hours is the general practice. In manufacturing, for instance, 63 per cent. of the plant workers and almost 70 per cent. of the office employees were on a five-day week in October 1950. The five-day week was predominant in the coal-mining industry in October 1949. In metal mining a six-day week was the normal work week, except in British Columbia where a five or five-and-a-half day week was usual.

As it has become the general practice to provide for a weekly rest period, requests for legislation to make it compulsory by law are infrequent. However, in 1951 a workers' organisation in New Brunswick requested the provincial government to enact legislation which would require all employers to grant their employees one day's rest in seven; this request did not mention industrial undertakings. The Minister of Labour of Saskatchewan reports that requests for the extension of the One-Day's-Rest-in-Seven Act to all workers in the Province are received regularly from trade unions.

The most recent annual reports of the provincial Departments of Labour contained little information concerning the enforcement of existing legislation; this indicates general compliance. In Manitoba, during the fiscal year ended 31 March 1950, 141 inspections were made resulting in the issue of 15 Orders to deal with violations of the Act.

Chile.

With regard to the request of the Committee of Experts for information concerning the exemption of the staff of Huachipato steel plant from the legislation relating to weekly rest in industrial establishments, the report states that this exemption was made in virtue of the authority granted by section 327 (326) of the Labour Code, and in accordance, therefore, with Article 4 of the Convention. Section 328 (327) of the Labour Code provides for a compensatory rest period of at least one day in every two weeks for all persons excepted from the provisions concerning Sunday rest and public holidays. In practice, the staff of the Huachipato steel plant, to whom the exception provided for in Decree No. 210 applies, enjoy one day of rest during each week, this day being neither a Sunday nor a public holiday.

In 1950 there were 7,423 visits of inspection; 938 breaches were reported, mainly with regard to commercial establishments.

Denmark.

Permits were issued by the Ministry of Labour and Social Affairs authorising the execution of industrial work on Sundays and holidays.

As a rule such permits are issued only for short periods in each undertaking and have been granted, in particular, for the manufacture of foodstuffs and for the chemicals, stone, pottery, glass, and metal industries.

In two cases action was brought for contraventions of the legislation respecting weekly rest.

Greece.

Royal Decree of 23 September 1950, concerning Sunday work in the papermaking industry.

The Royal Decree of 23 September 1950 authorises Sunday work in papermaking undertakings where at least 70 per cent. of the fuel used for steam consists of local lignite and where a 24-hour day is worked on other days of the week. The Decree provides for compensatory rest periods.

The reports of the labour inspectors in Athens and Patras show that 2,578 permits were granted for Sunday work; these permits were issued mostly in connection with repair, maintenance and urgent work.

Ireland.

No contraventions of the provisions regarding weekly rest have been reported.

Italy.

During the period under review 19,600 inspection visits were carried out. There was a total of 705 infringements; 333 contraventions were reported, and 145 summonses were issued.

Luxembourg.

The Annual Report of the Labour and Mines Inspection Service for 1950 shows that eight complaints, followed by 30 visits of inspection, revealed seven breaches of the legislation relating to weekly rest. One building undertaking received a last warning in writing. During 1950 maintenance, repair and preparatory work executed on Sunday totalled 897,369 hours, 827,497 of which were worked in the continuous processes of six ironworks. Permission was granted in one case for the execution of production work on Sunday.

Mexico.

Decree published on 16 March 1938, to promulgate the Convention.

The report refers to the above-mentioned legislation.

New Zealand.

The Transport Licensing Regulations for passenger and goods services, adopted in 1936, have been revoked. During 1950, 76 cases of offences in connection with Sunday trading were reported. However, this figure includes contraventions of legislation having a considerably wider scope than the Convention; it is probable that the cases in question relate chiefly to Sunday sales and are not within the scope of the Convention.

Poland.

Act of 18 January 1951, to establish as rest days Sundays and the public and religious holidays enumerated in the Act.

Decree of 29 March 1951, to modify the existing provisions concerning hours of work in industry and commerce.

The Decree of 29 March 1951 provides for the possibility of extending or reducing daily or weekly hours of work in certain branches of the economy or in certain categories of undertakings, either throughout the country or in some regions, where this is necessary for economic reasons; these measures are enforced for specified periods not exceeding one year. The decision to authorise the extension or reduction of hours of work is taken by the Council of Ministers, upon the recommendation of the Minister of Labour and Social Welfare, in agreement with the competent Minister and after consultation with the Central Council of Trade Unions.

The above Decree also provides that hours of work for persons employed on surface work in coal mines may be extended from six to eight hours on Saturday when this is necessary for economic reasons. Such an extension, for a period not exceeding one year, may be authorised by a Decision of the Council of Ministers.

Portugal.

A list of the regulations adopted or amended during the period under review is appended to the report; copies of these regulations have been forwarded to the International Labour Office. During the same period a collective agreement for the ready-made clothing trade of Funchal was approved. A total of 1,596 breaches of the legislation applying the Convention was reported.

Sweden.

During the period under review a total of 353 exceptions to the weekly rest legislation was authorised, in each case for a specific period. In the majority of cases exceptions were authorised in respect of clearly specified undertakings and often only for a short period.

Switzerland.

During the period under review the number of factories covered by the legislation fell from 11,239 to 11,194.

Turkey.

During the period under review certain cases of non-compliance with the regulations, noted in previous reports, have been prevented by means of strict control and inspection. The few disputes which occurred between workers and employers were settled through administrative channels without being submitted to the courts.

Uruguay.

The number of workers covered by the legislation amounts to 180,000. In 1950, 45,580 inspec-

tion visits were carried out; 163 contraventions were reported, and fines amounting to 2,900 pesos were imposed.

Yugoslavia.

Legislative Decree of 21 May 1948, concerning the wages of forestry workers and apprentices.

Legislative Decree of 7 October 1949, concerning the wages of workers employed in road transport and trolley-bus and tramway undertakings.

Act of 7 May 1948, concerning public servants and persons employed in public undertakings.

Legislative Decree of 12 August 1947, concerning the wages of workers and apprentices in tractor brigades.

Legislative Decree of 1 July 1948, concerning the wages of workers in State agricultural farms and co-operatives.

The weekly rest provisions applying to certain categories of workers are similar to general regulations and are applied in the same manner to all workers, irrespective of the economic branch in which they are employed. For this reason it has not been necessary to establish a line of division separating industry from commerce and agriculture.

As regards Article 2 of the Convention, the report states that the above-mentioned legislation contains provisions which may be considered as applying to all branches of the economy. However, in the case of persons employed in road transport, tramways or trolley-buses, the weekly rest period is not granted on the same day to all the persons in a given undertaking.

Advantage has not been taken of the provisions of Article 3, under which States Members of the Organisation may exempt from the application of the Convention persons employed in undertakings in which only the members of one single family are employed.

Work on the weekly day of rest is authorised in an undertaking only in cases of special necessity. In such cases it has not been possible, owing to the requirements of the economic reconstruction situation, to provide for compensatory rest periods, but the worker is paid at a rate equivalent to time-and-a-half his normal wage. All legislative provisions dealing with labour matters are adopted only after consultation with the trade union organisations concerned and with the Central Committee of the Yugoslav Federation of Trade Unions.

The list of exceptions authorised in conformity with Article 4 of the Convention could not be forwarded to the International Labour Office as the relevant statistics were not available.

The regulations of every undertaking must contain provisions fixing the weekly day of rest and must be posted in a conspicuous place.

The supervision of the application of the above-mentioned legislation is entrusted to the labour inspection services, the organisation and functioning of which are governed by the Act of 1 December 1948 concerning labour inspection.

The reports from the following countries either reproduce, or refer to, the information previously supplied:

Afghanistan, Finland, France, India, Norway, Pakistan.

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
Argentina	26. 5.1936
Australia	28. 6.1935
Belgium	19. 7.1926
Bulgaria	6. 3.1925
Burma ¹	20.11.1922
Canada	31. 3.1926
Ceylon	25. 4.1951
Chile	18.10.1935
China	2.12.1936
Colombia	20. 6.1933
Cuba	7. 7.1928
Denmark	12. 5.1924
Estonia	8. 9.1922
Finland	10.10.1925
France	16. 1.1928
Germany	11. 6.1929
Greece	14. 6.1930
Hungary	1. 3.1928
India	20.11.1922
Ireland	5. 7.1930
Italy	8. 9.1924
Japan	4.12.1930
Latvia	9. 9.1924
Luxembourg	16. 4.1928
Netherlands	17. 6.1931
Nicaragua	12. 4.1934
Norway	7.10.1927
Pakistan ²	20.11.1922
Poland	21. 6.1924
Rumania	18. 8.1923
Spain	20. 6.1924
Sweden	14. 7.1925
United Kingdom	8. 3.1926
Uruguay	6. 6.1933
Yugoslavia	1. 4.1927

¹ See footnote 2 to Convention No. 1.
² See footnote 3 to Convention No. 1.

Australia.

The report states that the Navigation Act, 1912-1950, is in complete conformity with the provisions of the Convention.

Cuba.

As shown by the statistical tables appended to the report, during the period under review 780 visits of inspection were carried out in the four main ports of Cuba.

Denmark.

The Convention has been applied by section 10, paragraph 2, of the Seamen's Act of 1 May 1923; a special commission has drafted a new Bill, which fixes the minimum age for admission to employment as a stoker at 19 years.

France.

Act of 29 July 1950.

Under section 114 of the Maritime Labour Code, as amended by the Act of 29 July 1950, the employment of seamen under 18 years of age as stokers or trimmers is prohibited.

United Kingdom.

Merchant Shipping Act, 1950.

Home trade vessels of 200 gross tons or over (other than vessels engaged exclusively on the work of any harbour pilotage or local authority) are now subject to the Merchant Shipping Act, 1950, instead of a Defence Regulation as hitherto.

Yugoslavia.

Legislative Decree of 12 June 1950, concerning ships' articles and the registration of vessels.
Regulations of 16 February 1951, to implement the provisions of the above Decree.

The exception permitted under Article 4 of the Convention is not included in the national legislation; the lack of qualified trimmers and stokers is met provisionally by other members of the crew. The Regulations of 16 February 1951 provide that a register of the crew containing, among other things, the date and place of birth of each member of the crew, must be kept on board each vessel.

The application of the legislative provisions is entrusted to the maritime administrative authorities and to the labour inspectorate.

The reports from the following countries either reproduce, or refer to, the information previously supplied:

Argentina, Belgium, Burma, Canada, Chile, Finland, Greece, India, Ireland, Italy, Luxembourg, Netherlands, Norway, Pakistan, Poland, Sweden, Uruguay.

**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
Argentina	26. 5. 1936
Australia	28. 6. 1935
Belgium	19. 7. 1926
Brazil	8. 6. 1936
Bulgaria	6. 3. 1925
Burma ¹	20. 11. 1922
Canada	31. 3. 1926
Ceylon	25. 4. 1951
Chile	18. 10. 1935
China	2. 12. 1936
Colombia	20. 6. 1933
Cuba	7. 7. 1928
Denmark	23. 4. 1938
Estonia	8. 9. 1922
Finland	10. 10. 1925
France	22. 3. 1928
Germany	11. 6. 1929
Greece	28. 6. 1930
Hungary	1. 3. 1928
India	20. 11. 1922
Ireland	5. 7. 1930
Italy	8. 9. 1924
Japan	7. 6. 1924
Latvia	9. 9. 1924
Luxembourg	16. 4. 1928
Mexico	9. 3. 1938
Netherlands	9. 3. 1928
Nicaragua	12. 4. 1934
Pakistan ²	20. 11. 1922
Poland	21. 6. 1924
Rumania	18. 8. 1923
Spain	20. 6. 1924
Sweden	14. 7. 1925
United Kingdom	8. 3. 1926
Uruguay	6. 6. 1933
Yugoslavia	1. 4. 1927

¹ See footnote 2 to Convention No. 1.
² See footnote 3 to Convention No. 1.

Australia.

During the period under review 403 persons were medically examined. Of this number, 395 were passed as fit, four were deferred, and four rejected.

The reasons for deferment were valvular disease of the heart, dental treatment, and hernia. The reasons for rejection were palpable spleen, appendicitis, hernia, and valvular disease of the heart.

Brazil.

According to section 112 of Decree No. 22,872 of 29 June 1933, the engagement of employees in shipping undertakings must be preceded by a medical examination carried out by the Seamen's Retirement and Survivors' Pension Institute. Undertakings failing to comply with this rule are liable to fines varying between 1,000 and 10,000 cruzeiros; the fine is doubled in the case of repeated offences (section 94 of the same Decree).

Subsequent to the promulgation of Convention No. 16, Decree No. 5,798 of 16 June 1940 established new regulations for harbour authorities. Under section 325 of this Decree, the en-

gagement of all the members of a crew is subject to the presentation of a health certificate. Moreover, section 189 of the Labour Code, which came into force on 10 November 1943, provides that "employees shall not be admitted to employment until they have undergone a medical examination, which shall be repeated periodically at least once a year in unhealthy or dangerous employments".

As regards the legal effect of the ratification of the Convention, reference is made to the report on Convention No. 3. Information concerning inspection and the supervision of maritime work is supplied in the report on Convention No. 58.

The Seamen's Retirement and Survivors' Pension Institute may require compliance with the obligations laid down in section 112 of Decree No. 22,872. If the Institute imposes a fine on an undertaking in consequence of infringement of the legal provisions, an appeal may be made to the Higher Social Insurance Council at the Ministry of Labour, Industry and Commerce.

The application of the Convention has given rise to no difficulties.

See under Convention No. 3 for statistical data.

Cuba.

During the period under review 63 seamen under 18 years of age were subjected to medical examinations. Three contraventions of the provisions of the relevant legislation were reported, but in each case the medical certificates were issued by doctors who had no knowledge of the type of employment for which the seamen were being engaged.

Denmark.

Doctors' fees for medical examinations are paid by the State. The enforcement of the relevant legislation is entrusted to the superintendents of the mercantile marine offices.

France.

Act No. 50-882 of 29 July 1950, to amend section 111 and sections 113 to 117 of the Seamen's Code (L.S. 1950—Fr. 7).

Under section 115 of the Seamen's Code, as amended by the Act of 29 July 1950, boys and ordinary seamen are required to undergo a medical examination every six months. The physical fitness of boys and ordinary seamen is checked in the following way: (a) in the case of a first trip, the test of fitness for provisional registration has, since 1944, been made only by naval doctors. A general examination is carried out, as well as a compulsory X-ray examination; (b) in the case of boys who have completed a number of trips, and who are already provisionally registered, examination prior to embarkation is carried out in the same way as for registered seamen, and must be effected by ships' doctors; the examination is

compulsory in all cases, even for vessels of less than 25 tons.

At the same time, boys and ordinary seamen under 18 years of age are required to undergo a medical examination and an X-ray examination every six months. The main purpose of these examinations, which are carried out by the Seamen's Health Service, is to detect the early symptoms of tuberculosis.

On 1 July 1950 the number of young persons covered by the provisions of the Convention was 9,199 (5,464 ordinary seamen and 3,735 boys).

Italy.

It is not possible to state the exact number of persons covered by the Convention but the Government mentions, by way of information, that the number of persons entered in the seamen's register is 200,000; however, of these only 80,000 were actually employed as seamen.

Netherlands.

During 1950, 3,096 seamen were subjected to a medical examination.

United Kingdom.

See under Convention No. 15.

Yugoslavia.

Section 5 of the Regulations of 30 December 1946 provides that seamen's certificates may not be issued to persons under 16 or over 20 years of age; section 6 provides that such certificates may not be granted unless a medical certificate issued by a social insurance office and confirming his physical and mental fitness for the kind of work involved is presented by the applicant. Medical examinations are carried out free of charge, and, if given in a foreign country, the expenses are borne by the shipping company concerned. The requirements concerning periodicity of medical examinations are laid down in the regulations. No use is made of the exception permitted under Article 4 of the Convention.

The application of the legislative provisions is entrusted to the maritime administrative authorities.

The reports from the following countries either reproduce, or refer to, the information previously supplied:

Argentina, Belgium, Burma, Canada, Chile, Finland, Greece, India, Ireland, Luxembourg, Mexico, Pakistan, Poland, Sweden, Uruguay.

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

Argentina.

The report gives detailed information regarding the national law and practice.

The Accidents Division of the Ministry of Labour and Welfare is entrusted with the application and supervision of the relevant legislative provisions. Reference is made to one interesting decision by a court of law which ruled that "in addition to compensation for an industrial accident, the employer must pay for any surgical appliance necessary to enable the victim to resume a normal life and to regain his working capacity".

Austria.

Federal Act of 25 October 1950, to amend and supplement the Federal Act of 15 October 1948 modifying the provisions of social insurance law and providing for the payment of cost-of-food allowances (L.S. 1948—Aus. 1—C).

In 1950 the average number of workers insured against industrial accidents was 1,518,900. The total amount paid out in cash benefits was 102,253,000 schillings, or 67.30 schillings per insured person; benefits in kind cost 30,852,000 schillings, or 20.30 schillings per insured person. The total expenditure amounted to 151,338,000 schillings.

The total number of accidents was 120,700, of which 580 proved fatal and 7,590 gave rise to compensation.

There were 1,040 cases of occupational disease of which 20 were fatal; 330 gave rise to compensation for the first time.

Chile.

Several decisions in application of the principles of the Convention were given by courts of law and administrative authorities; copies of 19 of these decisions and of one resolution are appended to the report.

Detailed statistical data show that 760,232 wage earners were covered by the legislation in 1950. There were 94,366 accidents (including 282 cases of occupational disease), 449 of which were fatal. Benefits amounting to 131,287,904.08 pesos were paid during the same period.

Cuba.

Decree No. 328 of February 1951.

Statistical data for the period under review show that 42,216 cases of accidents (one fatal) were reported. The total expenditure was 721,323.81 pesos in cash benefits, and 655,756.77 pesos in medical aid and benefits in kind.

Finland.

Resolution of the Council of Ministers of 14 December 1950, concerning increases in the rates in marks prescribed in the Act respecting accident insurance. Resolution of the Council of Ministers of 7 July 1951, concerning supplementary benefits.

The report states that it is difficult to obtain statistical data relating to the scope of the scheme.

During the period under review the total cost of cash benefits was 639 million marks (plus transfers to the pensions fund amounting in 1949 to 311 million marks). The average cost of benefits per employee was 745 marks. The total cost of benefits in kind was 135 million marks, the average cost per employee amounting to 111 marks. The number of accidents reported was 95,310. The total cost of the application of the legislation on industrial accidents or accident insurance was 280 million marks.

France.

Act No. 50-986 of 7 August 1950.
Decree No. 50-1,082 of 31 August 1950.
Decree No. 50-1,533 of 9 December 1950.

Act No. 51-708 of 7 June 1951, to amend Act No. 46-2,426 of 30 October 1946 respecting the prevention of and compensation for industrial accidents and occupational diseases (L.S. 1946—Fr. 12).

These new legislative texts do not affect the application of the Convention.

Detailed statistical data for 1950 show that the total number of wage earners covered by the general scheme was 12 million. Cash benefits amounted to 11,863,400,000 francs and benefits in kind to 5,276,500,000 francs. During the same year the number of accidents was 1,699,708 (2,208 of which were fatal).

Luxembourg.

Act of 10 April 1951, to amend the legislation relating to industrial accidents.

Detailed statistical information is given in the administrative report of the Accident Insurance Association (Industrial Division) for the year 1950.

Mexico.

Several decisions were given by courts of law. Details of the most important decisions given by the Supreme Court are included in the report.

The report states that it has not been possible to extend the scope of the Act respecting social insurance to the whole country. However, in view of the fact that Article 133 of the Constitution of Mexico gives force of law to a ratified Convention, the persons concerned are required to comply with the provisions of the Convention.

Netherlands.

Various Acts, Royal Decrees and Ministerial Decrees, to amend the Act of 1921 respecting industrial accidents.

Statistical data show that 387,924 accidents were reported (412 of which were fatal). The total amount paid out in cash benefits was 45,073,752 florins; benefits in kind amounted to 6,592,291 florins.

New Zealand.

Workers' Compensation Amendment Act, 1950.

The Government draws attention to the following changes in the legislation concerning workmen's compensation for accidents.

With certain exceptions in respect of employers who have adequate resources to meet probable compensation claims, all employers must insure against their liability to pay compensation. In cases where an employer neglects to take out insurance, he is deemed to be insured by the Workers' Compensation Board, which pays the claims and recovers the amounts involved from the employer. The State monopoly of workmen's compensation insurance has been abolished.

The amendment to the Workers' Compensation Act, ensuring complete conformity with Article 7 of the Convention (referred to at the 33rd Session of the Conference by the New Zealand Government representative to the Conference Committee on the Application of Conventions), has been passed. The amendment provides that a worker who is incapacitated as the result of an employment injury and who requires constant attendance shall be entitled, in addition to workers' compensation, to an allowance of 30 shillings a week. This additional compensation is not taken into account

in computing the maximum compensation payable under the Act. It ceases when the weekly compensation ceases.

New arrangements have been made to secure the payment of compensation. Insurance companies intending to undertake employers' liability insurance must obtain the approval of the Secretary of Labour and make a deposit with the Public Trustee to serve as security for policyholders and claimants. Should the Secretary of Labour consider that an authorised insurer is unable to meet his liabilities, he may apply to the Compensation Court, which may prohibit the insurer from carrying on insurance business under the Act. The measures to ensure the payment of workmen's compensation moneys in the event of the insolvency of the employer, which were noted in the 1949-1950 report, have been retained.

The Act is administered by the Department of Labour and Employment. The Secretary of Labour may exempt employers from the compulsory insurance provisions of the Act. The 1950 Amendment Act provides for the setting up of a workers' compensation board to ensure the care, supervision and assistance of injured workers. The General Manager of the State Fire Insurance settles all claims for which the Board is liable as the insurer of any employer.

In August 1951 the Department of Labour and Employment registered 463,888 employees (333,465 males and 130,423 females). The number of accidents registered in 1950 was 18,326.

Poland.

Various Acts and Decrees, issued in 1950 and 1951, to amend the social insurance legislation.

The new legislation provides for the payment of supplementary children's allowances to persons receiving pensions in respect of an employment injury.

In accordance with these provisions the benefits formerly granted to children and adopted children are now payable to children brought up and maintained by the insured person.

These allowances, as well as the pension granted to the orphan of an insured person who dies as the result of an industrial accident, are paid to the orphan up to 16 years of age, or 24 years if he is continuing his studies. Allowances and pensions are also paid for an unlimited period if the child in question is totally incapacitated for work by reason of a physical or mental disability, provided that the incapacity occurs before he reaches 16 years of age, or 24 years if he is continuing his studies.

The Central Social Insurance Institute is responsible for the payment of benefits to victims of employment injury.

Portugal.

Copies of nine decisions of the Supreme Administrative Tribunal concerning the application of the relevant legislation are included in the report.

The labour inspectorate reported 10 cases of infringement.

Sweden.

Royal Order of 12 January 1951, to amend the Royal Order of 1 December 1933 respecting the application of the Industrial Accidents Insurance Act to persons attending vocational training schools.

During the period under review the Industrial Accidents Insurance Office paid out 47,375,269 kronor in cash benefits and 5,379,970 kronor in benefits in kind (medical care). The number of accidents reported was 315,097. The administrative expenses incurred by the National Insurance Office amounted to 5,844,394 kronor.

United Kingdom.

Great Britain.

Workmen's Compensation (Supplementation) Act, 1951.
Various amendment regulations, issued in 1950 and 1951, relating to claims, payments, contributions, etc., in respect of industrial injuries.

The report gives detailed information regarding the measures contained in the above-mentioned amendment regulations.

It is estimated that, at 31 December 1949, about 20,750,000 persons were insured under the industrial injuries scheme. The total expenditure in respect of accidents and diseases was slightly more than £12 million.

Northern Ireland.

Various amendment regulations, issued in 1950 and 1951, relating to claims, payments, contributions, etc., in respect of industrial injuries.

The estimated total cost of cash benefits during the year ended 31 March 1951 was £217,000. Claims were received in respect of 9,735 accidents.

Uruguay.

Act 11,610 of 19 October 1950, to amend Act No. 10,004 of 28 February 1941 relating to employment injuries.

The new Act does not affect the application of the Convention. Statistical data relating to the number of workers insured (120,000) and the total amount paid out for different categories of benefits (4,825,404 Uruguayan pesos) is given for 1950.

Yugoslavia.

Under the Social Insurance Act, insurance against industrial accidents is extended to all workers, officials, salaried employees and apprentices, irrespective of the branch of economic or social activity in which they are employed, and of whether the enterprise, undertaking or establishment is public or private.

The Act applies to seamen and fishermen employed under a labour agreement and to members of fishermen's co-operative societies. There are no special schemes.

In case of permanent incapacity to the extent of 20 to 33 $\frac{1}{3}$ per cent., compensation always takes the form of a lump-sum payment.

In case of permanent incapacity to a greater degree, and in case of death of an insured person, compensation always takes the form of a pension.

During a period not exceeding one year from the beginning of the incapacity, the injured person receives a sickness allowance. The Social Insurance Act does not provide for a waiting period.

The Act provides that a supplementary benefit equal to 25 per cent. of the pension is payable in cases where the beneficiary requires the constant attendance of another person.

Persons receiving pensions on account of permanent incapacity are required to undergo periodical medical examinations until they reach pensionable age.

Injured workmen are entitled, for an unlimited period, to medical treatment at home or in hospital, medicaments, convalescent care, dental treatment, and medical and surgical appliances, including artificial limbs. Detailed regulations have not yet been issued concerning the administration of these benefits. The Act provides that medical benefits shall be furnished by the competent national health authorities.

At present artificial limbs and surgical appliances are renewed as required.

All rights under the Social Insurance Act are guaranteed by the State, which provides in its budget for the necessary financial resources.

The Act provides for the protection of the rights of insured persons by means of appeals to the special insurance authorities of first and second instance, and to the ordinary courts.

The general supervision of the application of the Act is entrusted to the higher social insurance administrative bodies, namely, the public health and social policy boards at the Federal, State, regional and local levels. Trade unions are entitled to participate in the administration of social insurance and, in particular, to ensure that insured persons' rights are respected.

For statistics of persons insured and the cost of temporary incapacity benefits, see under Convention No. 24.

The information given in the report from *Belgium* is identical with that previously supplied.

18. Convention concerning workmen's compensation for occupational diseases

This Convention came into force on 1 April 1927

Countries	Date of registration of ratification ⁶
Austria ¹	29. 9.1928
Belgium ¹	3.10.1927
Bulgaria ¹	5. 9.1929
Burma ²	30. 9.1927
Chile	31. 5.1933
Colombia	20. 6.1933
Cuba ¹	6. 8.1928
Czechoslovakia ¹	19. 9.1932
Denmark ¹	18. 6.1934
Finland ¹	17. 9.1927
France ¹	13. 8.1931
Germany	18. 9.1928
Hungary ¹	19. 4.1928
India	30. 9.1927
Iraq ¹	26.11.1938
Ireland ³	25.11.1927
Italy	22. 1.1934
Japan ¹	8.10.1928
Latvia	29.11.1929
Luxembourg	16. 4.1928
Netherlands ³	1.11.1928
Nicaragua	12. 4.1934
Norway ¹	11. 6.1929
Pakistan ⁴	30. 9.1927
Poland ¹	3.11.1937
Portugal	27. 3.1929
Spain	29. 9.1932
Sweden ³	15.10.1929
Switzerland	16.11.1927
United Kingdom ³	6.10.1926
Uruguay	6. 6.1933
Yugoslavia	1. 4.1927

¹ Has ratified Convention No. 42 (revised) but has not denounced this Convention.
² See footnote 2 to Convention No. 1.
³ Has denounced this Convention and ratified Convention No. 42 (revised).
⁴ See footnote 3 to Convention No. 1.
⁶ See also the list of ratifications of Convention No. 42.

Austria.
See under Convention No. 17.

Belgium.

Royal Order of 25 April 1951, issuing the list of occupational diseases and specifying, in respect of each, the industries or occupations in which the victim is entitled to compensation as well as the categories of workers entitled to compensation.

Royal Order of 15 May 1951, to increase the supplementary allowances granted by the Order of the Regent of 23 May 1949 to certain beneficiaries under the Act of 24 July 1927 respecting compensation for injury caused by occupational diseases (L.S. 1927—Bel. 7).

The report of the governing body of the Welfare Fund for Victims of Occupational Diseases, which is appended to the Government's report, contains statistical data relating to the period 1940-1949.

Chile.

During 1950 there were 282 cases of occupational disease (including two fatal and 148 cases of silicosis), involving a total expenditure of 9,057,583.53 Chilean pesos.

Several decisions were given by courts of law; copies of ten decisions are appended to the report.

Finland.
See under Convention No. 42.

Poland.
See under Convention No. 17.

Switzerland.

During the period under review 37 cases of lead poisoning (costing 82,642 Swiss francs) and 15 cases of mercury poisoning (costing 30,713 Swiss francs) were reported.

Uruguay.

A new Act, published in the *Gaceta Oficial* of 4 November 1950, limits the hours of work, lays down standards of work for industries considered to be unhealthy, and sets up a committee entrusted with the classification of such industries.

Yugoslavia.

Act of 21 January 1950, respecting social insurance for wage-earning employees and their families.
Order of 25 November 1946, respecting the occupational diseases which are to be treated as industrial accidents under the provisions governing social insurance (L.S. 1946—Yug. 5).

Under the Act respecting social insurance occupational diseases which cause permanent general incapacity or permanent incapacity for a certain occupation are considered as industrial accidents for the purposes of compensation.

The diseases classified as occupational in the list given in the Order of 25 November 1946 are retained under the system laid down in the Social Insurance Act of 21 January 1950. This list contains all the diseases enumerated in the schedule to Article 2 of the Convention, as well as a number of other diseases. The description of corresponding industries and processes is wider than that of the Convention. The report contains detailed information relating to degrees of incapacity, rates of compensation, etc.

The supervision of the application of these provisions is entrusted to the social insurance administration, in particular to the Government Committee on Public Health and Social Policy.

The trade union organisations participate in ensuring compliance with the provisions governing social insurance.

The reports from the following countries either reproduce, or refer to, the information previously supplied:

Burma, Denmark, India, Italy, Luxembourg, Norway, Pakistan, Portugal.

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
Argentina	14. 3. 1950
Austria	29. 9. 1928
Belgium	3. 10. 1927
Bulgaria	5. 9. 1929
Burma ¹	30. 9. 1927
Chile	8. 10. 1931
China	27. 4. 1934
Colombia	20. 6. 1933
Cuba	6. 8. 1928
Czechoslovakia	8. 2. 1927
Denmark	31. 3. 1928
Egypt	29. 11. 1948
Estonia	14. 4. 1930
Finland	17. 9. 1927
France	4. 4. 1928
Germany	18. 9. 1928
Greece	30. 5. 1936
Hungary	19. 4. 1928
India	30. 9. 1927
Indonesia ²	13. 9. 1927
Iraq	30. 4. 1940
Ireland	5. 7. 1930
Italy	15. 3. 1928
Japan	8. 10. 1928
Latvia	29. 5. 1928
Lithuania	28. 9. 1934
Luxembourg	16. 4. 1928
Mexico	12. 5. 1934
Netherlands	13. 9. 1927
Nicaragua	12. 4. 1934
Norway	11. 6. 1929
Pakistan ³	30. 9. 1927
Peru	8. 11. 1945
Poland	28. 2. 1928
Portugal	27. 3. 1929
Spain	22. 2. 1929
Sweden	8. 9. 1926
Switzerland	1. 2. 1929
Union of South Africa	30. 3. 1926
United Kingdom	6. 10. 1926
Uruguay	6. 6. 1933
Venezuela	20. 11. 1944
Yugoslavia	1. 4. 1927

¹ See footnote 2 to Convention No. 1.

² Remains bound by this Convention which was formerly ratified by the Netherlands. The date given is that on which the ratification by the Netherlands was registered.

³ See footnote 3 to Convention No. 1.

Argentina.

In reply to the observation made by the Committee of Experts on the Application of Conventions and Recommendations, the report states that the discrepancy referred to by the Committee is more apparent than real, i.e., it exists in the relevant legislation but not in practice, because practically all of the dependants of foreign workers who are not resident in the country at the time when an accident takes place are entitled to some benefits in accordance with the provisions of section 14 of the Industrial Accidents Act (No. 9,688) of 1915, which excludes the nationals of countries with which the Argentine Republic has concluded special reciprocity agreements. As the great majority of foreign workers come

from Italy, Spain and Poland, which are among the countries with which such agreements have been concluded, a careful study has shown that, taking account also of the foreign workers of other countries, there are no restrictions as regards the payment of benefits in probably more than 95 per cent. of cases of industrial accidents.

The report adds that the basic principles for the system of workmen's compensation for accidents are being revised with a view to instituting a social security scheme as regards workmen's compensation. This will afford the Government an opportunity of bringing its legislation into full accord with the text of the Convention. The Chairman of the Legislative Commission, set up with a view to drafting new legislation concerning industrial accidents has, in fact, prepared an Accident and Employment Injury Insurance Bill, section 20 of which envisages provisions which are in conformity with those of the Convention. A copy of this Bill is appended to the report.

Austria.

See under Convention No. 17 for legislation.

Agreements with Switzerland, Italy and the Federal Republic of Germany were concluded in July and December 1950 and in April 1951 respectively, but did not enter into force during the period under review.

Chile.

The report gives the number of foreigners employed in the country (18,000 wage earners and 23,000 salaried employees); during 1950 254 of these persons were involved in industrial accidents. According to the inspection services, practically all employers insured all their employees against the risk of industrial accidents; consequently no difficulties arose in the payment of the relevant compensation. A copy of a receipt for accident insurance compensation is appended to the report.

Cuba.

Pensions have been converted into lump-sum payments totalling 242,000 pesos for 744 Cuban workers and totalling 5,300 pesos for 11 foreign workers.

Finland.

Resolution of the Council of Ministers of 14 December 1950, respecting increases in the rates in marks prescribed in the Accident Insurance Act.

Resolution of the Council of Ministers of 7 July 1951, concerning supplementary benefits.

The report refers to the adoption of the above legislation.

France.

See under Convention No. 17 for legislation.

The report contains statistical data showing that, between 1 August 1950 and 1 August 1951, a total of 13,000 foreign workers entered France; however, the total number employed cannot be given, as a number of foreign workers have left French territory since 1946.

Greece.

Emergency Act No. 1,846 of 14 June 1951.

The above-mentioned Act makes essential improvements in the social insurance system; the question of citizenship is not taken into account and the Central Social Insurance Institute (I.K.A.) assures equal treatment as regards coverage for Greek and foreign nationals. A former provision requiring the suspension of payments to Greek and foreign nationals residing abroad for more than six months without the approval of the Institute has been abolished so that pensioners now receive their pensions irrespective of their place of residence; the minimum rate of the invalidity pension has been increased from 40 to 60 per cent. of the beneficiary's assumed average wage.

The Central Social Insurance Institute now covers two-thirds of the workers of the country and part of the remaining third is covered by other funds. Accordingly, only a very limited number of workers still come under the former legislation providing for a system of lump-sum compensation for victims of industrial accidents. The report estimates that approximately 50,000 foreign workers are now employed in Greece.

Italy.

During the period under review reciprocity agreements were concluded with England, Austria and Luxembourg. The ratification formalities as regards these agreements are now in process of completion.

Luxembourg.

Act of 24 March 1950, to approve the general and supplementary agreements on social security, concluded between the Grand Duchy of Luxembourg and France and Belgium.

Act of 10 April 1951, to modify and supplement the Act of 17 December 1925 respecting the Social Insurance Code.

The general social security agreements concluded with France and Belgium entered into force on 1 July 1950 and 1 May 1951 respectively.

Mexico.

Decree published on 7 August 1935, to promulgate the Convention.

The report refers to the above-mentioned Decree.

Netherlands.

Act of 8 December 1950, respecting the ratification of the Convention, to extend and co-ordinate the application of social security schemes to nationals of the States signatory to the Brussels Treaty, concluded at Paris on 7 November 1949 between Belgium, France, Luxembourg, the Netherlands and the United Kingdom.

Act of 5 April 1951, to ratify the general agreement on social security, concluded between the Netherlands and France at The Hague on 7 January 1950.

The report mentions the adoption of the above-mentioned legislation.

Poland.

See under Convention No. 17 for changes in the relevant national legislation.

Sweden.

In reply to the observation made in 1950 by the Committee of Experts on the Application of Conventions and Recommendations, the Government refers to its letter of 22 May 1950, in which it stated that appropriate measures would be taken at an early date with a view to granting equality of treatment with its own nationals to the nationals of Egypt, Peru and Venezuela.

Switzerland.

During the period under review 413 fatal industrial accidents were reported; 39 of these accidents involved foreign workers.

Union of South Africa.

Act No. 5, 1951, to amend the Workmen's Compensation Act (No. 30) of 1941.

The above-mentioned amendment increases the amount of burial expenses payable in respect of deceased native workmen, and confers powers upon the Workmen's Compensation Commissioner to promote, establish and subsidise, or assist in the promotion, establishment or maintenance of any body or organisation concerned with the prevention of accidents or industrial diseases and with promoting the health and safety of workmen.

The report contains statistics of non-Union natives employed in the Union during the year under review (202,000 in the mining industry and 65,000 in other employment) and states that 14,000 accidents were reported in which non-Union natives were involved; while the vast majority of these accidents were of a very minor nature, approximately 2 per cent. were fatal.

United Kingdom.

National Insurance (Industrial Injuries) (Benefit) Amendment Regulations, 1951.

National Insurance (Industrial Injuries) (Mariners) Amendment Regulations, 1951.

Regulation 3 of the above-mentioned Benefit Amendment Regulations removes the restriction on the payment of disablement benefit abroad; this restriction applied when the claim was not made in Great Britain. Regulation 2 of the Mariners Amendment Regulations makes certain amendments to the rules of insurability and adds Malta to the list of countries whose residents shall not be excepted from insurance.

Uruguay.

The report refers to the statistical data given under Convention No. 17.

Yugoslavia.

Section 7 of the Social Insurance Act, 1950 provides that foreign employees or officials

employed on Yugoslav territory in undertakings and institutions belonging to the State, or of a co-operative or social character, shall have the same social insurance rights as Yugoslav nationals. This equality of treatment extends implicitly to dependants. The benefits of both nationals and foreigners are, in principle, suspended during absence from Yugoslavia; nevertheless, suspended instalments are paid if the beneficiary's absence does not exceed one year. If a foreign beneficiary establishes his domicile in the country of which he is a national or in the country in which he was previously domiciled, his cash benefits are continued, provided that the country in question applies the same treatment to Yugoslav nationals.

Among special arrangements made with other countries the report cites the agreement with France, which was ratified by Yugoslavia on 9 May 1951. This agreement provides that any provisions of the legislation of either of the contracting parties, which restrict the rights of

foreigners in case of residence abroad, shall not affect their respective nationals.

The Social Insurance Act of 1950 provides for the protection of the rights of insured persons by means of appeals to the special insurance authorities of first and second instance, and also to the ordinary courts. The general supervision of the application of the Act is entrusted to the higher social insurance administrative bodies, namely, the public health and social policy boards at the Federal, State, regional and local levels. Trade unions are entitled to participate in the administration of insurance and, in particular, to ensure that the insured persons' rights are respected.

The reports from the following countries either reproduce, or refer to, the information previously supplied:

Belgium, Burma, Denmark, Egypt, Greece, India, Ireland, Netherlands, Norway, Pakistan, Poland, Portugal, Switzerland, United Kingdom.

20. Convention concerning night work in bakeries

This Convention came into force on 26 May 1928

Countries	Date of registration of ratification
Bulgaria	5. 9.1929
Chile	31. 5.1933
Colombia	20. 6.1933
Cuba	6. 8.1928
Estonia	23.12.1929
Finland	26. 5.1928
Ireland	15. 3.1937
Israel	26. 7.1951
Luxembourg	16. 4.1928
Nicaragua ¹	12. 4.1934
Spain	29. 8.1932
Sweden	5. 1.1940
Uruguay	6. 6.1933

¹ Ratification denounced.

Chile.

During 1950, 182 breaches of the relevant legislation were reported. There were two decisions by courts of law, copies of which are appended to the report.

Ireland.

Night Work (Bakeries) (Exceptional Work for Limited Periods) Regulations, 1951.

During the period under review the enforcing authorities carried out 1,970 inspections in 706 bakeries; two infringements were reported.

Sweden.

Act of 17 March 1950, to amend the Worker's Protection Act of 3 January 1949.

Under the new Act of 17 March 1950 the provisions of sections 33 and 36 of the Worker's Protection Act of 3 January 1949 have been amended to authorise the Worker's Protection Board to grant exceptions permitting the nightly rest of women and young persons to include any interval of seven consecutive hours between 10 p.m. and 7 a.m. The same Act also authorises the Government to permit the employment of women on certain kinds of work or in certain workplaces during the period between 10 p.m. and 5 a.m. on a wider scale than is provided for in section 37 of the Worker's Protection Act.

Uruguay.

Decree of 8 May 1950, to issue regulations under Act No. 11,146.

Nearly 12,000 workers are covered by the above legislation.

The reports from the following countries either reproduce, or refer to, the information previously supplied:

Finland, Luxembourg.

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
Albania	17. 3. 1932
Argentina	14. 3. 1950
Australia	18. 4. 1931
Austria	29. 12. 1927
Belgium	15. 2. 1928
Bulgaria	29. 11. 1929
Burma ¹	14. 1. 1928
Colombia	20. 6. 1933
Czechoslovakia	25. 5. 1928
Finland	5. 4. 1929
France ²	13. 1. 1932
Hungary	3. 2. 1931
India	14. 1. 1928
Ireland	5. 7. 1930
Japan	8. 10. 1928
Luxembourg	16. 4. 1928
Mexico	9. 3. 1938
Netherlands	13. 9. 1927
New Zealand	29. 3. 1938
Nicaragua	12. 4. 1934
Pakistan ³	14. 1. 1928
Sweden ²	15. 10. 1929
United Kingdom ²	16. 9. 1927
Uruguay	6. 6. 1933
Venezuela	20. 11. 1944

- ¹ See footnote 2 to Convention No. 1.
² Conditional ratification.
³ See footnote 3 to Convention No. 1.

Argentina.

Regulations of 31 December 1923, issued under the Immigration Act.
Decree No. 14,991/47 and Resolution No. 366/49 of the National Migration Directorate.

In accordance with normal practice and with the legislation of certain countries, all ships transporting Italian, Spanish or Portuguese emigrants have on board representatives of the country of origin, without prejudice to section 8 of the Regulations of 31 December 1923, issued under the Immigration Act, and Article 11 of the Migration Agreement between Argentina and Italy.

Two agreements concerning migration have been signed by Argentina, one with Italy on 26 January 1948 and one with Spain on 18 October 1948.

The only special regulations concerning the repatriation of immigrants relate to persons covered by the Argentine-Italian agreement who have to be repatriated for reasons of health.

Austria.

Up to the present nine foreign shipping companies have been authorised in Austria. During the period under review 612 passports were issued to Austrian nationals wishing to emigrate.

Belgium.

In view of the shortage of suitable vessels calling or registered at Antwerp, Belgian and foreign nationals residing in Belgium or travelling in transit through the country have emigrated from other ports during the period under review. Most of the 2,408 emigrants who embarked at Antwerp were distributed among 234 cargo vessels with only small passenger accommodation which did not justify special inspection measures. The 2,408 emigrants in question come under the heading "direct departures".

As regards "indirect departures", 3,066 emigrants left the country with the intention of embarking from British or French ports. This is due to the fact that the large tonnage ships adapted for the transport of emigrants call only at the above-mentioned ports; the application of the Convention is therefore in the hands of the authorities of the countries from which these vessels sail.

Finland.

There were 13,970 Finnish emigrants in 1950.

India.

The report on the working of the Indian Emigration Act during 1950 is being prepared and copies will be supplied as soon as they are available.

Ireland.

The number of Irish nationals who emigrated to countries outside Europe in 1950 was 5,089.

Mexico.

Decree published on 28 April 1939, to promulgate the Convention.

The report refers to the above-mentioned Decree.

Netherlands.

A table appended to the report shows that a total of 34,228 emigrants left the country during the period under review; 23,144 of this number sailed on vessels chartered by the Government or on Dutch vessels.

The reports from the following countries either reproduce, or refer to, the information previously supplied:

Australia, Burma, Luxembourg, New Zealand, Pakistan, Uruguay.

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
Argentina	14. 3.1950
Australia	1. 4.1935
Belgium	3.10.1927
Bulgaria	29.11.1929
Burma ¹	31.10.1932
Canada	30. 6.1938
Chile	18.10.1935
China	2.12.1936
Colombia	20. 6.1933
Cuba	7. 7.1928
Estonia	10. 5.1929
Finland	8. 4.1947
France	4. 4.1928
Germany	20. 9.1930
India	31.10.1932
Ireland	5. 7.1930
Italy	10.10.1929
Luxembourg	16. 4.1928
Mexico	12. 5.1934
Netherlands	15.12.1937
New Zealand	29. 3.1938
Nicaragua	12. 4.1934
Norway	29. 3.1940
Pakistan ²	31.10.1932
Poland	8. 8.1931
Spain	23. 2.1931
United Kingdom	14. 6.1929
Uruguay	6. 6.1933
Venezuela	20.11.1944
Yugoslavia	30. 9.1929

¹ See footnote 2 to Convention No. 1.
² See footnote 3 to Convention No. 1.

Argentina.

No tonnage limit is prescribed by law for vessels engaged in the "home trade", it being understood that this term as used in the Convention is equivalent to "coasting trade". The provisions of the legislation define two types of coasting trade: that in which vessels are engaged in relatively long voyages, and that in which they are engaged in short trips. In accordance with the provisions of the Commercial Code, seafarers are bound by the terms of their contracts from the time when they sign the list of crew. A temporary sailing permit is issued to each seafarer at the beginning of his engagement. After six months' employment this is replaced by a seaman's book (permanent record of employment). The circumstances in which the owner or master may discharge a seaman without notice are set forth in section 991 of the Commercial Code. The National Maritime Administration is the competent authority responsible for supervising the application of the relevant legislative provisions.

Australia.

Navigation Act 1912-1950.

During the period under review 11,000 seamen of all ranks signed on for service in ships in Australian harbours. The total number of engagements was 35,865.

Belgium.

During the period under review the number of seamen covered by the provisions of the Convention amounted to 4,000. Six disputes regarding the application of contracts of employment were noted during this period.

Chile.

During the period under review the number of persons covered by the national legislation was 3,062 and the number of seamen engaged was 1,660.

The five employment offices, which operate in the main ports under the direction of the harbour authorities, in accordance with section 196 of the Labour Code, effected the placing of crews and the renewal of contracts of the 1,660 registered seamen, without encountering any difficulty.

Cuba.

During the period under review the total number of seamen engaged was 931, while the number of visits of inspection made in seven ports was 942.

Finland.

During the period under review the visits of inspection carried out in connection with the engagement and discharge of seamen amounted to 15,122 and 16,997, respectively. Three breaches of the legislation concerning the inspection of seamen were reported.

France.

Act of 24 May 1951.

Section 6 of the Act of 24 May 1951 establishes and defines the jurisdiction in respect of maritime questions of justices of the peace. This text does not modify the rules of jurisdiction in maritime affairs nor the rules for the application of the Convention, as described in previous reports.

Detailed statistical data relating to maritime manpower on 1 July 1950 are appended to the

report. These data refer to the same categories of personnel and the same types of navigation as mentioned in the report for last year. The over-all totals are as follows: deck ratings, 99,910; engine-room ratings, 28,025; general service ratings, 9,349. The respective figures for ratings not serving on board are 11,504, 2,913 and 1,278.

Ireland.

The number of seamen engaged during the period under review amounted to 5,405.

Netherlands.

Royal Order of 6 December 1950, to amend the Royal Order of 15 July 1937 concerning seafarers.

The report states that this Order is in conformity with the provisions of the Convention.

United Kingdom.

Merchant Shipping Act, 1950.

The main effect of section 2 of the Merchant Shipping Act, 1950, is to extend to home trade vessels of 200 tons gross or more (other than vessels engaged exclusively in the work of any harbour pilotage or local authority) certain of the provisions of the Act of 1894 relating to the engagement and discharge of crews of foreign-going vessels.

Yugoslavia.

Legislative Decree of 27 September 1948, concerning the formation and cessation of employer-employee relationships (L.S. 1948—Yug. 1).

Legislative Decree of 21 January 1950, concerning stability of employment and the co-ordination of manpower schemes with the schemes concerning guaranteed wages and food.
Instructions of 10 February 1950, to implement the provisions of the above-named Decree.
Decree of 6 January 1951, concerning the suppression of certain grades of personnel in the merchant marine.

The agreements of certain seafarers employed in the deck and engine-room departments of merchant marine vessels are governed by the provisions of the Act concerning State employees. However, in accordance with the provisions of the Decree of 6 January 1951, other members of the crew, including seamen, quartermasters, trimmers, firemen, greasers, chief mechanics, and members of the catering department are no longer considered as State employees, and their agreements are concluded on an individual basis in accordance with the provisions of the legislation referred to above, which applies to workers in general. The articles of agreement are drawn up in writing for definite periods of not less than six months' duration. They must contain the information required by Article 6 of the Convention. Seamen may satisfy themselves at all times as to the nature and extent of their rights and obligations and of the other conditions of their employment. The application of the legislative provisions is entrusted to the labour inspectorate.

The reports from the following countries either reproduce, or refer to, the information previously supplied:

Burma, Canada, India, Italy, Luxembourg, Mexico, New Zealand, Norway, Pakistan, Poland, Uruguay, Venezuela.

23. Convention concerning the repatriation of seamen

This Convention came into force on 16 April 1928

Countries	Date of registration of ratification
Argentina	14. 3. 1950
Belgium	3. 10. 1927
Bulgaria	29. 11. 1929
China	2. 12. 1936
Colombia	20. 6. 1933
Cuba	7. 7. 1928
Estonia	9. 7. 1928
France	4. 3. 1929
Germany	14. 3. 1930
Ireland	5. 7. 1930
Italy	10. 10. 1929
Luxembourg	16. 4. 1928
Mexico	12. 5. 1934
Netherlands	5. 5. 1948
Nicaragua	12. 4. 1934
Poland	8. 8. 1931
Spain	23. 2. 1931
Uruguay	6. 6. 1933
Yugoslavia	30. 9. 1929

Argentina.

In accordance with Article 31 of the National Constitution, foreign seamen who are domiciled

in Argentina enjoy the same rights and safeguards under the relevant legislation as seamen of Argentine nationality. Sections 1661 and 1662 of the Civil Code lay down the principle that all work performed must be remunerated. This provision would apply in the case of a seaman who is being repatriated and who is employed by the master of the vessel in which he is travelling.

Cuba.

The authorities entrusted with the application of the legislation to implement the provisions of the Convention are the customs officials and harbourmasters of the different ports. During the period under review no cases of repatriation of seamen were reported by these authorities.

Mexico.

General Population Act, promulgated on 27 December 1947.

The Departments of Shipping, Labour and Social Insurance are amongst the authorities re-

sponsible for ensuring the application of the Convention.

Yugoslavia.

In accordance with the provisions of section 10 of the Legislative Decree of 17 September 1949 concerning the crews of merchant marine vessels, a seaman whose term of engagement expires in a port other than that at which he was engaged is entitled to be repatriated to the latter port by his employer, unless the articles of agreement provide otherwise. Where a seaman is engaged in a foreign port and does not wish to return to

that port but to a port in his own country, the employer must provide transportation to the nearest Yugoslav port. In both cases the seaman is entitled to full wages until he arrives at the port of destination. The application of the legislative provisions, which make no distinction as to the nationality of the seaman concerned, is entrusted to the maritime administrative authorities.

The reports from the following countries either reproduce, or refer to, the information previously supplied:

Belgium, France, Ireland, Italy, Luxembourg, Netherlands, Poland, Uruguay.

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
Austria	18. 2. 1929
Bulgaria	1. 11. 1930
Chile	8. 10. 1931
Colombia	20. 6. 1933
Czechoslovakia	17. 1. 1929
France	17. 5. 1948
Germany	23. 1. 1928
Hungary	19. 4. 1928
Latvia	29. 11. 1929
Lithuania	19. 6. 1931
Luxembourg	16. 4. 1928
Nicaragua	12. 4. 1934
Peru	8. 11. 1945
Poland	29. 9. 1948
Rumania	28. 6. 1929
Spain	29. 9. 1932
United Kingdom	20. 2. 1931
Uruguay	6. 6. 1933
Yugoslavia	30. 9. 1929

Austria.

Federal Act of 25 October 1950, to amend the Federal Act of 15 October 1948 (as amended by the Federal Acts of 19 May 1949 (L.S. 1949—Aus. 2—D) and 14 July 1949) modifying the provisions of social insurance law and providing for the payment of cost-of-food allowances (L.S. 1948—Aus. 1—C).

Federal Act of 14 March 1951, to amend the Federal Act of 14 July 1949 concerning certain provisions relating to social insurance for persons employed on public railways.

In future public railway employees who are insured under the general sickness insurance scheme will receive medical benefits in accordance with the provisions of the sickness insurance scheme for federal employees and not in accordance with the provisions of the general scheme.

In 1950 the total number of insured persons covered by the general sickness insurance scheme was 1,450,000. The total amount paid out in cash benefits was 281,500,000 schillings or 193.20 schillings per insured person. The total cost of benefits in kind amounted to 537,900,000 schillings, or 369.20 schillings per insured person. The total expenditure was 954,900,000 schillings, of which 422,900,000 came from employers' contributions, 457,700,000 from insured persons' contributions, and 74,300,000 from the public authorities.

Chile.

In reply to the request by the Committee of Experts in 1951 to be informed whether the Bill

providing for certain amendments, including the abolition of the present four days' waiting period for the payment of sickness benefit, had been approved, the report states that, although this is a matter to which the Government has given constant consideration, it has not yet been possible to obtain the approval of this Bill by Congress. However, in accordance with the National Constitution, the Government has drawn the attention of Congress to the urgency of this question, which is to be settled in the course of the current session.

The texts of two decisions by courts of law, as well as various statistical tables, are appended to the report. According to these tables, the number of workers who paid insurance contributions in 1949 was 622,500 in the mining industry, commerce and transport, the building trade and domestic service, etc., and 362,100 in agriculture. Pensioners and, in certain cases, the members of the insured person's family, are also covered by the sickness insurance scheme. A certain number of wage earners are covered by other insurance schemes. The amount paid out in cash benefits came to 208,735,511.28 pesos, corresponding to an average of 212 pesos per insured person, and the cost of benefits in kind amounted to 864,426,480.51 pesos, corresponding to an average of 878 pesos per insured person. The financial resources of the scheme were derived from employers' contributions (604,408,021.75 pesos), workers' contributions (322,550,982.53 pesos), and the contributions of the public authorities (452,527,243.71 pesos) as well as from other sources, such as income from capital (98,436,702.04 pesos). The total resources in 1950 amounted to 1,427,922,950.03 pesos.

France.

Act of 29 July 1950 (as amended by Act No. 51-632 of 24 May 1951), to extend social security benefits to seriously disabled ex-servicemen, war widows, widows of seriously disabled ex-servicemen, and war orphans.

Act of 9 August 1950, to extend social security benefits to students who have been suffering from a prolonged illness since before 1 January 1949.

Act of 22 August 1950, to strengthen State supervision of social security institutions.

Act of 30 December 1950, to raise the maximum limit of contributions to social security and family allowance funds and to introduce exceptional increases in certain family benefits.

Decree of 20 December 1950, to establish methods of suspending the decisions of the National Tariff Commission provided for in section 10 of the Ordinance of 19 October 1945.

Decree of 2 January 1951, to raise the wage limit taken into account for the calculation of social security contributions.

Decree of 28 February 1951, to issue public administrative regulations in pursuance of the Act of 29 July 1950 extending social security benefits to seriously disabled ex-servicemen, war widows, widows of seriously disabled ex-servicemen, and war orphans.

Decree of 5 May 1951, to amend the Decree of 29 December 1945, issuing public administrative regulations under the Ordinance of 19 October 1945 respecting the social insurance scheme for insured persons engaged in occupations other than agriculture.

Decree of 6 June 1951, to amend the Decree of 8 June 1946 issuing public administrative regulations under the Ordinance of 4 October 1945 respecting the organisation of social security (L.S. 1945—Fr. 14).

The scope of the social insurance scheme has been enlarged to such an extent that the range of beneficiaries considerably exceeds that provided for in the Convention. At present compulsory insurance applies, subject to certain conditions, to the following categories: seriously disabled ex-servicemen who are beneficiaries of an invalidity pension granted in respect of incapacity of not less than 85 per cent.; war widows and widows of seriously disabled ex-servicemen who have not remarried; war orphans who are minors, or who are of age but have been certified as unfit for work. It has further been decided that students who were already covered by sickness insurance may also receive benefits up to 26 years of age under insurance against prolonged illness, provided they were already suffering from this illness on 1 January 1949, and that they were registered as attending a higher education institution at the time of the original medical diagnosis of their illness.

Beneficiaries of a war pension are not entitled to cash benefits, but they and their spouses and dependent children are entitled to benefits in kind in respect of sickness, prolonged illness and maternity. Beneficiaries of invalidity pensions are personally exempted from any contribution towards medical and pharmaceutical expenses.

Supervision of social security funds has been increased by making it compulsory to submit for the approval of the competent Minister and to the Minister of Finance either the appointment of the director and the chief accountant, or the budget estimates for the years following that in which the established limits of expenditure were exceeded.

The Decree of 6 June 1951 stipulates that the basic wage taken into account for the calculation of contributions shall not be less than the inter-occupational guaranteed minimum wage. Sickness insurance for beneficiaries of pensions under the War Invalids' Pensions Code is financed at present by contributions amounting to 1 per cent. of the pension and certain other items, and by a State contribution.

The maximum basic wage taken into account for the calculation of contributions has been increased from 264,000 francs to 324,000 francs.

The report contains various statistical data relating to the number of persons compulsorily insured against all risks (8,300,000), those insured under the general scheme for certain risks (one million), and those insured under a compulsory scheme independent of the general scheme (1,240,000). It has been estimated that about 17 million persons are eligible for social insurance benefits by virtue of the rights acquired by the 8,300,000 insured persons referred to above.

During the period under review the expenditure for cash benefits amounted to 28,571 million francs, comprising 21,098 million for ordinary sickness insurance and 7,473 million for insurance against prolonged illness. The total expenditure for benefits in kind was 106,945 million francs, comprising 89,228 million for ordinary sickness insurance and 17,717 million for insurance against prolonged illness. The total receipts of the general social security scheme amounted to 258,415 million francs, 98,158 million of which were derived from workers' contributions and 160,257 million from employers' contributions. In addition, 47 million were derived from students' contributions. This scheme does not provide for contributions from the public authorities, except in respect of students (budgetary credits of 240 million francs for 1950 and 400 million francs for 1951), seriously disabled ex-servicemen, war widows and orphans, and widows of seriously disabled ex-servicemen.

Luxembourg.

Grand Ducal Order of 27 November 1950, to fix sickness insurance contributions for persons in receipt of pensions, etc., from pension institutions.

Act of 24 March 1950, to approve the general and supplementary agreements on social security concluded between the Grand Duchy of Luxembourg and France and Belgium.

Administrative Provisions of 24 April 1951, respecting the method of application of the general agreement on social security concluded between Belgium and the Grand Duchy of Luxembourg at Luxembourg on 3 December 1949.

The report contains various statistical data relating to sickness insurance benefits provided by the three regional funds and by the nine employers' funds operating in the country. In 1950 these funds had an average total of 83,739 members, 14,151 of whom came under the sickness insurance scheme for pensioners, and 6,740 of whom were insured under voluntary schemes.

During 1950 pecuniary assistance provided in cases of incapacity for work and for hospitalisation amounted to 44,085,992.50 francs, corresponding to an average of 701.47 francs per insured person under the compulsory scheme; the expenditure for benefits in kind amounted, in the case of insured persons, to 74,587,658.80 francs (the average amount per insured person equalling 890.72 francs) and, in the case of members of their families, to 57,784,996.66 francs (the average amount per insured person equalling 690.06 francs). During the same period the total resources of the sickness insurance scheme amounted to 189,479,264.36 francs, comprising 53,248,897.98 francs from employers' contributions, 119,351,092.92 francs from insured persons' contributions, and 16,879,273.46 francs which represented the public authorities' contribution to the sickness insurance scheme for pensioners and the State contributions towards the administrative expenses of the regional sickness funds.

Poland.

Insured persons will, in future, pay 10 per cent. of the official price of pharmaceutical supplies. However, this rule does not apply to persons who do not work and the members of their families. Insured persons undergoing treatment in hospitals, clinics and sanatoria are also exempt from this payment.

An administrative reorganisation has been carried out; the "regional social insurance institu-

tions", which administered sickness insurance and maternity benefits, have been abolished. Benefits in kind are now payable by workers' regional medical treatment institutions, under the direction and supervision of the Ministry of Health. The central social insurance institution and its regional branches are responsible for keeping registers of insured persons and for granting cash benefits.

United Kingdom.

Great Britain.

National Health Service Act, 1951.

Various Regulations and Orders, issued in 1950 and 1951, concerning national insurance, the National Health Service and industrial injuries.

Northern Ireland.

Health Services (Temporary Provision) Act (Northern Ireland), 1950.

Various Regulations, issued in 1950 and 1951, concerning national insurance and health services.

Under provisions which came into force on 21 May 1951, beneficiaries of the insurance scheme are now required to pay a certain amount towards the cost of dental and optical appliances; where payment of these charges would involve hardship, however, a grant may be requested from the National Assistance Board. Regulations concerning claims and payments, residence and persons abroad, contributions, classification of insured persons, general medical and pharmaceutical services, dental and ophthalmic services were amended in the course of the year. A total of 230 advisory committees has been set up to advise on questions relating to local administration. Each committee includes representatives of employers, employed persons, friendly societies and local authorities. Persons with special local knowledge likely to be of value to the committees have also been appointed as members.

It is not possible to furnish statistics relating solely to the persons or benefits covered by the Convention. It is estimated that on 31 December 1949, 21,300,000 contributors in Great Britain were covered for sickness benefit and that 530,000 persons were insured against sickness in Northern Ireland. Expenditure on sickness benefit in Great Britain during the year ended 31 March 1950 was about £65,500,000, exclusive of administrative costs. Similar expenditure in Northern Ireland during the year ended 30 June 1951 was about £2,415,000. As medical care is provided free of charge to the whole population, separate statistics for benefits in kind afforded to insured persons are not available. Nor are figures available on the number of receipts for sickness benefits, but the total financial resources of the National Health Scheme for the year ended 30 June 1951 amounted to £402 million from insured persons and employers, plus £96 million from the Exchequer supplement and about £45 million from the Exchequer grant; in Northern Ireland the total contribution income for the year ended 30 June 1951 was about £8,950,000 from insured persons and employers, plus about £2,097,000 from the Exchequer supplement and about £1,080,000 from the Exchequer grant.

Yugoslavia.

Act of 21 January 1950, respecting social insurance for wage-earning employees, salaried employees, public officials and their families (L.S. 1950—Yug. 1).

The Social Insurance Act applies to all persons under contract of employment, whether workers, officials, salaried employees or apprentices, not only in industry and commerce but in all branches of economic and social activity. Domestic servants and other categories of persons not employed under a contract of employment are also covered by insurance. The Act has not made express use of the possible exceptions provided for in Article 2, paragraph 2, of the Convention. However, women engaged in household management are not covered by insurance. There are no other special insurance schemes or regulations.

An insured person is entitled to a sickness allowance for such time, generally up to one year, as he is temporarily incapable of work. The duration of the benefit period may be extended beyond one year if this is made necessary by the treatment or convalescence involved and if it appears likely that the insured person will be able to resume work after a further period of not more than one year. Exceptionally, the benefit period may be extended beyond two years.

Entitlement to a sickness allowance is not subject to a qualifying period, but the amount of the allowance is dependent upon such a condition. An insured person is entitled to an allowance equal to 50 per cent. of his earnings if he has been employed for three months, and equal to 75 per cent. if he has been employed for three to six months; a person who has been in continuous employment for at least six months or in non-continuous employment for a total of 18 months in the preceding two years is entitled to an allowance equal to his normal remuneration.

An allowance is not paid to an insured person if he has become incapacitated for work as the result of a criminal act for which he has been convicted by a decision having force of law, if incapacity for work was wilfully brought about, or if he has wilfully prevented his recovery or the re-establishment of his working capacity. The right to an allowance is also withheld if an insured person, without good reason, fails to undergo the prescribed treatment or a further examination for the purpose of establishing his capacity for work.

An insured person is entitled to the following benefits in respect of sickness: medical care and treatment at health centres or at home, pharmaceutical supplies, medical appliances, dressings, bandages, etc., treatment in hospital and spas, convalescence in convalescent homes, maternity care, dental treatment, artificial limbs, surgical appliances, etc. An insured person is entitled to these benefits without a qualifying period and for as long as may be necessary. Any insured person who falls ill within one month of the termination of his contract of employment is also entitled to medical benefits. Insured persons do not share in the cost of medical benefits.

The right to medical benefits is extended to the families of wage earners and public officials and of persons in receipt of invalidity pensions and allowances, *i.e.*, to the spouse, children and grandchildren, if they are maintained by the insured person, and to the parents, brothers, sisters and grandparents, if they are incapacitated for work and are without means and maintained by the insured person.

Social insurance is administered by the State, which is in accordance with the economic and social system now in force in Yugoslavia.

Social insurance is free and the necessary financial resources are furnished by the State.

An insured person may appeal against decisions relating to his right to benefit; he may submit his comments to a special committee and may appeal to a higher body. He may appeal against the decisions of a body having secondary jurisdiction to the ordinary courts and against the decisions of these courts to the High Court.

The report contains various statistical data regarding the working of the insurance scheme. On 31 May 1951 the total number of persons employed in all branches of economic activity, excluding agriculture, amounted to 1,428,320.

On the same date persons employed in industry and mines numbered 599,080, while 207,538 persons were employed in commercial undertakings. All these persons were covered by compulsory insurance. During the second half of 1950 the number of cases of illness and industrial accidents amounted to 1,146,462 and the total amount paid out in sickness allowances was 2,082,743,503 dinars; this figure corresponds to a monthly average of 1,817 dinars per insured person.

The information given in the report from Uruguay is identical with that previously supplied.

25. Convention concerning sickness insurance for agricultural workers

This Convention came into force on 15 July 1928

Countries	Date of registration of ratification
Austria	18. 2. 1929
Bulgaria	1. 11. 1930
Chile	8. 10. 1931
Colombia	20. 6. 1933
Czechoslovakia	17. 1. 1929
Germany	23. 1. 1928
Luxembourg	16. 4. 1928
Nicaragua	12. 4. 1934
Poland	29. 9. 1948
Spain	29. 9. 1932
United Kingdom	20. 2. 1931
Uruguay	6. 6. 1933

Austria.

Federal Act of 25 October 1950, to amend the Federal Act of 15 October 1948 (as amended by the Federal Acts of 19 May (L.S. 1949, Aus. 2—D) and of 14 July 1949) modifying the provisions of social insurance law and providing for the payment of cost-of-food allowances (L.S. 1948—Aus. 1—C).

The number of agricultural wage earners insured under the general scheme was 227,000. The amount paid out in cash benefits was 19,600,000 schillings, or 86.50 schillings per insured person; benefits in kind cost 51,300,000 schillings, or 226 schillings per insured person. The total expenditure was 87,900,000 schillings, 38,300,000 of which were derived from employers' contributions, 45 million from insured persons' contributions and 1,600,000 from grants by the public authorities.

Chile.

See under Convention No. 24.

Luxembourg.

For legislation see under Convention No. 24.

Disputes in regard to the granting of assistance are now settled by the Chairman of the Arbitration Board, who investigates the case and, where necessary, instructs the board of directors of the fund to take a decision. Should a claim be rejected, even partially, the board takes a decision which is communicated to the claimant in writing. The parties concerned may appeal in writing against this decision within ten days of notification. Appeals are settled by a decision of the Arbitration Board, which is final, subject to a further appeal in the case of breach or false interpretation of the law.

The report repeats the statistical data provided in respect of the application of Convention No. 24, and points out that agricultural workers are insured with the regional sickness funds, or, where appropriate, with the employers' sickness funds; there are no special funds for agriculture, as the existing funds do not keep special accounts for agricultural workers. It is not possible, therefore, to show as separate insurance items receipts and expenditures in connection with sickness insurance for agricultural workers.

Poland.

See under Convention No. 24.

United Kingdom.

See under Convention No. 24.

The information given in the report from Uruguay is identical with that previously supplied.

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
Argentina	14. 3.1950
Australia	9. 3.1931
Belgium	11. 8.1937
Bulgaria	4. 6.1935
Canada	25. 4.1935
Chile	31. 5.1933
China	5. 5.1930
Colombia	20. 6.1933
Cuba	24. 2.1936
Czechoslovakia	12. 6.1950
France	18. 9.1930
Germany	30. 5.1929
Hungary	30. 7.1932
Ireland	3. 6.1930
Italy	9. 9.1930
Mexico	12. 5.1934
Netherlands	10.11.1936
New Zealand	29. 3.1938
Nicaragua	12. 4.1934
Norway	7. 7.1933
Spain	8. 4.1930
Switzerland	7. 5.1947
Union of South Africa	28.12.1932
United Kingdom	14. 6.1929
Uruguay	6. 6.1933
Venezuela	20.11.1944

Argentina.

The participation of workers in the fixing of minimum wages is provided for by law. The setting up of wage boards to promote compliance with the law is clearly prescribed in Act No. 12,713 respecting homework. These boards must be composed of an equal number of representatives of workers' and employers' organisations and presided over by a chairman not belonging to any of these organisations. Similarly, Act No. 13,020, to create a National Agricultural Labour Board and Decree No. 2,509 of 1948, issued in pursuance of this Act, provide for the functioning of joint local bodies which are composed of an equal number of employers' and workers' representatives and are responsible for the fixing of minimum wages. Act No. 12,921 and Decree No. 33,302/45 stipulate that, in every industry, trade or activity covered by their provisions, a wage board must be established, comprising an equal number of employers' and workers' representatives from the branches concerned.

The legislation also provides that, once wages have been fixed, they may not be decreased by individual or collective agreement, and any arrangement to this effect will be invalid. Only the following exception is permitted: if, after a minimum wage has been fixed, an undertaking

can prove to the satisfaction of the National Wages Institute that the payment of this wage is likely to affect its economic and financial stability, the central office of the Institute may fix, once only, a wage which is less than the minimum wage and which may be paid for a period not exceeding 12 months; this wage may be lower than the corresponding minimum living wage.

Minimum wages in the majority of industries in the country are fixed according to methods similar to those provided for in the Convention; practically all the main occupations are covered by the legislation. In most of the occupations which are not expressly covered by law, wages are fixed by collective agreement.

The general labour inspectorate is the authority responsible for the enforcement of the above-mentioned Acts and Decrees.

As regards methods of enforcement, the report states that employers are required to keep a register, for inspection by the Institute, giving all the necessary information on their employees, in conformity with the regulations in force. This register must be made available to the inspectors and a copy of the prevailing wage rates must be displayed in a conspicuous place. Moreover, pay days must be fixed in accordance with the legislative provisions. The legislation also provides for the imposition of fines on employers who pay wages below those fixed by the wage board, irrespective of the wage earners' right to institute legal proceedings. Under the legislative provisions, officials of the National Wages Institute and the joint regional boards exercise supervision over conditions of work, in collaboration with the Secretariat of Labour and Welfare. Breaches of the legislation must be reported to the competent authority. Employers, contractors and foremen found guilty of acts of violence or intimidation, committed with a view to paying wages below the fixed rate, are liable to imprisonment.

Australia.

Commonwealth.

Conciliation and Arbitration Act, 1951.
Public Service Arbitration Act, 1950.
National Security (Industrial Peace) Regulations (amended 1950).

New South Wales.

Industrial Arbitration Acts, 1950 and 1951.

South Australia.

Industrial Code, 1950.

Victoria.

Factories and Shops Act, 1950.

Western Australia.

Industrial Arbitration Act, 1950.

In October 1950 the Commonwealth Court of Conciliation and Arbitration gave its decision in the basic wage case. It decided that £1 per week should be added to the basic wage for adult males and that adult females should receive 75 per cent. of that wage. These changes came into force in December 1950. In addition, as from February 1951, the entire basic wage (and not just the "needs" portion) was to be adjustable in accordance with fluctuations in the cost of living. The Court proceeded to apply the general basic wage to individual cases and ruled that the prosperity loading would be uniform throughout Australia at 5/- and that war loadings were not within the Court's jurisdiction unless strong reasons to the contrary could be shown. The various rulings applicable in Tasmania and Victoria were modified accordingly by the wage boards. The report gives details of court decisions on basic minimum wages in the States of New South Wales, Queensland and Western Australia. During November 1950 the South Australian Industrial Code was amended in relation to the living wage applicable for females and to provide that the Governor may declare by proclamation living wages for adult male and female workers. Such a proclamation was issued in the same month and had the effect of equalising the State living wage with the Federal basic wage for Adelaide. The report also supplies the following data on the operations of the Commonwealth inspection services in connection with arbitration questions:

	1950	1949
Total number of inspection visits made	14,700	14,600
Total number of employees covered	319,500	326,890
Total number of breaches of awards reported	5,690	5,180
Total amount of money recovered for employees, representing wages, overtime, holiday pay, etc.	£55,980	£36,950
Total amount recovered in country districts	£34,020	£16,678

The report also supplies detailed information on inspections carried out by the inspection services in New South Wales, Queensland, South Australia, Tasmania and Western Australia.

Information is given on amendments to Commonwealth and State laws and regulations. The Industrial Arbitration (Basic Wage) Amendment Act of New South Wales was approved in November 1950. This Act was then amended in June 1951, one of the amendments extending the jurisdiction of tribunals to enable awards to be made for rural workers. In Victoria the Factories and Shops Act was amended so as to establish the principle of applying the wage board system to rural occupations. The Industrial Arbitration Act of Western Australia was amended in October and November 1950 to extend the powers of the Arbitration Court.

Belgium.

Act of 15 December 1950, to amend the Act of 10 February 1934 issuing regulations governing wages and hygiene in homework. (L.S.1934—Bel. 2).

The Act of 15 December 1950 amended the Act of 10 February 1934 by adapting it to the existing rules on joint committees laid down in the Legislative Order of 9 June 1945. The National Homework Board, which is composed of

an equal number of delegates from the most representative employers' and workers' organisations, and a chairman who is a person independent of these organisations, no longer deals with matters relating to the wages of homeworkers, except in so far as such matters have not been settled by the joint committees established under the Legislative Order of 9 June 1945.

The National Homework Board is concerned with matters, such as wages, which have not been decided by the joint committees. Its decisions are taken on a majority vote of two-thirds of the members present. In order to fix minimum wages, the National Homework Board takes as a basis the minimum wage paid to workers employed for the same or a similar piece of work in connection with the same or a similar process in a factory or workshop.

The decision of the National Homework Board may be declared binding by a Royal Decree made on the proposal of the Minister of Labour and Social Welfare. However, the minimum wages which have been fixed are not applicable in cases where the workers concerned are considered temporarily or permanently unable to produce work of normal standard on account of their age or for some physical or mental cause.

The legislation stipulates that the text of the decisions of the National Homework Board approved by Royal Decree must be displayed at the premises where the workers concerned deliver their work and receive payment. The legislation also contains provisions relating to supervision and penalties.

The report includes a table showing a number of collective wage agreements concluded by the joint committees and declared binding by Royal Decree. It can be seen from this table that, during the period under review, agreements were concluded and declared binding in 35 trades and parts of trades.

During the same period 21 reports were made by the social inspection services on cases arising out of the application of wages legislation. Two of these cases were filed without any action being taken; convictions were obtained in three cases; two cases were dismissed; and two were settled privately; the result of the 10 remaining cases is not known.

Canada.

Alberta.

Hours of Work and Minimum Wage Order (1950).

British Columbia.

Various Orders, issued in 1950, under the Male and Female Minimum Wage Acts.

New Brunswick.

General Order for Female Employees, dated 1 September 1950.

Nova Scotia.

Women's Minimum Wage Act, 1951.

Quebec.

Order-in-Council, dated 23 November 1950, to amend the Minimum Wage Act.

Saskatchewan.

Act to amend the Minimum Wage Act, 1951.

Orders-in-Council of 16 June 1950 and 31 March 1951, to amend certain Orders under the Minimum Wage Act.

The new Women's Minimum Wage Act in Nova Scotia, which replaces the former Act of

1920, does not apply solely to towns but covers all women workers with the exception of farm labourers and domestic servants. The members of the Minimum Wage Board have been increased to seven and the Board is given wider powers in issuing Minimum Wage Orders. The new Act provides specifically for inspection and requests Orders to be posted in a conspicuous place on the employer's premises. The Act also imposes higher penalties, concerning which the report gives detailed information.

A number of Orders providing for increases in basic wage rates have been issued in the Provinces. All workers covered by the legislation in Saskatchewan and a large number of workers so covered in Quebec (more than 400,000) have been awarded higher rates. The report gives information on the percentage increases in wages and on the minimum rates established by the new Orders. In New Brunswick a General Order for women workers has been adopted, but the Order issued in 1949 for male workers has not been extended, as this was considered to be no longer necessary in view of the upward trend of wage rates for forestry workers. The Wages Board in British Columbia revised several Minimum Wage Orders, and in Alberta consultations with employers and employees proceeded as usual.

The report gives detailed information regarding visits of inspection carried out in the various Provinces during the year under review. Information is also provided concerning infringements noted, prosecutions made (15 in all), and the amount of arrears of wages recovered (a total of over \$200,000).

Chile.

The report includes the text of a decision awarded by the Labour Court of Valparaíso concerning minimum wages. It also gives a list of 34 departmental joint boards which were set up to fix minimum wages in different trades and parts of trades, as well as a list of minimum wage rates fixed in various industries. The number of private employees amounted to roughly 150,000. It is estimated that 48,000 workers were covered by the special provisions of the Labour Code relating to the fixing of wages.

Appended to the report is a table showing wage claims submitted and settled in 1950. According to this table the number of wage earners who obtained the new wage rates fixed as a result of these claims amounted to 125,392. The increased cost involved for the undertakings concerned is estimated at 532,954,661.31 pesos, without taking into consideration the sum of approximately 180 million pesos which was payable by the undertakings as a result of the settlement of 198 claims pending at the end of 1950.

Cuba.

Under Legislative Decree No. 727 of 1934 the National Minimum Wages Board is required to consult employers' and workers' organisations before taking any decisions. This Legislative Decree and also Legislative Decree No. 436 of 1935 further stipulate that employers and workers shall have equal status on the Board. The minimum wages fixed by the Board are compulsory and cannot be reduced by agreement or even with the authorisation of the competent authority.

Appended to the report are the texts of agreements approved by the National Minimum Wages Board during the period under review. The texts of these agreements contain a brief account of the procedure followed in each case. An appendix to the report also indicates the approximate number of workers covered by each agreement. A total of 31,200 workers is covered by all the agreements taken together. In reply to a question asked by the Committee of Experts, the Government states that the National Minimum Wages Board mentions in each agreement the number of workers to whom the agreement refers. The minimum wage rates fixed are published in the *Gaceta Oficial* and as a rule they appear also in the *Revista Oficial* of the Ministry of Labour.

The National General Labour Inspectorate has not supplied any statistics relating to inspection, owing to the fact that visits of inspection are made for the purpose of ensuring the application of social legislation in general. Appended to the report are two tables showing the activities of the inspection service of the provincial labour office at Matanzas, where no visits of inspection were made, and at Camagüey, where 41 visits of inspection were carried out and no breach of the regulations was observed.

France.

Decree of 9 October (as amended on 24 March and 13 June 1951), and Decrees of 15 November 1950 and 17 April 1951, respecting the application to agricultural occupations, navigation personnel of the merchant navy and persons generally provided with board and lodging by their employer, of the Decree of 23 August 1950 (as amended by the Decrees of 24 March and 13 June 1951) respecting the fixing of a national guaranteed inter-occupational minimum wage.

Various circulars relating to the application of the above-mentioned Decrees and to the fixing of the manufacturing cost of various goods given out to be made at home.

A revaluation of the national guaranteed inter-occupational minimum wage rates, to take effect as from 1 April 1951, was established by the Decree of 24 March 1951 which increased this wage to 74 francs per hour in the zone where wages are subject to a reduction of 15 per cent. or over in proportion to the wages of the first zone of the Paris region, and to 87 francs per hour in the first zone of the Paris region; in other zones this wage is subject to the abatements specified in the Decrees previously issued.

In addition, the Decree of 13 June 1951 prescribed a reduction of 25 per cent., effective from 16 June 1951, in the rate for abatements applied for the calculation of the minimum guaranteed wage, although the maximum abatement which can be made is limited to 13.5 per cent.

As a result of the Decrees extending the scope of the above measures, the only categories of persons to whom the minimum guaranteed wage does not apply at present are domestic servants employed by private persons and caretakers of apartment houses. However, persons in these categories benefit indirectly by the legislation in that their remuneration is calculated on the basis of the wage paid to cleaners in industrial and commercial undertakings covered by the Decrees relating to the national guaranteed inter-occupational minimum wage.

On 1 April 1951 the number of persons employed in industrial and commercial establishments where

the employees are not covered by statutory provisions or special regulations was estimated at 6,800,000. This figure does not include the staff of the French national railways, the French gas company and the coal mines. Nor does it include isolated workers (homeworkers) whose numbers can be roughly estimated at 270,000 (excluding domestic servants).

By an Order of the Supreme Court dated 10 March 1951, it has been decided that, in order to bring wages up to the rate of the guaranteed minimum wage, and in the absence of any provision to the contrary, employers may take into consideration the two elements which make up the remuneration paid to their employees, *i.e.*, the basic wage and the production bonus.

Ireland.

The only changes effected during the period under review relate to the communication to employers, for display in their premises, of copies of notices giving details of Employment Regulation Orders and of proposals for such Orders.

The texts of the Employment Regulation Orders issued after 1 July 1950 are enclosed with the report, which also contains a table relating to the various Orders concerning the fixing of minimum wages. This table gives information on the approximate number of workers under the jurisdiction of the joint labour committees responsible for the minimum weekly wage rates fixed for workers of both sexes in the various regions and for the number of working hours authorised in each of the occupations concerned. The approximate total number of workers in all occupations covered by the relevant provisions is 39,850. During 1950, 1,854 visits of inspection were undertaken in 4,701 workplaces. The number of workers covered by these inspections was 5,026 men and 12,901 women, and the arrears of wages recovered as a result of the inspections amounted to £2,684 11s. 6½d.

Italy.

The report reproduces the detailed information supplied to the Committee on the Application of Conventions and Recommendations at the 34th Session of the Conference, in reply to the observations of the Committee of Experts.

Mexico.

No statistics are available regarding the number of workers protected by the legislation.

Netherlands.

The procedure established by the Extraordinary Decree of 1945 concerning employment relations ensures an effective wage-fixing system, since its provisions apply to practically the whole of the Netherlands industry.

The Government states that homeworkers in the textile industry do in fact come under the jurisdiction of the State Conciliation Board and considers that the detailed information requested by the Committee of Experts in 1950 in relation to Article 4, paragraph 1, and Article 5 of the Convention is no longer necessary.

The labour inspection service was appointed, under the Act of 1933 respecting homework, to supervise the application of any provisions relating to minimum wages established in pursuance of the Act. However, in view of the system established under the Extraordinary Decree of 1945 concerning employment relations, the Government is of the opinion that there is no need, for the moment, to enforce the Convention through the Act respecting homework, or to establish a system of supervision.

New Zealand.

Minimum Wage Amendment Act of 1950, to repeal the Act of 1949.

The 1950 Act fixes minimum wage rates for all adult workers as follows: *male workers*: (a) if paid by the hour or on a piece-work basis, 3s. 5d. per hour, or an amount equivalent thereto, having regard to the rate of production of the worker; (b) if paid by the day, £1 7s. 4d. a day; (c) in all other cases, £6 11s. 8d. per week; *female workers*: (a) if paid by the hour or on a piece-work basis, 2s. 3½d. per hour, or an amount equivalent thereto, having regard to the rate of production of the worker; (b) if paid by the day, 18s. 4d. per day; (c) in all other cases, £4 8s. 0d. per week.

The number of workers covered by the Minimum Wage Regulations during the year ended 31 March 1951 was as follows: 166,608 factory workers (127,121 men, and 39,487 women), 65,105 shop workers (32,845 men, and 32,260 women) and 29,085 office workers (13,878 men, and 15,207 women). During the same period the arrears of wages recovered as a result of visits by inspectors of the Department of Labour and Employment amounted altogether to £2,284.

Norway.

During the period covered by the report 413 employers and 3,610 employees were affected by minimum wage-fixing machinery. As three local authorities did not submit a report for 1950, there is every reason to suppose that the total number of wage earners in the districts concerned was 253, as in 1949. The number of persons employed in towns appeared to increase, while the opposite tendency was noticeable in the rural districts.

As from 1 January 1950, the basic hourly wage in Oslo became 96 öre in the ready-made clothing industry (90 öre in the hosiery industry) plus a cost-of-living allowance of 54 öre per hour. The cost-of-living allowance granted to piece-workers was 46.6 per cent of their basic earnings. In other towns and in rural districts the wage was somewhat less, but the allowances were the same as in Oslo. Under a National Agreement concluded between the Norwegian Employers' Confederation and the General Confederation of Trade Unions, an additional cost-of-living allowance of 18 öre per hour was granted to employees as from 18 October 1950; in these circumstances, the Council for Industrial Homework decided to raise the cost-of-living allowance for homeworkers by the same amount. The allowance for piece-workers was raised from 11 per cent. to 57.6 per cent. of basic earnings on the same date.

Switzerland.

Order of 21 July 1950, to renew the validity of the Order of 23 November 1948 respecting undertakings producing women's underwear and ready-made clothing, and employing more than five operatives.

Order of 5 September 1950, to renew the validity of the Order of 3 October 1949 respecting work on women's underwear and ready-made clothing.

Order of 23 December 1950, to extend the validity of the Order of 27 December 1946 respecting bespoke tailors for men's civilian clothing.

Order of 23 December 1950, to extend the validity of the Ordinance of 15 January 1948 respecting the paper-goods industry.

Ordinance of 27 March 1951, to replace the Ordinance of 31 March 1948 respecting hand-knitting.

In accordance with the Federal Order which states that general binding force can be given to collective labour agreements, the Federal Council has already fixed minimum wages for homework carried out on behalf of the following: bespoke tailors for men's civilian clothing, undertakings employing more than five workers in the women's underwear and ready-made clothing trade, and the men and boys' clothing trade.

During the period covered by the report the Federal Council issued the Decrees of 5 September and 23 December 1950, which declared the minimum wage to be binding for homework in the following trades or parts of trades: work on women's underwear and ready-made clothing, hand-made Appenzell embroidery, the manufacture of paper boxes, and ready-made men's and boys' clothing.

As regards the fixing of minimum wages under the Act respecting homework, the Federal Council issued an Order on 23 December 1950 to extend the validity of the Order of 15 January 1948 respecting the paper-goods industry, and an Ordinance of 27 March 1951 respecting hand-knitted goods.

According to the most recent reports of the Federal factory inspectors, there were approximately 4,823 employers, 561 sub-contractors and 50,561 homeworkers in Switzerland in 1950. The statistics furnished do not give any other details and do not indicate the number of workers for whom minimum wages have been fixed. However, the above figures are sufficient to indicate the rather limited range in which the Confederation can fix minimum wages.

Union of South Africa.

The report contains a detailed list of industries covered by the wage regulations. This list shows the number of employers and workers covered by each decision taken in this connection. As the minimum wages established as a result of these decisions vary according to occupations and sometimes according to localities, it is not feasible to tabulate them. However, any particular information required could easily be obtained. The report draws attention to the regulations establishing the proportion between the wages payable to labourers and apprentices and the wages of skilled workmen. The information supplied in regard to the number of employers and wage earners covered by the regulations is not considered to reflect the actual figures, which are much higher.

In spite of the difficulties due to the shortage of trained staff, there was an increase in the

number of inspections carried out during the period under review.

*United Kingdom.**Great Britain.*

During the period covered by the report Orders were made to create five new wages councils which had previously functioned as trade boards. The commission of enquiry on the question of the establishment of a wages council for the wholesale and retail bread and flour confectionery trades submitted a report recommending the establishment of two wages councils, one for England and Wales and the other for Scotland, for the retail but not the wholesale distribution of bread and flour confectionery. The Minister decided to accept this recommendation, but in view of an objection to the draft Order concerning the establishment of a wages council in England and Wales, a further commission of enquiry was appointed shortly before the end of the period under review. In the annual report of the Catering Wages Commission, covering the period from 1 November 1949 to 31 December 1950, the opinion was expressed that the present statutory wage-fixing machinery was essential until such time as it could be replaced by collective bargaining based on mutual understanding and goodwill. The Commission made some suggestions, certain aspects of which the Minister requested it to reconsider in the light of the observations made by interested organisations.

Appended to the report is a list of trades and parts of trades covering 667,503 establishments in which the minimum wage-fixing machinery has been applied.

During the period covered by the report 338 certificates were issued to learners and 1,676 apprentices were registered. The last figure shows a clear increase over the figure for the previous year and this is mainly due to the fact that the registrations relating to hairdressers' establishments had not been made before the end of the preceding period. The number of permits of exemption, including renewals, issued to disabled or infirm workers was 859, and the total number of workers holding such permits was 1,746.

During the year under review 46,346 inspections, involving the investigation of the wages of 260,161 workers, were carried out in application of the Wages Councils Acts, and £103,691 10s. 0d. was collected in arrears of wages. Under the Catering Wages Act, 1943, 11,752 inspections, involving the investigation of the wages of 59,639 workers, were carried out, and £49,484 was collected in arrears of wages. The report gives details of a decision by a court of law which ruled that a worker's share of tips could not be taken into account in establishing the statutory minimum wage.

Northern Ireland.

The report refers to certain amendments to Regulations and Orders relating to minimum wages. During the period under review 3,673 certificates of learnership were issued by the ten wages councils which require such certificates for the payment of lower rates of remuneration. Permits of exemption were issued by five wages councils; on 30 June 1951 there were six workers

holding such permits. The wages of 19,588 workers were investigated, as a result of which £907 0s. 11½d. was collected in arrears of wages. A table appended to the report gives a list of employers and workers subject to the wages regulations, classified by industry; the total number covered amounts to 2,313 employers and 49,180 workers, 80.5 per cent. of which are women. A second table shows the minimum rates of remuneration in force on 30 June 1951 for the lowest grades of adult workers, classified according to

industry, and a third table gives detailed information, by industry, regarding visits of inspection carried out and their consequences.

Uruguay.

Since the implementation of the Act respecting minimum wages, 780 awards have been given. The number of inspection visits carried out in 1950 was 26,580. Fines were imposed in 180 cases and amounted to 22,400 pesos.

TWELFTH SESSION (GENEVA, 1929)

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

This Convention came into force on 9 March 1932

Countries	Date of registration of ratification
Argentina	14. 3.1950
Australia	9. 3.1931
Austria	16. 8.1935
Belgium	6. 6.1934
Bulgaria	4. 6.1935
Burma ¹	7. 9.1931
Canada	30. 6.1938
Chile	31. 5.1933
China	24. 6.1931
Czechoslovakia	26. 3.1934
Denmark ²	18. 1.1933
Estonia	18. 1.1932
Finland	8. 8.1932
France	29. 7.1935
Germany	5. 7.1933
Greece	30. 5.1936
Hungary	6.12.1937
India	7. 9.1931
Indonesia ³	4. 1.1933
Ireland	5. 7.1930
Italy	18. 7.1933
Japan	16. 3.1931
Lithuania	28. 9.1934
Luxembourg	1. 4.1931
Mexico	12. 5.1934
Netherlands	4. 1.1933
Nicaragua	12. 4.1934
Norway	1. 7.1932
Pakistan ⁴	7. 9.1931
Poland	18. 6.1932
Portugal	1. 3.1932
Rumania	7.12.1932
Spain	29. 8.1932
Sweden	11. 4.1932
Switzerland	8.11.1934
Union of South Africa ⁵	21. 2.1933
Uruguay	6. 6.1933
Venezuela	17.12.1932
Yugoslavia	22. 4.1933

¹ See footnote 2 to Convention No. 1.

² Conditional ratification.

³ Remains bound by this Convention which was previously ratified by the Netherlands. The date given is that on which the ratification by the Netherlands was registered.

⁴ See footnote 3 to Convention No. 1.

Argentina.

With regard to the observation made by the Committee of Experts in 1951, the report states that, although the national legislation does not explicitly require the weight of packages exceeding 1,000 kilograms to be indicated, "custom" has, in fact, made it an obligation which is fulfilled in practice without any exception. Even when the principles laid down in the Convention are not promulgated by law, practice and custom have made up for the omission in the legislation. The report adds that the only objection which

could be made with respect to the enforcement of the provisions of the Convention would be purely casuistic, since their actual application is of greater importance than their incorporation in legislation.

Belgium.

During the period under review 2,465 inspection visits were carried out by two technical inspectors; an engineer spent about 50 days supervising the application of the Convention in the port of Antwerp.

Burma.

Measures for regulating the marking of the weight on heavy packages transported by vessels have been taken in Rangoon, as well as in the ports of Akyab, Bassein, Moulmein, Tavoy and Mergui.

Greece.

The report contains an extract from a letter by the Ministry of Finance (General Directorate of Taxes and the Customs Directorate) which states that a circular has been sent out drawing attention to the fact that consignors of heavy packages weighing 1,000 kilograms or more are required to mark the weight on these packages if they are to be transported by vessel.

India.

Marking of Heavy Packages Act, No. XXXIX of 1951.
Marking of Heavy Packages Rules, 1951.

The above-mentioned Act and Rules came into force on 1 November 1951. The Act provides that every person consigning a heavy package (weighing not less than one metric ton) from any part of India for transport by sea, or inland waterway, shall have had its weight plainly, durably and conspicuously marked upon it, provided that, in cases specified by the Rules made in pursuance of this Act, only the approximate weight may be so marked where it is difficult to determine the correct weight. The Act provides for penalties in case of contravention. The Rules specify the method of marking of heavy packages, the place of marking, the size of letters or figures, the manner of packing, etc.

Mexico.

Decree published on 12 August 1935, to promulgate the Convention.

The report refers to the above-mentioned legislation.

Netherlands.

During 1950, 886 packages were inspected; 852 of these came from countries which have ratified the Convention. With one exception, the 808 packages on which the weight was not marked had been sent from ratifying countries. The contraventions in question related mainly to iron tubes and plates.

Pakistan.

Rules which are identical with those framed for the port of Karachi have also been made applicable to Chalna Anchorage in East Pakistan.

Venezuela.

The report describes in detail sections 168 to 170 of the Labour Act Regulations of 30 Novem-

ber 1938 which relate to the marking of the weight on heavy packages transported by vessels. The application of these provisions is supervised by the labour inspectorate.

Yugoslavia.

There are no national provisions regulating the marking of the weight on heavy packages transported by vessels. In actual practice, however, such packages are not accepted if their weight is not clearly marked.

The reports from the following countries either reproduce, or refer to, the information previously supplied:

Australia, Austria, Canada, Chile, Finland, France, Ireland, Italy, Luxembourg, Poland, Portugal, Sweden, Switzerland, Uruguay.

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
Ireland	5. 7.1930
Luxembourg	1. 4.1931
Nicaragua	12. 4.1934
Spain ¹	29. 8.1932

¹ Since the ratification of Convention No. 32 this ratification has lapsed.

The reports from the following countries refer to the information previously supplied:

Ireland, Luxembourg.

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
Argentina	14. 3.1950
Australia ¹	2. 1.1932
Belgium	20. 1.1944
Bulgaria	22. 9.1932
Ceylon	5. 4.1950
Chile	31. 5.1933
Denmark	11. 2.1932
Finland	13. 1.1936
France ¹	24. 6.1937
Indonesia ²	31. 3.1933
Ireland	2. 3.1931
Italy ¹	18. 6.1934
Japan	21.11.1932
Liberia	1. 5.1931
Mexico	12. 5.1934
Netherlands	31. 3.1933
New Zealand	29. 3.1938
Nicaragua	12. 4.1934
Norway	1. 7.1932
Spain	29. 8.1932
Sweden	22.12.1931
Switzerland	23. 5.1940
United Kingdom	3. 6.1931
Venezuela	20.11.1944
Yugoslavia	4. 3.1933
* * *	* * *
Anglo-Egyptian Sudan	(Voluntary)

¹ See under "Summary of Annual Reports on the Application of Ratified Conventions in Non-Metropolitan Territories".

² Remains bound by this Convention, which was previously ratified by the Netherlands. The date given is that on which the ratification by the Netherlands was registered.

The reports received from the following countries repeat the information previously supplied:

Argentina, Chile, Denmark, Finland, Ireland, New Zealand, Norway, Sweden, Switzerland, United Kingdom.

The report of the *Netherlands* states that forced labour has never existed in that country and the report of *Mexico* refers to information supplied for the period 1948-1949. The report of *Yugoslavia* indicates that there are no provisions concerning the institution or prohibition of forced labour within the meaning of Article 2 of the Convention since the forms of forced labour as defined in that Article do not occur in Yugoslavia. The voluntary report received for the *Anglo-Egyptian Sudan* repeats the information published in the summary of reports submitted to the 34th Session of the Conference.

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
Argentina	14. 3.1950
Austria ¹	16. 2.1933
Bulgaria	22. 6.1932
Chile	18.10.1935
Cuba	24. 2.1936
Finland	13. 1.1936
Haiti	31. 3.1952
Israel	26. 6.1951
Mexico	12. 5.1934
New Zealand	29. 3.1938
Nicaragua	12. 4.1934
Spain	29. 8.1932
Uruguay	6. 6.1933

¹ Conditional ratification.

Chile.

Copies of four decisions given by courts of law are appended to the report. Decisions concerning the application of the Convention are awarded fairly frequently.

In 1950 a total of 7,423 visits of inspection was carried out in commercial and industrial undertakings and 938 infringements were reported.

Cuba.

The texts of several resolutions adopted during the period under review and relating to hours of work during the summer, together with autho-

risations to remain open on public holidays, are appended to the report.

Mexico.

Decree published on 10 August 1935, concerning the promulgation of the Convention.

No reports of the labour inspectorate are available; there are no statistics showing the number of workers protected by the legislation.

New Zealand.

During the year ended 31 March 1951, 17,254 inspections of shops and 1,966 inspections of offices were made, disclosing 477 breaches of the Shops and Offices Act. In addition, investigations were made into 232 complaints received in respect of alleged breaches; of these 122 were without foundation. A total of 484 warnings was issued and six prosecutions were instituted. Fines imposed as a result of these prosecutions totalled £7. An estimate of the number of

workers covered by the relevant legislation as at 31 March 1951 showed a total of 65,105 shop assistants and 29,085 office workers; union membership as at 31 December 1950 amounted to 20,965 in the case of shop assistants and to 28,375 in the case of clerical workers. A total of 55,274 hours overtime for 1950-1951 was shown on permits issued under the Shops and Offices Amendment Act, 1936.

Uruguay.

The legislation covers approximately 90,000 salaried employees and wage-earners in commercial undertakings. During 1950, 53,000 visits of inspection were carried out; 319 contraventions were reported; and fines amounting to 8,995 pesos were imposed.

The reports from the following countries refer to the information previously supplied:

Argentina, Finland.

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
Argentina	14. 3. 1950
Bulgaria	29. 12. 1949
Canada	6. 4. 1946
Chile	18. 10. 1935
China	30. 11. 1935
Finland	23. 8. 1949
India	10. 2. 1947
Italy	30. 10. 1933
Mexico	12. 5. 1934
New Zealand	29. 3. 1938
Pakistan ¹	10. 2. 1947
Spain	28. 7. 1934
Sweden	3. 8. 1938
United Kingdom	10. 1. 1935
Uruguay	6. 6. 1933

¹ See footnote 3 to Convention No. 1.

Argentina.

Although officially this report must be considered as the Government's first report under Article 22 of the Constitution of the International Labour Organisation, a voluntary report was supplied last year.

The Government reproduces the text of the various sections of Act. No. 9,688 which have some bearing on the different Articles of the Convention.

The authority responsible for the application of the legislative provisions in question is the Accidents Division of the General Directorate of Social Welfare.

For general information on the application of the Convention, inspection services, statistical data, etc., the Government refers to the statistical tables compiled by the Accidents Division.

Canada.

During the period under review 2,250 inspections of vessels were reported. The inspectors ordered the repair, replacement or examination of gear in 500 cases. Thirty serious accidents to workers (including two fatal accidents) were reported; however, very few of these were caused by an infringement of the regulations.

Chile.

The number of workers covered by the relevant legislation was 10,000. During 1950 a total of

1,939 accidents occurred in the five main ports of the country. Sixteen of these accidents were fatal and were due mainly to falling or slipping and to defects in equipment.

The report gives a comparative table showing accidents which occurred in the course of loading and unloading operations in 1948, 1949 and 1950.

Finland (first report).

Act of 4 March 1927, respecting industrial inspection (L.S. 1927—Fin. 1).

Workers Protection Act, No. 104/30 28 March 1930 (L.S. 1930—Fin. 2).

Act No. 105/30 of 28 March 1930, respecting the prohibition of the employment of young women in certain kinds of loading and unloading work (L.S. 1930—Fin. 3).

Act No. 607/46 of 2 August 1946, respecting the protection of workers employed in loading and unloading operations.

Various Orders of the Council of Ministers, issued in 1948, concerning the application of the legislation relating to loading and unloading operations.

Government Decision No. 49/50 of 28 September 1950, to amend the legislation relating to persons employed in loading and unloading operations.

The report supplies detailed information regarding the main legislative provisions under which the various Articles of the Convention are applied.

In the course of 1950 the labour inspectors carried out 506 visits of inspection in ports and vessels in which 11,788 workers were employed. In addition, 203 visits for information purposes were made by the Ministry of Social Affairs officer responsible for supervising loading and unloading operations in ports.

The most serious of the defects noted were in hoisting appliances. It was also observed that docks and vessels were not properly lighted during loading and unloading operations carried out at night, and that the rungs of ladders leading to the holds and hatchways were often in bad condition or unusable.

One workers' organisation demanded that the lighting should be improved, that canteens and dormitories should be provided in the ports, and that the quays should be overhauled. As a result of these representations, the Ministry organised meetings to which representatives of all employers and shipowners in the ports concerned were invited.

According to the statistics supplied by the Dockworkers' Employers' Association (the only available statistics for the period under review), 1,876 accidents, two of which were fatal, occurred between 1 June 1950 and 30 June 1951 (13 months).

The Government encloses with its report copies of reports made by labour inspectors, a copy of a letter addressed by the Finnish Workers' Trade Union to the Ministry of Social Affairs and a copy of a letter addressed by the Dockers' Trade Union to the borough council of Pori. An excerpt from the record of a meeting of employers and shipowners is also appended to the report.

Italy.

Between 1 July 1950 and 30 June 1951 there were 2,931 cases of temporary incapacity, 107 cases of permanent incapacity, and 14 deaths.

Mexico.

The report refers to the information supplied in connection with Convention No. 13.

The Secretariat of Labour and Social Welfare and the Secretariat of Commerce and Public Works employ officials to ensure the enforcement of all measures to prevent industrial accidents.

The Government does not possess information relating to the inspection service or any statistics showing the number of workers covered by the legislation, etc.

Pakistan.

Act No. L.R. 12 (1)/50 of 22 September 1951, to amend the Dock Labourers Regulations, 1948.

The Pakistan Dock Labourers Regulations, as amended by the above-mentioned Act, are in

conformity with the provisions of the Convention concerning the employment of adults in the holds of vessels which are not decked (Article 5 (5) of the Convention), and concerning safety measures to protect openings in a deck which might be dangerous to workers (Article 6 (2)), which were referred to in the observations of the Committee of Experts on the Application of Conventions and Recommendations.

Sweden.

Statistical data for 1949 showed that the number of accidents that occurred to persons employed in loading and unloading operations amounted to 2,616; eight of these accidents were fatal.

United Kingdom.

During the period under review there were 6,319 accidents at docks, wharves and quays in Great Britain, 60 of which were fatal. The causes of these accidents are analysed in a table appended to the report. In seven cases legal proceedings were instituted against employers for breaches of the Docks Regulations and convictions were secured on each occasion.

The reports from the following countries either reproduce, or refer to, the information previously supplied:

India, New Zealand, Uruguay.

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

This Convention came into force on 6 June 1935

Countries	Date of registration of ratification
Argentina	14. 3. 1950
Austria	26. 2. 1936
Belgium	6. 6. 1934
Cuba	24. 2. 1936
France	29. 4. 1939
Netherlands	12. 7. 1935
Spain	22. 7. 1934
Uruguay	6. 6. 1933

Austria.

See under Convention No. 5 for information regarding the observations made by the Committee of Experts in 1951.

During 1950 the inspection service reported three contraventions of the legislative provisions in undertakings for education, arts and entertainment.

Belgium.

During the period under review one infringement of the regulations was noted.

The reports from the following countries either reproduce, or refer to, the information previously supplied:

Argentina, Cuba, France, Netherlands, Uruguay.

SEVENTEENTH SESSION (GENEVA, 1933)

34. Convention concerning fee-charging employment agencies

This Convention came into force on 18 October 1936

Countries	Date of registration of ratification
Argentina	14. 3. 1950
Bulgaria	29. 12. 1949
Chile	18. 10. 1935
Czechoslovakia	12. 6. 1950
Finland	13. 1. 1936
Mexico	21. 2. 1938
Norway ¹	4. 7. 1949
Spain	27. 4. 1935
Sweden ¹	1. 1. 1936
Turkey	27. 12. 1946

¹ Ratification denounced.

Mexico.

Decree published on 20 April 1938, to promulgate the Convention.

The report refers to the above-mentioned legislation.

Norway (first report).

Act of 27 June 1947, respecting measures to promote employment (L.S. 1947—Nor. 2).

The provisions of the Convention are applied under the Act of 27 June 1947 which prohibits all private employment agencies, other than certain non-fee-charging agencies, in Norway. Private employment agencies which had previously been given a licence to undertake placing operations under the Act of 12 June 1896 respecting shipping offices, domestic registry offices and employment agencies were instructed to suspend their activities within specified periods; all private employment agencies have now ceased to exist.

Provisional exceptions may be authorised in the case of training and educational institutions which, in accordance with their statutes, are obliged to make efforts to place their pupils in employment after the conclusion of the period of training, and which do so on a gratuitous basis, and in the case of societies with charitable objects

which find employment free of charge for persons whom they wish to assist. However, these institutions and societies must co-operate with the employment offices in such manner, and submit to such supervision and instructions regarding notification, as the Ministry may prescribe.

Persons who violate the legislative provisions respecting private employment agencies are liable to penalties.

The application of the provisions of the Convention is entrusted to the Labour Directorate and is supervised and ensured through the national and local agencies of the employment service, which keep a constant watch over any activities that might conceal private placement activities. Firms, organisations and individuals whose activities are covered by the provisions relating to private employment agencies are subject to close supervision. Where necessary, the case is referred to the police for investigation. In addition, under section 34 of the Employment Act, certain agencies are required to submit reports concerning their activities to the Labour Directorate.

Sweden.

In 1950, 37 private employment agencies held licences to carry on their work. At the beginning of 1951, 35 licences were renewed.

Turkey.

The report states that, in view of the special conditions existing with regard to the seasonal migration for employment within Turkey of agricultural workers, persons acting as intermediaries between agricultural workers and employers have been authorised to continue their activities temporarily, subject to inspection and supervision by the employment service.

The reports from the following countries either reproduce, or refer to, the information previously supplied:

Argentina, Chile, Finland.

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

This Convention came into force on 18 July 1937

Countries	Date of registration of ratification
Bulgaria	29.12.1949
Chile	18.10.1935
Czechoslovakia	1. 7.1949
France	23. 8.1939
Italy	22.10.1947
Peru	8.11.1945
Poland	29. 9.1948
United Kingdom	18. 7.1936

Chile.

In reply to the request made in 1951 by the Committee of Experts, the Government states that old-age pensions may be converted into a lump-sum payment; experience has shown that beneficiaries prefer this method of payment and that the fund accepts it, as benefits are not generally sufficiently high to ensure adequate means of subsistence. This situation is due to the fact that the present rates of contributions provided for by the legislation in force only allow an adequate old-age pension to be paid to contributors who have belonged to the fund for a long period. The draft amendment to Act No. 4,054 respecting compulsory sickness, invalidity and old-age insurance, which will soon be adopted by the National Congress, provides for the payment of an old-age pension of 1,000 pesos a month to the present beneficiaries, and to all persons over 65 years of age who were formerly insured, as well as to disabled persons over 60 years of age who have already converted their old-age pension. Further, the new pensions will be calculated on the basis of 50 per cent. of monthly wages, plus 1 per cent. for every 50 weeks of contribution over and above the first 500 weeks, up to a maximum of 70 per cent. of the basic monthly wages. The beneficiary is also entitled to family allowances amounting to 10 per cent. of his average wages for each child under 15 years of age and for each disabled child, irrespective of the latter's age. The total pension may not exceed the basic monthly wages of the insured person.

The number of insured persons is the same as that shown for the sickness insurance fund (see under Convention No. 24). The number of beneficiaries of old-age pensions amounted to 135 on 31 December 1949 and to 140 on 31 December 1950, eight new pensions having been granted and three pensions having terminated in the course of the year. During this same period 7,307 old-age pensions were commuted. The total expenditure was 17,585.22 pesos for old-age pensions, 18,291,458.85 pesos for the commutation of old-age pensions, 6,974,548.79 pesos for the reimbursement of contributions on the death of insured

persons, and 2,711,794.87 pesos for funeral expenses.

Information is also given with regard to the total administrative expenses and the financial position of the insurance fund.

France.

Act of 22 August 1950, to strengthen State supervision of social security institutions.

Act of 14 November 1950, to supplement section 17 (3) of the Act of 23 August 1948 modifying the old-age insurance scheme.

Act of 30 December 1950, to continue the temporary old-age allowances.

Act of 30 December 1950, to raise the maximum limit of contributions to social security and family allowance funds and to introduce exceptional increases in certain family allowances.

Act of 27 March 1951, to continue the temporary old-age allowances.

Act of 27 March 1951, respecting the old-age insurance scheme.

Decree of 2 January 1951, to raise the wage limit taken into account for the calculation of social security contributions.

Decree of 6 June 1951, to amend the Decree of 8 June 1946 issuing public administrative regulations under the Ordinance of 4 October 1945 respecting the organisation of social security.

The Order of 16 April 1951 fixed at 1.16 the coefficient of revaluation for old-age pensions and allowances and reversionary pensions. The same Order established the coefficient of revaluation for wages and contributions which must serve as a basis, as from 1 January 1951, for the calculation of old-age pensions or allowances.

The report gives various details regarding this revaluation, and contains tables showing the coefficients by which the wage resulting from the contributions paid is multiplied.

When an insured person over 60 years of age applies for payment of his pension, this pension is increased for each year after his sixtieth year by a sum equal to four per cent. of his annual basic wage, whereas formerly this increase was only granted for the contribution years after the age of 60.

The maximum wage for the purpose of calculating contributions has been increased to 324,000 francs and the minimum wage for this purpose may not be less than the national inter-occupational guaranteed minimum wage.

As a rule the resources of French old-age insurance are derived solely from the contributions of employers and insured persons, but the national legislation does provide for State participation which is limited to schemes for certain occupational categories, in particular the special social security scheme for miners. The Government points out that the Convention does not appear to prohibit a limitation of this kind.

Supervision of the regional funds has been increased by making it compulsory to submit for

the approval of the competent Minister and to the Minister of Finance either the appointment of the director and the chief accountant, or the budget estimates for the years following that in which the established limits of expenditure were exceeded.

In accordance with a protocol signed at the same time as a Franco-Danish agreement, the temporary old-age allowance scheme has been extended to aged persons in Denmark by the protocol of 30 June 1951, which has not yet come into operation.

The following agreements were concluded during the period under review: reciprocity social security agreements with the Federal Republic of Germany (10 July 1950) and Denmark (30 June 1951); an agreement concerning social security for the Rhine boatmen (signed on 17 July 1950); an agreement between Belgium, France and Italy to co-ordinate and extend the application of the various legislative texts relating to social insurance (signed on 19 January 1951).

In addition, the agreements concluded with Luxembourg, the Saar, the Republic of San Marino and Yugoslavia have come into force, as well as the agreement to extend and co-ordinate the application of social security legislation to nationals of the contracting parties of the Brussels Treaty.

The Act of 27 March 1951, to continue the temporary old-age allowances, lays down that the payment of these allowances is to be continued until the end of the first quarter following the entry into force of the old-age allowances scheme. The Act also describes the procedure for cantonal assistance committees which consider applications for temporary allowances, and fixes at 100,000 francs the maximum income, including the temporary allowance, to which beneficiaries are entitled. The maximum income is increased to 130,000 francs for married couples. The position of descendants is not taken into account.

The report contains information on the new enactments concerning the allowance for aged wage earners, the rate of which has been fixed at 52,000 francs in towns with more than 5,000 inhabitants and at 49,000 francs in other localities. The maximum income, including the allowance, is increased to 180,000 francs for an unmarried beneficiary and to 216,000 francs for a married couple. Under the above-mentioned protocol, this allowance is also granted to aged Danish wage earners.

The report supplies statistical data showing that, on 31 December 1950, the total number of insured persons in the general scheme for occupations other than agriculture was 8,300,000 and that the total number of beneficiaries of old-age allowances was 2,148,419.

The total expenditure for the period 1 July 1950 to 30 June 1951 amounted to 113,585 million francs for pensions, allowances, and assistance; 1,395 million francs for other cash benefits; 2,419 million francs for benefits in kind; and 3,621 million francs for administrative costs.

No resources are set aside for the coverage of a specified risk, as contributions are allocated by institution and not by risk. However, in principle, 9/16ths of the contributions to the general scheme, which amounted to 248,401 million francs, is set aside to finance old-age insurance.

Italy.

Act No. 633 of 28 July 1950.

The Act of 28 July 1950 abolished the maximum wage limit (1500 lire) established in the Act of 1939 as the criterion for admission to compulsory insurance.

A Bill, details of which are given in the report, has been drawn up by the Government with a view to the revaluation of pensions; this Bill is at present being discussed by Parliament.

For the period 1951-1952 the entry in the budget of the Ministry of Labour and Social welfare (which was 200 million lire for the preceding period) will have to be increased in proportion to the number of pensioners, which is now approximately 1,900,000 and will reach 2,115,000 during the next period, in order to supplement the basic amount of pensions. The State contribution to the social solidarity fund, (which was estimated at 10,700 million lire for the period 1950-1951) amounted to 16,000 million lire, including the payment of the temporary cost-of-living allowance over and above pensions; it is estimated that the State contribution will increase further during the period 1951-1952.

In reply to the observations made in 1951 by the Committee of Experts, the report states that, although the compilation of statistical information is not completed, as a rule, by the date on which annual reports concerning the application of Conventions must reach the International Labour Office, everything possible will be done to comply with the Committee's request, even if the statistical information communicated is provisional and liable to be modified at a later date. The report contains the following data for the years 1949 and 1950, the data for 1950 being of a provisional nature:

	1949	1950
Number of persons insured against invalidity, old-age and death	4,893,000	5,000,000
Number of pensioners:		
Old-age	1,120,975	1,232,045
Invalidity	474,346	490,225
Survivors	231,188	285,606
Total	1,826,509	2,007,876

Receipts and Expenditure

	Administration and capitalisation (in millions of lire)		Administration and distribution	
	1949	1950	1949	1950
Receipts	11,748	15,717	89,635	91,532
Expenditure	4,237	5,134	81,565	99,881

Poland.

The report supplies information on modifications in the pensions insurance scheme.

On 1 January 1951 special privileges were introduced for miners and other workers in mines engaged in underground work. These privileges relate to conditions for acquiring the right to benefit, and to benefit amounts. Special pensions are granted to workers in coal, ore, fire-clay, pottery-clay, kaolin, magnesite and plaster mines who are employed underground or in the boring of shafts, as well as to supervisory staff in the mines. In certain circumstances, various types of surface work, including the work carried out by engineers or technicians, administrative

work in mining undertakings, and offices in various trade union committees, are assimilated to underground work. Periods of employment during which the person concerned received sickness insurance benefit or maternity benefit, as well as periods of non-professional military service following immediately on periods of employment underground, are considered equivalent to periods of underground work. Each year of task work accomplished at the pit-head and in the boring of shafts by hewers, loaders and other underground workers recognised as equivalent by the Minister of Mines is counted in the proportion of one-and-a-half. This also applies for years worked by first-aid teams. Workers who, after not less than ten years of employment underground, are no longer fit for such work may claim special miners' pensions. The length of service condition does not apply if the incapacity is the result of an employment injury. Miners' pensions are also granted to workers who have reached the age of 55 years and who have completed 25 years of underground work or work considered as such. Persons who are employed on underground or equivalent work and who satisfy the prescribed conditions are entitled to miners' pensions.

The rate of the special miners' pension is calculated on the basis of wages, but also depends on the length of service underground. Wages are divided into nine groups varying from 400 to 1,400 zloty per month. The monthly rate of the pension ranges from a minimum of 170 to 840 zloty. An additional allowance of 120 zloty per month is paid to pensioners who require the assistance of another person.

The special miners' pension replaces the pension paid under the general pensions insurance scheme and the miners' supplementary pension as paid before the new special scheme came into operation. The special miners' pension is higher than the benefits formerly paid under the general retirement insurance scheme or under the miners' supplementary pension scheme.

If incapacity for work was caused by an employment injury no pension is paid in respect of the accident, but the injured person receives a miners' pension calculated on the basis of 25 years of underground work, increased by 30 per cent. of the amount of the pension paid in the case of incapacity to the extent of 100 per cent. Where the degree of incapacity is less, the increase in the pension is reduced in proportion.

As at 1 January 1951 the amount of contributions accumulated in respect of sickness and maternity insurance, employment injury insurance, general insurance against invalidity, old-age and death as well as miners' supplementary insurance, amounted to 15.5 per cent. of wages in the case of workers employed in nationalised undertakings and to 18 per cent. of wages in the case of persons employed in private undertakings.

The retirement pension scheme for wage earners and salaried employees, as well as the miners' supplementary insurance scheme, have been reorganised as follows: the funds which have been hitherto responsible for managing the miners' insurance scheme have been wound up and their functions assigned to the Central Social Insurance Institute. However, the miners' supplementary insurance scheme still remains in force in one town, account being taken of the pension rates

mentioned above. The Central Social Insurance Institute and its regional branches are now responsible for keeping registers of insured persons and for the preliminary formalities connected with the payment of benefits under the general pension scheme. The Institute comprises local agencies and regional branches. Social insurance committees which represent the interests of insured persons and take part in the administration of the Central Institute and its branches are attached to the headquarters of the Institute (which exercises general control over the various branches and co-ordinates their activities) and to the local agencies and regional branches. The members of these committees are appointed by the workers' unions. These committees advise on questions relating to the Institute's budget, plans of action and investment programme; they supervise and make proposals on its activities, which are controlled by the Ministry of Labour and Social Welfare.

United Kingdom.

Great Britain.

Various regulations, issued during 1950 and 1951, concerning national insurance.

Northern Ireland.

Various regulations, issued during 1950 and 1951, concerning national insurance.

In reply to a question raised by the Committee of Experts, the report states that, in the United Kingdom, the proviso regarding right to a minimum pension permitted by Article 5 of the Convention consists of a dual condition, namely, that at least 156 actual weekly contributions must have been paid, and in addition, an average of at least 13 contributions a year must have been paid or credited during the period from school-leaving age to pensionable age. This minimum average will give a pension of 7s. a week for a man and 4s. 6d. for a wife, if she is not separately insured. The rules for calculating the yearly average contributions will not reach their full vigour until 50 years after the scheme came into operation. People who reach the pension age in the meantime will have their average calculated over a much shorter period, either from 5 July 1948, or, if they were insured under the old schemes, from their year of entry into insurance, and in no case earlier than 1936. This makes it very easy, for some years to come, for people to exceed the minimum of 13 contributions a year. The present provision reflects the fact that insurance is now compulsory for all, employed, self-employed, and non-employed alike, from school-leaving age to retirement.

It is estimated that 21,800,000 persons in Great Britain were contributing towards retirement pensions on 31 December 1949 and that 550,000 persons were insured in Northern Ireland on 30 June 1951. On this last-mentioned date 4,210,000 persons in Great Britain and 77,127 persons in Northern Ireland were in receipt of a retirement pension or a contributory old-age pension. During the year ended 30 June 1950 the number of persons in receipt of a retirement pension for the first time was 270,000 in Great Britain, while in Northern Ireland 6,918 new contributory pensions were granted and 7,122 contributory pensions ceased to be paid. During the year ended 31 March 1950 the expenditure on

retirement pensions (exclusive of administrative costs) was about £249 million in Great Britain and £4,731,000 in Northern Ireland. There is no longer a separate old-age pension fund, but the total contribution income for the third year of the National Insurance scheme, which ended on 30 June 1951, was about £402 million from insured persons and employers, plus about £96 million

representing the Exchequer supplement; in addition, the annual State grant was about £45 million. The number of persons in receipt of non-contributory old-age pensions on 30 June 1951 was 402,700 in Great Britain and 26,489 in Northern Ireland. The expenditure on pensions for the year ended 31 March 1951 was £24,778,000 in Great Britain and £1,740,289 in Northern Ireland.

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
Bulgaria	29.12.1949
Chile	18.10.1935
Czechoslovakia	1. 7.1949
France	23. 8.1939
Italy	22.10.1947
Poland	29. 9.1948
United Kingdom	18. 7.1936

Chile.

See under Convention No. 35.

France.

- Decree of 18 September 1950, to amend the Decree of 20 April 1950 respecting the financial resources of social insurance for agriculture.
- Decree of 21 September 1950, to issue public administrative regulations concerning social insurance for agriculture and, in particular, the application of the amended Decrees of 30 October 1935 and 20 April 1950.
- Decree of 21 September 1950, to issue public administrative regulations in application of section 18 of the Decree of 20 April 1950 respecting the financial resources of social insurance schemes and to set up an advisory committee on social insurance for agriculture.
- Decree of 21 September 1950, to issue public administrative regulations in application of the Decree of 20 April 1950 respecting the financial resources of social insurance for agriculture, in so far as this concerns forestry workers and persons engaged in beet growing.
- Decree of 6 June 1951, to establish a system of old-age and invalidity pensions under the compulsory social insurance scheme for agriculture.
- Decree of 27 June 1951, respecting the determination of the rights of insured persons who were members of the social insurance schemes for agriculture and for occupations other than agriculture.

The scheme which came into force on 1 January 1951 provides for the granting of pensions or allowances to insured persons of 60 or 65 years of age who have contributed for at least five or 15 years; contributions are refunded if, on reaching the age of 65 years, the insured person has contributed for less than five years. The amount of the pension is proportionate to the average annual wage corresponding to the contributions for the last ten years of insurance before 60 years of age, or, if the beneficiary prefers, before the age at which his pension is settled. The rate of the pension depends upon the number of years spent

in insurance and the age at which the pension is granted. The report supplies details on the method of calculating both these rates and the allowance paid to an insured person who has not contributed to insurance for 15 years but only for five years.

The legislation also provides for supplements to pensions in cases where the insured person has brought up three children or has a dependent spouse who does not receive any social security benefit, or if he becomes unfit for work between 60 and 65 years of age and requires the assistance of another person.

When variations in wages occur, pensions and allowances may be revaluated having regard to the available funds of the social insurance scheme for agriculture.

The death of an insured person or a pensioner who is over 60 years of age gives rise, under certain conditions, to a reversionary pension which is payable to the dependent spouse. The widow of an insured person, or of a pensioner, who is herself an invalid, is entitled to a widow's invalidity pension which becomes a widow's pension when she reaches 60 years of age. A widower who was dependent on his wife is treated in the same manner.

The report contains statistical data relating to the number of compulsorily insured persons who contributed during 1950 (1,288,000); the number of pensioners on 1 January 1950 (45,488 receiving social insurance pensions proper, i.e., those for insured persons between the ages of 60 and 65 years, and 99,061 receiving social insurance pensions under the revised scheme and allowances for aged employees, i.e., those for insured persons aged 65 years or over); the number of pensions settled and discontinued during 1950; and the number of pensions being paid on 31 December 1950 (44,716 social insurance pensions proper and 116,629 social insurance pensions under the revised scheme and aged employees' allowances). The amount paid out in pensions during 1950 was 218 million francs in respect of social insurance pensions proper and 5,473 million in respect of allowances to aged employees and of social insurance pensions under the revised scheme; the cost of benefits in kind amounted to 28 million francs. The report also contains statistical data relating to the administrative costs of social insurance. The amount of insurance receipts during 1950 was 3,109 million francs in respect of employers' contributions, and 2,571 million francs in respect

of insured persons' contributions; the State supplementary contributions were discontinued on 1 January 1947. These receipts do not cover benefits in kind which come under the sickness funds.

Italy.

The report refers to the information supplied under 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.

The report refers to the information supplied under Convention No. 35.

Northern Ireland.

Various Regulations, issued in 1950 and 1951, respecting national assistance.

See under Convention No. 35 for statistical data.

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
Bulgaria	29.12.1949
Chile	18.10.1935
Czechoslovakia	1. 7.1949
France	23. 8.1939
Italy	22.10.1947
Peru	8.11.1945
Poland	29. 9.1948
United Kingdom	18. 7.1936

Chile.

The number of insured persons is the same as for the sickness insurance scheme (see under Convention No. 24). The number of invalidity pensions in course of payment was 8,883 on 31 December 1949 and 9,447 on 31 December 1950; in 1950, 1,634 new pensions were granted and 1,070 pensions expired. The expenditure on invalidity pensions amounted to 83,870,322.94 pesos. Information is also supplied on the total administrative costs and the financial position of the insurance scheme.

France.

Act of 22 August 1950, to strengthen State supervision of social security institutions.

Act of 30 December 1950, to raise the maximum limit of contributions to social security and family allowance funds and to introduce exceptional increases in certain family benefits.

Act of 27 March 1951, respecting old-age insurance and amending section 3, paragraph 1, of the Ordinance of 2 February 1945, as amended by the Act of 3 February 1950.

Decree of 2 January 1951, to raise the wage limit taken into account for the calculation of social security contributions.

Decree of 6 June 1951, to amend the Decree of 8 June 1946 issuing public administrative regulations under the Ordinance of 4 October 1945 respecting the organisation of social security.

The report repeats the information supplied under Convention No. 35 in respect of the coefficient of revaluation for old-age pensions and allowances and reversionary pensions; the maximum wage for the purpose of calculating contributions; State participation in the resources of the insurance schemes; increased regional supervision; and the agreements concluded with other States which came into operation during the period under review.

The report also contains statistical data relating to the total number of persons insured under the general scheme for occupations other than agriculture (this total is estimated at 8,300,000); the number of pensions in course of payment on 30 June 1951 (222,029, including 67,235 pensions which were partially or totally suspended); and the total expenditure on insurance for the period from 1 July 1950 to 30 June 1951 (this amounted to 10,261 million francs in respect of pensions and 5,558 million francs in respect of benefits in kind). As regards receipts, reference is made to the resources of the sickness insurance scheme.

Italy.

The report refers to the information supplied under 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.

The information supplied with regard to Great Britain and Northern Ireland is the same as that furnished in respect of Convention No. 24.

The report from *Chile* refers to the information previously supplied.

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
Bulgaria	29.12.1949
Chile	18.10.1935
Czechoslovakia	1. 7.1949
France	23. 8.1939
Italy	22.10.1947
Poland	29. 9.1948
United Kingdom	18. 7.1936

Chile.

See under Convention No. 37.

France.

See under Convention No. 36 for the relevant legislation.

The invalidity pension remains proportionate to the average yearly wages corresponding to the contributions paid during the ten last years of insurance preceding the first medical diagnosis of the employment injury. However, when an insured person has not been in the scheme for ten years, the pension is proportionate to the average yearly wages corresponding to the contributions paid since his entry into insurance. The amount of the pension is equal to 30 per cent. of the annual wages as defined above if a disabled person is capable of carrying out remunerated work and to 40 per cent. if this is not possible. Provision for a supplement to the pension is made in cases where the disabled person is obliged to enlist the assistance of another person. The report repeats the information supplied under

Convention No. 36 with regard to invalidity or old-age pensions for widows or widowers.

The report also contains statistical data relating, in particular, to the number of pensioners on 31 December 1950 (17,900), the amount paid out in pensions during 1950 (718 million francs), the cost of benefits in kind afforded to insured disabled persons and their survivors (594 million francs, not including 115 million francs payable by the sickness funds). The receipts from invalidity insurance amounted during 1950 to 678 million francs in the form of employers' contributions and 560 million francs in the form of insured persons' contributions; the State supplementary contributions to social insurance for agriculture fund were discontinued as from 1 January 1947.

Italy.

The report refers to the information supplied under 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.

The information supplied with regard to Great Britain and Northern Ireland is the same as that furnished in respect of Convention No. 24.

The report from *Chile* refers to the information previously supplied.

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
Bulgaria	29.12.1949
Czechoslovakia	1. 7.1949
Peru	8.11.1945
Poland	29. 9.1948
United Kingdom	18. 7.1936

Poland.

Some changes have occurred in the definition of persons who are entitled to survivors' pensions. Thus, children who are brought up and maintained

by the insured person are in future to be included amongst the members of the family who are entitled to benefits under the general pension insurance scheme and under the supplementary pension insurance scheme for miners, provided they have been accepted for the purpose of their upbringing by the insured person and have been maintained by him before they reach the age of 18 years. However, such children are entitled to an orphan's pension only if they have been accepted and maintained by the insured person for at least one year before his death.

Moreover, sons-in-law, daughters-in-law and grandchildren are entitled to benefits in future only if they fulfil the same conditions as the

above-mentioned children. Orphans' pensions and supplements to the pension for children are granted to children up to the age of 16 years and, if the children continue their studies, up to the age of 24 years. However, supplements for children and orphans' pensions are granted without any age limit if the beneficiary is completely incapacitated for work because of a physical or mental infirmity and if this disablement occurred before the age of 16 or 24 years.

As regards the special miners' pensions, the report states that the widow's pension amounts to 60 per cent. of that granted to the insured person; special orphans' pensions are only granted to children who have lost both their father and mother in cases where the death of the insured person was caused by an employment injury. The orphans' pensions amount to 30 per cent. (for one orphan), 50 per cent. (for two orphans) and 60 per cent (for three orphans or more) of the pension to which the deceased insured person would have been entitled.

United Kingdom.

Great Britain.

Various regulations, issued in 1950 and 1951, with regard to national insurance.

Northern Ireland.

Various regulations, issued in 1950 and 1951, with regard to national insurance.

It is estimated that, on 31 December 1949, 21,800,000 persons in Great Britain were contributing under the National Insurance scheme to widows' and orphans' insurance. On 30 June 1951 about 455,000 women were in receipt of widows' benefit (excluding the short-term widows' allow-

ance) and 140,000 children were receiving benefit; this last figure includes 110,000 cases where the payment was an intrinsic part of a widowed mother's allowance. During the year ended 30 June 1950 there were about 55,000 new cases of widows' benefit and about 25,000 new cases of benefit payable in respect of children. During the year ended 31 March 1950 expenditure (exclusive of administrative costs) was about £21,300,000 on widows' benefits and £700,000 on guardians' allowances. The total contribution income for the year ended 30 June 1951 was (estimated) £402 million from insured persons and employers and £96 million in respect of the Exchequer supplement.

In Northern Ireland the estimated number of persons insured on 30 June 1951 for widows' benefit purposes was 350,000 and for orphans' pensions purposes 600,000. It is estimated that about 12,100 women were in receipt of widows' benefit on this date, as against 10,600 on 30 June 1950. In addition, benefit was paid in respect of about 4,300 children, including 3,500 cases where the payment was an intrinsic part of the widowed mother's allowance. The number of new widows' benefits, orphans' pensions and guardians' allowances awarded during the year ended 30 June 1951 was 3,770; 2,259 allowances ceased to be paid. It is estimated that the expenditure on widows' benefits, orphans' pensions and guardians' allowances during the year ended 31 March 1950 was about £606,000, exclusive of administrative costs. The total contribution income for the year ended 30 June 1951 was about £8,950,000 from insured persons and employers, about £2,097,000 in respect of the Exchequer supplement and about £1,080,000 in respect of the Exchequer grant.

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
Bulgaria	29. 12. 1949
Czechoslovakia	1. 7. 1949
Poland	29. 9. 1948
United Kingdom	18. 7. 1936

Poland.

See under Convention No. 39.

United Kingdom.

The information supplied with regard to Great Britain and Northern Ireland is the same as that furnished in respect of Convention No. 39.

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 ³
Afghanistan	12. 6. 1939
Argentina	14. 3. 1950
Belgium	4. 8. 1937
Brazil	8. 6. 1936
Burma ¹	22. 11. 1935
Ceylon	2. 9. 1950
Egypt	11. 7. 1947
Estonia	21. 12. 1935
France	25. 1. 1938
Greece	30. 5. 1936
Hungary	18. 12. 1936
India	22. 11. 1935
Iraq	28. 3. 1938
Ireland	15. 3. 1937
Netherlands	9. 12. 1935
New Zealand	29. 3. 1938
Pakistan ²	22. 11. 1935
Peru	8. 11. 1945
Switzerland	4. 6. 1936
Union of South Africa	28. 5. 1935
United Kingdom	25. 1. 1937
Venezuela	20. 11. 1944

¹ See footnote 2 to Convention No. 1.

² See footnote 3 to Convention No. 1.

³ See also lists of ratifications under Conventions Nos. 4 and 89.

Afghanistan.

See under Convention No. 4.

Argentina (first report).

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

Decree of 28 May 1925, issuing regulations for the Federal Capital under the above-named Act (L.S. 1925—Arg. 2).

Decree of 9 June 1925, to regulate the employment of women and young persons in the National Territories (L.S. 1925—Arg. 7).

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

The following information supplements the details supplied by the Government in a voluntary report for the period 1949-1950.

It has not been necessary to define the line of division separating industry from commerce and agriculture as the legislation prohibits the employment of women at night in all branches of economic activity, with the exception of nursing, domestic work and undertakings where public entertainments are given at night. Section 6 of the Act of 30 September 1924 prohibits the employment of women between 8 p.m. and 7 a.m. in winter and between 8 p.m. and 6 a.m. in summer. Although, in summer, the period of compulsory rest is only

ten hours, the legal restriction of women's working hours to eight a day and 48 a week means that, in practice, their hours are so distributed that their nightly rest period is usually as long as, or longer than, that provided for by the Convention. However, in order to bring the national legislation into complete conformity with the Convention, the Ministry of Labour and Social Welfare issued Resolution No. 355 on 2 December 1949, which requests services of the Ministry responsible for supervising the work time-tables of women and young persons not to approve such time-tables unless an interval of at least 11 consecutive hours separates the end of one working day from the beginning of the next.

During the period under review no use was made of the exceptions provided for in Article 2, paragraphs 2 and 3, of the Convention, or in Article 7 (reduction of the night period where the climate renders work by day particularly trying to the health).

The national legislation does not admit of the exceptions provided for in Article 3 (family undertakings) or in Article 4 (cases of *force majeure* and for work with materials subject to rapid deterioration).

No information is available regarding Article 6 (reduction of the night period in industrial undertakings influenced by the seasons, or where exceptional circumstances demand it) or Article 8 (women holding responsible positions of management who are not ordinarily engaged in manual work).

The Ministry of Labour and Social Welfare, through the General Directorate of the labour inspection service, is responsible for ensuring compliance with the legislative provisions.

For statistical data the Government refers to the information supplied on the application of Convention No. 1.

Belgium.

Two decisions to ensure the application of the provisions of the national legislation were given by courts of law.

The inspection service visited 4,703 establishments employing 13,320 persons covered by the legislation; 11 infringements were reported.

Brazil.

The national legislation (Consolidation of Labour Laws of 1 May 1943) prohibits the employment of women at night between the hours of 10 p.m. and 5 a.m. Even in exceptional circumstances,

and after consultation with the employers' and workers' organisations concerned, the administrative authority may not decide that the interval between 11 p.m. and 6 a.m. may be substituted for that between 10 p.m. and 5 a.m. The national legislation, therefore, goes beyond the Convention in this respect and provides greater safeguards.

Under Article 2, paragraph 1, of the Convention the report states that the national legislation concerning the employment of women at night applies both to industry and commerce and that the Consolidation of Labour Laws makes no distinction as to the workers to whom its provisions are applicable except that agricultural workers, as defined in section 7 of the above-mentioned text, are excluded. In this connection, the report gives extracts from a number of decisions given by the Superior Labour Court concerning the definition of a rural worker, all of which are based on section 7 of the Consolidation of Labour Laws.

In Brazil the only legally accepted definition of the term "woman" is "a person of the female sex". Thus, the provisions of the legislation prohibiting the employment of women at night apply to all women who perform services, other than casual services, for an employer in return for remuneration; this prohibition is based on the sex of the workers and not on the nature of the work. The only exceptions permitted in this connection are those authorised under paragraphs (a) to (d) of section 379 of the Consolidation of Labour Laws and under section 372 (family undertakings).

No provision is made for the exceptions enumerated in Article 4 of the Convention (*force majeure*, work with materials subject to rapid deterioration). The Government points out that the national legislation affords greater safeguards for women workers in this respect than the Convention.

The application of the principles of the Convention that are contained in Brazilian legislation is entrusted to the National Labour Department, set up under the Ministry of Labour, Industry and Commerce, by Act No. 5,092 of 15 December 1942. Supervision of the application of the relevant provisions, in the Federal District, is entrusted to the labour inspection service of the Labour Department and, in the States, to the regional authorities of the Ministry (in pursuance of Decree No. 21,690 of 1 August 1932 and the Regulations issued thereunder). The duties of the inspection service are laid down in Decree No. 13,001 of 27 July 1943. The regional authorities are guided in the performance of their duties by the National Labour Department. The inspectors of the Social Insurance Institute and of the semi-official bodies attached to the Ministry of Labour are also competent to ensure the application of the provisions laid down in the legislation. The procedure for drawing up reports on contraventions, for the imposition of fines and the lodging of appeals, as well as for the imposition of penalties in respect of contraventions, is laid down in the Consolidation of Labour Laws. Statistics for the period June 1950 to June 1951 are not available, as the regional labour authorities submit their reports for the preceding calendar year only in March.

As the provisions of the Convention are freely accepted by the different categories of persons concerned, no observations are received from employers' and workers' organisations.

Egypt.

The temporary suspension of the prohibition of night work on the occasion of national or religious festivals (section 8 of Act No. 80 of 1933) applies both to commercial and industrial establishments.

Greece.

The labour inspection services report that no exceptions regarding the prohibition of the employment of women during the interval between 10 p.m. and 6 a.m. are made for any industrial branches. With regard to Article 4 (b) of the Convention (work with materials subject to rapid deterioration), the report states that, according to information supplied by the labour inspectors, although the Decrees concerning the employment of women during the night in work connected with the preparation of currants, etc., have not been abolished, they are no longer applied owing to the improved technical organisation of the work in question.

The labour inspectors' reports have not mentioned the enforcement of the prohibition of the employment of women during the night as among the measures which have proved difficult to apply; the application of the Convention is therefore considered to be satisfactory. No details are available regarding the enforcement of the provisions of the relevant legislation in 1950. The Nea Ionia labour inspectors report that the question of women's employment during the night was followed up systematically in order to prevent women from being required to work after 10 p.m.

According to recent statistics supplied by the Social Insurance Institute (I.K.A.), the number of persons covered by the insurance system totals 400,000, of which 33 per cent. are women.

Ireland.

As in previous years the only exceptions allowed were in respect of 40 firms engaged in the Christmas poultry trade. During the period under review two contraventions were reported and legal proceedings were instituted in each case.

Netherlands.

During 1950 proceedings respecting the employment of women between 10 p.m. and 5 a.m. were instituted in only two cases. The contraventions of the regulations occurred in one sausage-manufacturing firm and one dairy. Fines of 10 florins were imposed.

New Zealand.

See under Convention No. 89.

Union of South Africa.

Very few exemptions are granted from the provisions of section 54 (4) of the Factories Act, which permits the employment of women during the night in specific circumstances. In such circumstances, employers are usually required to make special arrangements to ensure that the women have transport facilities for returning home after work.

Certain wage regulations applying, in particular to the fish and preserved-food industries, replace

the provisions of the Factories Act concerning the control of the employment of women at night in the industries concerned. The provisions of these regulations are no less favourable in this respect than the Factories Act. Seasonal exemptions were granted in connection with the processing of perishable raw materials but did not involve the employment of women after 10 p.m. Extra remuneration for such night work was made a condition of the exemption, so as to preclude abuse.

Venezuela.

The report gives additional details regarding the legislation which ensures the application of

the various Articles of the Convention, as well as information on the organisation of the inspection service and concerning the authorities responsible for ensuring compliance with the legislation.

The Resolution of 6 May 1939, adopted as an exceptional measure to authorise the employment of women up to 10 p.m. in work connected with fairs and public exhibitions, is no longer applied.

The report from *Burma* refers to the information previously supplied.

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
Argentina	14. 3.1950
Austria	26. 2.1936
Belgium	3. 8.1949
Brazil	8. 6.1936
Bulgaria	29.12.1949
Cuba	22.10.1936
Czechoslovakia	1. 7.1949
Denmark	22. 6.1939
Finland	20. 1.1950
France	17. 5.1948
Hungary	17. 6.1935
Iraq	25. 7.1941
Ireland	15. 3.1937
Japan	6. 6.1936
Mexico	20. 5.1937
Netherlands	1. 9.1939
New Zealand	29. 3.1938
Norway	21. 5.1935
Poland	29. 9.1948
Sweden	24. 2.1937
Turkey	27.12.1946
Union of South Africa	26. 2.1952
United Kingdom	29. 4.1936

Argentina.

The report contains detailed information on the provisions of the national legislation regarding employment injuries.

During the period in question one decision was given by the courts.

Austria.

Federal Act of 25 October 1950, to amend and supplement the Federal Act of 15 October 1948 modifying the provisions of social insurance law and providing for the payment of cost-of-food allowances (L.S. 1948—Aus. 1—C).

For statistical information see under Convention No. 17.

Belgium.

Act of 24 July 1927, respecting compensation for injury caused by occupational diseases (L.S. 1927—Bel. 7).

Royal Order of 25 April 1951, issuing the list of occupational diseases and specifying, in respect of each, the industries or occupations in which the victim is entitled to compensation, as well as the categories of workers entitled to compensation.

Royal Order of 15 May 1951, to increase the supplementary allowances granted by the Order of the Regent of 23 May 1949 to certain beneficiaries under the Act of 24 July 1927 respecting compensation for injury caused by occupational diseases.

Various Orders, enacted between 1944 and 1948, respecting compensation payable for injury caused by occupational diseases.

The Government refers to the information regarding the measures for the enforcement of regulations and administrative provisions which was supplied in its report for Convention No. 18.

The report of the governing body of the Welfare Fund for Victims of Occupational Diseases, which is appended to the report for Convention No. 18, contains statistical data relating to the period 1940-1949.

Brazil.

The report contains a list of occupational diseases and the corresponding trades, industries or processes (Ordinance of the Minister of Labour, Industry and Commerce, dated 30 May 1947).

The authorities responsible for the enforcement of the legislation are the Ministry of Labour, Industry and Commerce, through the labour inspectors and regional offices (National Labour Department), the inspectors of the social insurance institutions under the supervision of the Minister of Labour, as well as the judicial authorities and the police.

Detailed information as to the procedure to be followed by the authorities in case of accidents is supplied. All cases must be reported to the competent authority within 24 hours. In case of death, an enquiry is made by the police and reported immediately to the judicial authority. Full information is given concerning penalties and sanctions for contravention of the legislative provisions.

Although the Constitution of Brazil grants labour courts powers of conciliation and arbitra-

tion in individual and collective disputes, it also lays down that disputes relating to industrial accidents come under the jurisdiction of ordinary courts.

The report refers to some decisions given by the Federal Supreme Court.

Finland (first report).

Act No. 139 of 12 May 1939 (as amended by Act No. 955 of 30 December 1948 (L.S. 1948—Fin. 5)), respecting compensation for occupational diseases.

Order No. 180 of 6 April 1950, to add to the list of occupational diseases pathological manifestations due to streptomycin.

The Government states that compensation for occupational diseases is granted according to the same principles as compensation for industrial accidents, under the Act respecting the insurance of wage-earning employees against accidents and under the Act respecting the right of persons in State employment or official positions to compensation for accidents.

The Act of 30 December 1948 gives the list of occupational diseases. This list contains all the diseases enumerated in the schedule to Article 2 of the Convention, as well as various other diseases. The list may be revised and supplemented by Order.

The application of the legislation concerning occupational diseases is supervised in the same way as the legislation concerning industrial accidents.

Statistical information is supplied for the period 1938-1944.

France.

Act No. 50-986 of 17 August 1950, to extend to Algeria Act No. 49-1,111 of 2 August 1949, to increase the benefits granted under the legislation concerning industrial accidents.

Act No. 51-708 of 7 June 1951, to modify Act No. 46-2,426 of 30 October 1946.

Decree No. 50-1,082 of 31 August 1950, to modify and to supplement the tables of occupational diseases appended to Decree No. 46-2,959 of 31 December 1946 concerning public administrative regulations issued in application of Act No. 46-2,426 of 30 October 1946.

Decree No. 50-1,533 of 9 December 1950, to modify and to supplement the tables of occupational diseases appended to Decree No. 46-2,959 of 31 December 1946 concerning public administrative regulations issued in application of Act No. 46-2,426 of 30 October 1946.

Decree No. 50-1,289 of 16 October 1950 concerning medical and technical measures for the prevention of silicosis.

Decree No. 51-508 of 4 May 1951, to issue general instructions relating to the working of hard coal mines, and respecting, in particular, hygiene and safety measures for surface equipment and underground work.

The report states that, when the above-mentioned texts were revised, due consideration was given to technical development in industry and to the use of new chemical substances. The final drafting of the modifying texts, which contain other provisions concerning, in particular, exposure to risk, has not yet been completed.

Statistical data show that 4,057 cases of occupational diseases were reported; compensation was paid in respect of 1,935 cases.

Ireland.

Statistical data for 1949, showing that £2,214 was paid as compensation in respect of 33 cases of occupational diseases, are given in an appendix to the report.

Mexico.

The report reproduces several important decisions awarded by the Supreme Court of Justice in connection with industrial diseases.

Netherlands.

Statistical information is given showing that 983 cases of occupational diseases (seven of which were fatal) were reported; the total expenditure involved was 4,131,800 florins.

New Zealand.

Nine cases of occupational diseases, one of which was fatal, were reported during 1950.

Poland.

See under Convention No. 17.

Sweden.

Act of 27 April 1951, to amend the Act of 14 June 1929 respecting insurance against certain occupational diseases.

Royal Decree of 1 June 1951, to amend the Royal Decree of 24 November 1944 containing special provisions relating to the application of the Act of 14 June 1929.

The above-mentioned legislation concerns additions to the list of occupational diseases. These additions do not affect the application of the Convention.

Turkey.

The report includes statistical data for the years 1948, 1949 and 1950 relating to the number of cases of occupational diseases and the amount paid out in respect of medical treatment and compensation. In 1950, 60 cases were reported and compensated. The total expenditure was 26,569.69 Turkish pounds.

United Kingdom.

Various Amendment Regulations (Prescribed Diseases), issued in 1950/1951.

The new Regulations do not affect the application of the Convention.

Statistical information is supplied with regard to the cases of pneumoconiosis and byssinosis diagnosed in 1950 (Great Britain); no cases of lead poisoning or pneumoconiosis were reported during 1950, the chief cause of incapacity amongst prescribed diseases being industrial dermatitis (Northern Ireland).

The reports from the following countries either reproduce, or refer to, the information previously supplied:

Cuba, Denmark, Norway.

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
Belgium	4. 8.1937
Bulgaria	29.12.1949
Czechoslovakia	19. 9.1938
France	5. 2.1938
Ireland	15. 5.1939
Mexico	9. 3.1938
Norway	21. 5.1935
United Kingdom	13. 1.1937

Mexico.
Decree published on 26 February 1938, concerning the promulgation of the Convention.
The report refers to the above-mentioned legislation.
The reports from the following countries either reproduce, or refer to, the information reviously supplied:
Belgium, France, Ireland, Norway, United Kingdom.

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
Bulgaria	29.12.1949
Czechoslovakia	12. 6.1950
France	21. 2.1949
Ireland	10. 6.1937
New Zealand	29. 3.1938
Switzerland	14. 6.1939
United Kingdom	29. 4.1936

France.
Decree of 12 March 1951, to fix the conditions for the granting of unemployment allowances.
Order of 20 March 1951, to limit the payment of partial unemployment allowances for certain occupations.
French regulations provide for the payment of allowances to persons who are totally or partially unemployed in cases where, owing to the state of the employment market in the district in which they reside, it is not possible to direct them to employment.
The above-mentioned Decree of 12 March 1951 consolidates in one single text, with certain modifications, all existing enactments and, in particular, brings these enactments into conformity with the provisions of the Convention.
The Decree also extends the right to unemployment allowances to young graduates from university, State schools and vocational training schools, in cases where the manpower services are unable to place them in employment within six months from the date on which they complete their studies.
In addition, this Decree authorises the granting of subsidies, in certain circumstances, to voluntary unemployment insurance funds set up by workers', employers' or mixed trade unions, craft guilds,

mutual benefit societies and all occupational or inter-occupational associations of any kind which are bodies corporate.
Benefits are payable when at least 20 per cent. of the staff of an undertaking or of part of an undertaking are partially unemployed, provided that the number of unemployed persons is not less than five. Allowances are granted to unemployed persons who, while remaining bound to their employer by a contract of employment, incur a loss in wages either because the establishment in which they are employed suspends operations temporarily or because the normal hours of work are reduced. In the latter case, allowances are payable when hours of work are less than the statutory number (in principle, 40 per week).
Partial unemployment benefit for hours lost is fixed at one-eightieth of the allowances to which salaried employees would be entitled for any period of 14 days' total unemployment.
In the case of salaried employees who are normally called upon to work more than 40 hours per week, the allowance for each hour lost is equal to the amount obtained by dividing the weekly allowance for total unemployment by the statutory number of hours of work. However, the total amount received in partial unemployment allowances and actual wages may not exceed a fixed maximum for the 14-day period in question. Married women and young persons who live with their parents are eligible for benefits, calculated on the basis of the bonuses provided for in respect of total employment.
In principle, and subject to certain exceptions, allowances may not be paid for more than 160 hours during six months. On the other hand, an Order of 20 March 1951 authorises the limitation or suspension of partial unemployment allowances in respect of certain occupations, according to the actual state of the employment market.

The Decree of 12 March 1951, to fix the conditions for the payment of unemployment allowances, makes no distinction as regards the persons entitled to partial unemployment allowances. Limiting Orders which authorise unemployment insurance only for the industrial sector have been necessitated by the effects of the existing economic situation. Exceptions to the limitations provided for in such Orders are granted by the Ministry of Labour.

In pursuance of the Decree of 12 March 1951 joint departmental committees have been constituted for the purpose of examining and giving advice on any complaints made by unemployed persons.

The report contains detailed information regarding the organisation and system for the payment of total and partial unemployment allowances, as well as figures showing the amounts expended in assistance to unemployed persons during 1950.

Ireland.

The total insured population at the beginning of October 1950 was 502,208. Approximately 12,000 persons were covered by certificates of exception, issued in accordance with Article 2, subparagraph (d), of the Convention.

During the financial year 1949-1950, approximately £931,500 was paid by way of employment benefit. The State contribution to the unemployment fund for the same year was £447,500.

New Zealand.

Social Security Amendment Act, 1950.

Under the above-named Act the maximum weekly unemployment allowances are now as follows: £1 12s. 6d. to applicants between 16 and 20 years of age without dependants; £2 12s. 6d. to all other applicants; and £2 12s. 6d. in respect of the applicant's wife. During the year ended 31 March 1951 there were 172 applications for unemployment allowances; payment was made in 115 cases. The total amount in payments was £5,355. There were ten allowances in force as at 31 March 1951.

Switzerland.

The provisions of the Decrees of the Federal Council of 14 July and 18 September 1942, respecting assistance to unemployed persons during the emergency period caused by the war, continue to be applied. However, on 22 June 1951, the Federal Parliament adopted an Act on Unemployment Insurance which would replace this emergency legislation as from 1 January 1952.

The new Act adapts unemployment insurance provisions to present-day conditions. Although the basic principles remain the same, the following changes have been made: unemployment allowances are adapted to the present level of earnings by raising from 18 to 24 Swiss francs a day the maximum amount of earnings to be taken into account in computing these allowances; rates of benefit have also been increased; in future married women will be treated on an equal footing with other insured persons, which was not the case under the former provisions; the new Act makes no distinction between partial and total unem-

ployment; the maximum benefit period in normal circumstances remains fixed at 90 days per year. In case of widespread and prolonged unemployment, however, this period may be extended to 120, or even 150, days. On the other hand, the Act contains no provisions respecting the granting of emergency assistance to indigent unemployed persons.

New methods are used for financing the equalisation funds of unemployment insurance institutions. The Federal and cantonal subsidies are even more closely related to the expenditure and assets of the funds than has been the case up to the present.

The new Act devotes special attention to the protection of the insured person's rights, by allowing final appeal to the Federal Insurance Court.

The provisions of the Federal Order of 12 February 1949, respecting benefits to unemployed persons during periods of cuts in the electricity supply, were not applied in 1950 and ceased to have effect as from 31 December 1950.

There were 582,240 persons insured against unemployment at the end of May 1951, as compared with 578,843 in 1950.

In view of the shortage of domestic servants, 19 vocational training courses for domestic work were organised.

United Kingdom.

Great Britain.

National Health Service Act, 1951, section 4(2).

Various Regulations, issued during 1950 and 1951, concerning national insurance.

National Insurance and Industrial Injuries (Reciprocal Multilateral Agreement) (France and the Netherlands) Order, 1951.

Northern Ireland.

Various Regulations, issued during 1950 and 1951, concerning national insurance.

During the period under review new Regulations relating to seasonal workers were issued and the Regulations dealing with residence and persons abroad, contributions, claims and payments, and the classification of insured persons were amended.

The Regulations on seasonal workers make important modifications in the additional conditions for receipt of benefit which such workers must satisfy during their off-season. A seasonal worker is now defined as "an insured person whose normal employment is for a part or parts only of a year in an occupation or occupations of which the availability or extent varies with the season of the year". The application of the Regulations to an individual case now depends on the claimant's personal employment record and not, as formerly, on his being a member of a class of persons normally employed in a seasonal occupation. A seasonal worker need now prove only that he has had or can reasonably expect to obtain a substantial amount of employment in his current off-season, and not, as previously, in two off-seasons; but he must show that, throughout the preceding two years, he has been registered at an employment exchange whenever unemployed. It is now easier for a seasonal worker to qualify for the full rate of benefit if unemployed during his season. The working of the new arrangement is being kept under close review.

The estimated numbers of persons aged 15 years and over in the total working population in Great Britain in mid-1950 were 22,635,000, comprising

15,389,000 males and 7,246,000 females. The estimated number of employed persons insured in Northern Ireland as of mid-1950 was 475,000. As of 18 June 1951, 214,524 persons were registered as unemployed in the United Kingdom, comprising 190,776 persons in Great Britain and 23,748 persons in Northern Ireland. The approximate outgoings on standard and extended unemployment benefits during the year ended 30 June 1951 were £15.4 million in Great Britain and £1.4 million in Northern Ireland. On 26 June 1951 approxi-

mately 51,900 persons receiving assistance were required to register as unemployed; of these, 24,400 were receiving assistance in addition to unemployment benefits.

Representations were received during the year regarding the regulations on seasonal workers. These were referred to the National Insurance Advisory Committee, which was to review the first year's experience under the new regulations and consider whether their amendment was desirable.

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
Afghanistan	14. 5. 1937
Argentina	14. 3. 1950
Austria	3. 7. 1937
Belgium	4. 8. 1937
Brazil	22. 9. 1938
Bulgaria	29. 12. 1949
Ceylon	20. 12. 1950
Chile	16. 3. 1946
China	2. 12. 1936
Cuba	14. 4. 1936
Czechoslovakia	12. 6. 1950
Egypt	11. 7. 1947
Estonia	4. 6. 1937
Finland	3. 3. 1938
France	25. 1. 1938
Greece	30. 5. 1936
Hungary	19. 12. 1938
India	25. 3. 1938
Indonesia ¹	20. 2. 1937
Ireland	20. 8. 1936
Mexico	21. 2. 1938
Netherlands	20. 2. 1937
New Zealand	29. 3. 1938
Pakistan ²	25. 3. 1938
Peru	8. 11. 1945
Portugal	18. 10. 1937
Sweden	11. 7. 1936
Switzerland	23. 5. 1940
Turkey	21. 4. 1938
Union of South Africa	25. 6. 1936
United Kingdom	18. 7. 1936
Venezuela	20. 11. 1944

¹ Remains bound by this Convention which was previously ratified by the Netherlands. The date given is that on which the ratification by the Netherlands was registered.

² See footnote 3 to Convention No. 1.

Afghanistan.

Regulations of 16 January 1946, to govern the employment of persons in industrial establishments in Afghanistan (L.S. 1946—Afg. 1).

Steps have been taken to incorporate the provisions of the Convention in the above-named Regulations.

Argentina.

The following details supplement the information previously supplied in a voluntary report. The General Directorate of the Inspection Service of the Ministry of Labour and Social Welfare is responsible for the application of the relevant laws and regulations.

As regards the practical application of the Convention, the report refers to the statistics given under Convention No. 1.

Austria.

The Government refers to its report on the application of Convention No. 5 which points out that, contrary to the statement made by the Government representative to the Committee on the Application of Conventions and Recommendations at the 34th Session of the Conference in 1951, the amendment of Federal Act No. 146 of 1 July 1948, respecting the employment of children and young persons, has not yet been undertaken. However, a Bill for the partial amendment of this Act was to be submitted to Parliament in the autumn of 1951 for the purpose of bringing into harmony with the provisions of the Convention those parts of the Act which are not so at present.

During the period under review the number of general inspection services was increased from 16 to 17.

Brazil.

The employment of women underground is strictly prohibited: infringements are subject to fines varying from 100 to 1,000 cruzeiros. The application of the relevant legislation is entrusted, in the Federal District, to the National Labour Department of the Ministry of Labour, Industry and Commerce (Decree No. 5,092 of 15 December 1942) and, in the States, to the regional offices to whom the work is delegated (Decree No. 21,690 of 1 August 1932 and Regulations in pursuance of Decree No. 22,244 of 22 December 1932). The Safety and Hygiene Division of the National Labour Department comprises a section dealing with women and young persons which is responsible for supervising the application of the legislation relating to the conditions of employment of these workers (Decree No. 13,001 of 27 July 1943).

The regional authorities are guided in the performance of their duties by the National Labour Department (Statutes of the National Department of Labour). In addition to the inspectors of the National Labour Department and of the regional offices, the inspectors of the social insurance institutions and of the semi-official bodies which, in general, report to the Ministry, are also competent to exercise the supervision provided for in the legislation.

Greece.

The Mines Inspection Department, which is responsible for ensuring the application of the Convention, has been attached to the Ministry of Industry since the recent reorganisation of Government services. Owing to the financial difficulties confronting Greece there are only two inspectors of mines. However, from the information supplied, it can be concluded that the legislation prohibiting the employment of women in underground work in mines is strictly applied. Moreover, the number of women employed on surface work is itself very limited.

India.

The staff of the Mines Department continues to make surprise visits of inspection to coal mines.

Switzerland.

In Switzerland women are not employed in underground work.

See under Convention No. 5 for information concerning the scope of the Federal Factory Act, which applies also to mines.

Venezuela.

Mines Act of 28 December 1944 and Regulations of the same date in pursuance of the Act.

The Legal Council of the Ministry of Labour has been called upon to advise on a number of questions submitted to it by the various employers' and workers' organisations concerned.

The reports from the following countries either reproduce, or refer to, the information previously supplied:

Belgium, Chile, Cuba, Egypt, Finland, France, Ireland, Mexico, Netherlands, New Zealand, Pakistan, Portugal, Sweden, Turkey, Union of South Africa, United Kingdom, Venezuela.

46. Convention limiting hours of work in coal mines (revised 1935)

(Not yet in force)

Countries	Date of registration of ratification
Cuba	14. 4.1936
Mexico	1. 9.1939

Mexico (voluntary report).

The application of the Convention is entrusted to the Secretariat of Labour and Social Welfare, and to the Federal Conciliation and Arbitration Board, the labour inspectors and the Labour Attorney's Office, all of which are attached to the Secretariat of Labour and Social Welfare.

47. Convention concerning the reduction of hours of work to forty a week

(Not yet in force)

Country	Date of registration of ratification
New Zealand	29. 3.1938

New Zealand (voluntary report).

The number of hours overtime authorised by inspectors of factories during the year ended 31 December 1950 amounted to 956,615. As regards the number of workers covered by the relevant legislation, reference is made to the reports supplied for Conventions Nos. 1 and 30.

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
Czechoslovakia	12. 6.1950
Hungary	10. 8.1937
Netherlands	6.10.1938
Poland	21. 3.1938
Spain	8. 7.1937
Yugoslavia	4. 1.1946

Netherlands.

With reference to an observation made in 1951 by the Committee of Experts, the report states that the point raised by the Committee will be taken into consideration in the amendment to the Invalidity Insurance Act which is currently being prepared.

During the period covered by the report three pensions (one widow's pension, one orphan's

pension and one invalidity pension) were granted to persons living in Poland.

Poland.

The Government refers to the information supplied in connection with Conventions Nos. 35 to 40.

Yugoslavia.

Act of 21 January 1950, respecting social insurance for wage-earning employees, salaried employees, public officials and their families (L.S. 1950—Yug. 1).

Foreign nationals working in Yugoslavia as wage earners or officials are insured and are entitled to social insurance benefits on the same basis as Yugoslav nationals. Yugoslavia applies

the provisions of the Convention in respect of States which afford Yugoslav nationals similar treatment and also in respect of States which have not ratified the Convention, subject to the exception laid down in Article 9.

Insured aliens who are in receipt of insurance benefits and who return to their country of origin or to their country of previous residence continue to receive cash benefits if the State in question grants similar treatment to Yugoslav nationals. Yugoslavia concluded an agreement with France on 5 January 1950, based on the principles of the Maintenance of Migrants' Pension Rights Convention (No. 48).

At present 109 pensions are being paid to beneficiaries living abroad, 74 of whom are resident in Czechoslovakia, 11 in France, and the rest in ten other countries.

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
Bulgaria	29. 12. 1949
Czechoslovakia	19. 9. 1938
France	25. 1. 1938
Ireland	10. 6. 1937
Mexico	21. 2. 1938
New Zealand	29. 3. 1938
Norway	21. 7. 1936

Mexico.

Decree published on 16 April 1938, concerning the promulgation of the Convention.

The report refers to the above-mentioned legislation.

The reports from the following countries either reproduce, or refer to, the information previously supplied:

France, Ireland, New Zealand, Norway.

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
Argentina	14. 3.1950
Belgium	26. 7.1948
Japan	8. 9.1938
New Zealand ¹	8. 7.1947
Norway	7. 7.1937
United Kingdom ¹	22. 5.1939

¹ See under "Summary of Annual Reports on the Application of Conventions in Non-Metropolitan Territories".

Argentina (first report).

The report reproduces the information contained in the voluntary report supplied last year.

The report from *Norway* refers to the information previously supplied.

52. Convention concerning annual holidays with pay

This Convention came into force on 22 September 1939

Countries	Date of registration of ratification
Argentina	14. 3.1950
Brazil	22. 9.1938
Bulgaria	29.12.1949
Czechoslovakia	12. 6.1950
Denmark	22. 6.1939
Finland	23. 8.1949
France	23. 8.1939
Israel	22. 8.1951
Mexico	9. 3.1938
New Zealand	10.11.1950

Argentina (first report).

The following information supplements that previously supplied in a voluntary report.

There is no legislation in Argentina concerning interruptions of work due to sickness which are taken into account in calculating annual holidays, but the legislative texts are so flexible that it is possible for the courts to give decisions on this question which are in conformity with the provisions of the Convention. One of the two decisions quoted in legal reviews of 1950 and 1951 ruled that an illness which occurs in the course of holidays to which an employee is entitled may not deprive him of his right to these holidays; the other decision laid down that an employee who falls ill at the beginning of his holidays is entitled to take the remainder of his annual leave once he has recovered.

As regards the first observation made by the Committee of Experts, concerning the prohibition of agreements to relinquish the right to annual holidays (Article 4 of the Convention), the report states that this matter is in fact covered by section 158 of the Commercial Code (as amended) which lays down that any agreement regarding exemption from the liabilities dealt with in the previous sections shall be null and void.

As regards the second observation made by the Committee of Experts, concerning the keeping of records (Article 7 of the Convention), the report adds that section 160 of the Commercial Code lays down that every employer must keep a special register in which is entered all information concerning contracts of employment and other details required under the legislation.

Brazil.

The report supplies the following information in respect of various Articles of the Convention.

Article 1: the national legislation concerning holidays with pay applies to all workers in commerce, industry and agriculture; it is not necessary, therefore, for the competent authority to define the line of division which separates the undertakings and establishments covered by the Convention from those to which the Convention does not apply. The national legislation makes no provision for the exemptions authorised in paragraph 3 of Article 1; the categories of persons in question are not excluded from the application of the Convention.

Article 2: the national legislation provides that days of absence from work shall not be deducted from the holiday period. It also provides that board and lodging, clothing and other allowances in kind are to be included in the remuneration paid to persons taking holidays.

Article 4: the legislation provides that any agreement to relinquish the rights guaranteed thereunder shall be null and void. Thus, any provision or arrangement by which a worker would be deprived of his right to a holiday would be void.

Article 7: the Consolidation of Labour Laws stipulates that employers must keep registers giving all particulars relating to admission to employment, duration and actual existence of employment, holidays, etc. In addition, the legislation provides that the granting of the annual holiday must be entered in the employee's work book and in the register of employees of the establishment.

The application of the provisions of the Convention is ensured by the National Labour Department, in accordance with Legislative Decree No. 5,092 of 15 December 1942. Compliance with these provisions is supervised, in the Federal District, by the labour inspection services of the Supervisory Division, which forms part of the National Labour Department, and in the States, by the regional offices of the Ministry of Labour, Industry and Commerce. It should be noted, however, that in carrying out these supervisory duties the regional offices work under the instructions of the National Labour Department.

All violations of the law with regard to holidays with pay are punishable by fines ranging from 100 to 5,000 cruzeiros.

The reports of the inspectorate for the period July 1950 to June 1951, which contain statistical information showing the number of workers protected by the legislation and the number and nature of violations reported, were not due to be submitted until March 1952. Consequently, the Government does not possess the necessary information to reply to point V of the report form. However, it can be stated that all Brazilian workers are covered by the legislation relating to holidays with pay.

Denmark.

Regulations of 4 April 1951, issued by the Ministry of Labour and Social Affairs, concerning the calculation of holiday allowances, etc., for restaurant staff paid in the form of tips.

Regulations of 26 April 1951, issued by the Ministry of Commerce, concerning holiday allowances for ships' personnel paid in the form of tips.

Regulations of 26 June 1951, issued by the Ministry of Labour and Social Affairs, concerning annual holidays for agricultural workers.

Proceedings were instituted in two cases: as a result six persons had to pay a fine; 14 persons were fined by the court; warnings were issued by the court in three cases in respect of contraventions of section 7, paragraph 3, of the Holidays Act (transfer of holiday stamps).

Finland (first report).

Act of 4 March 1927, respecting labour inspection (L.S. 1927—Fin. 1—A).

Resolution of the Council of Ministers of 4 March 1927 concerning the administration of the above-named Act (L.S. 1927—Fin. 1—B).

Act of 21 April 1939, respecting annual holidays with pay for municipal employees and officials and, in certain cases, for other public servants.

Act of 2 June 1939, respecting annual holidays with pay for seamen (L.S. 1939—Fin. 2).

Act of 27 April 1946, respecting annual holidays with pay for employees (L.S. 1946—Fin. 5).

Act and Ordinance of 2 August 1946, respecting the Labour Council.

Ordinance of 1 November 1946, respecting matters dealt with by the Labour Council.

Ordinance of 2 June 1950, respecting hours of work in the civil service and respecting annual holidays with pay for the civil servants specified in the Ordinance.

Article 1: the Act respecting annual holidays with pay for employees applies to all the undertakings and establishments enumerated in this Article of the Convention and covers all employees bound by a contract of employment or apprenticeship.

The Labour Council is responsible for deciding whether a given employment or employee comes within the scope of the Act. This decision may be given at the request of the Public Prosecutor, a State labour inspector, or a central organisation of workers or employers. The court may submit the case to the Labour Council if the judge deems this necessary or if the person concerned so requests.

The Act does not apply to members of the family of the employer or to persons whose remuneration consists solely of a share in the profits. Annual holidays with pay for civil servants are governed by the Act of 21 April 1939 and the Ordinance of 2 June 1950. Persons employed in inland waterway transport services are covered by the Act of 2 June 1939 respecting annual holidays with pay for seamen.

Article 2: the report states that section 3 of the Act respecting annual holidays with pay lays down that employees are entitled to an annual holiday with pay of at least one working day for each month in which they have worked for not less than 16 working days; the minimum duration of the annual holiday after one year of service is therefore 12 working days.

A young worker who, at the end of the calendar year in question, is under 17 years of age, is entitled to an annual holiday of one-and-a-half working days for each month, i.e., a minimum annual holiday of 18 working days after one year of service.

Religious festivals and other public holidays are not counted as working days; nor is 1 May, although workers are normally required to work on that day.

Employers must give their employees notice of the date of their annual holiday at least a fortnight in advance. Consequently, interruptions of work as a result of sickness cannot be regarded as included in the annual holiday with pay.

Section 5 of the Act respecting annual holidays with pay provides that the holidays shall be taken in one continuous period; however, an employer is entitled to grant in one or more periods the portion of the holiday in excess of nine working days, if this is necessary or if the employee agrees to this arrangement.

The duration of the annual holiday is in proportion to length of service and accrues as follows: one working day for each month of service where the length of service is less than five years; one-

and-a-half working days for each month of service where the length of service exceeds five years; employees in shops and offices and in similar undertakings, or engaged in office work in industrial establishments, who have been employed with the undertaking or establishment for at least ten years, are entitled to an annual holiday of at least one month, provided they have been employed regularly for a period of twelve consecutive months.

Article 3: the report states that an employee is entitled to full wages for every working day of his holiday. However, no account is taken of free lodging in calculating the remuneration payable during the holiday period. A worker who is boarded by his employer and who does not benefit from this advantage during his annual holiday is entitled to compensation. The Act contains detailed provisions concerning the method of calculating remuneration for the holiday period, both as regards persons who are paid on a weekly, monthly, annual or piece-work basis, and as regards persons who work only on certain days or only for a reduced number of hours.

Article 4: in conformity with this Article of the Convention the Act respecting annual holidays with pay forbids an employer to give work to an employee during the holiday period.

Article 5: the report states that employers may deduct from the remuneration due to an employee in respect of his holiday period any remuneration the employee earns during this period by performing work related to his occupation.

On the termination of a contract of employment, an employee is entitled, if he has not taken his annual holiday or received equivalent compensation, to his full wages for the period due to him as annual holidays.

In every workplace in which the supervision of compliance with the provisions respecting hours of work devolves upon the labour inspectorate, the employer is required to keep a register of the annual holidays granted and the remuneration and compensation paid, in order that details relating to the dates of the holiday period and the amount of remuneration and compensatory payments, as well as the basis for their calculation, may be verified where necessary. The form of the register has not been fixed officially but, during their inspection visits, the labour inspectors approve registers or any other documents showing the necessary information.

Article 8: in conformity with this Article of the Convention penalties are prescribed in the following cases: if an employer fails to grant an annual holiday or if he employs the person concerned during the holiday period which he himself has fixed; if an employer fails to pay the remuneration or compensation due for the holiday period; if an employer enters incorrect information in the register of annual holidays and compensatory payments, or changes, loses or falsifies the register, or renders it illegible; and if an employer fails to post up the text of the Act.

The supervision of the application of the legislation is entrusted to the labour inspectorate, which is under the direction of the Ministry of Social Affairs. The legislation respecting annual holidays covers about 850,000 workers.

Mexico.

Decree published on 21 April 1938, concerning the promulgation of the Convention.

The report refers to the above-mentioned legislation.

New Zealand (voluntary report).

Annual Holidays Amendment Act, 1950.

In consequence of the passage of the Annual Holidays Amendment Act, 1950, the system of holiday cards for casual workers has been abolished. Such workers are now placed on the same basis as those whose employment is for less than one year (but for three months or more), provided that, where the period of employment is less than three weeks, the amount payable on termination of employment is one twenty-fifth of the worker's ordinary pay, not for the period of employment but for the time worked by him during that period. The original provision in the Annual Holidays Act, 1944, for the division of the holiday into "two periods of one week each" has been amended by omitting the words "of one week each". Section 7 of the Annual Holidays Act has been amended to provide that the Act shall not apply in cases where a worker is entitled to benefits under any Act, award, agreement or contract of service not less favourable than those under the Act.

In consequence of the abolition of holiday cards, employers are no longer required to keep a record of "the amount for which stamps are affixed to the holiday card".

The report cites the case of *Leonard v. the Auckland Electric Power Board* and other similar cases, where the decision of the court was that payment for the annual holiday should be the worker's remuneration for 40 hours of work at his "ordinary time rate of pay", i.e., the amount fixed by his contract of service or by an award for the 40-hour week without addition on account of penalty payments by the employer for Saturdays or Sundays or on account of overtime. The report also mentions a court decision upholding the right of an employer, under the terms of the contract of service, to deduct an amount overpaid in respect of holiday pay, his justification being that the worker had failed to complete his year of qualifying service for an annual holiday.

According to an estimate as at 15 April 1951, 501,000 workers were covered by the relevant holiday legislation; alleged breaches by employers of the Annual Holidays Act required 653 investigations; 412 warnings were issued, and eight cases resulted in prosecution. Alleged breaches of the regulations by workers necessitated 63 investigations, resulting in 26 warnings and eight prosecutions. The total amount imposed in fines resulting from prosecutions was £34.

Arrears in wages under the Act, paid at the instigation of the Department of Labour and Employment, totalled £2,517 8s. 4d. for the year ended 31 March 1951. During the year the Post and Telegraph Department was called on to cash 47,554 holiday cards, involving the payment of £70,847 8s. 6d.

The report from *France* reproduces the information previously supplied.

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
Belgium	11. 4. 1938
Brazil	12. 10. 1938
Bulgaria	29. 12. 1949
Denmark	13. 7. 1938
Egypt	20. 5. 1939
Estonia	20. 6. 1938
Finland	8. 4. 1947
France	19. 6. 1947
Mexico	1. 9. 1939
New Zealand	29. 3. 1938
Norway	7. 7. 1937
United States	29. 10. 1938

Belgium.

In spite of the efforts made to train new officers, it has not been possible to maintain the full complement required on board each ship in accordance with the relevant regulations. The annual increase in personnel is still too small to meet the ever-growing requirements of the merchant navy consequent upon the expansion of the fleet and the recruitment of seamen and officers of the merchant navy for State services (especially pilots) and for the private and public shipping services of the Belgian Congo. Consequently, the hopes expressed last year (as regards the required manning of all vessels) have not been fulfilled. However, in the absence of "certificated" seamen legally recognised as competent to exercise the functions of officer of the watch, these functions are carried out by seamen holding a diploma, who possess sufficient technical knowledge but have not yet acquired the practical experience necessary for obtaining their certificate. This situation is, unfortunately, likely to persist for another two or three years.

Denmark.

The following information should be added to that given under Article 1 in previous reports: the exceptions permitted in this Article for vessels of less than 200 tons gross registered tonnage are not applied in Denmark, since Danish legislation governing maritime traffic requires that all officers of all Danish vessels must be competent and must possess the appropriate certificates. However, vessels not exceeding 20 gross registered tons engaged in the coasting trade may be under the command of persons not possessing the ap-

propriate certificate provided that they are sober and reliable, have reached 18 years of age, and show that they possess the necessary knowledge to command such vessels and that they have passed the eye test.

The existing legislative provisions are being revised by a special commission.

Finland.

Sections 7 and 24 of the Decree of 25 February 1949, respecting officers in the merchant navy, were amended on 28 July 1950 as follows: (1) where necessary, the Ministry of Commerce and Industry may grant exceptions to the provisions relating to the number and qualifications of officers, provided that such exemptions are not contrary to the spirit of the international Conventions relating to the manning of vessels; (2) in certain cases, service as a second officer may count as service at sea for the purpose of obtaining a master's certificate.

France.

Decree of 4 December 1950, to determine the conditions for the granting of certificates and diplomas for first and second radio officers in the merchant navy.

Decree of 23 May 1951, to issue public administrative regulations respecting the duties to be performed by masters or skippers, first officers or mates on board commercial and fishing vessels.

Decree of 23 May 1951, to issue public administrative regulations respecting the duties to be performed by chief engineers, first engineers and officers of the watch on board commercial and fishing vessels.

Decree of 11 June 1951, to issue public administrative regulations respecting the duties to be performed by engineers and persons in command of pleasure boats.

During the period under review 662 certificates and 294 diplomas were granted.

Mexico.

Decree published on 29 February 1940, to promulgate the Convention.

The report refers to the above-mentioned legislation.

New Zealand.

During the period under review 377 candidates for marine engineers' certificates and 127 candidates for masters' and mates' certificates were examined.

Norway.

During the period 1950-1951 certificates were granted to 1,168 engineer officers and to 2,046 masters and pilots of different categories.

United States.

During 1950-1951, 1,419 licences were issued to masters and deck officers, in most cases for foreign navigation.

During the same period 2,652 certificates were granted to engineers of all categories, mostly for steam navigation. Licences were also granted to 2,435 motor-boat operators and to 397 wireless telegraphists.

The reports from the following countries reproduce the information previously supplied:

Brazil, Egypt.

54. Convention concerning annual holidays with pay for seamen

(Not yet in force)

Countries	Date of registration of ratification
Belgium	11. 4.1938
Bulgaria	29.12.1949
France	19. 6.1947
Mexico	12. 6.1942
United States	29.10.1938

Belgium (voluntary report).

The last collective agreement concluded on 16 April 1948 between shipowners and seamen was slightly amended on 16 March 1950. Senior officers are entitled to 18 days' holiday per year, while junior officers are entitled to 15 days per

year and seamen to 12 days. In addition, all these categories are granted compensatory leave for Sunday work at sea, and officers on oil tankers are granted additional leave.

The general legislation provides that six days of the annual holiday shall be paid at twice the ordinary rate.

Mexico (voluntary report).

Decree published on 20 February 1940, to promulgate the Convention.

The report refers to the above-mentioned legislation.

The report from *France* refers to the information previously supplied.

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
Belgium	11. 4.1938
Bulgaria	29.12.1949
France	19. 6.1947
Mexico	15. 9.1939
United States	29.10.1938

Belgium.

The number of seamen covered by the Convention is estimated at 6,000, although no official statistics are available.

France.

Two decisions by courts of law were reported. The first was an award of the Supreme Court, which ruled that an injury sustained by a seaman as the result of an accident on shore that occurred

while he was proceeding from the vessel where he was employed to his home to take a meal was an employment injury, even though the seaman was not following a direct route. The other decision was given by a justice of the peace in Marseilles who ruled that the cost of the necessary surgical appliances was payable by the shipowner even though the injury had healed, as the supply of such appliances is the direct consequence of an industrial accident. Copies of these decisions are appended to the report.

The report adds, by way of statistical information, that the total amount payable by shipowners is estimated at 600 million francs.

Mexico.

Decree published on 12 February 1941, to promulgate the Convention.

The report refers to the above-mentioned legislation.

United States.

The report refers to the case of *Warren v. United States*, 1951, 340 U.S. 523; the question at issue was whether or not the ratification of the Convention altered existing law, and, after quoting part of the judgment, the report gives the conclusion which was to the effect that "the exceptions permitted by Article 2 of the Convention

are operative by virtue of the general maritime law and no Act of Congress is necessary to give them force".

Consequently the exceptions provided for in Article 2, paragraph 2 (a) (injury incurred otherwise than in the service of the ship), are in conformity with the national legislation.

56. Convention concerning sickness insurance for seamen (1936)

This Convention came into force on 9 December 1949

Countries	Date of registration of ratification
Belgium	3. 8. 1949
Bulgaria	29. 12. 1949
France	9. 12. 1948
United Kingdom	30. 9. 1944

Belgium.

Legislative Order of 28 December 1944, respecting social security for employees (L.S. 1944—Belg. 2).
Legislative Order of 5 February 1945, respecting social security for seamen in the mercantile marine (L.S. 1945—Belg. 10).
Rules of the Relief and Provident Fund for Seamen sailing under the Belgian Flag.

Article 1: the scope of the Convention embraces both sea fishing and the merchant navy. The crews of fishing vessels are covered by the Legislative Order of 28 December 1944 respecting social security for employees, while the crews of merchant vessels are covered by a special social security scheme applied under the Legislative Order of 5 February 1945. The exceptions permitted under the Convention are not generally provided for in either of these texts.

Article 2: cash benefits are payable to insured persons who are unfit for work and deprived of their wages, subject only to the condition that they have contributed to the insurance institution during the month preceding that in which incapacity for work arose. Benefits are granted as from the fourth day of incapacity for a period of one year.

Fishermen covered by the general scheme receive the benefits granted under that scheme. Seamen in the merchant navy receive benefits the rate of which is not identical with those paid under the general scheme, but which, in the main, are at least equivalent.

Both under the seamen's scheme and under the general scheme the benefits paid by the insurance institution may not be received concurrently with other allowances paid in respect of the same incapacity for work, and are not payable in the case of wilful misconduct on the part of the insured person. The definition of "wilful misconduct" includes brawls in which the insured person is the aggressor, accidents occasioned by violent exercise carried out during, or with a

view to participation in, competitions and public entertainments, accidents occasioned by the performance of remunerative work for the account of another person and outside the normal occupation of the person concerned.

Article 3: under both schemes the insured person is entitled to the reimbursement, up to a certain fixed limit, of any medical, pharmaceutical or hospital expenses which he incurs. This benefit is granted for an unlimited period, and continues after the insured person has begun to draw a pension. It is extended to members of his family living under the same roof who are part of his household, and who are not entitled to medical care on any other grounds.

Medical care and pharmaceutical supplies at the expense of the insurance institution are suspended if the seaman concerned is given treatment at the expense of the vessel.

Article 4: (a) cash benefits due to a seaman who falls ill abroad, but who is no longer entitled to his wages, may be assigned in whole or in part to his dependants at home; should no formal assignment be made the insurance institution settles the matter in the best interests of the family; (b) generally speaking, no provision is made for supplementary cash benefits in respect of dependants. However, while the head of the family is ill his dependants continue to receive the family allowances payable under Belgian legislation.

The allowances granted by the Relief Fund for seamen in the merchant navy are fixed at different rates, according to the family responsibilities of the beneficiaries. In addition, the families of such seamen continue to receive family allowances, as under the general scheme.

Article 5: in case of maternity, women who are members of insurance institutions are entitled, during the rest period actually taken by them in the six weeks preceding and following confinement, to benefits equal to 60 per cent. of their contribution income (maximum: 96 francs per working day). In addition, they are paid a childbirth allowance of 500 francs.

Article 6: under the national legislation members of the sickness and invalidity insurance scheme are also affiliated to the old-age and survivors' scheme.

Under the sickness insurance scheme for seamen in the merchant navy, the survivors of a member

of the scheme who was not receiving a pension at the time of his death are granted a funeral allowance equal to three months' wages, up to a maximum of 4,000 francs. This allowance is reduced to 1,000 francs in cases where the deceased was in receipt of a pension.

In addition, the survivors of a member who was not in receipt of a pension, and who had family responsibilities, receive two monthly grants, the amount of which is equal to half the normal relief payment, to alleviate temporarily the absence of income.

Article 7: insurance is not necessarily suspended by the termination of a contract of employment. It is automatically continued if the insured person is involuntarily unemployed. In other cases, the insured person is authorised to continue the payment of his insurance contribution.

Article 8: under the general scheme, in the case of fishermen, employers and employees each contribute 3 per cent. of the employee's wages, the upper limit of which is fixed at 5,000 francs per month.

Under the special scheme for seamen in the merchant navy, the employee contributes 3 per cent. of his wages and the shipowner 2 per cent. (upper limit 5,000 francs per month). The difference between the two contributions, which is to the advantage of the employer, is justified on the grounds that the latter is solely and directly responsible for meeting all expenses in respect of sickness and incapacity for work incurred during the voyage (full payment of wages, medical and hospital care). The insurance institutions, in both schemes, receive a small State contribution.

Article 9: the insurance institutions applying the general scheme were set up originally by employees in the form of mutual sickness insurance societies; they are managed by the members.

The Relief and Provident Fund for seamen sailing under the Belgian flag, which was established under the Act of 21 July 1844, is administered by a governing body composed of equal numbers of shipowners and seamen's representatives and of representatives of the Minister of Communications who are chosen on account of their special duties or their knowledge of sickness insurance.

Article 10: an appeals board has been set up at the Relief and Provident Fund to settle all appeals lodged by insured persons or their survivors.

When an appeal is brought before the board, the insured person is not required to deposit a sum to cover the cost of examining his case. However, if the appeal is dismissed, all expenses arising from the preparation and the examination of the case are payable by the appellant, except where the board decides otherwise. The only reason for this clause is to prevent an excessive number of ill-considered appeals.

Article 11: the existence of a sickness insurance scheme does not affect full compliance with the legislative provisions which ensure more favourable conditions for seamen. Thus wages continue to be paid in full, as well as all the expenses resulting from the provision of medical attention when a seaman falls ill during a voyage.

All seafarers, including fishermen and seamen in the merchant navy, are covered by a compulsory

sickness and invalidity insurance scheme. The numbers insured under this scheme are 4,000 seamen in the merchant navy and 1,900 seamen engaged in sea fishing. No statistics are available relating to cash benefits, while statistics for benefits in kind have not been brought up to date.

France.

A Decree to bring the seamen's insurance scheme into conformity with the legislation on industrial accidents and general social insurance schemes has been submitted for signature to the various Ministers concerned. The main modifications relate to the following points: the extension of benefits to all foreigners resident in France who sail under the French flag; the raising to 180,000 francs of the annual minimum wage taken into account for the purpose of calculating allowances or pensions; the discounting of days of involuntary unemployment as contribution days; and the extension, in the case of invalidity and sickness, of recourse to the assistance of another person.

The following modifications occurred during the period covered by the report: the upper limit of fixed annual wages on which the daily allowance is based was increased from 634,800 francs to 808,800 francs; a contribution from the public authorities amounting to 421 million francs was approved for 1951.

The number of beneficiaries other than pensioners was practically unchanged; however, there were approximately 30,000 pensioners in 1950, and their number continues to increase. The total amount paid out in cash benefits can be estimated at 165 million francs, or an average of 1,400 francs per insured person; the amount of benefits in case of death is estimated at 1,200,000 francs. Benefits in kind amounted to 1,065 million francs. The resources of the insurance scheme are derived from employers' contributions (400 million francs), the contributions of insured persons and pensioners (410 million francs), and the amount contributed by the public authorities (421 million francs).

United Kingdom.

Great Britain.

National Health Service Act, 1951.

Various Orders and Regulations, issued in 1950 and 1951, concerning national insurance, the National Health Service, and industrial injuries.

Northern Ireland.

Health Service (Temporary Provisions) Act (Northern Ireland), 1950.

Various Regulations, issued in 1950 and 1951, concerning national insurance and the health services.

In reply to the observations made by the Committee of Experts, the report states that, in order to prove that the insured person is in fact incapable of work, it may be necessary to require him to undergo a medical examination. If the insured person fails to do so without valid reason, it is considered that the insurance authority is entitled to disqualify him from benefit, on the ground that he has failed to prove that he is incapable of work by reason of sickness; this would comply with Article 2, paragraph 1, of the Convention which provides that "an insured person who is rendered incapable of work and

deprived of his wages by reason of sickness shall be entitled to a cash benefit...”.

As regards medical treatment, the Government considers that the United Kingdom regulations are consistent with Article 2, paragraph 5, of the Convention, which provides that “cash benefit may be reduced or refused in the case of sickness caused by the insured person’s wilful misconduct”. If it is established that a person who is incapable of work could be rendered capable of work if he were willing to undergo medical treatment and he refuses to do so, it is considered that his continued incapacity can only be regarded as the result of his own wilful misconduct. Such disqualification would only be appropriate in exceptional cases of flagrant refusal to undergo

essential treatment and has, in fact, hardly ever been used.

The Government points out that a person can escape disqualification on either of these grounds if he can prove that he has good cause for his failure to undergo medical examination and treatment and if there is provision for insured persons to appeal against such disqualification. These provisions do not apply exclusively to mariners, but are part of the general provisions relating to sickness benefit in the United Kingdom.

Under provisions which became effective on 21 May 1951, beneficiaries pay certain charges towards the cost of dental and optical appliances; grants may be made where payment of these charges would involve hardship.

57. Convention concerning hours of work on board ship and manning

(Not yet in force)

Countries	Date of registration of ratification
Australia	24. 9.1938
Belgium	11. 4.1938
Bulgaria	29.12.1949
Sweden ¹	6. 1.1939
United States	29.10.1938

¹ Conditional ratification.

Belgium (voluntary report).

The last collective agreement concluded between shipowners and seamen, which came into force on 16 April 1948, was slightly amended on 16 March 1950 and its provisions satisfy the requirements of the Convention.

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
Belgium	11. 4. 1938
Brazil	12. 10. 1938
Bulgaria	29. 12. 1949
Canada	10. 9. 1951
France	9. 12. 1948
Iraq	30. 12. 1939
Netherlands	8. 7. 1947
New Zealand	7. 6. 1946
Norway	7. 7. 1937
Sweden	6. 1. 1939
United States ¹	29. 10. 1938

¹ See under "Summary of Annual Reports on the Application of Ratified Conventions in Non-Metropolitan Territories".

Brazil.

In addition to the constitutional regulations which prohibit the employment of children under 14 years of age, special regulations were issued (Decree No. 5,798 of 11 June 1940, section 324 (1)) fixing the minimum age for admission to employment at sea at 16 years. Consequently, the minimum age of 15 years prescribed by the 1936 Convention (this was the principal reason for the revision of Convention No. 7), is lower than the minimum age required by Brazilian legislation. Section 325 of the above-mentioned Decree stipulates that each applicant who registers for employment must produce a birth certificate or similar document.

In addition, a list of the crew, containing particulars of their work books, occupation, identity, etc., must be kept on board each vessel.

The minimum age is fixed at 16 years for all vessels on which services are performed for remuneration, except in the case of warships, which are governed by special legislative provisions.

Work in maritime occupations is subject to inspection by officials of the maritime labour offices; these are specialised units attached to the harbour authorities which work in co-operation with a committee composed of representatives of the Ministries of Agriculture, Labour, Industry and Commerce, Railways and Public Works and employers' and merchant seamen's representatives.

These committees are responsible for the supervision and control of maritime and port employment. Appeals may be made to the Ministry of Labour in matters relating to the application of protective labour laws.

The maritime labour offices have no jurisdiction in disputes between employers and workers on questions relating to labour relations, which are settled in the labour courts.

Certificates of competency are granted by the harbour authorities who are responsible for supervising the application of the Convention.

France.

Act of 29 July 1950, to amend sections 111 and 113 to 117 of the Seamen's Code.

As stated in response to the observations made by the Committee of Experts in 1951, the new legislation prohibits the employment of children under 15 years of age on board any vessel. This prohibition applies to all merchant vessels, to vessels fitted out for deep-sea fishing in Newfoundland, Iceland and Greenland, as well as to any industrial fishing vessel. Children aged 14 years of age and over who have completed compulsory school attendance may be employed in small fishing craft of a type frequently operated by members of the same family. In all cases the national legislation requires a certificate of physical fitness authorising their employment on board. This certificate is issued by a naval doctor after a general examination and an X-ray test. The exception provided for in Article 2, paragraph 2 of the Convention is seldom applied in practice. Moreover, ships' boys form part of the regular crew and are entered as such in ships' articles.

The application and enforcement of these provisions are entrusted to the directors of the shipping registration offices which represent the Ministry of the Merchant Navy in the various ports.

The reports from the following countries either reproduce, or refer to, the information previously supplied:

Netherlands, New Zealand, Norway, Sweden.

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
China	21. 2.1940
New Zealand	8. 7.1947
Norway	26. 8.1938

The reports from the following countries refer to the information previously supplied:

New Zealand, Norway.

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
Bulgaria	29.12.1949
New Zealand	8. 7.1947

New Zealand (first report).

As regards the observations made by the Committee of Experts, the Government refers to the information supplied in the report for Convention No. 59.

61. Convention concerning the reduction of hours of work in the textile industry

(Not yet in force)

Country	Date of registration of ratification
New Zealand	29. 3.1938

New Zealand (voluntary report).

A revised list of legislation or arbitral awards applying the Convention is given in the report.

The Northern Industrial District Flax Mill Employees Award, which was quoted in a previous report, is no longer valid. The number of hours overtime worked in certain branches of the textile industry during the year ended 31 March 1950 amounted to 300,458 in the case of men and to 97,780 in the case of women.

62. Convention concerning safety provisions in the building industry

This Convention came into force on 4 July 1942

Countries	Date of registration of ratification
Belgium	3.10.1951
Bulgaria	29.12.1949
Finland	8. 4.1947
France	16.12.1950
Mexico	4. 7.1941
Netherlands	2. 5.1950
Poland	17. 4.1950
Switzerland	23. 5.1940

Finland.

The discrepancies noted in 1951 by the Committee of Experts on the Application of Conventions and Recommendations will be taken into consideration when the relevant legislation is revised.

During 1950, 87,000 workers were employed in the building industry. The number of accidents in that industry in 1947 was 8,810; 40 of these were fatal and 108 resulted in incapacity for work.

Mexico.

Decree of 4 October 1941, to promulgate the Convention.

The report refers to the above-mentioned legislation.

Switzerland.

Order of the Federal Council of 22 June 1951, concerning the prevention of accidents in the use of cranes and hoisting appliances.

Sections 2, 7, 8, 9, 17, 28, 32 and 34 of the above-mentioned Order deal with matters covered by Article 11 of the Convention. Sections 18, 29 and 31 relate to matters covered by Article 12, and sections 20, 21 and 22 to matters covered by Article 13 of the Convention. Sections 14, 15 and 23 of the Order deal with matters covered by Article 14 of the Convention, and sections 5, 9, 10, 11, 13, 15, 17, 19, 23, 24 and 30 relate to matters covered by Article 15.

The statistical data given in the report indicate a decrease in the number of accidents in the building industry in 1949, accompanied, however, by a decrease in the number of "man years".

In an appendix to the report the Government supplies a triennial report on the effect given to the Safety Provisions (Building) Recommendation, 1937 (No. 53).

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
Australia ¹	5. 9. 1939
Canada	6. 4. 1946
Czechoslovakia	12. 6. 1950
Denmark ²	22. 6. 1939
Egypt ³	5. 10. 1940
Finland ²	8. 4. 1947
France	28. 6. 1951
Ireland	9. 10. 1946
Mexico	16. 7. 1942
Netherlands	9. 3. 1940
New Zealand ¹	18. 1. 1940
Norway ²	29. 3. 1940
Sweden ²	21. 6. 1939
Switzerland ³	23. 5. 1940
Union of South Africa ⁴	8. 8. 1939
United Kingdom	26. 5. 1947

¹ Excluding Part II.
² Excluding Part III.
³ Excluding Parts III and IV.
⁴ Excluding Parts II and IV.

Canada.

All or most of the information required under Parts II, III and IV of the Convention is available in Canada, including Newfoundland, which became the tenth province of Canada in 1949.

The statistics of wages in agriculture indicate the average money earnings by day and by month, with and without board; both "with-board" and "without-board" earnings are money earnings. The "with-board" figures indicate wages paid to employees who are provided with board and lodging by the farmer. The "without-board" figures indicate wages paid to employees who are required to provide their own board and lodging from their money earnings. The difference between wages with or without board gives an indication of the value of board and lodging. Statistics of wages in agriculture do not indicate the normal hours of work of the wage earners

concerned, as this is not practicable. However, quarterly statistics of persons employed in agriculture, by hours worked per week, and by sex, are collected and published.

Denmark.

The Government has considered the observations made in 1951 by the Committee of Experts on the Application of Conventions and Recommendations and has decided to bring Danish statistics on average earnings into conformity with Article 5, paragraph 3, and Article 10, paragraph 2, of the Convention. For the first time statistics on average earnings will be compiled by industries, in accordance with the United Nations *International Standard Industrial Classification of all Economic Activities*. These statistics will relate to the quarter beginning July 1951 and will henceforth be prepared annually. Supplementary statistics on the average earnings of young persons will be compiled for the year 1951 and subsequently every three years.

Statistics on hours actually worked are not compiled in Denmark; the Government has decided to postpone such compilation pending further clarification of the provisions of the Convention on this point, after consultation with the International Labour Office.

In reply to the observation made in 1950 by the Committee of Experts, the report states that the quarterly statistics on earnings do not include bonuses for overtime and shift work, supplements for particularly dirty work, or holiday allowances. However, with the exception of the latter allowances, since 1949 the items mentioned have been included in the annual statistics of earnings. The statutory holiday allowance amounts to 4 per cent. of wages, but the majority of industrial workers receive 4½ per cent., in accordance with the collective agreements concluded between the trade unions and the Danish Employers' Federa-

tion. Index numbers showing the general trend of earnings have not so far been published, but will henceforth be published in the *Statistiske Efterretninger*.

Egypt.

The publication on wages and working hours in July 1949 was forwarded to the International Labour Office in July 1951. The publications relating to July 1950 and January 1951 are in the process of printing.

The Department of Statistics communicates its statistics regularly to the Secretary-General of the Federation of Industries.

Finland.

The report contains references to publications in which statistics of wages and hours of work have appeared during the period under review.

Ireland.

The first publication of the new quarterly statistics of average earnings and hours actually worked appeared in the June 1950 issue of the *Irish Trade Journal and Statistical Bulletin*. These data refer to the first quarter of 1950 and, in future, will replace the former half-yearly returns which were based on a smaller sample of firms.

Owing to printing difficulties the report on trends in wages and hours of work in 1950 has not been published, but the preparation of this report is well advanced, and will include figures up to 1951. An article showing the principal changes in wage rates was published in the June 1950 issue of the above-mentioned periodical.

Mexico

Decree of 14 October 1942, to promulgate the Convention.

The report refers to the above-mentioned legislation.

A report submitted to the Congress in 1951 gives some of the principal data relating to the statistics compiled by the Secretariat of Labour.

Netherlands.

The report gives statistics of wages and hours of work and contains, as in the previous year, a survey on conditions of work in the mining industries.

Statistics of earnings for the principal mining and manufacturing industries, including building and construction, are compiled annually on a voluntary basis. The data refer to a week in September or October and give average earnings per hour and per week, except in the case of coal-mining, where earnings are given per 8-hour working day. For the purpose of constructing index numbers of average earnings per hour, additional information relating to adult male workers in coal-mining, metal industries, textiles, and construction is obtained twice every year. Index numbers of average earnings per hour and per week are compiled annually for the principal manufacturing industries (including building and construction), but for the mining industries such

index numbers are compiled only for average earnings per hour.

Statistics of hours actually worked per week are established on the basis of the same material as that used for the annual statistics of average earnings per week. Hours actually worked are not given for the mining industries.

Statistics of time rates of wages in practically all mining and manufacturing industries, including building and construction, and in agriculture, are established once every year on the basis of the rates fixed by collective agreements or by the Government through the National Conciliation Board. Separate data are given for the main occupations or groups of occupations, with particulars for each sex and for adults and juveniles. The annual publication on the regulation of wages and other conditions of work also contains information on the rates paid for overtime, as well as on the normal hours of work and the number of leave days and public holidays.

Norway.

The plan for new wage statistics for manufacturing, building and construction undertakings was adopted by Parliament on 21 February 1950 and the power to collect summary reports each quarter was granted on 19 February 1951.

The report gives the following information on wage statistics, as compiled at present, for mining, manufacturing, building and construction:

Quarterly statistics of hourly earnings in manufacturing, building and construction are compiled in respect of undertakings which are members of the Norwegian Employers' Confederation and of the Paper Manufacturers' Association.

As from 1951 quarterly statistics for the same group will be compiled on the basis of information from a selection of undertakings, including both those which are and those which are not affiliated to employers' associations, as well as public undertakings. When these statistics have been established, the present quarterly reports for the industrial undertakings affiliated to the above-mentioned organisations will be discontinued, probably from the end of 1951.

Complete statistics exist concerning wages in mining and manufacturing from 1950 and in the building trades from 1951. The data are assembled for one quarter of the year, which varies for the different industries according to the date of expiry of collective agreements, production conditions in the branch of industry concerned, etc.

As from 1951, new and complete reports concerning workers in the construction industry will be collected from public works; these reports will be brief in the case of roads, railways and power stations and detailed in the case of the telegraph system and port and light-house authorities. The former quarterly statistics will be discontinued at the end of the year. Statistics relating to private construction undertakings will be compiled at the same time as brief reports.

Statistics of hours actually worked per week in various industrial sectors, based on the new complete wage statistics, cannot be produced for 1950, as there were certain omissions in the data supplied on this point; the information will be completed as far as possible. Working hours for manufacturing as a whole have been calculated

on the basis of the production statistics for the years 1938, 1939 and 1944-1949, which give hours actually worked per "full week", the latter being calculated according to the number of annual working hours and the number of days worked per year, excluding holidays and other leave days; they also give the number of hours actually worked per "calendar week", calculated on the basis of the average number of annual hours of work divided by the actual number of weeks.

Sweden.

The report gives the following information on the compilation of statistics of the average earnings per hour, per day and per year of agricultural workers (Part IV of the Convention).

Average earnings per hour were calculated on the basis of data relating to all workers for whom statistics of the number of hours worked were previously furnished. Average earnings per hour are obtained by dividing, for various groups, the total sum of earnings by the number of hours worked. In addition, dispersion figures were calculated for individual earnings per hour. In the calculation of earnings per hour in connection with the 1950 wage enquiry, remuneration for work done outside normal hours of work was not taken into account, for the first time, in cases where data on corresponding hours of work were not reported. For this reason, the average earnings per hour in respect of 1949 and 1950 are not directly comparable; the percentage increase in earnings from 1949 to 1950 is probably somewhat higher in reality than would appear from a direct comparison between the calculated average earnings per hour for these two years. Since 1949 no average earnings per day have been calculated, except in respect of workers whose work is of a somewhat temporary nature, and for whom no individual data have been supplied but only general data concerning the number of days worked and the sum of wages paid. Average earnings per year and the distribution of workers according to the amount of their annual earnings

were calculated for workers who performed at least 250 working days during the year.

The report refers to a communication addressed by the Government to the International Labour Office in May 1950 in reply to an observation made that year by the Committee of Experts on the Application of Conventions and Recommendations. This communication states that the information regarding hours of work effected in building and construction industries will not be available until wage statistics are transformed and based on returns in respect of individual workers—a question which is still under consideration.

Switzerland.

The report refers to the most recent publications giving the results of the regular enquiries on wages and hours of work.

Union of South Africa.

The report contains particulars of time rates of wages and normal hours of work of wage earners in the principal manufacturing and construction industries, as well as index numbers of average weekly wage rates of European adult wage earners in each of eight classes of occupation, as at 30 September 1950.

United Kingdom.

For reasons of economy, the reports on time rates of wages and hours of labour, published by the Ministry of Labour and National Service from 1946 to 1950, did not show rates of wages for juveniles (Article 17 of the Convention). The information is available, however, and an appendix to the above-mentioned report for 1951, to be published shortly, will give details of the rates for juveniles in a selection of the most important industries and services.

The reports from the following countries refer to the information previously supplied:

Australia, New Zealand.

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
Belgium ¹	26. 7.1948
New Zealand ¹	8. 7.1947
United Kingdom ¹	24. 8.1943

¹ See under "Summary of Annual 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
New Zealand ¹	8. 7.1947
United Kingdom ¹	24. 8.1943

¹ See under "Summary of Annual Reports on the Application
of Ratified Conventions in Non-Metropolitan Territories".

TWENTY-NINTH SESSION (MONTREAL, 1946)

77. Convention concerning medical examination for fitness for employment in industry of children and young persons

This Convention came into force on 29 December 1950

Countries	Date of registration of ratification
Bulgaria	29. 12. 1949
France	28. 6. 1951
Guatemala	13. 2. 1952
Iraq	13. 1. 1951
Poland	11. 12. 1947

Poland (first report).

Act of 2 July 1924, relating to the employment of women and young persons (L.S. 1924—Pol. 2).

Order of the Minister of Social Welfare of 3 October 1935, respecting the occupations prohibited for young persons and women (L.S. 1935—Pol. 4).

Order of the President of the Republic of 22 August 1927, respecting occupational diseases (L.S. 1927—Pol. 9).

Order of the President of the Republic of 14 July 1927, concerning the labour inspectorate (L.S. 1927—Pol. 8).

Act of 4 February 1950, concerning the social inspection of labour.

Various Circulars, issued by the Ministry of Labour and Social Welfare and the Institute of Social Insurance in 1947, 1949 and 1950.

The Act of 2 July 1924 applies to young persons employed in industrial, mining and metallurgical undertakings, in commercial undertakings, in offices, in communication services and transport, and likewise in other undertakings carried out by way of trade even if not for profit.

A young person under 18 years of age may be admitted to industrial employment provided he produces a certificate from a medical practitioner designated by the labour inspectorate to the effect that the employment in question is not beyond his strength. The document certifying fitness for employment is issued according to the state of health and the degree of physical development of the person concerned and according to the conditions of the employment for which he is applying. When authorising employment in a specified occupation or group of occupations attention is drawn to the list of occupations prohibited for young persons by the Order of 3 October 1935. Medical examinations in the main cities are conducted by special doctors appointed exclusively for this work by the social insurance institutions, in agreement with the labour inspectorate, and in the smaller towns by family doctors belonging to insurance institutions. In some towns preliminary medical examinations are carried out

by the vocational guidance centres which have recently been set up in connection with the employment offices. Section 7 of the Act of 2 July 1924 provides that the labour inspector may, on the basis of the medical practitioner's findings, prohibit the employment of a young person on certain work and may also state the kind of work on which he may be employed. In practice, all medical findings are transmitted to the labour inspector.

As a general rule, there is a medical re-examination every six months. However, if the physical condition of the young person and the nature of his employment raise no doubts as to his fitness for the work, the medical examination may be repeated at yearly intervals. If the nature of the work is such as to have a harmful influence on the young person's bodily structure or if his state of health requires more frequent supervision, he may be required to undergo a medical examination every two or three months.

Section 7 of the Act provides that, at the request of the labour inspector, the management of an undertaking shall be bound to arrange for the examination of a young person by a medical practitioner designated by the labour inspector in order to ascertain that the work on which the young person is employed is not beyond his physical strength or injurious to his development.

The provisions in respect of medical examination apply to young workers of either sex between 15 and 18 years of age. However, section 8 of the Order of the President of the Republic of 22 August 1927 prescribes that, in undertakings in which the workers are exposed to the risk of contracting occupational diseases, the medical examination of all workers, irrespective of their age, should be effected to an extent and at intervals corresponding to the degree to which the employment endangers the workers' health and in any case at least once a year if possible.

In accordance with the Act of 2 July 1924 (sections 6 and 7), medical examinations and medical certificates are free of charge.

Handicapped children and young persons receive vocational training in the schools directed by the Ministry of Education (schools for the blind, for deaf mutes, for those otherwise handicapped, and schools in sanatoria). The Minister of Labour and Social Welfare, acting through the intermediary of the local section concerned with the employment of handicapped persons, places in

employment such of these young persons as have completed their studies.

Employers must keep the work permits issued to young persons and must show them to the labour inspector on request.

Before placing a young person in employment the employment office arranges for his medical examination. The medical findings are communicated to the labour inspectorate. In addition, the social insurance institutions transmit the registers of insured young workers to the inspectorate. On the basis of these registers the labour inspectors request employers to arrange for the medical examination of those young persons who have not been admitted to employment through the intermediary of an employment office and who have not yet been examined by a medical practitioner. By comparing the medical certificates thus established and the lists supplied by the social insurance institutions, the inspectors are in a position to know which of the young persons have not been medically examined. The inspectors then repeat their request to the employers to have the young persons in question medically examined. If this has no effect, the

penalties prescribed by law are applied to the employers concerned.

In addition to the lists of young persons, the offices of the labour inspectorate keep monthly files containing medical certificates and copies of work permits classified according to the dates for the renewal of the medical certificates. On the basis of these documents, the inspectors send out notices requiring medical re-examination.

The application of the provisions concerning labour protection is supervised by the labour inspectorate, which is a public service functioning under the social labour inspection service. It is the duty of the labour inspectors in industrial undertakings to check (1) whether young persons have been examined by a medical practitioner (the authorisation of the labour inspector given on the basis of the medical findings should be kept in the young persons' file) and (2) whether the recommendations of the inspector indicated on the work permit are carried out.

Infringements of the legislation in respect of the medical examination of young persons have been reported only in scattered cases and for the most part in small undertakings.

78. Convention concerning medical examination of children and young persons for fitness for employment in non-industrial occupations

This Convention came into force on 29 December 1950

Countries	Date of registration of ratification
Bulgaria	29.12.1949
France	28. 6.1951
Guatemala	13. 2.1952
Poland	11.12.1947

Poland (first report).

For legislation, see under Convention No. 77.

Young persons employed in both industrial and non-industrial occupations (with the exception of domestic workers) are covered by the Act of 2 July 1924 respecting the employment of women

and young persons and by the other legislative provisions indicated in the Government's report on the application of Convention No. 77. The application of the provisions of Convention No. 78 to young persons employed in non-industrial occupations (with the exception of domestic workers) is consequently based on the same principles as those applied in connection with Convention No. 77.

Up to the present, the legislation has not required the medical examination of young persons employed as domestic workers. However, a Decree of 2 August 1951 respecting the employment and the vocational training of young persons in undertakings provides a basis for the extension of compulsory medical examination to young domestic workers.

79. Convention concerning the restriction of night work of children and young persons in non-industrial occupations

This Convention came into force on 29 December 1950

Countries	Date of registration of ratification
Bulgaria	29.12.1949
Guatemala	13. 2.1952
Poland	11.12.1947

Poland (first report).

Act of 2 July 1924, relating to the employment of women and young persons (L.S. 1924—Pol. 2).
Order of the President of the Republic of 14 July 1927, concerning the labour inspectorate (L.S. 1927—Pol. 8).

Act of 4 February 1950, respecting the social inspection of labour.
Decree of 2 August 1951, respecting the employment and the vocational training of young persons in undertakings.

Section 8 of the Act of 2 July 1924 prohibits the employment of women and young persons at night. It prescribes that the nightly rest of young persons shall amount to not less than 11 consecutive hours and shall include the period between 8 p.m. and 6 a.m. in undertakings working a single shift and the period between 10 p.m. and 5 a.m. in undertakings working on

the two-shift system. The Act applies to employment in industrial, mining and metallurgical undertakings, in commercial undertakings, in offices, in communication services and transport, as well as in other undertakings carried on by way of trade even if not for profit, irrespective of whether the said undertakings are public or private. Domestic

work is not specifically covered by the above legislation, but the number of young persons employed as domestic workers is insignificant.

The Decree of 2 August 1951 respecting the employment and the vocational training of young persons in undertakings prohibits the employment of young workers during the night.

THIRTIETH SESSION (GENEVA, 1947)

81. Convention concerning labour inspection in industry and commerce (1947)

This Convention came into force on 7 April 1950

Countries	Date of registration of ratification
Austria	30. 4. 1949
Bulgaria	29. 12. 1949
Finland	29. 1. 1950
France	16. 12. 1950
Guatemala	13. 2. 1952
Haiti	31. 3. 1952
India	7. 4. 1949
Iraq	13. 1. 1951
Ireland	16. 6. 1951
Netherlands	15. 9. 1951
Norway	5. 1. 1949
Sweden	25. 11. 1949
Switzerland	13. 7. 1949
Turkey	5. 3. 1951
United Kingdom	28. 6. 1949

Austria (first report).

Federal Act of 3 July 1947 (as amended by the Acts of 16 December 1948, 7 December 1949 and 6 December 1950), respecting labour inspection (L.S. 1947—Aus. 3).

Ordinance of the Federal Ministry of Transport and the Ministry of Social Affairs, dated 9 February 1949, concerning regulations for the admittance of labour inspectors to the premises of private railway undertakings (tramways).

Ordinance of the Federal Ministry of Social Affairs, dated 18 March 1950, concerning inspection districts.

General Mines Act of 23 May 1857, as amended on 21 July 1925.

Article 2: no undertakings have been exempted in pursuance of paragraph 2 of Article 2 of the Convention. Undertakings which are not supervised by the labour inspectors in accordance with the Labour Inspection Act are supervised, in the case of transport undertakings, by the transport labour inspection service, and, in the case of mines, by officials of the mining districts who are responsible for supervising the application of labour legislation in such undertakings.

As regards privately owned railways, tramways and cable railways, labour inspection, in accordance with the Railways Act, has hitherto been directed towards ensuring the observance of the general safety regulations, under the supervision of the transport labour inspection service of the Ministry of Transport and Nationalised Undertakings. A Bill which is now being prepared on labour inspection in transport will regulate the activities of the labour protection services, in accordance with the Labour Inspection Act, for all the transport undertakings placed under the control of the above-mentioned Ministry.

Article 3: in addition to the duties provided for in paragraph 1 of this Article, the labour

inspectors are called upon to supervise the training of apprentices and the application of collective agreements.

Article 4: the labour inspection services are under the direct supervision and control of the central labour inspectorate of the Federal Ministry of Social Affairs. The mines inspection service is attached to the Ministry of Commerce and Reconstruction and the transport labour inspection service to the Ministry of Transport and Nationalised Undertakings.

The report states that, in accordance with Article 10 (11) of the Federal Constitution, the adoption of legislative and administrative measures concerning labour protection (with the exception of agricultural and forestry workers) falls within the competence of the Federal Government.

Article 5: effective co-operation between the labour inspectors and the competent authorities, as well as collaboration with the representative organisations of employers and workers, is provided for in the Labour Inspection Act and in the General Mines Act. Similar provisions will be included in the Transport Labour Inspection Bill.

Article 6: the inspection staff is composed of public officials who are either Federal officials or employed by the Confederation on contracts. They are thus guaranteed stability of employment and personal independence in the execution of their duties.

Article 7: in accordance with the public service regulations the inspection staff are recruited solely on the basis of their qualifications. Confirmation of appointment is dependent upon a qualifying examination given towards the end of a probationary period of one year. Inspectors in the higher grades must have completed technical studies at a university, while inspectors of the second grade must have either some technical education or two years' industrial experience. The mines inspectors are required to be graduates of a college of mining.

Inspectors, on first appointment, receive careful training by means of instruction courses and discussions on the observations made during inspections, under the supervision of a district inspector responsible for this training. Subsequent training includes, *inter alia*, participation in technical conferences.

Article 9: the higher grades of inspectors include the following technical experts and specialists: three doctors, 13 construction engineers, 16 mechanical engineers, 18 chemical engineers,

six metallurgical engineers and two physicists. The mines inspectors are mining engineers.

The transport labour inspection service is made up of qualified technicians, including specialists in explosives.

Article 10: the inspection staff is composed of 119 persons of whom 74 are higher grade officials, 34 are in the second grade and 11 in the first grade. The higher grade inspectors deal mainly with undertakings involving special technical problems. There are 19 mines inspectors.

The transport labour inspection service is composed of one director, 11 labour inspectors and two administrative officials; the inspectors do not carry out their work by geographical division, but cover the country as a whole according to their respective fields of specialisation.

Article 11: the inspection services are supplied with a sufficient number of well-equipped offices which are accessible to the public. Where public transport is not available, automobiles are placed at the disposal of the inspectors and their travelling expenses are reimbursed in accordance with regulations applicable throughout the Federal service.

Article 13: under the Labour Inspection Act inspectors are authorised to put before the competent local administrative authority proposals for future action, either when it is necessary to bring conditions into conformity with the requirements of the Act or because there is an imminent danger to the health or safety of the workers. In accordance with the General Mines Act, the mines inspectors are accorded powers similar to those mentioned above and the Bill now under consideration will arrange for transport labour inspectors to have the same powers.

Article 14: the labour inspection service is notified of all employment injuries. Moreover, accident insurance carriers have to report to it the details of every serious accident, and the sickness funds are obliged to inform the inspection service of the results of their investigations concerning occupational diseases.

The General Mines Act requires managers of mines to report industrial accidents or dangerous occurrences immediately to the mining authorities.

The railways insurance institute reports every accident on the Federal railways to the transport labour inspection service which is further informed of every fatal accident, collective accident or accident caused by electric current.

Article 16: undertakings are inspected as frequently as the risk of accident requires, and thoroughly enough to ensure the effective application of the legislative provisions.

As a rule all mines and related premises are inspected annually but, if they involve special risks to the lives and health of the workers, they are inspected at least once every month.

Article 18: labour inspectors may give notice and make recommendations as to the extent of penalties to the local administrative authorities, who are responsible for instituting judicial proceedings. The obstruction of inspectors in the performance of their duties is punishable by fine or imprisonment. The mines inspectors are entitled to impose fines on mine owners, to engage new managers on the owners' account whenever a manager's incompetence constitutes a threat to

the safety of the workers, and to call upon the police authorities to enforce coercive measures.

Article 19: the labour inspection services are required to submit to the Ministry of Social Affairs annual reports on their activities and observations in the field of labour protection. No special reports on labour inspection in the mines are prepared, but every inspection visit is followed by a report including, amongst other things, the observations of the inspector. Information on labour inspection in the transport services is included in the annual reports of the transport labour inspection service.

Article 20: a summary of the reports of the labour inspection services is laid before the National Council and published by the Ministry of Social Affairs. It often includes special articles on matters of particular interest from the point of view of labour protection.

Article 24: inspection in commercial undertakings is carried out in conformity with Articles 3 to 24 of the Convention.

Appendices to the report include the texts of the Labour Inspection Act, 1947, and its amendments, inspection report forms and the labour inspection reports for the years 1947, 1948 and 1949.

Finland (first report).

Act of 4 March 1927, respecting industrial inspection (L.S. 1927—Fin. 1—A).

Resolutions of the Council of Ministers of 4 March 1927 (L.S. 1927—Fin. 1—B), 11 November 1937 and 20 September 1945, concerning the administration of the above-mentioned Act.

Resolution of the Council of Ministers of 21 December 1944, concerning inspection districts assigned to State labour inspectors.

Order of 30 December 1938, concerning the inspection of steam boilers and vessels.

Act and Order of 28 February 1947, concerning collective housing for lumber workers and workers engaged in timber floating.

Various legislative measures, enacted in 1917, 1919, 1929, 1930, 1940, 1946-1949, respecting safety in loading and unloading operations, the use of white lead, hours of work and annual holidays, employment, accident insurance, etc.

Article 1: a system of labour inspection which applies to industrial establishments is in force in Finland.

Article 2: this system applies to all industrial workplaces in which labour inspectors are responsible for ensuring the application of the legislative provisions relating to conditions of work and the protection of workers while engaged in their work. The application of legislative provisions relating to safety in mines is supervised by a special mines inspector; although this inspector does not belong to the general labour inspection service, his collaboration with the latter is ensured by legislation. Transport by ship is not subject to the system of labour inspection, nor are the State railways, except as regards the supervision of legislative provisions respecting general hours of work.

Article 3: the labour inspection service is responsible for supervising the application of the relevant labour protection legislation.

According to the Act respecting industrial inspection, an inspector is required to furnish to the employer, and to the workers' delegate of any undertaking inspected by him, a summary of the report of his visit. The Resolution concerning

the application of this Act requires inspectors to ensure that employers and workers are informed of the usefulness of measures relating to the protection and welfare of workers. Moreover, inspectors are required to furnish information and advice and to issue instructions concerning the protection and welfare of workers. In cases where an inspector has not been given adequate instructions to carry on his activities under the laws and regulations for the protection of workers, or where the inspector is uncertain concerning the interpretation of these laws and regulations, he is bound to ask for further instructions from a higher authority and, in the last resort, from the Ministry of Social Affairs.

In addition to inspection visits, inspection officials are responsible for collecting from employers information concerning industrial statistics. The Government states that these duties are not incompatible with the provisions of paragraph 2 of this Article.

Article 4: the system of labour inspection is under the supervision and control of the Ministry of Social Affairs.

Article 5: the co-operation of the public authorities is required. On the basis of this principle co-operation is maintained between the inspection service and other public services. Municipal authorities are required to give the labour inspectors the requisite assistance in all matters within their jurisdiction and this is also the case for regional and municipal medical officers. Co-operation between inspection services and the Permanent Exhibition on Labour Protection and Industrial Hygiene is ensured by the fact that both are under the authority of the Ministry of Social Affairs. The Industrial Hygiene Institute, which studies occupational diseases, receives an annual subsidy from the Government; collaboration is ensured under an agreement between the Ministry of Social Affairs and this Institute. The Association for the Prevention of Industrial Accidents, which carries on educational activities (two members of the executive board of the Association are nominated by the Council of Ministers), also collaborates with the inspection service. Collaboration between the Ministry of Social Affairs and employers' and workers' organisations takes the form of official committee meetings, requests for information and interpretations, and consultative discussions.

Article 6: labour inspectors are officials appointed by the State or by the municipalities for periods of five years. During this time their status is independent of changes of Government and of improper external influences, and their conditions of service as regards annual leave, sick pay, seniority increments, and old-age and invalidity pensions are the same as those of public officials in general.

Article 7: labour inspectors are appointed by competitive examination, solely on the basis of their professional qualifications, their ability, experience, knowledge of labour conditions, personal aptitudes and specialised training. At least one year's experience as a deputy inspector is required for appointment as a State (regional) inspector. The training of deputy State inspectors and workers' inspectors (who work under the supervision and control of the State (regional) inspectors) is carried out by the State (regional) inspectors;

training subsequent to appointment to the service is ensured by means of annual discussions and by attendance at courses organised by the Industrial Hygiene Institute. The training of municipal inspectors, who supervise small industrial undertakings, handicrafts workshops and commercial undertakings, is carried out by the deputy inspectors.

Article 8: there are no obstacles to the appointment of women to any grade of the service. In view of the fact that both men and women may be appointed as regional inspectors in the same district, the Ministry of Social Affairs is authorised to assign special duties to men and women inspectors.

Article 9: regional inspectors are required to have passed the examinations for engineers at the Advanced Polytechnic School. As inspection duties include the technical supervision of steam and pressure vessels and boilers, regional inspectors are generally mechanical engineers, but chemical and electrical engineers have also been appointed to these posts. Deputy inspectors must be graduate engineers or engineers holding the diploma of the Technological Institute. In practice, as in the case of regional inspectors, the majority of deputy inspectors are mechanical engineers, but there are also chemical and electrical engineers. Women State inspectors are required to have engineering training or an appropriate university degree. In consequence of these arrangements, the inspection staff includes technical experts in engineering, electricity and chemistry, but inasmuch as inspection officials do not necessarily have professional training in all technical branches, the municipal, workers' and deputy inspectors can call upon the regional inspectors and the latter, in turn, upon the Ministry of Social Affairs for all necessary assistance in technical matters. As the inspection staff does not include medical specialists, the Ministry of Social Affairs has entered into an agreement with the Industrial Hygiene Institute whereby the latter furnishes assistance in this field. Moreover, all doctors in the service of the State or of the municipalities are required to furnish assistance to the inspection service. Labour inspectors may also call in the assistance of chemical experts of the Industrial Hygiene Institute and the State Institute for Technical Research for analyses of samples or substances.

Article 10: the application of the criteria laid down in this Article for determining the number of inspectors is ensured under the relevant provision of the Industrial Inspection Act which calls for the inspection of all workplaces at least once a year, if possible. The service includes a State inspector (for each of the eight inspection districts), four women State inspectors, each of whom is responsible for two districts, 21 deputy State inspectors, who are posted to the various districts as necessary, and 15 workers' inspectors. In addition, there are municipal inspectors in practically all municipalities where workplaces subject to inspection are located.

Article 11: the State and municipal budgets provide for the maintenance of suitable local offices, the payment of the necessary transport expenses and the payment of travelling allowances.

Article 12: labour inspectors are empowered at any time to enter workplaces liable to inspection. They have no specific authority under the Act concerning labour inspection to enter premises which may be supposed to be liable to inspection but, in practice, this can be done by calling upon the police authorities for assistance under the general legislation in force. Inspectors have the powers of investigation and enquiry provided for in this Article. They are under the obligation, on the occasion of a visit, to discuss working conditions with the employer or his representative and with the representative of the workers.

Article 13: inspectors are instructed to deliver to the employer a copy of the report they have made if they consider it necessary to make any observations or if they feel that changes or improvements are required. If defects in conditions or installations are observed which are contrary to the legal obligations of the employer, the State inspector issues a written order requiring the employer to remedy the situation within a specified time limit. An appeal against such an order may be lodged with the Ministry of Social Affairs within 30 days. In case of imminent danger of accident or of death, the State or municipal inspector is empowered to order the immediate cessation of work. Such an order remains in effect until the defect has been remedied or until the Ministry has taken a decision to the contrary as the result of an appeal.

Article 14: employers in industrial establishments are required to submit to the inspection service an annual report on employment injuries. Individual cases of accident resulting in death or serious injury must be reported immediately to the police authorities who, in turn, inform the inspection service. All employers are required to keep a register of accidents and occupational diseases, which must be shown to the inspector on request.

Article 15: inspectors are prohibited from owning or managing an establishment subject to inspection, or from having any interest in an undertaking (such as patent rights for manufacturing processes, machinery or installations) which might prevent them from carrying out their duties. They are bound not to divulge any industrial secrets, except where it is necessary to do so in connection with judicial proceedings. The names of persons making complaints are treated as confidential.

Article 16: as prescribed by law, workplaces are inspected at least once a year, if possible. Establishments involving particularly serious risk of employment injury are required to be inspected with special care.

Article 17: State inspectors are bound to indicate, for the purpose of legal proceedings, any infringements subject to penalties under the legislation. It is left to their discretion to institute proceedings in cases of infringement, but several laws relating to the protection of workers provide for increased penalties if an order to remedy a situation is not carried out within the specified time limit.

Article 18: fines or imprisonment are prescribed for any violation of the various provisions relating to the protection of workers. Inspectors are also protected by the provisions of penal law, designed

to protect public officials in general against violence, the threat of violence, or obstruction.

Article 19: State inspectors are required to make to the Ministry of Social Affairs quarterly and annual reports on their activities, as well as on the activities of deputy and workers' inspectors. Municipal inspectors report annually to the State inspectors. The Ministry prescribes the form for annual reports and approves the forms for quarterly and annual statistical reports.

Article 20: the Ministry of Social Affairs publishes in a social review quarterly and annual reports of a general nature on the work of the labour inspectorate. It is proposed to publish the complete annual reports which, during and since the war, have been prepared for the use of the labour inspectors and have been made available to all interested persons at the inspection offices.

Article 21: the annual reports include information on the matters mentioned in this Article, although statistics of employment injuries are not compiled by the inspection service but by the Bureau of Social Research, on the basis of data furnished by the insurance companies.

Articles 22 to 24: the inspection system described above also applies to commercial establishments, which are inspected in the first instance by municipal inspectors working under the supervision of the State inspectors.

Article 26: in case of doubt as to whether an undertaking is covered by the legislation, the question is decided by the Labour Council, or, in certain cases, by a public tribunal.

Article 27: the term "legislative provisions" includes laws, regulations, Resolutions of the Council of Ministers, and Orders issued by the Ministry of Social Affairs. The enforcement of collective agreements is not within the competence of the labour inspection service.

Appended to the report are copies of various forms employed in the work of the inspection service.

India (first report).

Factories Act, 1948 (L.S. 1948—Ind. 4) and Rules framed thereunder.

Executive Instructions to factory inspectors and certifying surgeons.

Article 1: the Factories Act provides for the appointment by the State Governments of inspectors for the purposes of the Act.

Article 2: factories are defined in the Act as premises where ten or more workers are employed and in which a manufacturing process is carried on with the aid of power, or where 20 or more workers are employed and in which power is not used. Mines subject to the provisions of the Indian Mines Act, 1923, and railway running sheds are excluded from the scope of the Factories Act, and are therefore exempt from the application of the Convention.

Article 3: the duties of inspectors of factories, as provided for in Executive Instructions, are in conformity with those laid down in paragraph 1 of this Article.

Article 4: as the regulation of labour in factories is a concurrent subject under the Constitution, the Factories Act was approved by the Union Parlia-

ment and is administered by inspectorates maintained by the State Governments. The office of the Chief Adviser, Factories, under the central Ministry of Labour, maintains liaison between the Central Government and the State factory inspectorates.

Article 5: the Executive Instructions provide that State chief inspectors shall maintain close contact with other Government departments, institutions and organisations whose activities bear on matters within the province of the inspectorates.

Article 6: under the Factories Act every chief inspector and inspector is deemed to be a public servant within the meaning of the Indian Penal Code.

Article 7: the State Public Service Rules and the qualifications for appointment as an inspector are prescribed by the State Governments. The office of the Chief Adviser, Factories, conducts training courses for initial training of inspectors and refresher courses at regular intervals for subsequent training.

Article 8: there is no bar to the appointment of women as inspectors. Where women are appointed special duties are assigned to them.

Article 9: the State inspectorates include a number of technical experts and specialists in engineering and the Governments are taking steps to strengthen the inspectorates in this field and also to appoint some medical inspectors. The staff of the Chief Adviser, Factories, includes experts and specialists in these fields and is closely associated with the State inspectorates in the work of inspection.

Article 10: no legislative provisions relate specifically to the number of inspectors, but the position of the inspectorates in the various States is periodically reviewed by the Central Government and the inspectorates are strengthened with due regard to the provisions of this Article.

Article 11: inspectors are provided with suitable office accommodation, and expenses incurred in the performance of their duties are reimbursed by the State Governments in accordance with service rules. There is no specific legislative provision ensuring conformity with this Article, but the Central Government reviews the position from time to time and makes recommendations to the State Governments in the matter of such facilities for inspection.

Article 12: the powers of inspectors, as laid down in paragraph 1, are provided for in sections 9, 91, and 108 of the Factories Act. The Executive Instructions provide that inspectors should normally notify the employer on arrival at a factory, but they are not under obligation to do so.

Article 13: the provisions of this Article are applied by virtue of section 40 of the Factories Act concerning safety of buildings and machinery.

Article 14: notification to the inspectorates of industrial accidents and specified diseases is required by sections 88 and 89 of the Factories Act. The details of such notifications are prescribed by Rules issued by the State Governments.

Article 15: various provisions of the Factories Act, the Executive Instructions and the Service Rules of the State Governments prohibit inspec-

tors from having any interest in the undertakings under their supervision and from divulging trade secrets or the source of complaints.

Article 16: the Executive Instructions provide that, in general, all new factories shall be visited promptly, and all important factories shall be visited at least once a year. The less important factories, i.e., factories in which only a small number of persons is employed and in which no dangerous or injurious processes are carried on, need not be visited more than once a year unless more frequent visits are considered necessary by the chief inspector. The whole of every factory must be thoroughly inspected within an average period of two years.

Articles 17 and 18: the Factories Act and the Executive Instructions include provisions concerning penalties for violations of the relevant legislative provisions.

Article 19: the Executive Instructions provide that every inspector shall furnish to the chief inspector a full report of the work done during the preceding week or month, as the chief inspector may direct.

Articles 20 and 21: the State Governments publish annual reports on inspection which contain, among other things, the information called for in Article 21. This information is consolidated in the *Indian Labour Year Book* published by the Central Government.

Articles 22 to 24: as the Government of India has excluded labour inspection in commerce from the scope of ratification, these Articles do not apply.

Article 25: some of the State Governments have enacted legislation to regulate conditions of work in shops, commercial establishments, etc. The extent and scope of such legislation vary from State to State. There is as yet no general Indian legislation covering commercial establishments, but such legislation is being actively considered by the Government. The State legislation in respect of commercial establishments makes provision for the appointment of inspectors.

Article 29: no advantage has been taken of the exemption provided for in this Article.

Sweden (first report).

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).

General Hours of Work Act of 16 May 1930, as amended in 1938, 1945 and 1950.

Hours of Work in the Retail Trade Act of 18 July 1942, as amended in 1945.

Bakery Act of 16 May 1930, as amended in 1939 and 1945.

Statement of Weight Act of 11 March 1932, concerning goods transported by vessels.

Instructions for the Workers' Protection Board, dated 17 December 1948.

Instructions for the labour inspection service, dated 18 June 1949.

Royal Proclamation of 18 June 1949, concerning special inspectors for the supervision of certain work connected with mining.

Royal Proclamation of 17 December 1948, concerning special inspectors for the supervision of certain work within the transport service.

Royal Proclamation of 17 December 1948, concerning special inspectors for the supervision of the production, handling, and storing of explosive and highly inflammable materials.

Royal Proclamation of 17 December 1948, concerning special inspectors for the supervision of electric power current plants.

Royal Proclamation of 30 June 1938, concerning special inspectors for the supervision of the loading and unloading of vessels.

Regulations for the officials of the labour inspection service, issued on 14 June 1951 by the service's central authority, the Workers' Protection Board.

Article 1: in accordance with section 47 of the Workers' Protection Act of 1949, supervision of the application of the Act is carried out by the officials of the labour inspection service and by municipal inspectors. Moreover, the Crown may provide for supervision of special types of undertakings by special inspectors.

Article 2: the Workers' Protection Act is in principle applicable to industrial and non-industrial establishments and to any undertaking where work is carried on for the account of the owner. Mining and transport undertakings are not excluded from the application of the Convention.

Article 3: the functions of the labour inspection service are the same as those laid down in this Article, but inspectors do not supervise the application of legislative provisions relating to wages. No further duties are assigned to labour inspectors.

Article 4: the labour inspection service is under the supervision and control of the Workers' Protection Board, which was set up on 1 January 1949 and became the central authority for labour inspection.

Article 5: every medical practitioner in the service of the State or of a municipality is required to inform the appropriate supervisory authority of any situations which are not in conformity with the provisions of the Workers' Protection Act or the Regulations issued thereunder. Furthermore such medical practitioners, the police authorities, and certain other municipal authorities are required to give all necessary assistance and information to the supervisory officer or authority. The collaboration of governmental authorities is provided for in the Constitution. Supervisory authorities are also required to exchange relevant information. Medical practitioners are required to report promptly to the Medical Board which, in turn, informs the Workers' Protection Board, all cases of illness which might be caused by unhealthy employment.

The Workers' Protection Act prescribes that a safety service must be established in each undertaking; this service must comprise elected safety delegates, the number of which varies according to the number of workers and the kind of work. The labour inspectors are under instructions to collaborate with these delegates and with the safety committees, and to furnish them with advice.

Article 6: all inspectors, including special inspectors, are employed in the service of the State and deal exclusively with inspection and related matters. They are covered by the same service regulations as those which apply to civil servants in general, and consequently are guaranteed against discharge except for serious misconduct, sickness, accidents, etc. As a rule, new officials are engaged as probationers and their appointments are confirmed only after a period of satisfactory service.

Article 7: subject to the conditions for recruitment in the public service, the ordinary inspection staff are recruited solely on the basis of their qualifications as laid down in the instructions for the labour inspection service. Engineers employed by mining undertakings are appointed as special inspectors for the undertakings in which they are employed. The inspectors who are responsible for the supervision of working conditions in railways, tramways, automobile and bus services must have special qualifications in this field. Newly appointed inspectors receive practical training under the supervision of more experienced inspectors, and it is the duty of the labour inspector in charge to ensure that every inspector acquires such comprehensive training as is suitable to his qualifications. Subsequent training is carried out through annual meetings of the chiefs of the various inspection districts at which general and technical discussions are held. Inspectors may be invited by other government authorities to attend information courses on the application of new or amended legislation.

Article 8: there is no legislative provision reserving particular posts within the labour inspection service for men or women exclusively. However, in practice, women are appointed to the post of social inspector as it is found desirable to have a woman official in every district. At present there are no inspection posts, other than that of social inspector, held by women.

Article 9: all the officials of the inspection service except the social inspectors are required to have thorough technical knowledge and experience. No special requirements are laid down as to a particular kind of technical vocational training. The inspection service comprises officials with various types of technical qualifications. As a rule, the assistant inspectors are educated in technical secondary schools. Since 1913 a medical officer has been attached to the Workers' Protection Board and the duties of this official have been extended since 1947. The Factory Hygiene Department of the Government Institute for Public Health acts as an advisory body to the inspection service. If it is found necessary the Workers' Protection Board is empowered to engage other experts and specialists. Two medical practitioners are attached to each district inspectorate as medical advisers; their collaboration with the technical inspectors may take the form of joint visits to undertakings.

Article 10: for the purposes of labour inspection the country is divided into 11 geographical districts. In 1948 the inspection staff was composed of 11 district inspectors, 16 principal district engineers, 11 social inspectors, 33 district engineers, and 41 assistant inspectors, making a total of 112 persons. The service is so organised that the district inspectors take care of the largest undertakings, while the others are given tasks varying with their education and experience. The social inspectors supervise undertakings involving a lesser degree of risk to safety and health, and where women are mainly employed.

Article 11: offices equipped in accordance with the needs of the service and which are accessible to the public are provided. In their function as inspectors, all the officials are entitled to reimbursement of their travelling expenses in accordance with the general travel regulations.

Article 12: inspectors are invested with the powers necessary for the execution of their supervisory duties, except that visits must not take place during the night unless it is certain that work is in progress. The inspectors usually notify the employer or his representative of their presence for the purpose of inspection, but they may depart from this rule if they find it necessary.

Article 13: the inspectors are empowered to bring to the notice of employers, including authorities in charge of Government undertakings, measures which should be taken to remedy dangerous defects. Such instructions must always be notified in writing, and must allow a reasonable time limit for execution; an appeal may be made to the Workers' Protection Board, which has the right to notify an employer of steps to be taken without the previous intervention of an inspector.

Article 14: the inspection service is notified of industrial accidents and cases of occupational diseases. Employers are required to give notice both to the National Insurance Institute and to the inspection service of accidents for which compensation is payable.

Article 15: inspectors are prohibited from having any interest in the undertakings placed under their supervision, and they are bound to keep secret any information on manufacturing processes they may have acquired. Inspectors are required to treat complaints received from individual workers as confidential.

Article 16: owing to increases in staff in 1949 the Workers' Protection Board has been able to pay more attention to the planning and carrying out of inspection activities, with the result that intervals between visits have been reduced from an average of two years and five months in 1947 to two years in 1950. Control of the thoroughness of visits is ensured by the general supervision exercised by the district inspectors.

Article 17: if any violation has been noted, the inspector may in the first instance give advice or issue a notice for adjustment. If the measures indicated are not carried out, and an imminent danger is considered to exist, the district inspector may order the cessation of operations. It rests with the district inspector to decide what steps shall be taken unless the matter is outside his competence, in which case it is reported to the Workers' Protection Board.

Article 18: penalties for violations are applied in virtue of Chapter 9 of the Workers' Protection Act and of sections 72 and 73 of the corresponding Regulations.

Article 19: inspectors are required to submit to the central authority monthly or annual reports on inspection activities in their respective districts. Forms have been issued for the drafting of these reports.

Article 20: the Workers' Protection Board is required to submit to the Chief of the Social Department annual reports on the activities and observations of the Board and of the district inspectorates. The reports are published through the Social Department.

Article 21: the annual reports on inspection contain information dealing with the subjects mentioned in subparagraphs (a) to (e). As to subparagraphs (f) and (g), information is given

on the cases which have been notified to the district inspectors. A comprehensive statement on industrial accidents and occupational diseases is published by the National Insurance Institute in its yearly report.

Articles 22 to 24: a system of labour inspection in commercial undertakings has existed since the coming into force of the Workers' Protection Act in 1912, and is organised in accordance with the provisions of Articles 3 to 21 above.

Article 25: no such declaration has been made.

Article 26: questions of principle as to the application of the Workers' Protection Act are settled by the Workers' Protection Board, subject to appeal to the Crown.

Article 27: it is not within the competence of the Swedish labour inspectors to supervise the application of arbitration awards or collective agreements.

Article 29: no part of Sweden is excluded from the application of the Convention.

Appended to the report are a number of documents, including copies of the relevant laws and regulations and copies of inspection report forms.

Switzerland (first report).

Federal Act of 18 June 1914, respecting employment in factories (Factories Act).

Order of the Federal Council of 3 October 1919, concerning the application of the Factories Act.

Regulations of 1 April 1949, concerning the organisation and responsibilities of the Federal factory inspectorate.

Federal Act of 13 June 1911, concerning insurance against employment injury.

Order of the Federal Department of Public Economy of 12 August 1937, concerning the collaboration of Federal factory inspectors in accident prevention.

Regulations of 30 April 1947, concerning the medical labour service.

Federal Act of 30 June 1927/24 June 1949, respecting the status of public officials.

Order of the Federal Council of 24 October 1930, concerning reports by Federal officials on their activities.

Article 1: a system of labour inspection in industrial workplaces is ensured by the Federal factory inspectorate, as provided for in section 84 of the Factories Act. Other services engaged in similar activities include the Accident Prevention Service of the National Accident Insurance Institute, which employs a number of inspectors; special inspectorates operating under the authority of the National Institute; and labour inspectorates organised in several cantons. The last-mentioned inspectorates, however, are not exclusively concerned with inspection activities to the same extent as the Federal inspectorates. There are also some local authorities engaged in similar activities.

Article 2: the factory inspectorate is responsible for supervising the application of the Factories Act solely in the establishments which come within the scope of the Act. Mining and transport undertakings are excluded from this scope except insofar as they are direct and integral parts of factories.

Article 3: the functions of the inspectorate are the same as those laid down in paragraph 1 of this Article. With regard to subparagraph (b), these functions are carried out as part of the normal activities of the inspectorate as it is considered that the inspectorate's task is to advise, instruct and

assist rather than to exercise repressive supervision. While the essential responsibility of the inspectorate is to supervise the application of the Factories Act, it also collaborates in supervising the application of the following Federal legislation: the Act of 2 November 1898 respecting the manufacture and sale of matches, the Act of 24 June 1938 respecting the minimum age for admission to employment, and the Act of 12 December 1940 respecting homework. These duties are fully in conformity with the basic responsibilities of the service and do not interfere in any way with the inspection of industrial establishments.

Article 4: the inspectorate is under the supervision and control of the Office of Industry, Arts and Crafts and Labour in the Federal Department of Public Economy. It is a service attached to the Workers' Protection and Labour Legislation Section. The work of the Federal inspectorate is carried out through four regional offices (at Lausanne, Aarau, Zurich and St. Gall).

Article 5: the competent Federal authorities maintain constant liaison with the related cantonal services, through periodical conferences and the issue, from time to time, of information bulletins. Moreover, under the Factories Act, the cantonal authorities are required to submit to the Federal Council biennial written reports on their activities. The regional offices of the Federal inspectorate maintain regular contact with the Accident Prevention Service of the National Insurance Institute, and joint conferences on technical matters are held every three months. Relations are also maintained regularly with private associations to which the National Institute has entrusted certain special functions, and with other bodies engaged in related activities, for instance, the Federal Materials Testing Laboratories.

Collaboration between the inspectorate and employers and workers is ensured, in the first instance, through the Federal Factories Committee, which includes an equal number of employers' and workers' representatives. Such collaboration is also maintained regularly and in various ways, both in the course of, and outside of, visits to factories. Exhibitions relating to industrial hygiene and accident prevention are held at Lausanne and Zurich and are used to furnish advice and assistance to employers, workers and others. A similar exhibition is being organised at St. Gall.

Article 6: the inspection staff is composed of inspectors and deputy inspectors, who are Federal officials appointed by the Federal Council for periods of three years. As these appointments have always been renewed, the inspectors may be considered as having stability of employment. They are covered by the same legislative provisions as those relating to Federal public officials in general. The cantonal and municipal agents are also public officials.

Article 7: the inspection staff is recruited through competitions open to all candidates having the necessary qualifications, and final selection is made after personal interviews. Newly appointed inspectors receive methodical training under the personal supervision of experienced inspectors. Every year the Federal Office organises a course at which instruction in technical safety and

hygiene problems is given by specialists, scientists and persons with practical industrial experience. In addition, inspectors are able to attend scientific meetings organised by universities or other institutions, and they receive a periodical publication dealing with current developments from the Federal Office.

Article 8: women may present themselves as candidates for the service on an equal footing with men, and a number of women have been appointed to the staff.

Article 9: in recruiting staff care is exercised to select persons representative of the major fields of scientific knowledge, with the result that almost all inspectors have university degrees in mechanical, electrical or civil engineering, or in chemistry. In assigning the duties of inspectors account is taken, as far as possible, of their respective fields of specialisation. The Federal Office has also set up a medical labour service, supervised by a medical specialist who assists and advises the regional inspectorates on questions of industrial hygiene and, if necessary, accompanies inspectors in the course of their visits. Where special questions arise in connection with accident prevention, recourse is had to the services of the National Institute.

Article 10: the Federal factory inspectorate includes four regional inspectors and 14 deputy inspectors. In addition, it is necessary to take into account the staff employed by the National Institute and by cantonal authorities. While the staff of the factory inspectorate are assigned duties, as far as possible, in accordance with their specialised knowledge, they usually carry out more comprehensive tasks when making inspection visits.

Article 11: offices equipped in accordance with the needs of the service and accessible to the public are provided; each office also has a library and a hall for holding meetings. The inspectors are reimbursed their travelling expenses in accordance with regulations applicable throughout the Federal service.

Article 12: as laid down in section 87 of the Factories Act and sections 204 to 209 of the Order concerning the application of the Act, inspectors have the powers enumerated in this Article. They usually notify the employer or his representative of their presence for purposes of inspection, but may depart from this rule in exceptional cases.

Article 13: inspection services are empowered to bring to the notice of employers the measures which should be taken to remedy defects. In urgent cases such notices are made in writing and include a time limit within which the employer is to report on the action taken. If the measures indicated are not applied, the cantonal authority is informed with a view to the institution of legal proceedings. The power to apply coercive measures rests with the cantonal authorities.

Article 14: the factory inspectorate is notified of industrial accidents and cases of occupational disease.

Article 15: inspectors are prohibited from having any interest in the undertakings placed under their supervision. They are bound to treat as absolutely confidential their observations, as well as the sources of complaints.

Article 16: as a general rule, the factory inspectors are required to visit once a year the workplaces subject to their supervision. On the basis of statistical reports of inspection visits, the Federal Office may order visits to be made at more or less frequent intervals.

Article 17: the legal prosecution and punishment of contraventions are within the competence of the judicial or administrative authorities of the cantons, and are initiated on the proposal of the inspector to the cantonal government. In fact, contraventions are prosecuted as a matter of course, except in minor cases or cases of first offence, when the inspector may issue a warning.

Article 18: penalties for contraventions are applied in virtue of sections 88 to 92 of the Factories Act. The National Insurance Institute, moreover, can apply a special kind of penalty by increasing the insurance premium rates for undertakings which do not apply necessary and practicable measures to prevent accidents and occupational diseases.

Article 19: the Federal factory inspectors are required to submit to the Federal Office monthly reports and observations on their activities. They also submit biennial reports to the Federal Department of Public Economy in a manner prescribed by the Department.

Article 20: the Federal Office publishes the biennial reports of the regional inspection offices in the autumn of the year following the period to which they relate. It also publishes annually in *La vie économique* information on the working of the Factories Act, as well as a more concise quarterly report. The National Insurance Institute publishes an annual report on its activities.

Article 21: the biennial reports on inspection contain, *inter alia*, information on relevant legislation, the inspection staff, statistics relating to workplaces, inspection visits, contraventions and penalties. The annual reports published by the National Insurance Institute include data concerning visits made by the inspectors of the Institute and by the special inspectors operating under the authority of the Institute, as well as statistics of industrial accidents. Statistics of occupational diseases will be published in future reports.

Articles 22 to 24: these Articles do not apply as the Government of Switzerland has excluded Part II from its acceptance of the Convention by a declaration appended to its ratification.

Article 25: the Federal Office of Industry, Arts and Crafts, and Labour has drafted a general labour Bill, the scope of which includes commercial undertakings and which envisages the maintenance of a system of inspection in such undertakings. At the present time, consultations on the draft are being held with the cantons and economic organisations and it is not possible to foresee the coming into force of a final enactment before 1955.

Article 26: questions concerning the application of the Convention to undertakings or parts of undertakings are settled by the Federal Office of Industry, Arts and Crafts, and Labour, subject to appeal to the Federal Tribunal. No such appeals have been made since the Convention came into force.

Article 27: at present there are no arbitration awards or collective agreements enforceable by the Federal factory inspectors.

Appended to the report are a number of documents, including copies of the relevant laws and regulations and recent inspection reports.

United Kingdom (first report).

Factories Acts, 1937 and 1948 (L.S. 1937—G.B. 2 and 1948—U.K. 6).

Factories Acts (Northern Ireland), 1938 and 1949.

Hours of Employment (Conventions) Act, 1936.

Young Persons (Employment) Act, 1938.

Coal Mines Act, 1911.

Metalliferous Mines Regulation Act, 1872.

Quarries Act (Northern Ireland), 1927.

Truck Amendment Act, 1887.

Truck Act, 1896.

Wages Councils Act, 1945.

Wages Councils Act (Northern Ireland), 1945.

Catering Wages Act, 1943.

Road Haulage Wages Act, 1938.

While the appointment of labour inspectors and the powers conferred on them are provided for in the legislation listed above, the application of the Convention is, to a considerable extent, a matter of administrative action and practice rather than of legislation or of specific administrative regulations.

Articles 1 and 2: in Great Britain the system of labour inspection in industrial workplaces comprises three groups of labour inspectors, namely, (1) Government inspectors of factories, appointed under the Factories Acts, (2) Government inspectors of mines and quarries, appointed under statutes of a similar character relating to mines and quarries, and (3) Government wages inspectors, appointed under the Wages Councils Acts, the Catering Wages Act and the Road Haulage Wages Act. In Northern Ireland there is a substantially similar system of labour inspection.

In addition to labour legislation directed, in particular, towards the protection of workers, there is, in the United Kingdom, a large collection of public safety and health legislation relating, for instance, to the safe and hygienic construction of buildings, fire precautions and means of escape from buildings in case of fire, explosives and highly inflammable substances, and hygienic water supplies, sanitary facilities and drainage arrangements. Such legislation incidentally affords protection to workers, but its administration and enforcement, which is to a great extent carried out by local government authorities, does not take the form of labour inspection, although some use is made of officials of local authorities for the purpose of labour inspection in industrial workplaces.

Powers of enforcement have been conferred on one or more of the three groups of central Government inspectors except, to some extent, as regards transport undertakings. When ratifying the Convention, therefore, the Government stated that it did not propose for the time being to apply the Convention to transport undertakings as a whole but only to such parts of those undertakings as were deemed to be factories and to the loading and unloading of ships. The question, however, of strengthening the labour legislation applying to transport undertakings, and the machinery for its enforcement, has been the subject of special enquiries with a view to the formulation of proposals for amending the legislation in question when a suitable opportunity arises.

Article 3: the duties of inspectors concerned with safety, health and welfare are somewhat wider than paragraph 1 of this Article might be thought to suggest. The factory inspectorate supplies technical information and advice not only to employers and workers but also to many other persons concerned with industrial safety, health or welfare matters, and on other questions besides compliance with the minimum requirements of the law. Moreover, both in the course of their inspections and to some extent elsewhere, inspectors do a great deal of investigation work which throws light on occupational risks and on improved methods of countering them. In Great Britain factory, mines and wages inspectors are not normally employed on extraneous duties. In Northern Ireland factory inspectors and wages inspectors are required to undertake, to a limited extent, some inspections in connection with the payment by employers of national insurance contributions.

Article 4: the systems of labour inspection for industry are under the supervision and control of the Governments of Great Britain and Northern Ireland respectively. In Great Britain the factory and wages inspectorates are now attached to the Ministry of Labour and National Service, and the mines and quarries inspectorate to the Ministry of Fuel and Power. In Northern Ireland factory and wages inspection comes under the Ministry of Labour and National Insurance, and mines and quarries inspection under the Ministry of Commerce. There is some supervision by the central Government of the inspection activities of officials of local government authorities, but it would not be compatible with the national administrative practice to place such officials under the close supervision and control of the central Government.

Article 5: co-operation and collaboration of the kind referred to in this Article is an integral part of the traditions and general attitude of the inspectorates and other bodies. Although there are three groups of inspectors appointed under different statutes and not all attached to the same Government department, they co-operate as part of the system of labour inspection and their functions are not so distinct as their titles might suggest. The report refers to some examples of the numerous arrangements in this respect.

Article 6: inspectors in general have the status and conditions of service of established civil servants so that by tradition and administrative practice they are assured of stability of employment, are independent of changes of government, and are protected against improper external influences.

Article 7: there are regulations made by the Civil Service Commission governing competitions for appointment as factory inspectors or mines and quarries inspectors. Wages inspectors are recruited by special selection among permanent officials of the Ministry of Labour and National Service who appear to the competent authority to be specially qualified for such appointment. Recruitment to the permanent staff of the Ministry is governed by regulations similar to those governing entry into the established civil service generally.

In Great Britain a factory inspector on first appointment serves on probation for two years, during which time he receives careful training

under the immediate supervision of a district inspector and under the general supervision of the superintending inspector. Training arrangements include initiation into the work of inspection through visits to factories with experienced inspectors, and courses of lectures. Confirmation of appointment is dependent upon qualifying in an examination given towards the end of the probationary period. Inspectors recruited to the specialist medical and electrical branches of the service receive training on similar lines but are not required to pass a further qualifying examination for confirmation of their appointment as established civil servants. Inspectors of mines and quarries undergo a period of initial training at headquarters, six months of training in the field under the supervision of an experienced inspector, and another training period at headquarters. They are given further training by means of refresher courses of about ten days at intervals of approximately three years. Wages inspectors undergo a special training course at headquarters, after which they receive systematic instruction from experienced officers in the regional offices.

In Northern Ireland factory inspectors are trained on roughly similar lines but, as the staff is much smaller and the organisation simpler than in Great Britain, their training, including visits to the Safety, Health and Welfare Museum in London and to factories in Great Britain, is largely carried out under the supervision of a deputy chief inspector. Wages inspectors receive instruction from the competent headquarters branch of the Ministry, and practical training in the field in association with an experienced inspector.

Article 8: both men and women are eligible for appointment, except that women are not employed to inspect mines or quarries. There is some special assignment of duties: inspection in the case of some heavy industries and in places where inspection involves a good deal of exceptional physical activity is usually carried out by men.

Article 9: to a considerable extent the rank and file of inspectors are themselves qualified technical experts. Many of the factory inspectors are qualified engineers of one kind or another, or qualified chemists. Mines inspectors have to be qualified mining engineers.

In the factory inspectorate there are three specialist branches, namely, the medical branch, the engineering and chemical branch, and the electrical branch, which co-operate with each other and with the inspectorate generally in matters of occupational safety and health. On the medical side, administration and enforcement of the legislative provisions is assisted by about 1,700 "appointed factory doctors" whose responsibilities include the carrying out of various statutory examinations of workers and young persons, and the investigation of cases of industrial disease. Attached to the factory department are a number of factory canteen advisers who co-operate with the inspectorate and whose primary duty is to advise employers as to the establishment, organisation and management of canteens and other food services for employees. There is also in the factory inspectorate a small branch of five "inspectors of textile particulars", with specialist knowledge of systems of calculating wages in the textile trades.

As regards the mines and quarries inspectorate, inspectors having particular technical and scientific qualifications are recruited to be medical inspectors, electrical inspectors, inspectors of mechanical engineering and also inspectors for special development duties such as roof control and dust prevention and control.

In Northern Ireland the factory inspectorate includes a medical inspector, and the other inspectors have technical qualifications in engineering, electricity or chemistry. Close liaison on technical matters is maintained with the factory department of Great Britain.

Article 10: in Great Britain the factory inspectorate is organised under the chief inspector, assisted by five deputy chief inspectors. Each district is in the charge of a district inspector, with one to three inspectors under him. A superintending inspector is at the head of each division for purposes of administration and co-ordination. In addition, some of the inspectors of the specialist branches have their headquarters in London and some work from other centres. The present authorised strength of the inspectorate is 379, including 16 inspectors in the medical branch, 17 in the engineering and chemical branch, 14 in the electrical branch, and 5 inspectors of textile particulars. The number of inspectors actually in post is below the authorised strength as a result of difficulties in obtaining sufficient candidates of the required quality.

The mines and quarries inspectorate in Great Britain is organised under a chief inspector, assisted by three deputy chief inspectors. The headquarters staff includes 12 specialist inspectors, including medical, electrical, and mechanical engineering inspectors. As regards local organisation, the country is divided into seven divisions, and each division into three or four districts. In addition to headquarters staff, the present authorised numerical strength of the service is 169.

The wages inspectorate in Great Britain is under the general supervision of the chief wages inspector; the inspection staff is distributed, according to the needs of the work, among the various administrative regions of the country. At the end of 1950 the total number of inspectors in post was 198, of whom 46 were women. In Northern Ireland there are 11 factory inspectors, including the chief and two deputy chief inspectors and the medical inspector, an inspector of mines and quarries, and two wages inspectors. The factory inspectorate is assisted in some matters (for instance, hours of work) by other Government inspectors whose main duties are connected with the requirements of the National Insurance Acts.

Article 11: the inspectorates are provided with local offices or accommodation at various convenient centres, with equipment and clerical staff to assist them in carrying out their duties. Arrangements are made for the reimbursement of their travelling and incidental expenses, and allowances are paid to inspectors who use their own motor cars on official business.

Article 12: the various Acts under which the inspectorates are organised and, in particular, sections 62 and 123 of the Factories Act, 1937, as amended, provide for the powers mentioned in paragraph 1 of this Article.

The general practice is for inspectors to notify the employer or his representative of their presence on the occasion of an inspection visit (paragraph 2), but such notification is not necessarily given immediately on arrival at the premises.

Article 13: in accordance with general administrative and judicial practice, the normal procedure followed by inspectors, where measures to remedy defects of the kind in question are not introduced voluntarily on the advice of the inspector, is to apply to a court of law for an Order as to the action to be taken. Applications by inspectors for Orders of this kind are provided for in respect of factories where dangerous conditions or practices or premises are found to exist, and in respect of mines where there is dangerous machinery or plant. Exceptions to this form of procedure are found under the legislation applicable to mines whereby an inspector is empowered to serve on the management a notice requiring a dangerous or defective matter, thing or practice to be remedied, subject to right to appeal, through the Minister, to arbitration.

Article 14: the notification of accidents and cases of occupational disease, and also of "dangerous occurrences" (whether death or disablement is caused or not), is governed by provisions in the legislation relating to factories, to mines and quarries, and to metalliferous mines and quarries. Information relating to the most important occupational diseases in coal mines is at present obtained from such sources as the Ministry of National Insurance records of certificates of disablement from industrial diseases. Powers exist under the Coal Mines Act to require written notice of such diseases to the inspectorate, but it has not been found necessary or desirable to put these powers into effect.

Article 15: the independence and discretion of labour inspectors are achieved in the main on the basis of tradition and administrative practice, reinforced by instruction and training and disciplinary control. There are also some legal provisions to the effect that inspectors may not have an interest in undertakings and respecting the unauthorised disclosure of information obtained in the course of official duties.

Article 16: in planning programmes of inspection visits the objective mentioned in this Article is borne in mind while taking into account such considerations as knowledge of the various premises or undertakings, the nature and complexity of the relevant legislative provisions, the likelihood of conditions having changed materially since the previous visit, and the standard of observance of the law at the premises concerned. The receipt of complaints is also taken into account. The records as to premises inspected and results are reviewed at regular intervals to see whether any special measures appear to be called for, by way of transfers of staff or otherwise, to increase the amount of inspection in particular areas or classes of case.

Articles 17 and 18: the provisions of these Articles are applied in virtue of the above-mentioned legislation.

Article 19: in the factory department the superintending inspectors submit to the chief inspector annual reports dealing with the administration of the relevant legislation and with

developments or problems of special interest so far as the districts in their divisions are concerned. These reports are not in any stereotyped form, though they are always drawn up on broadly similar lines. However, it is the practice of the chief inspector to indicate to the staff each year some selected topics of current interest to which he proposes to devote relatively more space in his annual report for that particular year and on which, therefore, he expects fuller information.

The chief inspector and each divisional inspector of mines are required to make an annual report to the Minister on their activities. According to the Metalliferous Mines Regulation Act, 1872, every inspector is required to make an annual report, and these are combined to form one comprehensive annual report by the chief inspector. In the case of the wages inspectorate, regular monthly reports and quarterly statistical returns are made to the chief wages inspector. In Northern Ireland factory inspectors report to the chief inspector on each inspection, and also report annually, in more general terms, on the state of compliance with the law.

Articles 20 and 21: such reports are published, though not in a single volume covering the whole of the labour inspection system. In Great Britain annual reports are published by the chief inspector of factories and the chief inspector of mines and quarries. Information as to wages inspection is included in the published annual reports of the Ministry of Labour and National Service. In Northern Ireland annual reports are published by the chief inspector of factories and the chief inspector of mines and quarries.

Articles 22 to 24: a declaration having been made in accordance with Article 25 (1), these Articles do not apply.

Article 25: as regards paragraph 3 of this Article, the report states that, at present, labour inspection in commerce is not so systematically provided for and organised as to enable Part II of the Convention to be fully applied. Legal provisions relating to wages in various non-industrial occupations are to a considerable extent enforceable by the wages inspectorate, with the result that, so far as these provisions are concerned,

Part II is in practice applied in respect of commerce as well as of industry. Broadly speaking, the principal other legislative provisions in question are various provisions as to the employment of children or young persons; provisions in the Shops Acts relating to half-holidays, meal times and weekly rest periods for shop assistants; and provisions concerning lighting, seats, washing facilities and facilities for taking meals. Their enforcement is largely a matter for local government authorities. These authorities are not required to furnish to the central Government periodic reports on the administration of the regulations concerned, and it is not possible to say that the inspection arrangements are such, and are so operated in practice, as to comply fully with the requirements of Part II of the Convention. The report recognises that there is a case for strengthening the law, and the machinery for its enforcement, so far as commercial workplaces are concerned, and adds that, although some aspects of the matter have lately been the subject of special enquiry and consideration, it is not possible to forecast the prospects of amending the legislation on the subject.

Article 26: no questions relating to the interpretation of the Convention have had to be settled by the competent authority.

Article 29: the United Kingdom does not propose to have recourse to the exception provided for in this Article.

The report adds that no particular practical difficulties have been encountered in applying the Convention, but there is the general difficulty of finding sufficient qualified manpower for inspectorships as well as for other employments.

Appended to the report are copies of inspection forms, of civil service competition notices (for the posts of inspectors of factories, medical officers and inspectors of mines and quarries), of various legislative texts and factory inspection reports (1949 and 1950) applying to Northern Ireland, and of the annual reports of the Ministry of Labour and National Service for 1949 and 1950, the chief inspector of factories (1949) and the chief inspector of mines (1949).

The report from *Norway* refers to the information previously supplied.

THIRTY-FIRST SESSION (SAN FRANCISCO, 1948)

87. Convention concerning freedom of association and protection of the right to organise

This Convention came into force on 4 July 1950

Countries	Date of registration of ratification
Austria	18.10.1950
Belgium	23.10.1951
Denmark	13. 6.1951
Finland	20. 1.1950
France	28. 6.1951
Guatemala	13. 2.1952
Iceland	19. 8.1950
Mexico	1. 4.1950
Netherlands	7. 3.1950
Norway	4. 7.1949
Pakistan	14. 2.1951
Sweden	25.11.1949
United Kingdom	27. 6.1949

Finland (first report).

Constitution of Finland of 17 July 1919.
Act of 4 January 1919, respecting the right of association.
Act of 1 June 1922, respecting contracts of work (L.S. 1922—Fin. 1).

Article 2: section 1 of the Act respecting the right of association recognises the right to found associations, provided that the objects they pursue are not unlawful or immoral.

Article 3: section 7 of the same Act contains provisions relating to the rules for associations. Societies organised for gain, as well as those set up under a special Act, are excluded from the scope of the Act respecting the right of association.

Article 4: the report refers in detail to sections 21 (a), 21 (b) and 22 of the Act respecting the right of association. Section 21 (a) lays down that if an association engages in unlawful or immoral activities or attempts, in contravention of the law, to continue the activities of a dissolved association, the Ministry of the Interior or the departmental prefect may forbid the association to continue its activities until further notice. This prohibition must be submitted for confirmation to the competent court not later than the first session which takes place after 14 days have elapsed since its notification.

The prohibition may be revoked if it has not been submitted within the prescribed period to the competent court for confirmation, or if the application for the dissolution of an association has not been deposited within the 14 days following the confirmation of the prohibition by the court.

If no judgment has been given on the case on the day fixed and duly notified, the court may declare the prohibition to be invalid.

If an association has been forbidden to continue its activities until further notice, the establishment of a new association which purports to continue the activities of the previous association may not be authorised before the application for dissolution has been given executory effect by a judgment of the court.

Section 21 (b) stipulates that an association must cease its activities immediately the court has declared it to be dissolved or the Ministry of the Interior or the departmental prefect prohibits the functioning of the association until further notice. However, unless the court decides to the contrary, the executive board of the association is authorised, on behalf of the association, to continue its economic activities and to administer its property until the judgment of the court has become final and executory.

Section 22 of the Act respecting the right of association governs the administration and liquidation of the property of a dissolved association.

Article 5: there are no special provisions dealing with the requirements of this Article. Finnish organisations or confederations are free to become affiliated to international workers' and employers' associations.

Article 6: the Act respecting the right of association applies equally to federations and confederations; there are no special provisions on this point.

Article 7: an association acquires legal status as soon as it has been entered in the official registry in accordance with Chapter III of the Act respecting the right of association; however, the registration of associations is not compulsory.

If an association is to be registered, its rules, in accordance with section 7 of the relevant Act, must contain clauses relating to its name, its registered offices, aims, internal organisation and operations.

Article 8: in Finland employers' and workers' organisations are not placed in a special position as regards compliance with the law.

Article 9: section 147 of the Military Penal Code of 30 May 1919 prescribes that men on active military service are liable to disciplinary punishment or discharge from the forces if they are members of a political association; the same also applies to men on active service or men who are called up for periods of military service and who take part in public meetings without the permission of their commanding officer. Associations in defence of their interests have been established by non-commissioned officers and officers. The police force is not subject to any restrictions.

Article 11: the following are the terms of section 34 of the Act of 1 June 1922 respecting contracts of work: "If an employer or his representative prevents a worker from belonging to or joining a lawful association or performing his civic duties, he shall be liable to a fine. The same rule shall apply if a worker interferes with a fellow-worker or with his employer in the same way."

A contract whereby either party binds himself not to belong to an association shall be void.

Netherlands (first report).

Article 9 of the Constitution of the Netherlands.
Act of 22 April 1855 (as amended by the Acts of 2 July 1934 and 13 May 1939), respecting the right of association and of assembly.

The national legislation does not contain any special provisions relating to trade union rights. Article 9 of the Constitution recognises the right of association of the inhabitants of the country in general, subject to certain restrictions made in the public interest. The exercise of the right of association is governed by the Act of 22 April 1855, as subsequently amended.

Article 2: the application of this Article of the Convention is guaranteed by Article 9 of the Constitution and by section 1 of the Act of 1855. The foundation of any organisation, including industrial organisations, is not subject to any special formality. In order to acquire legal status an organisation must be recognised by the law or by the Crown (section 5 of the Act of 1855); recognition may not be refused except for reasons of public interest. Organisations which constitute a danger to public order, namely, organisations whose activities are intended, or are likely, to cause disobedience or infringement of the legislation, incitement to immorality, or to prevent individuals from exercising their rights, are prohibited.

Article 3: the rules and aims of industrial associations are not governed by any specific legislative provisions, but such associations must not run counter to the public interest (section 3 of the Act of 1855).

Article 4: there are no special regulations concerning the dissolution or suspension of industrial associations. However, the civil courts prohibit the establishment of organisations which are contrary to the public interest.

Article 5: there are no provisions in the national legislation relating to the affiliation of national industrial associations with international organisations.

Article 6: the provisions concerning organisations also apply to federations.

Article 7: the acquisition of legal status is governed by sections 5 to 9 of the Act of 1855. Legal status is acquired by virtue of legislation, or, for a period of at least 30 years, by Royal Sanction. The acquisition of legal status may not be refused except for reasons of public interest and by a Decree stating the reasons for refusal. The approval of the statutes or regulations of an organisation is sufficient to confer legal status on the organisation (section 6 of the Act of 1855).

Article 8: information concerning this Article has been supplied in the previous paragraph.

The report also states that, under section 140 of the Penal Code, membership of an organisation the objects of which constitute an offence renders the members liable to a maximum term of imprisonment of five years. Persons belonging to an organisation which is prohibited by law are liable to a maximum fine of 300 florins or to one year's imprisonment. In the case of founders of such organisations the penalties may be increased by one-third. During periods of martial law meetings and conferences are subject to certain restrictions.

Article 9: there are no restrictive provisions applicable to the police force. The only restrictions imposed on the armed forces are those necessary for reasons of military discipline. In fact, section 17 of the regulations concerning military discipline states that members of the armed forces may not join any organisation the aims or activities of which are incompatible with the nature of the land or sea forces or with the maintenance of military discipline.

Article 11: there are no provisions which prevent the foundation of workers' or employers' organisations; for this reason, it has not been considered necessary to take special measures to safeguard the right to organise.

Norway (first report).

Act of 5 May 1927, concerning labour disputes (L.S. 1927—Nor. 1).

Provisional Act of December 1951, respecting the right of association of supervisory staff in private industry.

According to the Norwegian interpretation of the legislation citizens have the right to establish organisations and to determine their regulations and activities without interference from the public authorities. Every individual has the right to belong to an organisation. These principles apply equally to organisations created by employers and workers in the defence of their interests. This practice is based on common law and is not explicitly provided for in the Act respecting the right of association.

Articles 1, 2 and 3: reference is made to the information given in the previous paragraph.

Article 4: there are no legislative provisions authorising the dissolution or suspension of employers' or workers' organisations by administrative action.

Article 5: employers' and workers' organisations are entitled to form federations and to become affiliated with international organisations, either as individual organisations or as federations.

Article 6: the information supplied in respect of Articles 2 to 4 also applies to federations and confederations of employers' and workers' organisations.

Article 7: in order to acquire legal status an organisation must possess some body, such as a committee or board of directors, which represents the organisation. Registration is not a condition for the acquisition of legal status; however, before an organisation is officially recognised, it must comply with a certain number of rules.

Article 8: Norwegian legislation contains a certain number of provisions relating to the independence and security of the State, public order, etc. These provisions apply to employers' and workers' organisations alike. It should be

noted that the Government has adopted certain legislative provisions concerning the amicable settlement of labour disputes; these provisions are contained in the Act of 5 May 1927 respecting labour disputes and state, amongst other things, that, at the request of the Government department concerned or the State Conciliator, federations and confederations of workers' or employers' associations must provide all the necessary information concerning the organisation of an association or federation, its membership, etc.

Article 9: members of the armed forces and the police force are free to form their own organisations and have exercised this right.

Article 10: freedom of association and the right to organise are governed in the case of supervisory staff in private industry by a provisional Act approved in December 1951. Section 3 of this Act states that supervisory staff are entitled to decide whether or not they will join a workers' union. Employers are not permitted to make the conclusion of a contract of service subject to any conditions whatsoever. This Act, the text of which will shortly be published in the official gazette of the Government, finds its origin in a dispute between the General Confederation of Trade Unions and the Norwegian Employers' Confederation. The question at issue was whether foremen could join a union whose membership included workers subordinate to them in the undertaking.

Appended to the report are the texts of three decisions given by the Labour Court on matters connected with freedom of association. One of these decisions, dated 7 November 1932, annuls those clauses in a contract of employment in virtue of which the workers undertake not to join the Norwegian Confederation of Trade Unions or its branches, or any workers' union. The other two decisions relate to the exercise of the right to organise.

Sweden (first report).

Act No. 506 of 11 September 1936 (as amended on 17 May 1940 (L.S. 1940—Swe. 3) and 27 April 1945), respecting the right of association and the right to bargain collectively (L.S. 1936—Swe. 8).

Notification No. 292 of 4 June 1937, concerning the right of State officials to bargain collectively.

Act No. 331 of 17 May 1940, concerning the right of municipal officials to bargain collectively.

Freedom of association has always been considered an indisputable right based on the immemorial civil liberty of the Swedish people. Swedish citizens have the right to form or join associations for the purpose of safeguarding their common interests; in this connection reference may be made to Article 16 of the Constitution of 1809.

Prevailing practice concerning the right to organise was confirmed by the Act of 11 September 1936, as amended. This Act does not apply to State or to municipal employees, but the right of association of these categories of persons has been recognised by Notification No. 292 of 4 June 1937 and Act No. 331 of 17 May 1940.

The report refers to section 3 of the Act of 11 September 1936, as amended on 17 May 1940, which authorises the inclusion by employers in contracts of employment of a provision prohibiting a foreman to be a member of an association the aim of which is to defend the interests of the

employees subordinate to him as against the employer. The report states that this so-called "foreman's clause" has been included in many important collective agreements and, as far as is known, never gives rise to any observations. The Government considers that such a provision may be regarded as not being contrary to the spirit of the Convention.

Article 2: no previous authorisation is necessary in order to establish a trade union association.

Articles 3 to 5: there are no legislative provisions concerning the matters dealt with in these Articles.

Article 6: the information given under Articles 2 to 5 also applies to federations and confederations of workers and employers.

Article 7: in practice the only requirements for the acquisition of legal status are for the organisation concerned to have adopted rules which are reasonably complete and to have elected a committee.

Article 8: there are no special provisions affecting employers' and workers' organisations. The general provisions relating to co-operation with the police are applicable in arranging May Day demonstrations, etc.

Article 9: members of the armed forces and of the police force have been able to form their own associations without any interference. At the end of the period under review the Swedish Policemen's Federation was involved in a wage dispute with the municipal authorities in Stockholm after the failure of negotiations conducted by a conciliation board appointed by the Government.

Article 11: the right to organise is freely exercised by employers and workers with no other legislative basis than the Act of 1936 respecting the right of association and the right to bargain collectively.

Cases of alleged infringements of the right of association have been brought before and decided by the Labour Court, both before and since the ratification of the Convention. No observations have been received from employers' or workers' organisations but certain prominent representatives of the Swedish Federation of Salaried Employees' Organisations who are, at the same time, members of Parliament moved a Private Members' Bill concerning the development of the protection of the right of association. No decision has as yet been taken by Parliament.

United Kingdom (first report).

Trade Union Act, 1871.

Conspiracy and Protection of Property Act, 1875.

Trade Union Amendment Act, 1876.

Trade Disputes Act, 1906.

Trade Union Act, 1913.

Trade Union (Amalgamation) Act, 1917.

Societies (Miscellaneous Provisions) Act, 1940.

The provisions of the Articles of the Convention are implemented by common law and by legislation. At common law there is no restriction on the citizen's right to associate with others for any lawful object. That the usual objects of a trade union are lawful is established by the Trade Union Acts, 1871-1940.

A trade union is defined as any combination, whether temporary or permanent, the principal

objects of which are, under its constitution, the statutory objects. The latter are defined as "the regulation of the relations between workmen and masters or between workmen and workmen or between masters and masters or the imposing of restrictive conditions on the conduct of any trade or business, and also the provision of benefits to members".

Copies of the relevant legislative provisions accompany the report.

There are no substantive or formal conditions that must be fulfilled upon the establishment of trade unions (this term includes an employers' as well as a workers' association).

Seven or more members of a trade union may apply for the trade union to be registered with the registrar of friendly societies.

A trade union may apply its funds for the political objects enumerated in the legislation and subject to the provisions of the law, which require the approval of a majority of the members in a ballot taken in accordance with union rules, the constitution of a separate political fund, and the exemption from contributing thereto of any member who gives notice that he objects.

The legislation makes no provision for the dissolution or suspension of trade unions by the administrative authority.

There are no statutory rules relating to the affiliation of workers' and employers' organisations with international organisations of workers and employers. The right at common law to associate without restriction for any lawful object is enjoyed by workers' and employers' organisations and by federations and confederations of such organisations.

Upon its registration a trade union acquires some of the attributes of a legal personality, for instance, the right to sue in the registered name. But it does not possess a legal personality and has been judicially described as a "near corporation". The requirements for registration are not such as to restrict the application of Articles 2, 3 and 4.

There are provisions of the common law and statute to ensure public order and safety. At common law participation in an unlawful assembly, rout or riot is illegal. An unlawful assembly is defined as an assembly of three or more persons with intent either to commit a crime by open force or to carry out any common purpose, lawful or unlawful, in such a manner as to cause reasonable apprehension of a breach of the peace.

The Public Order Act, 1936, prohibits the wearing at a public place or meeting of a uniform signifying association with a political organisation and associating for the purpose of usurping the functions of the police or armed forces or for the use or display of physical force in promoting any political object. It also provides for controlling or prohibiting public processions which may cause serious disorder.

The Emergency Powers Act, 1920, enables a state of emergency to be declared if it appears that action taken or threatened by any persons, such as interference with the supply and distribution of food, water, fuel or light or the means of locomotion, is calculated to deprive the community of the essentials of life. The regulations must be approved by Parliament and may not make it an offence to take part in a strike or peacefully to persuade other persons to take part therein.

The provisions of the Convention are considered unsuitable in relation to members of the armed forces. As regards the police force, the Police Act, 1919, set up a police federation to enable members to bring to the notice of the authorities all matters affecting their welfare and efficiency other than questions of discipline and promotion. Section 2 of the Act prohibits members of the police force from joining any trade union or association having for its objects to control or influence the conditions of service of any police force.

The right to organise is generally enjoyed by virtue of the existing system of industrial relations and no special measures are considered necessary.

88. Convention concerning the organisation of the employment service

This Convention came into force on 10 August 1950

Countries	Date of registration of ratification
Australia	24.12.1949
Bulgaria	29.12.1949
Canada	24. 8.1950
Cuba	29. 4.1952
Czechoslovakia	12. 6.1950
Guatemala	13. 2.1952
Iraq	22. 6.1951
Netherlands	7. 3.1950
New Zealand	3.12.1949
Norway	4. 7.1949
Sweden	25.11.1949
Switzerland	19. 1.1952
Turkey	14. 7.1950
United Kingdom	10. 8.1949

Netherlands (first report).

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

Act of 16 May 1934, to issue regulations for the employment of aliens (L.S. 1934—Neth. 1).

Order of 24 September 1940, issued by the Secretary-General of the Department of Social Affairs, respecting employment exchanges (L.S. 1940—Neth. 2).

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

Extraordinary Decree of 1945, concerning employment relations (L.S. 1945—Neth. 1).

Act of 1 August 1947, respecting the placing of persons with reduced working capacity (L.S. 1947—Neth. 1—C).

The authority in charge of the national system of employment offices is the National Employment Office, which, within the framework of the above-mentioned laws and regulations, assists employers in finding workers and workers in finding employment, organises vocational guidance, and, where necessary, provides vocational training designed to ensure the placing in employment of workers

with reduced working capacity, demobilised and repatriated persons. The National Employment Office also ensures the application of regulations concerning employment relations and foreign workers, ensures the placing of registered unemployed persons in employment on public works projects when no other employment can be found, co-operates in the application of regulations concerning the payment of waiting allowances by employers to workers for whom no temporary employment is available, provides guidance for emigrants and takes all other measures for the promotion of full employment in the country.

The National Employment Office administers a total of 24 regional employment offices and 135 employment offices, the activities of which are co-ordinated by means of frequent reporting and inspection. The organisation will be reviewed as and when necessary.

The Director-General of the National Employment Office is assisted by a central advisory and assistance committee, comprising employers' and workers' representatives nominated by the most representative employers' and workers' organisations, a number of experts, and a representative from the Netherlands Municipalities Association. Advisory committees, comprising equal numbers of employers and workers, also exist at the regional and local levels to assist employment offices; each committee is presided over by a representative of the local administration under which the regional or local office operates. At present there are 159 committees throughout the country. Where necessary, subcommittees are also established on such subjects as vocational training and vocational guidance. The members of advisory committees are appointed by the Minister of Social Affairs and Public Health, on the recommendation of the Labour Foundation, on which the central organisations of employers and workers are represented.

The advisory committees participate in the duties of the employment offices, and give advice to the heads of these offices, which as a rule, must accept this advice if it is based on unanimous opinion.

The employment offices have specialised sections for each industry and for each category of workers, such as persons with reduced working capacity, women, and young persons.

The regional employment offices have specialised employment sections for the metal industries, the building trades, agriculture, commerce, shipping and transport, artistes and musicians, hotel staff and clerical workers. The extent of specialisation depends on the economic structure of the regions concerned.

Each regional office has a section for the placing of young persons, which works in close co-operation with the vocational guidance services.

The officials of the employment offices are mostly officials within the meaning of the Act of 1929 respecting civil servants. Thus they enjoy the same legal status as other State officials. As regards their working conditions, salaries are fixed according to the functions of the officials concerned, in accordance with the Decree of 1948 on this subject. Staff vacancies in the National Employment Office are always brought to the notice of officials of the central, regional and local offices, so that they may be filled by officials who know the objectives and tasks of the Office. When

appointing junior officials, registers of applicants are first consulted. Selection is carried out by the head of the department concerned. In general, candidates must possess a good general education, while applicants for employment in specialised sections may, in addition, be required to have had training in a technical or agricultural institution or to have worked in the fields concerned. Special courses for employment service officials are organised in certain localities, with a view to increasing their knowledge of social problems and enabling them to receive a certificate as social workers; this is important, both as regards their appointment and promotion. Where necessary, the National Employment Office also trains counsellors for vocational guidance purposes.

The advisory committees organised at the central, regional and local levels are also responsible for stimulating the interest of industrial circles in the work of the employment service and for encouraging the use of the service to the greatest possible extent. The objectives and tasks of the employment service are made known regularly to the public by means of the press and wireless broadcasts.

Employment agencies which have been authorised by the Ministry of Social Affairs and Public Health to carry out placing activities on a non-profit-making basis receive full co-operation and assistance from the public employment service in the field of placing, particularly as regards the selection of applicants submitted by these agencies to fill certain vacancies.

There is no region in the country where the provisions of the present Convention are considered inapplicable.

The report adds that, under the general supervision of the Ministry of Social Affairs and Public Health, the National Employment Office ensures the application of legislation and decisions concerning the employment service; for this purpose, the country is divided into four inspection areas: the head of each area submits weekly reports to the general inspector and, when necessary, makes suggestions for the improvement of the service. The report also gives figures regarding applications and vacancies registered and placings effected between 1946 and 1951. In 1951, there were 781,200 applications for employment, 528,400 vacancies and 421,300 placings.

New Zealand (first report).

The following details supplement the information previously supplied in two voluntary reports.

The *Labour and Employment Gazette* is published at six-monthly intervals by the National Employment Service and contains all the information on the state of the employment market which was previously supplied in the *Half-Yearly Survey of Employment* and the *Monthly Review of Employment*. On 31 March 1951, 13 private registry offices were still in existence.

A total of 21,331 placings was effected (15,575 men and 5,756 women).

Norway (first report).

Act of 27 June 1947, respecting measures to promote employment (L.S. 1947—Nor. 2).

Royal Decree of 27 May 1949, to establish rules for the Labour Directorate.

Regulations for county employment committees, laid down by the Ministry of Local Government and Labour on 8 May 1950.

Regulations for local employment committees, laid down by the Ministry of Local Government and Labour on 21 October 1949.

Regulations for vocational guidance and industrial psychology institutes, laid down by the Ministry of Local Government and Labour on 27 June 1947.

Article 1: the Act of 27 June 1947, respecting measures to promote employment, provides for free public employment service facilities in Norway. The main task of the employment service is laid down in section 1 of the Act, which reads as follows: "The Labour Directorate shall keep a close watch on the development of employment in the country, strive to achieve a steady and adequate level of employment and advise the Department in matters relating to employment and unemployment . . .".

Article 2: the employment service is administered by a national authority, namely, the Labour Directorate.

Article 3: in each county, apart from two where other appropriate arrangements have been made, there is a county employment office which is administered by a director. These offices act as secretariats for the county employment committees; they co-ordinate the activities of the employment service in the municipalities of the county and ensure that the local employment offices carry out their task in conformity with current laws and regulations, and according to the directions issued by the Labour Directorate and the county employment committees.

There are, at present, 696 local employment offices, 58 of which are employment offices serving one or several municipalities. In 45 municipalities special employment officers are appointed and in 596 municipalities the work of the employment service is handled by the officers of the Social Insurance Fund. In addition, there are 16 seamen's employment offices. The organisation of this network is revised as and when circumstances require.

Article 4: advisory committees, on which employers and workers are equally represented, have been established at the national, regional (county) and local (municipality) levels. The representatives are appointed after nomination by the employers' and workers' organisations. In addition to these advisory bodies to the Labour Directorate and to the county and local employment offices, there is a seamen's committee to give advice on questions concerning the seamen's employment service, as well as special committees to supervise the seamen's employment offices. Both the seamen's committee and the special committees include an equal number of employers' and workers' representatives.

Article 5: the general policy of the employment service is laid down by the Executive Board of the Labour Directorate on which the national organisations of employers and workers have their own representatives (see under Article 4). Special problems involving questions of principle are also discussed directly with the national organisations of employers and workers.

Article 6: employment offices are open to everyone and provide their services free of charge. They are required to deal with every application for employment and every request for manpower as speedily and effectively as possible by making

systematic use of their card-index of vacancies and applications, and of their contacts with local business circles and with other employment offices. General instructions have been issued laying down uniform methods of procedure for the whole country. In registering applications and vacancies the employment service obtains all the necessary information to conduct effective placing operations and, where necessary, assists applicants in obtaining vocational guidance, training or retraining. Placing activities are based mainly on a careful matching of the applicants' qualifications and aptitudes with the requirements of the available jobs. There is co-operation between employment offices to ensure inter-regional clearance of applications and vacancies if suitable jobs or workers cannot be found locally.

Through special arrangements the employment service facilitates both the occupational and geographical mobility of labour. Appropriate measures have been taken to facilitate temporary transfers of workers from one area to another, especially from the north to the south of the country. Sporadic measures for an organised transfer of workers to and from Norway have been carried out by the employment service since the war. The displaced persons accepted by Norway have been placed in employment largely through the employment offices. In collaboration with its counterparts in the other Northern countries the Labour Directorate has initiated a co-operative exchange system for the transfer of workers from one country to another, and has also worked out the principles and taken over the organisation of an exchange of trainees between the Northern countries.

The Labour Directorate collects, analyses, and publishes monthly statistics on the employment market, applicants for employment, reported vacancies and placings. In addition, special statistics on current problems (such as requests for manpower in industry which have not been met, seasonal unemployment, etc.) are published in "The Labour Market". The Labour Directorate also draws up annual manpower budgets which are an integral part of the annual national budget.

Close co-operation between the employment service and the unemployment insurance scheme is guaranteed by the fact that the authorities which administer the employment service at the national and local levels are also responsible for unemployment insurance.

In connection with the establishment and construction of new public and private undertakings the Labour Directorate has, in a number of cases, expressed an opinion as to where particular works or plants should be situated from the employment point of view.

Article 7: for the purpose of placing seamen in the merchant navy, special sections of the employment service have been established in all the large coastal towns. Otherwise there is no systematic specialisation of employment service activities, except in the large employment offices, where special sections have been set up for certain industries or occupations: for agriculture, handicrafts and industry, commercial occupations, domestic work, hotels and restaurants, etc. Plans are currently being completed for concentrating employment service activities in

fewer and larger employment offices, where it will be possible to introduce a large-scale system of specialisation. The development of employment service facilities for disabled persons is proceeding. Special employment consultants have been appointed at some of the larger offices.

Article 8: five offices have special sections for placing young persons and 13 have special vocational guidance sections. In several cases the young persons' sections and the vocational guidance sections are administered jointly. There are four industrial psychology institutes and two or three more are contemplated. About 200 of the local employment offices receive regular information for use in vocational guidance, as well as information regarding vocational training, schools, etc. At least once a year vocational guidance officers visit and contact all pupils who are about to finish their studies; these officers also attend parents' meetings, etc. There are special wireless broadcasts on vocational guidance. The employment service also maintains contact, both at the national and local levels, with the vocational training centres.

Article 9: the staff of the Labour Directorate, the county employment offices and the seamen's employment offices are civil servants. The staff of the local employment offices, however, are appointed and paid by the municipalities. Employment service staff are permanently employed and their conditions of employment are independent of changes of government and of improper external influences. They are recruited solely on the basis of their qualifications to carry out their official duties. Senior officials in the seamen's employment offices must have practical experience of seafarers' conditions of work. Each year the Labour Directorate organises training courses for young employment officers and vocational guidance officers. As part of the staff training programme staff members are exchanged between the various departments of the service. The Labour Directorate arranges annual national conferences for the directors of the county employment offices and the directors of the seamen's employment offices. It also holds several meetings each year for the purpose of instructing the directors of local employment offices.

Article 10: measures have been taken to encourage full use of employment service facilities on a voluntary basis. Such measures have included publicity through the press, wireless broadcasts, field contacts, agreements with undertakings and authorities, both private and public, to ensure that labour is recruited through the employment offices, etc. According to existing legislation the Government may oblige private employers to use the employment service when filling vacancies, but so far this has been done on a voluntary basis.

Article 11: private employment agencies are prohibited in Norway. The private employment agencies which were functioning when the Act of 27 June 1947 came into force have now ceased their activities.

The application of the legislation is entrusted to the Ministry of Local Government and Labour. During the period covered by the report 223,557 applications for work were registered with the public employment service; 246,073 vacancies were notified, and 198,493 vacancies filled.

Sweden (first report).

Royal Notification of 30 December 1947, respecting the public placing service (L.S. 1947—Swe. 6).

Royal Instructions for the State Employment Board, dated 17 June 1948 (L.S. 1948—Swe. 4—A).

Royal Instructions for county employment committees, dated 17 June 1948 (L.S. 1948—Swe. 4—B).

On 20 June 1949 the Central Authority for Employment Questions issued working programmes both for the head office and for the county employment committees.

Article 1: Sweden has established a free public employment service, the main purpose of which is to combat and to take measures against unemployment as well as to make arrangements to overcome manpower shortages.

Article 2: the employment service is administered by a national authority, namely, the State Employment Board, which deals with all manpower questions in the country.

Article 3: there is a county employment board and a county employment office in each of the 25 counties of Sweden, as well as a network of 212 local offices and many local agents for the whole country. Although it is not specifically stated in the legislation that the organisation of this system must be reviewed from time to time, this was made clear when the Government's proposal to establish a State employment service was submitted to Parliament. A revision of the organisation of the employment service was undertaken in 1950-1951.

Article 4: the representative employers' and workers' organisations participate in the development of employment service policy, not merely in an advisory capacity, as is required by the Convention, but also with power of decision. The participation of these organisations is ensured at the State and regional levels. The State Employment Board consists of a Director-General, a Director-in-Chief and seven other members appointed for a maximum period of three years; two of these members are nominated by the Employers' Association, two by the trade unions, and one by the Central Organisation of Salaried Employees. The two remaining members are the representatives for agriculture and for women's manpower questions. All the members of the Board are appointed by the Government. The Government also appoints the county employment committees, which include representatives of all the above-mentioned organisations, of other regional authorities, and of the unemployment insurance funds. There are also joint seamen's delegations (one central delegation and 35 local delegations in ports) to advise the employment service on its activities in connection with seamen.

Article 5: the composition of the State Employment Board and the county employment committees ensures compliance with this Article.

Article 6: the employment service collects regularly information concerning applicants for employment and vacancies; standard forms have been drawn up for this purpose. In evaluating the physical capacities of applicants for employment, the employment offices can, if necessary, refer them to the medical officers who are appointed to the employment service for this purpose.

The Notification of 1947 respecting the public placing service provides that, in referring workers

to employment, the service shall ensure that the employer receives the best available manpower and that the applicant obtains the employment best suited to him.

If a vacant post cannot be filled locally, a notice of the vacancy is circulated, first to the various local offices and agents in one district, then to the various districts of a region. Lists of vacancies which cannot be filled locally or on a district or regional basis are also drawn up and sent to the central authority who takes the necessary steps to have vacancies publicised (particularly by means of wireless broadcasts). The placing service is responsible for placing immigrant foreign workers, both from neighbouring countries and from elsewhere.

Employment information is made available through an established reporting system. The county employment committees make monthly surveys of the employment situation, based on information from the employment offices. These surveys are sent to the State Employment Board and other authorities and are also published in the local papers. The State Employment Board makes monthly surveys concerning the whole country, which are also published. Thanks to this reporting system the State Employment Board is kept continuously informed of fluctuations in the employment situation, and can discuss any measures that may be necessary with the parties concerned. Special investigations are also made in fields and in areas where there is a risk of structural changes in the employment situation. The results of these enquiries are communicated to the competent authorities and to employers' and workers' organisations. In addition, the employment service deals with questions concerning the disposal and investment of reserves to be used, if necessary, in combating unemployment. The employment service also participates in determining the location of industry and in investment control. In the former matter the employment service works in co-operation with a department of the Employers' Association. Analyses of the employment situation are made as a guide to industry.

Article 7: there is considerable specialisation of employment service work: special branches for agriculture and various industrial and economic branches have been created in all the main offices and in many smaller offices. Specialisation by sex also takes place where this seems desirable. Moreover, special placing services have been set up for seamen, artistes, musicians, salaried employees and disabled persons.

Article 8: vocational guidance and youth placing activities are administered by the State Employment Board. The tasks of the Board include the issue of publications, both for the guidance of young persons and for the use of employment counsellors. Each county employment office has a special section for young persons under 18 years of age and another section for vocational guidance. Youth placing sections have also been created in 50 important local offices. Close contact is maintained with schools. Talks are given to the pupils and at parents' meetings; there are special wireless broadcasts on vocational guidance. As the result of an enquiry carried out jointly by the State Employment Board and the school authorities, it has been decided, as an

experiment, to include vocational guidance in the curricula of the schools in one area.

Article 9: the staff of the employment service is composed of permanent civil servants, whose salaries are determined by law and who are entitled to a pension on retirement. Recruitment, which is centralised at headquarters, usually takes place once a year. No formal qualifications are required on recruitment, but account is taken both of theoretical knowledge and practical experience. New entrants are trained over a trial period of two years, during which they attend three-month courses organised by the State Employment Board. Special study courses and study groups are arranged every year for the permanent staff. A correspondence course will be introduced during 1952.

Article 10: the use of the employment service is voluntary, and every effort is made to encourage its utilisation by employers and workers, through the creation of specialised offices and by means of publicity and information services. The composition of the State Board and the county employment committee ensures continuous contact with the parties concerned.

Article 11: the number of private employment agencies is very small. Although there is no organised co-operation between the public employment service and private non-profit-making employment agencies, co-operation has been established on an informal basis with some agencies which have been organised by special occupational groups (for instance, salaried employees, nurses, artistes and musicians).

United Kingdom (first report).

Great Britain.

Employment and Training Act, 1948.
General Regulations governing the registration of applicants for employment, etc., made under the Labour Exchanges Act, 1909.
Employment Exchanges (Advisory Committee) Regulations, 1917.
National Youth Employment Council and Advisory Committees for Scotland and Wales Regulations, 1948.
Youth Employment Service (Administrative Expenses) Regulations, 1948.
Youth Employment Committee Regulations, 1950.
Youth Employment Service (Particulars) Regulations, 1949.
Disabled Persons (Employment) Act, 1944, and Regulations made thereunder.

Northern Ireland.

Employment and Training Act, 1950.
Regulations of 22 December 1950.
Regulations of 28 January 1910.

The provisions of Article 1 are observed.

The employment service consists of a national system of employment offices under the direction of a national authority, namely, the Ministry of Labour and National Service in Great Britain, and the Ministry of Labour and National Insurance in Northern Ireland.

Employment exchanges are conveniently located for employers and workers; in addition to day-to-day supervision of their organisation, periodic inspections and surveys take place to ensure that local office facilities are adequate. Northern Ireland is a single geographical area but Great Britain is divided into regions, the controllers of which

are responsible for the executive control of local offices in the area.

In Great Britain equal numbers of employers and workers, appointed after consultation with the representative organisations concerned, together with a number of additional members, provide the membership of the National Joint Advisory Council and the National Advisory Committee on the Employment of the Disabled. At the local level there are local employment committees and disablement advisory committees whose members are similarly appointed. The report contains a detailed account of the functions of these committees, the broad aim of which is to co-operate in the organisation and operation of the employment service and in the development of employment service policy.

In Northern Ireland there are local employment committees consisting of representatives of employers and workers. The Ministry of Labour and National Insurance is at present engaged in appointing national advisory committees, to be constituted from organisations of employers and workers and other spheres, as it deems necessary.

The provisions of Article 5 are observed.

Full details of their qualifications and experience are obtained from applicants registering for employment. Each applicant for employment is interviewed by a placing officer, who agrees with him the occupation for which he is to be registered. Employment counselling, and, where necessary, vocational guidance regarding training or retraining, are given during the period of registration. Precise information on vacancies is obtained from employers. The persons referred to employers are those industrially and physically best qualified for the vacancies; strict impartiality is observed.

Vacancies and the qualifications of applicants are circulated at three levels: (1) among a group of adjacent local offices, (2) within a region, and (3) between regions.

Occupational mobility is assisted by a flexible system of Government training. In addition, placing officers advise individual job seekers on the desirability of a change of occupation in the light of their knowledge of the state of the employment market.

The policy of the Government is, wherever possible, to bring work to the workers rather than workers to the work. Provision is, however, made for financial assistance to some types of workers who transfer in certain circumstances. These include adult workers who transfer from areas where unemployment is comparatively high to areas where greater prospects of regular employment exist, or who transfer to certain essential industries and services, and young persons under 18 years of age for whom a special scheme is in operation enabling them to take up training in a particular occupation in another area.

Joint arrangements have been made with the Australian, New Zealand and Canadian Governments to facilitate emigration to their respective countries. The Ministry also assists employers with interests outside Britain in finding British workers to fill posts abroad.

As regards immigration, no restrictions are imposed on the entry of workers from the Republic of Ireland. The Ministry assists British employers to obtain workers from abroad for under-manned industries. A number of official schemes for the recruitment of foreign workers

have been in force since the war, but the only one still in operation is that for the recruitment of Italian women. Individual foreign workers are admitted under permit, subject to certain conditions. A scheme is also in existence whereby the five Brussels Treaty Powers (United Kingdom, France, Belgium, Netherlands and Luxembourg) co-operate to assist workers from one contracting country to obtain employment in any one of the other contracting countries.

The principal employment market information collected relates to the gainfully occupied population; separate statistics are compiled showing the number of employed persons and others, the number of unemployed persons, monthly estimates of employment, and the labour supply and demand in different industries. The information is published every month in the official gazette of the Ministry of Labour and annually in the Ministry's report; in addition, both the national and local advisory committees are provided with special information relative to the study of particular questions. Other information, which is intended for administrative use and is not usually suitable for publication, includes forecasts of the size of the total working population for several years ahead, and analyses of various matters concerned with employment and unemployment.

The employment service co-operates closely with the Ministry of National Insurance as regards unemployment insurance and assistance. It carries out, on behalf of the Ministry, such functions as taking proof of unemployment and the payment of benefit or assistance.

The Ministry of Labour and National Insurance collaborates closely with other Ministries concerned with planning, and with the Economic Section of the Cabinet. The public and private bodies with which it co-operates include research workers in the universities and elsewhere, and the Inter-Departmental Committee on Social and Economic Research.

Special offices have been established to assist applicants to obtain administrative, managerial, professional or technical posts; for the nursing profession; for the hotel and catering trades. In many local offices there is a special service to deal with applicants for employment and vacancies in commercial undertakings, and, in the larger local offices, each placing officer is normally allocated a specific group of occupations or industries. In addition, special arrangements are made in co-operation with other bodies for placing workers in certain industries and services.

At each local office there is at least one specially trained resettlement officer who has special duties in relation to the disabled. Special attention is also devoted to ex-members of the regular armed forces, including the existence of a voluntary scheme under which employers are invited to agree to reserve one in twenty of all engagements for ex-regulars.

The youth employment service is responsible for the vocational guidance, employment, and follow-up of young people under 18 years of age.

The permanent staff of the employment service of Great Britain is recruited through competitive examinations and interviews conducted by the Civil Service Commission, which is an independent body and is entirely free of official or Ministerial interference. The employment service staff of Northern Ireland is composed of permanent

and temporary members of the Northern Ireland civil service who appear to be generally suitable for employment service work.

The report contains full details of the comprehensive staff training arrangements in Great Britain. Attendance at training courses is compulsory.

Full use on a voluntary basis of employment service facilities by employers and workers is encouraged by means of the National Joint Advisory Council and the local employment committees and other committees, by the establishment and fostering of good relationships, and by the service's reputation for efficiency. In Northern Ireland these methods are supplemented by periodical canvassing of the more important employers in each local office area.

In Great Britain co-operation is maintained between the public employment service and private non-profit-making employment agencies. These include trade unions, associations for ex-servicemen and women, professional institutions and university appointments boards.

No areas are excluded from the application of the Convention.

In Great Britain the Minister of Labour and National Service has administrative responsibility

for the employment service. Inspection is carried out at the headquarters, regional office and local office levels. In Northern Ireland inspection is carried out by headquarters staff of the Ministry of Labour and National Insurance and by local offices.

The free employment agencies in Great Britain are distributed as follows: 11 regional offices; 1,035 employment exchanges; 118 branch employment offices; 126 local agencies; 566 full-time and 592 part-time youth employment offices; 1 technical and scientific register; 11 appointments offices; 15 regional nursing appointments offices; 124 local nursing appointments offices.

The average number of applicants registered for employment in Great Britain during the period of twelve months ended 30 June 1951 was 276,822. The number of vacancies notified is not available, but the number outstanding at 6 June 1951 was 487,388. The number of persons placed during the period of 52 weeks ended 6 June 1951 was 2,497,746.

Northern Ireland has 28 public employment offices. During the period under review the average number of persons registered for employment was 26,915 and the total number placed was 29,717.

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
Austria	5.10.1950
Belgium	1. 4.1952
Cuba	29. 4.1952
Czechoslovakia	12. 6.1950
Guatemala	13. 2.1952
India	27. 2.1950
Ireland	14. 1.1952
New Zealand	10.11.1950
Pakistan	14. 2.1951
Switzerland	6. 5.1950
Syria	1.12.1949
Union of South Africa	2. 3.1950

India (first report).

Act of 23 September 1948, to consolidate and amend the law regulating labour in factories (L.S. 1948—Ind. 4). Model Rules, framed under the above-named Act, for the guidance of the State Governments.
Indian Mines Act, 1923, as subsequently amended.
Notification No. M—1,055 of 7 March 1929.

The report states that the existing legislation falls short of the provisions of the Convention in the following respects:

(1) Section 66 (1) (b) of the Factories Act of 1948 prohibits the employment of women between 7 p.m. and 6 a.m.; however, the State Governments can, in respect of any class or description of factories, vary the above limits subject to the condition that such variation shall not authorise the employment of any woman between 10 p.m. and 5 a.m. It may happen that, if there is a

change of shift in the working hours and women are employed from 2 p.m. to 10 p.m. on one day and from 6 a.m. to 2 p.m. on the following day, the night interval is only eight hours between the end of the first shift and the beginning of the next. With a view to removing this discrepancy the Government of India is taking steps to have the following proviso inserted in section 66 (1) of the Factories Act: "provided further that the periods of work of women shall not be changed unless after a weekly holiday".

(2) At present the employment of women is prohibited only in respect of underground work. There is no bar to their employment above ground during the night. However, a new section has been included in the Mines Bill, which is now before Parliament, to prohibit the employment of women in mines during the night, as laid down in the Convention. The Government hopes that the amending legislation will be passed before the 35th Session of the International Labour Conference.

For information regarding the application of the Factories Act, the Government refers to its report on Convention No. 4. The Indian Mines Act and the Rules issued thereunder are administered by the Government of India through the Indian Mines Department, which consists of a chief inspector and several inspectors and junior inspectors of mines. Persons found guilty of infringements of the provisions of the Act and the Rules are prosecuted. Reports on the working of the Factories and the Indian Mines Acts are issued annually. The numbers of women employed in

factories and mines during 1949 were 270,924 and 850,170 respectively.

New Zealand (first report).

For legislation, see under summaries of previous annual reports on Convention No. 41.

On 31 March 1951 the number of women employed in factories registered under the Factories Act was 39,487. According to a National Employment Service estimate 45,800 women were employed in manufacturing. This figure includes 52 in mining and 867 in construction, but in both these cases the women were employed solely in clerical and administrative capacities.

Union of South Africa (first report).

Factories, Machinery and Building Work Act, No. 22 of 1941 (L.S. 1941—S.A. 3).

Wage Act, No. 44 of 1937 (L.S. 1937—S.A. 4).

Industrial Conciliation Act, No. 36 of 1937 (L.S. 1937—S.A. 3).

Mines and Works Act, No. 12 of 1911 (section 8 (i)), as amended in 1931 (L.S. 1931—S.A. 1—B).

As regards Articles 1 to 4 and Articles 6 and 7 of the Convention, the report refers to information already supplied in respect of Convention No. 41.

No use has been made of the provisions of Article 5.

No measures have been taken in pursuance of Article 8 of the Convention.

Communication of Copies of Reports to the Representative Organisations
(Article 23, paragraph 2, of the Constitution)

The Governments of the following countries state that copies of the reports communicated to the Director-General have been transmitted to the representative employers' and workers' organisations:

Argentina, Australia, Austria, Belgium, Burma, Canada, Ceylon, Chile, Denmark, Finland, France, Greece, India, Ireland, Italy, Luxembourg, Mexico, New Zealand, Norway, Pakistan, Sweden, Switzerland, Turkey, Union of South Africa, United Kingdom, United States, Yugoslavia.

Information on this point has been supplied by the following Governments:

Cuba. The Ministry of Labour will publish the text of the Government's annual reports in the *Revista Oficial*.

Netherlands. The reports have been communicated to the Labour Foundation, on which the central organisations of employers and workers are represented.

Poland. Copies of the report for Convention No. 77 have been communicated to the Central Council of Polish Trade Unions.

Venezuela. The Department of Labour has considered it advisable to include in the *Revista del Trabajo* the texts of the national laws approving the international Conventions adopted by the International Labour Conference. This review is distributed to all the representative employers' and workers' organisations.

SUMMARY OF ANNUAL REPORTS ON THE APPLICATION OF RATIFIED CONVENTIONS IN NON-METROPOLITAN TERRITORIES (ARTICLE 35 OF THE CONSTITUTION)

As stated in the introduction this summary covers only the reports containing new information for the period 1 July 1950 to 30 June 1951.

The other reports which were received either reproduced or referred to information which had already been supplied.

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

Portugal

Reports have been received for the following territories: *Angola, Cape Verde, Macao, Portuguese Guinea, Portuguese Indies, S. Tomé and Príncipe, and Timor.*

In general, these reports confirm the information supplied for the periods 1949-1950 and 1950-1951 and published in the summaries of reports on ratified Conventions submitted to the 33rd and 34th Sessions of the International Labour Conference (1950 and 1951).

A summary of the new information contained in these reports is given below.

Angola.

During the period 24 September 1950 to 30 October 1951 the services entrusted with the supervision of the application of the legislation noted 264 violations which gave rise to fines. In 31 cases the offenders were prosecuted for failing to pay their fines.

The practical application of the legislation giving effect to the provisions of the Convention did not give rise to any difficulties.

Portuguese Guinea.

Legislative Order No. 1,509 of 26 May 1951.

Under section 1, paragraph 1, of the above-mentioned Order the following are considered as commercial and industrial establishments: offices, stores, warehouses, workshops, factories, undertakings, urban public transport undertakings, and other premises where operations of a commercial or industrial nature are carried out.

The daily hours of work of non-indigenous staff in commercial and industrial undertakings may not be more than eight hours except in cases specifically provided for by law, and may not begin before 6 a.m. or end after 6 p.m. In industries where continuous processes are carried on

or in those which require longer daily hours of work on account of special circumstances, a shift system must be organised. Each shift may not work more than the maximum hours laid down for the industry in question. Industries where continuous processes are carried on or those using a shift system must organise the shifts so as to be able to grant a weekly day of rest to their staff without prejudice to the provisions of section 28 of the National Labour Regulations and of the legislation subsequently promulgated as regards holidays with pay.

If necessary, daily or weekly hours of work may be reduced by legislation or by means of corporate Orders or Government Orders, either for reasons of health or social hygiene or for reasons of an economic character.

The direct supervision of the application of the provisions of this Legislative Order is entrusted to the Central Bureau of the civil administration services, to the police authorities and to the administrative authorities. The administrative authorities and the police must give all necessary assistance to the Central Bureau of the civil administration services so as to ensure the full application of the provisions of the Order.

Domestic servants are not covered by these regulations; nor are employees of public works engaged in domestic or agricultural activities, if these works are not situated in localities smaller than municipalities or near important urban and industrial centres.

Undertakings dealing with the construction and repair of lines of communication may be exempted from the application of the provisions of the Legislative Order by means of an authorisation granted in accordance with Article 1, paragraph 4, of the Convention if there are reasons justifying this exemption, but always on condition that they observe the prescribed conditions of work and the principle of adequate remuneration for the staff.

All commercial or industrial undertakings must establish for their staff a work time-table which is

in accordance with the provisions of the above-mentioned Legislative Order or of the collective agreements approved by the higher authorities and must display this time-table in a conspicuous place. The time-table must indicate the opening and closing hours of the undertaking and the hours of arrival and departure of the staff, as well as the rest periods and the weekly days of rest. When this information is not the same for all the staff, the time-table must mention the names of the persons whose working hours are different from those of the rest of the staff, as well as the names of the persons who are not subject to any of the provisions concerning the work time-table. In case of changes or modifications in this time-table, the employer is required immediately to inform

the police authorities and the local administrative authorities, who must in turn inform the Central Bureau of the civil administration services.

Portuguese Indies.

There were no relevant decisions by courts of law.

S. Tomé and Príncipe.

The legislative provisions relating to the points covered by the Convention continue to be strictly enforced through the supervision of the competent authorities.

2. Convention concerning unemployment

France

Algeria.

According to the general manpower statistics prepared by the departmental labour and manpower directorates in Algeria for the period 1 July 1950 to 30 June 1951, 19,568 placings were effected; 24,530 applicants were not placed; and 6,344 vacancies were unfilled.

Guadeloupe.

The legislative provisions and regulations in force in France do not apply to the Department.

The placing of workers is undertaken by the labour inspection services of the Labour and Manpower Inspectorate. Their task is particularly difficult as it is only very exceptionally that they receive any notices of vacancies; persons in need of manpower rarely apply to them and thus the number of placings is very small. There are no private employment agencies in the Department. Because of the insular position and small area of the Department it is anticipated that employers and workers will continue to prefer direct engagement. A new stimulus will be given to the placing service when an inspector of labour and manpower, who is to take special charge of this service and whose arrival in Guadeloupe is expected shortly, takes up his duties.

French Guiana.

The employment market has not so far necessitated the adoption of any special measures.

French Somaliland.

There is a free public employment office in Djibuti; this is the labour office provided for in sections 9, 10 and 11 of the Decree of 22 May 1936 concerning indigenous labour in French Somaliland.

In practice, the activities of this office are considerably limited; this is partly due to the fact that, in this area, the labour force is essentially a floating population, and partly due to the disproportion between the number of applications and vacancies. Applications are appreciably more

numerous than vacancies and employers recruit labour through their foremen.

No unemployment insurance scheme is in operation.

Martinique.

Labour Code of Martinique (sections 147 to 149), promulgated by the Order of 31 December 1938.

There is no supervisory committee. During the period 1950-1951 there were 888 applications for employment and 144 vacancies; 109 placings were effected. The employment service is placed under the authority of the departmental director of labour and manpower. Applications for employment and notices of vacancies are entered in files and placing is effected on presentation of a card. The dissemination of information is ensured by means of the press, wireless broadcasts, and direct contact.

Morocco.

Dahir of 27 September 1921, concerning workers' employment agencies.

Fee-charging agencies are prohibited; however, they may be authorised for the placing in employment of artistes of all categories.

Nineteen free public employment agencies have been set up, including one national agency in Casablanca, and 18 municipal agencies elsewhere. Their field of operations covers the cities in which they are located, as well as the neighbouring territorial districts. However, the Casablanca agency receives notices of vacancies from all parts of Morocco and finds employment for workers in the various areas of the French zone.

In the course of 1950 the employment agencies placed 12,434 persons, of whom 6,486 were Europeans and 5,948 Moroccans.

New Caledonia.

During the past year the Nouméa municipal employment office received 184 applications for employment and found employment for 32 persons. The information office of the Agricultural Department was notified of nine vacancies.

Reunion.

A comparison of the figures given below indicates the upward trend of unemployment in Reunion: out of 650 applicants in 1950, 500, or 75 per cent., were placed in employment.

Out of 236 applicants during the first six months of 1951, 70, or 30 per cent., were placed in employment.

On 1 January 1948 an employment office was opened in the departmental directorate of the labour inspectorate.

There are also municipal employment offices, but they serve no purpose.

There would be no point in having joint committees; there are approximately 67,500 employees, and an employment service covering only 10,000 to 15,000 employees does not justify the setting up of such committees.

St. Pierre and Miquelon.

There is, strictly speaking, no unemployment in the territory.

Togoland.

A territorial employment office for European and African workers was set up by Decree No. 447-51/I.T. of 27 June 1951. This office functions under the authority and technical supervision of the labour inspector. It centralises applications and vacancies in all sectors of activity and maintains contact with employers and institutions likely to take an interest in the labour market. The services of the office are provided free of charge. In 1950, 150 applications for employment were addressed to the municipal employment office at Lomé. These applications were received from office employees but practically no results were achieved in attempting to meet them as, owing to the limited size of the market, vacancies were filled directly through the employers. The applicants were either inexperienced beginners or difficult to place on account of their lack of skill.

*United Kingdom**British Guiana.*

On 1 August 1950 a juveniles section of the employment exchange was established to cater for persons between 14 and 18 years of age. At present there is one employment exchange and a branch office. During the period under review 4,760 adults registered for employment; 4,021 vacancies were notified, of which 3,066 were filled. As regards juveniles, 1,489 registered; 588 vacancies were notified, of which 516 were filled. A committee consisting of the Commissioner of Labour as chairman, one representative each from the Education Department, an employers' association (Chamber of Commerce), the Trade Union Council, the Technical Institute, the British Guiana Christian Social Council, and voluntary social organisations, two representatives of the British Guiana Youth Council, and two independent members, has been appointed by the Government to advise and assist the Commissioner of Labour on matters relating to the juveniles section of the employment exchange.

Cyprus.

During the period under review the activities of the labour exchanges were extended and a sub-exchange was opened at Paphos, an agricultural area where there is much under-employment. Out of 44,918 applications, 21,661 persons were placed in employment. The extent of unemployment cannot be measured accurately as there is no unemployment insurance and no obligation to register at the exchanges. The returns do not represent the actual volume of unemployment, but reflect the general trends. The majority of registrations were from unskilled workers. There is chronic unemployment among clerks and car drivers. The chief causes of unemployment are the rate of growth of the population (which exceeds the "optimum" rate), a depression in the sellers' market abroad, combined with unwillingness to adopt improved methods, and too great reliance on Government protective measures.

The three main exchanges have advisory committees, on which employers and workers are equally represented, to advise on and assist with the application of employment policy; much useful work has been done. The exchanges dealt, with some measure of success, with the following special categories of workers: disabled persons, juvenile delinquents, ex-servicemen and ex-prisoners.

Dominica.

There are no private employment agencies.

Gibraltar.

The constitution of the proposed Labour Advisory Committee has not yet been finally agreed, but it is envisaged that the Committee will consist of 12 members equally representative of employers and workers, under the chairmanship of the Director of Welfare and Labour. During the period under review 3,866 applications for employment were received by the central employment exchange; the number of vacancies notified was 8,671, while 7,895 persons were placed in employment. Unemployment has remained at a very low level. The average percentage rates of registered unemployed persons were .38 (men) and 2.09 (women).

Hong Kong.

It remains to be seen what effect the political changes in China will have on the pattern of life in Hong Kong. At present the colony is grossly overcrowded and there has been no appreciable decrease in the population. The question of setting up public employment exchanges is receiving renewed attention. However, the majority of businesses are based on the family system and this has a very far-reaching influence on the engagement of labour. Although the establishment of employment exchanges would undoubtedly lead to the registration of thousands of persons seeking employment, there is some doubt as to the success of efforts to place these persons. Employers generally and, in particular Chinese employers, are sceptical of the value of such exchanges and would be averse to using them. Under the circumstances, it would be difficult to justify the very considerable expenditure of public

funds which would be involved. However, the question is receiving close attention, as it is realised that the setting up of employment exchanges is a necessary preliminary to the implementation of most schemes for providing social benefits.

Jamaica.

During the period under review the Kingston Employment Bureau registered 5,117 unemployed persons; 5,057 vacancies were notified; and 3,917 persons were placed in employment. An extract from the annual report of the Department of Labour stresses the fact that there is a serious unemployment problem and lists the proposals made by a committee of the House of Representatives which considered measures for the immediate relief of unemployment. During the period under review the parochial boards and the Kingston and St. Andrew Corporation granted £203,668 for unemployment relief. Although, in general, the labour supply far exceeds the demand, there was a shortage of unskilled or semi-skilled labour for agricultural and industrial employment. There is also a lack of qualified personnel for supervisory, technical and professional posts. In order to meet this difficulty the Government approves the admission of workers from abroad, but usually on a temporary basis and in some cases with the proviso that local personnel should be trained as replacements.

Kenya.

During the period under review applications for employment were received from 2,010 Europeans, 222 of whom were placed; from 2,516 Asians, 605 of whom were placed; and from 55,070 Africans, 20,415 of whom were placed.

Leeward Islands.

The Convention is not applied in the colony. Owing to the economic and financial situation labour departments have been established in only two of the larger islands—Antigua and St. Kitts-Nevis—with a very small staff in both cases. There are neither the funds nor the staff to permit the establishment and operation of free public employment agencies. As the economy of the islands is based almost entirely on agriculture, employment opportunities are limited and also well known to the majority of the working population. A system of free unemployment registration was attempted in Antigua in 1950, but registration was spasmodic. No effect has been given to Article 1 of the Convention; there are neither the funds nor the staff available for the compilation of accurate statistics. There are no free public or private employment agencies, nor is there a system of unemployment insurance. The restricted opportunities for employment are inadequate for the rapidly increasing population. Unemployment is highest in Antigua and lowest in the Virgin Islands. There is also the problem of voluntary under-employment. A survey conducted in 1950 by the Director of the Labour Relations Institute of the University of Puerto Rico confirms the high incidence of unemployment in Antigua.

Federation of Malaya.

It has not yet proved possible to obtain the seconding of experienced officers to advise on the organisation of the proposed employment exchange service.

Malta.

During the period under review 15,846 applications for employment were received; 2,557 vacancies were notified; and 2,092 persons were placed in employment. Statistics of employment from the Director of Labour's annual report for 1950 are appended to the report.

Mauritius.

The employment service organisation was reorganised according to modern practice and three main centres and ten sub-centres were set up. In September 1950 the ex-servicemen's employment exchange (the Reabsorption Office) was amalgamated with the civilian employment service. There were 1,844 registered unemployed persons, 570 of whom were placed. All vacancies notified were filled.

Nigeria.

A voluntary organisation known as the Enugu Advisory Committee for Juvenile Employment and "After-Care" has been formed in Enugu to advise on the employment and "after-care" of juveniles. During the period under review there were 37,253 applications for employment; 4,767 vacancies were notified; and 2,704 persons were placed in employment.

North Borneo.

The recommendations contained in paragraph 61 of the report of the Committee of Experts are being considered in relation to the application of the Convention.

Northern Rhodesia.

Increasing use is being made of the exchange facilities by both employers and workers, and particularly by the former because of the shortage of labour. A central employment registry has been set up to deal with European labour, but the results of its work are not satisfactory, mainly owing to the continued failure of employers to notify vacancies to the registry. There are three recruiting bureaux in operation.

Nyasaland.

During 1950 approximately 2,300 persons registered for employment; 1,250 vacancies were notified by employers; and 213 vacancies are known to have been filled through the registry offices.

St. Lucia.

During the period under review there were 852 applications for employment; 750 vacancies were notified; and 710 persons were placed in employment.

Sierra Leone.

The Joint Consultative Committee, which is the higher labour advisory body in the territory and through which the Government consults the trade union movement and the employers, discussed the supply of labour for development projects and, as a result, an additional branch employment exchange was set up temporarily in the Northern Province of the Protectorate. Owing to the volume of committee work conducted by the Labour Department, the employers and the unions, the establishment of specific committees to advise on the operation of employment exchanges has been postponed. During 1950 there were 23,122 applications for employment; 18,202 vacancies were notified; and 17,965 placings were effected.

The report also gives unemployment statistics for Freetown and other areas during the period under review.

Singapore.

During the period under review 14,183 applications for employment were registered with the labour exchange; 21,936 vacancies were notified; and 9,200 persons were placed in employment.

The Seamen's Registration Bureau was run on a voluntary basis from April 1948 and was legally established on 2 January 1949. At the end of the period under review the Bureau had registered 18,542 seamen; these included 12,963 Chinese, 4,521 Malays, 905 Indians, and 153 others. A total of 10,337 seamen was employed through the Bureau for the period 1 May 1950 to 30 June 1951; these included 6,562 Chinese, 3,312 Malays, 434 Indians, and 29 others.

Tanganyika.

In 1950 there were 22 labour exchanges in operation; 6,011 Africans, including 2,542 tradesmen, 349 ex-schoolboys, and 3,120 unskilled workers were placed in employment or enrolled

for pre-employment training. In addition, 13 Europeans were placed in employment. At the end of the year 7,087 Africans were registered as unemployed on the books of the employment exchanges, but a number of these are known to have found work and to have neglected to inform the authorities.

Trinidad and Tobago.

During the period under review there were 4,968 new registrations for employment; 2,348 vacancies were notified; and 1,069 persons were placed in employment.

Uganda.

During the period under review six free public employment agencies were in operation. There were 3,495 applications for employment; 4,405 vacancies were notified; and 1,835 vacancies were filled.

The report contains the following extract from the annual report of the Labour Department for the year ended 31 December 1950: "Vacancies filled at all exchanges were 1,786, as compared with 633 for the period June-December 1949 when the central exchange first went into operation". In addition to its major function as an employment agency, the central labour exchange is also responsible for the collection and co-ordination of statistical records for the Department, the organisation of the periodical labour censuses (the results are compiled by the Statistical Branch of the East African High Commission) and the general supervision of the Department's responsibilities under the workmen's compensation legislation.

Zanzibar.

During the year ended 30 June 1951, 227 applications for employment and 404 vacancies were registered with the employment exchanges; 166 persons were placed in employment.

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

*France**Algeria.*

Book I of the Labour Code, sections 29 and 29 (a).
Book II of the Labour Code, sections 54 (b) and 54 (c).
Order of 10 June 1949, to give executive effect to Decision No. 49-045 of the Algerian Assembly respecting the organisation of social security in Algeria; Part II, Chapter VI (Maternity Insurance) (L.S. 1949—Fr. 4).

Sections 54 (a) and 164 of Book II of the French Labour Code, which prohibit the employment of women workers during a total period of eight weeks before and after childbirth and for at least six weeks after childbirth, have not been made applicable to Algeria.

Algerian legislation provides for a rest period of 12 weeks, to be taken when the woman desires. Insurance only covers flat-rate medical, pharmaceutical and hospital expenses arising out of pregnancy, confinement and the post-natal period.

Nursing mothers are entitled to a rest period of one hour per day, divided into two 30-minute breaks.

Paragraph 2 of section 29 of Book I of the Labour Code fixes at 15 weeks the maximum period during which a woman may be absent from work because of sickness certified by a medical certificate to be the result of pregnancy.

The labour inspectorate ensures the observance of the relevant legislation, except as regards questions of insurance and benefits, which lie within the competence of the social security funds.

French Equatorial Africa.

There is no legislation relating to the employment of women before and after childbirth.

Nevertheless, according to the general provisions of labour law it is recognised that, provided a woman gives her employer due notice, she may

absent herself from work during a maximum period of 12 weeks before and after childbirth without there being any breach of contract.

Under such conditions her contract is merely suspended and, during this time, no wage or allowance is paid except where the contract provides otherwise.

French Guiana.

The provisions of paragraphs (a), (b) and (d) of Article 3 of the Convention and those of Article 4 are implemented by virtue of the same provisions of the Labour Code as those applying in France.

Little use is, in fact, made of these provisions as there are few women employees.

French Somaliland.

Section 8, paragraphs 3, 4 and 5, of the Decree of 22 May 1936 reads as follows: "A woman shall not be employed during the four weeks next following her confinement. A mother nursing her child shall be granted one hour a day for this purpose during her hours of work for one year reckoned from the date of birth of the child. The said hour shall be divided into two periods of 30 minutes each."

This rule has been strictly observed by employers, and the labour inspection services have never found it necessary to intervene.

In general there are very few women workers, as it is not customary for Moslem women to be gainfully employed. A small number, including a very few married women, are employed in sorting coffee or as children's nurses.

French West Africa.

Decree of 18 September 1936, to ensure the protection of women and children in employment in French West Africa (L.S. 1936—Fr. 13—A).

Sections 24 and 25 of the above-named Decree provide certain advantages for women during confinement and women nursing their children.

Under these provisions pregnant women and women who nurse their children are entitled: (1) to a rest period of eight consecutive weeks, before and after childbirth; (2) to a 20-minute rest period every morning and afternoon during the 18 months following childbirth, for the purpose of nursing the child.

The above provisions apply in all branches of the economy, including agriculture.

The local regulations are inferior to the Convention inasmuch as no remuneration is granted in respect of the rest period.

Actually, very few women are employed. Furthermore, those employed as public servants are remunerated during maternity leave. Private employers, however, do not offer similar advantages.

Supervision of the application of the Decree is entrusted to labour inspectors and administrators.

Workers' organisations have on several occasions requested that remuneration be provided during maternity leave. Up to the present, however, employers have not met this request.

The question of remuneration during maternity leave and the broader problem of maternity protection are outside the limited framework of

employer-employee relations and come within a general system of family protection which itself is a branch of a comprehensive social security scheme covering the entire population.

A scheme to provide family benefits in overseas territories is now under consideration by the Department. There is no doubt that this scheme will contain measures at least as favourable as those laid down in the Convention.

It would appear to be highly desirable to extend the scope of the Convention to French West Africa. This could be done without undue difficulty.

Guadeloupe.

For the legislation and the authorities responsible for the application of the Convention, see under Convention No. 4.

The provisions of the Labour Code relating to the prohibition of the employment of women in the weeks preceding and following childbirth are generally observed in the Department.

The social security provisions relating to the benefits payable to the women concerned are not yet applied in the Department.

Madagascar.

The employment of women before and after childbirth is governed by the Decree of 7 April 1938, section 18 of which reads as follows: "Women shall not be employed during the four weeks preceding and following childbirth. For at least one year after the date of childbirth nursing mothers are entitled to two 30-minute rest periods to be taken, one in the morning and one in the afternoon, during working hours. These rest periods, which may be taken by nursing mothers at times fixed by arrangement between them and their employer, are independent rest periods, and therefore may not be deducted from the normal periods which are observed in accordance with labour regulations or the internal rules of the establishment, or local custom, and which apply to other workers in the same category." The distinction between industrial and commercial undertakings has been established by custom. The distinction provided for in Article 2 is not authorised in any official regulations. The terms "women" and "children", as understood in the Convention, apply respectively to all females and to all children whether legitimate or illegitimate. No insurance scheme affording benefit or allowances to women in confinement has yet been established in Madagascar, but the majority of employers continue to pay wages while the women are absent from work. Certain undertakings have established a medical service where such women receive medical advice and treatment free of charge. In any case, they are entitled to receive all the treatment they require at the health centres organised under the medical assistance scheme. The enforcement of the legislation is entrusted to the labour inspectors.

Morocco.

Dahir of 2 July 1947, to regulate conditions of employment.

Women employed in industrial or commercial establishments or by members of the liberal professions are entitled to 12 consecutive weeks' leave

during the period preceding and following childbirth. On presentation of a medical certificate this leave may be increased to 15 weeks in case of sickness resulting from pregnancy or confinement. An employer may not require a woman to work during the six weeks following childbirth. During this period any woman who is not paid by her employer while she is absent from work receives from the social welfare fund (Moroccan Family Allowance Fund) benefits amounting to half her normal remuneration and, in any case, to not less than the statutory minimum wage.

A mother nursing her child is entitled, during a period of one year, to a rest period of 30 minutes twice a day, to be taken in the morning and in the afternoon for the purpose of nursing the child.

Martinique.

Section 54 of Book II of the Labour Code.

Maternity benefit will not be provided until the social security scheme has been established. However, some collective agreements covering employees in chemists' shops (agreement of 3 July 1945), employees in the retail trade other than undertakings dealing with food (agreement of 14 October 1937), employees in the wholesale and semi-wholesale trades (agreements of 24 August 1938 and 7 July 1948), and employees in retail food shops (agreement of 16 August 1946) already provide for the payment of remuneration during maternity leave. In certain cases these agreements provide for two months' leave on full pay after one year of employment. The supervision of the application of the legislation is entrusted to the labour inspectorate.

Reunion.

International Agreement of 1861, concluded between the United Kingdom and France, respecting the immigration of Indian workers to French colonies.

Decree of 30 March 1881 (Chapter 1), in pursuance of the Convention.

Decree of 31 October 1938, to extend to the old colonies (Guiana, Guadeloupe, Martinique, Reunion and New Caledonia) certain provisions of Book I of the metropolitan Labour Code.

Decree of 2 March 1939, to extend to the old colonies certain provisions of Book II of the metropolitan Labour Code.

Act No. 46-1,146 of 22 May 1946, to effect a generalisation of social security.

Decree No. 48-592 of 30 March 1948, to extend the metropolitan Labour Code to the four Overseas Departments.

Reunion Banks Regional Collective Agreement of 14 October 1948.

Decree No. 49-1,134 of 2 August 1949.

There are no observations in regard to paragraphs 1 and 2 of Article 1 of the Convention.

In regard to paragraph 3 of Article 1 the report states that Decree No. 49-1,134 of 2 August 1949 sets out all activities under headings, by numerical classification. The text of the Decree applies to Reunion. Prefectorial Orders, in particular, refer to this schedule.

There is no difficulty with regard to the definitions given in Article 2 of the Convention.

The report gives the following information on Article 3 of the Convention: for the last 12 years women have not been allowed to work for a period of six weeks after confinement; French legislation does not require a medical certificate;

Act No. 46-1,146 of 22 May 1946, to effect a generalisation of social security, applies to Reunion. The risk of maternity, however, is not yet effectively covered. Free medical assistance, free admission to maternity hospitals, and maternity benefits are always available to women workers.

In addition, the banks' regional collective agreement provides for the following paid leave: 45 days' pre-natal leave, 45 days' maternity leave, making 90 days on full pay, and nursing leave of eight months on half pay.

As regards subparagraph (c) of Article 4 of the Convention, the report states that the metropolitan Labour Code was extended without modification to the Overseas Departments.

The great majority of workers are entitled to free medical assistance. In 1950, 17,000 families received family assistance in the following amounts: maternity benefits: 8 million francs C.F.A.; nursing benefits: 12 million francs C.F.A., giving a total of 20 million francs C.F.A.

There were 3,234 confinements in the ten maternity hospitals of the island in 1950 and 1,415 during the first six months of 1951.

St. Pierre and Miquelon.

The employment of women before and after childbirth is not governed by any local provisions.

However, under the regulations respecting family allowances every pregnant woman is required to undergo three pre-natal examinations and, in practice, the instructions issued by the doctor at each examination concerning the cessation and resumption of work before and after confinement are strictly observed.

In addition, the birth of each child entitles the mother to a refund from the local insurance fund of all medical, hospital or surgical expenses connected with confinement.

Togoland.

The Convention has not been extended to Togoland because it has little practical value for the territory. This is on account of the small number of women workers and is due, in particular, to the fact that the benefits afforded to indigenous women under the indigenous medical assistance scheme take the form of free consultations, hospital treatment, medical care during confinement and other care.

At present about 25 European women and about a dozen African women are employed in offices throughout the territory. In addition, it has always been the practice for a certain number of women—not more than 40 or 50—to be given occasional employment unloading trucks.

It would be desirable to extend the Convention to Togoland but, with the present rise in prices, it is to be feared that if employers found themselves involved in further expenditure, they would seek to employ male labour only.

Tunisia.

The Convention is applied in practice. Under existing laws and regulations women workers are assured of conditions at least equivalent to those prescribed by the Convention.

4. Convention concerning employment of women during the night

*France**Algeria.*

The legislation is strictly applied. However, exceptions are allowed in respect of fruit and vegetable packing and despatching centres which are considered by the labour inspection service as commercial establishments, when this is necessary to ensure that the perishable goods in question are loaded on to ships or aeroplanes in time.

The total number of persons protected by the legislation is 31,878, of whom 18,050 are in Algiers, 6,531 in Oran, and 7,297 in Constantine.

Cameroons.

It was not considered necessary to communicate the territory's report to the employers' and workers' organisations, which co-operate with the labour inspectorate in the enforcement of the regulations.

French Guiana.

The system is the same as that in force in France.

There are no undertakings justifying night work and there are few women and children in employment.

Guadeloupe.

Decree No. 48-592 of 30 March 1948.

This Decree, which extends the labour legislation of metropolitan France to the Overseas Departments, made the provisions in force in metropolitan France applicable to Guadeloupe.

Responsibility for supervising the application of the laws and regulations rests with the same officials as in France.

During the period 1 July 1950 to 30 June 1951 the labour and manpower inspectorate consisted of three officials, namely, the head of the service, stationed at Basse-Terre, who went on leave at the beginning of August 1950 and returned at the beginning of April 1951; an inspector at Pointe-à-Pitre; and a controller at Basse-Terre sent to France for health reasons in September 1950 and not replaced.

Women are not employed on night work in the undertakings covered by the Convention and no requests have been received for the suspension of the relevant provisions. There are few undertakings in Guadeloupe where work is carried on at night.

Martinique.

An observation was made in 1951 by the Committee of Experts with regard to night work in sugar refineries. The employers were reprimanded and an appeal was made to the employers' organisation calling its attention to the provisions of section 26 of the Labour Code and to section 2 of the Decree of 5 May 1928. The Convention will be observed during the coming season.

Morocco.

Dahir of 2 July 1947, to regulate conditions of employment (Part II, Chapter 2, sections 10 to 17). (This Dahir repeals and replaces the Dahir of 13 July 1926 on the same subject.)

Vizierial Order of 8 March 1948, defining exceptions to the prohibition of night work for women and children. (This Order repeals and replaces that of 7 July 1928 defining tolerances and exceptions in respect of regulations governing the night work of women and children.)

All the undertakings enumerated in Article 1 of the Convention are considered as industrial undertakings. No decision has been taken to define the line of division separating industry and commerce from agriculture. Moreover, the legislative provisions now in force are applicable to commercial as well as to industrial undertakings. Whether an undertaking is considered to be industrial, commercial or agricultural is determined purely on the basis of its type of activity. Night work is work carried out between 10 p.m. and 5 a.m. The rest period granted to women between any two days of work must include the 10-hour night period, and its duration must be at least 11 consecutive hours. The term "women" covers all women employed in industrial establishments, irrespective of the work they perform.

In case of unemployment due to an accidental interruption of work or *force majeure*, not of a recurring character, exceptions to the prohibition of night work are permissible over a period not exceeding the number of days lost, provided that prior notice thereof is given to the labour inspector, indicating the number and dates of days lost, the number and dates of nights for which the exception is required, as well as the number of women concerned. This compensatory procedure may not be employed for more than 15 nights out of every year without the authorisation of the labour inspector.

Women may also be employed at night in case of urgent work which must be carried out immediately to prevent accidents, to organise salvage work or to repair accidental injuries to the plant, equipment or buildings of the undertaking, provided that the employer reports the case to the labour inspector.

Undertakings in which perishable substances are treated are authorised to make exceptions to the prohibition of night work (industries which manufacture butter, confectionery, fruit, vegetable and fish preserves, cheese, dairy products, perfumes derived from plants and processed fruits or vegetables).

Exceptions are permissible for a maximum period of 60 or 90 days according to the type of undertaking concerned. Hours of work may not exceed eight out of every 24 (ten hours in preserved food undertakings).

Any employer availing himself of exceptions is required to post up within the premises of the undertaking a chart showing the dates in respect of which exceptions have been applied, the time at which night work began and ended and the number of women involved. The exceptions are recorded on the worker's card.

Rest periods may be reduced to ten hours in the above-mentioned undertakings.

Supervision of the application of all labour legislation is entrusted to the labour inspectorate.

French Morocco is divided into 15 labour inspection districts, each of which comprises a labour inspector and a labour supervisor.

The statutory provisions governing night work are respected by all undertakings. Only in a very small number of cases have employers unlawfully required women to work at night, and only a few contraventions were reported.

Reunion.

Decree of 22 May 1916 (Reunion Labour Code).

Decree No. 48-592 of 30 March 1948, to extend the metropolitan Labour Code to the four Overseas Departments.

The only undertakings in which work is carried out at night are the sugar refineries, where the season lasts for five months (August to December). The number of furnace days per factory is 100, or approximately 15 weeks. There are 247 women workers, representing approximately 5 per cent. of the total number of persons employed.

In no case was the employment of women detected during night visits, which were unannounced, as are all visits made by the labour inspectorate. Such employment was prohibited by the Decree of 22 May 1916, which provides that women and young persons under 18 years of age may not be employed on any night work (section 12); that all work between 8 p.m. and 6 a.m. shall be considered as night work (section 13); that the nightly rest period of women and children shall be at least 11 consecutive hours (section 14).

St. Pierre and Miquelon.

There are no local regulations dealing with this matter; no women are ever employed at night.

Togoland.

Decree of 28 December 1937, promulgated by Order No. 66 of 27 January 1938.

The Convention was extended to Togoland by the above-mentioned Decree.

Togoland is essentially an agricultural country and possesses only a few cotton-ginning factories, some motor-repair shops and some building construction sites where no night work is carried out. Work is performed at the wharf only during the day and no women are employed. The power-station and the railways are permanently in operation but employ male labour only.

The labour inspector and the administrative authorities are responsible for ensuring the application of the Convention.

The labour inspector or his legally recognised substitutes, the heads of district offices, may enter any public or private workplace during the day or at night, without previous warning.

Portugal

Reports have been received for the following territories: *Angola, Cape Verde, Macao, Portuguese Guinea, Portuguese Indies, S. Tomé and Príncipe, and Timor.*

In general, these reports confirm the information supplied for the periods 1949-1950 and 1950-1951 and published in the summaries of reports on ratified Conventions submitted to the 33rd and 34th Sessions of the International Labour Conference (1950 and 1951).

There is no new information.

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

France

Algeria.

Thirteen reports relating to 41 infringements were drawn up by the labour inspection service.

French Equatorial Africa.

Order of 8 October 1951, respecting the employment of children.

The above-named Order which is applicable throughout the Federation (*i.e.*, to the territories of the Middle Congo, Gaboon, Oubangi-Shari and Lake Chad), governs the employment of children in industrial, commercial and agricultural undertakings, in undertakings for the loading and unloading of goods, in works, factories, mines and quarries, building yards, workshops, and their out-buildings, irrespective of the nature of these establishments, whether public or private, lay or ecclesiastic, even when they are of a vocational or charitable nature.

Children under the age of 14 years may not be employed, even as apprentices, in the above undertakings. This limit, however, is fixed at

12 years for children employed on light work of a domestic, agricultural, industrial or commercial nature. Seasonal employment at picking or sorting on the plantations is included in light work. The employment of children on light work in industry necessitates a permit from the local labour inspector.

The employment during school hours of children attending a public or private school is forbidden.

The minimum age for employment as a trimmer or stoker on board ship is fixed at 18 years, and this is also the case for any work done under dangerous or unhealthy conditions or calling for abnormal physical effort or concentration, such as the working of hoisting appliances. Young workers from 12 to 18 years of age employed in any of the undertakings enumerated in Article 1 of the Convention may not carry, pull or push, inside or outside the undertaking, weights exceeding the maxima fixed for various categories.

The transport by young persons under 18 years of age of loads on trolleys or two-wheeled trucks is prohibited. It is forbidden to employ young persons under 18 years of age on the extraction of ore, whether by hand or by pneumatic tools, in mines

or quarries; on the extraction of building materials in quarries, as well as on the lubrication, cleaning, inspection or repair of machines or moving machinery; on the operation of shearing machines or other mechanical cutting blades; on the turning of horizontal or vertical wheels; on circular or band saws.

The employment of children under 16 years of age on work on scaffolding used for the construction, repair or cleaning of buildings is prohibited.

The use and handling of explosives and their accessories by young persons under 18 years of age is prohibited.

In no case may the hours of work of young persons exceed eight per day.

The weekly rest period for young persons under 18 years of age may not be less than 24 consecutive hours.

Young persons under 18 years may not be employed on any kind of night work.

The nightly rest period of young persons under 18 years may not be less than 11 consecutive hours, to be taken between 6 p.m. and 5 a.m.

The minimum wage of children under 14 years may in no case be less than 50 per cent. of the minimum wage paid to adult workers in the same occupation. The rate is fixed at 70 per cent. for young persons from 14 to 18 years.

Young persons under 18 years benefit, under the same conditions as adult workers, from the provisions of section 9 of the Decree of 21 December 1935 concerning food rations.

The provisions of the Decree of 21 December 1935, concerning medical care and compensation in respect of industrial accidents, are also applicable to young persons under 18 years of age.

The consent of the parent or guardian is required for the admission to employment of children between 12 and 14 years of age.

The admission to employment of children between 12 and 14 years of age is subject to the written authorisation of the labour inspector where such exists; otherwise the authorisation is issued by the head of the district office concerned. Young workers between 15 and 18 years are recruited only eight days after the submission of their names to either the labour inspector or the heads of district offices.

All employers must show the age of young workers on a document (either on their personal record card or on the pay-sheet). This document must be available at any time for inspection by the labour inspector, the heads of district offices or their legal deputies.

Proof of age is established on production of a birth certificate, or of a suppletory legal declaration or by medical examination.

The labour inspector or his legal deputy may demand the medical examination by an approved doctor of any young person admitted to employment in any of the undertakings cited in Article 1, with a view to ensuring that the work which the young person is called on to perform does not exceed his physical ability. Where this is not the case, the labour inspector or his deputy may demand the dismissal of the young person, provided no employment suitable to his physical capacities can be found for him.

Breaches of the regulations are reported by the labour inspectors or their deputies, the heads of districts in which workplaces are situated, and are punishable by fines varying from 500 to 1200

francs, payable for each occasion on which young persons have been employed contrary to the provisions quoted above. Should the offence be repeated within 12 months of the confirmation of the first breach, a penalty of one to ten days' imprisonment may be imposed in addition to the fine.

French Guiana.

The system is the same as that in force in France.

No difficulties are encountered in Cayenne and Saint-Laurent, where children continue to attend school after they have reached the minimum school-leaving age.

French Settlements in Oceania.

Decree of 24 March 1924, to regulate, in the French Settlements in Oceania, the conditions of engagement of industrial and agricultural workers other than those subject to the immigration regulations (L.S. 1924—Fr. 4).

This Decree prohibits the engagement in any undertaking whatsoever of any child before he has completed his fourteenth year. Children are seldom employed in industrial undertakings.

French Somaliland.

Section 8 of the Decree of 22 May 1936 reads as follows: "Children over 13 and under 18 years of age may be employed on urgent work of a light nature, but only during the day and under the conditions laid down by the labour office. They may not be employed on any work between 9 p.m. and 5 a.m., or be required to carry, draw or push loads weighing more than 20 kilograms." This rule has been observed by employers.

Guadeloupe.

Decree No. 48-552 of 30 March 1948.

This Decree makes the legislation in force in metropolitan France applicable to the Department.

The scope of the legislation is that defined by the metropolitan Labour Code.

The register of young persons subject to the provisions relating to the application of the Convention is that prescribed in section 90 of Book II of the metropolitan Labour Code.

For the authorities responsible for the application of the legislation and for infringements reported, see under Convention No. 4.

Morocco.

The Dahir of 2 July 1947, governing conditions of employment, prohibits the employment of children under 12 years of age in industrial and commercial undertakings or by members of the liberal professions.

Owing to the early physical development of Moroccan children, the minimum age for employment has been fixed at 12 rather than at 14 years.

Officials of the labour inspectorate may require children between the ages of 12 and 16 years to undergo a medical examination in order to determine whether the work required of them is beyond their strength. They are entitled to order the dismissal of children, on the basis of medical advice.

The loads which children under 16 years of age may carry, haul or push are limited under a

Vizierial Order of 20 September 1950. Furthermore, the Vizierial Order of 21 January 1927 excludes children under the age of 16 years from certain occupations which are deemed dangerous (either because of the possibility of accidents or because of the health hazard involved in the emanations from, or the handling of, certain substances), which exceed the strength of children (for instance, work on circular saws, belt saws or shearing machines, mercury plating of mirrors, cutting and tearing of rags, manufacture of red lead, work in compressed air, gathering and blowing of glass), or which constitute a moral danger.

In order to ensure supervision of compliance with the above-mentioned provisions, employers are required to keep a register indicating the names and surnames of children under 16 years of age, their date and place of birth, domicile, as well as their occupational qualifications and successive assignments.

St. Pierre and Miquelon.

The collective agreements concluded since 1937, in particular that of 7 July 1951 covering persons engaged in the preparation of fish, dockworkers, skilled workers and labourers (all branches), state explicitly that "children under 14 years of age may only be employed in exceptional cases where there is a total lack of manpower. Their wages shall be 25 per cent. lower than the wages payable to adults."

Togoland.

The Convention has, at the moment, little significance for Togoland owing to the fact that industry is not highly developed. Up to the present children have not been employed in the few existing industrial undertakings. These undertakings are supervised by the labour inspectors and by the heads of district offices. The Convention could be extended to the territory in anticipation of the possible development of new industries.

United Kingdom

Aden.

Chapter 47, Laws of Aden, as amended by Ordinance No. 1 of 1951.

The Employment of Women, Young Persons and Children (Amendment) Ordinance, No. 1 of 1951, which came into force on 1 March 1951, amends section 4 of Chapter 47 of the Laws. It specifically prohibits the employment of children and young persons in the coaling of ships by hand, as it was considered that, in the absence of any interpretation by the courts of the term "transport by hand", such employment could be held to be legally permissible (Article 1 of the Convention provides that "industrial undertaking" excludes "transport by hand").

Cyprus.

A comprehensive revision of the existing legislation has been proposed by the Labour Advisory Board, on which employers and trade unions are equally represented, under the chairmanship of the Commissioner of Labour. It is not possible

to estimate the number of children in employment, but it is known that child labour is used extensively in a number of occupations and under conditions which are often unsatisfactory. It is difficult to enforce the legislative provision which prohibits the employment of children under 14 years of age in an industrial undertaking. The majority of children leave school between the ages of 12 and 13 years and employment opportunities are limited. A child who is bound as an apprentice in a manner approved by the Commissioner of Labour can enter industrial employment, but employers are reluctant to employ children as apprentices and, in any case, few industrial employments are suitable for children under 14 years. During the period under review eight contracts of apprenticeship were endorsed by the Department, 184 prosecutions were instituted against employers; in 106 cases, convictions were obtained.

Fiji.

During the period under review labour inspectors reported 12 industrial undertakings which had contravened the law by employing children under 15 years of age; the number of children involved was 20. The number of employers who contravened the law requiring them to maintain industrial registers was 23; 32 youths were employed by them. There were 16 successful prosecutions, the offenders being fined in each case.

Gilbert and Ellice Islands.

A new Labour Ordinance, which is expected to be enacted shortly, will permit a wider application of the Convention in the colony.

Hong Kong.

During the period under review two additional labour inspectors were added to the Labour Department staff. There were six prosecutions in respect of the employment of children in industrial undertakings. Penalties were imposed in each case.

Jamaica.

Juveniles Law, No. 44 of 1948, to repeal and replace the Children and Young Persons Law, Chapter 386 of the Revised Laws.

The above legislation, which came into force on 1 July 1951, defines "child" as "a person under the age of 14 years" and "young person" as "a person who has attained the age of 14 and is under the age of 17 years".

Section 70 of the Law provides that no child under 12 years may be employed on light domestic, agricultural or horticultural work, or in any prescribed occupation, except by his parents or guardian, and prohibits the employment of such children at night or in an industrial undertaking. Section 71 restricts the employment of juveniles under 15 years in any industrial undertaking, or in or upon any vessel, other than a vessel where only members of the same family are employed. Section 73 of the Law provides that a justice of the peace may issue a search warrant authorising any constable to make the necessary enquiries.

Leeward Islands.

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

Presidential Ordinances: Antigua, No. 3 of 1950; St. Kitts-Nevis, No. 1 of 1950; Montserrat, No. 5 of 1950; and Virgin Islands, No. 5 of 1950, all with effect as from 1 January 1951.

The above legislation gives effect to the provisions of the Convention. The definition of "industrial undertaking" contained in the Act corresponds to that given in the Convention. Section 3 of the Act empowers the Governor-in-Council to define the line of division which separates industry and commerce from agriculture, but it has not been found necessary to issue an Order dealing with this matter. Sections 4 and 8 of the Act give effect to Articles 2, 3 and 4 of the Convention. Section 14 of the Act provides for the inspection of workplaces by a police officer or any other person authorised by a commissioner of police, a superintendent or an assistant superintendent of police. The above-named Presidential Ordinances vested authority for supervision and inspection in connection with all labour legislation in the Labour Commissioner.

Mauritius.

The number of young persons employed in industrial undertakings amounts to 286 in sugar factories and 1,323 in other industries employing more than nine workers.

Nigeria.

Labour Code (Amendment) Ordinance, No. 34 of 1950.

This Ordinance amends section 160 of the Labour Code Ordinance, by raising from 14 to 15 years the minimum age for the admission of juveniles to employment in industrial undertakings.

St. Helena.

Education (Amendment) Ordinance, No. 13 of 1949.

The above legislation prohibits the employment of all children under 14 years of age and the employment during school hours of children under 15 years of age.

St. Lucia.

The Regulations required under section 3 (2) of the Employment of Children Restriction Ordinance, No. 28 of 1939, are being drafted in order that the Ordinance may be proclaimed. No decision has been taken in regard to the last paragraph of Article 1 of the Convention. No register has been presented in pursuance of Article 4 but section 3 (3) of the Employment of Women, Young Persons and Children Ordinance, No. 22/34, stipulates the manner in which the register should be kept. An extract from a progress report by the Labour Department states that "allegations that young persons between 14 and 16 years of age are employed in preference to adults seem to have some substance. Investigations are proceeding into reports that the employment of child labour is being practised."

Singapore.

Children and Young Persons Ordinance, No. 18 of 1949, and Rules issued thereunder.

The above-named Ordinance came into force during the period under review.

The term "industrial undertaking" is not defined in the Ordinance or Rules. The competent authority has not defined the line of division which separates industry and commerce from agriculture.

"Child" is defined as a person under the age of 14 years, except in the case of persons employed or engaged to take part in any public entertainment, when the age is 16 years. According to section 9 of the Ordinance no child under the age of 8 years shall be employed in any form of labour, and no child under the age of 12 years shall be employed on any work, except of an agricultural or horticultural nature, light work carried on collectively by the family of the child or by the local community, or light work of a domestic character in the household of the child's natural parent or legal guardian. No child shall be employed in any factory, godown or workshop. No child shall be employed or work in any capacity upon any small craft which is or should be licensed, or in any vessel, except where the craft or vessel is under the personal charge of the parent or legal guardian of the child. Nothing in this section of the Ordinance applies to the employment of children on work approved and supervised by the Department of Education, carried on in any Government or other technical school or in a training-ship, or upon any work in any approved school or approved home. No child or young person shall be employed in any form of labour or employment under any circumstances or under any conditions which may be prohibited from time to time by the Governor-in-Council, by Rules made under this part of the Ordinance. Any person who employs a child or young person in contravention of this section or of any Rule made under this part of the Ordinance, and any parent or guardian who knowingly or negligently suffers or permits such employment, shall be guilty of an offence, and liable, on conviction, to a fine not exceeding \$500, or to imprisonment for a term which may extend to three months, or to both fine and imprisonment. In the case of a second or subsequent offence, the penalty is a fine not exceeding \$1,000 or imprisonment, which may extend to two years, or both fine and imprisonment.

No child shall be required to carry any weight which is, or is likely to be, injurious to his health, and he shall not be employed in any form of labour, or in any place, or under conditions, injurious, or likely to be injurious, to his health. The certificate of a Government medical officer is to be conclusive in the question of whether such work is injurious, or is likely to be injurious, to the health of the child. Under the Protection of Workers Ordinance, No. 9 of 1939, the Governor-in-Council may make special regulations concerning the employment of certain classes of persons, and the conditions of employment, in work likely to cause risk of bodily injury to the persons employed thereon.

Section 9 (5) of the Children and Young Persons Ordinance covers the provisions of Article 3 of the Convention. Article 4 has not yet been imple-

mented in Singapore. In the new Labour Ordinance it is proposed to require all persons under 18 years of age employed in industrial undertakings to be registered with the Commissioner of Labour.

The authorities entrusted with the application of the legislation are the Commissioner of Labour, the Secretary of Social Welfare, and the Chief Inspector of Machinery. These authorities have their own staff of inspectors; one of the inspectors on the staff of the Labour Department is a woman. Routine inspections of places of employment are conducted constantly. In practice, the application, supervision and enforcement of those parts of the Children and Young Persons Ordinance which relate to employment and conditions of labour are ensured, by administrative arrangement, by the Commissioner of Labour. In spite of the difficulties mentioned in previous reports, the inspection services have discovered very few instances of the employment of children in contravention of the legislation now in force. It is hoped that, when the legislative provisions become more widely known to employers, and, more particularly, to parents, the standards set by the Convention will, in course of time, be accepted without question.

Solomon Islands.

The post of chief inspector of labour has been abolished. This change in the organisation and working of the inspection services applies for all the Conventions for which reports have been supplied.

Tanganyika.

During 1950 legal proceedings were instituted in 48 cases and 48 convictions were obtained in respect of offences committed in contravention of the provisions of the Employment of Women and Young Persons Ordinance.

Trinidad and Tobago.

A labour inspectorate with one officer was recently set up under the Labour Department, with a view to ensuring the supervision and enforcement of the application of labour legislation, including the provisions of the Ordinance respecting the employment of children and young persons. An early increase in the strength of the inspectorate is contemplated.

Uganda.

During the period under review there were nine prosecutions and nine convictions in respect of contraventions of the Employment of Children Ordinance.

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Southern Rhodesia (voluntary report).

Native Juveniles Employment Act.

As the result of a drafting error, Southern Rhodesia, when accepting this Convention, omitted to state that Article 2 was acceptable with the modification that "15 years" should read "12 years".

Provision has been made in the proposed Native Employment Bill, which it is hoped will be tabled in Parliament in 1952, to implement this Article as modified.

In the meantime it is considered that children under this age are amply protected by the Native Juveniles Employment Act, which allows Native Commissioners to remove juveniles from unsuitable employment.

Article 3 of the Convention is applied.

Article 4 was accepted with the modification "for '18 years' read '16 years' and delete dates of birth as there is no registration of births in the colony". This Article will be implemented in the Native Employment Bill. In the meantime employers are required to notify the Native Commissioner of the engagement, in terms of the Juveniles Employment Act, of juveniles under 16 years of age.

Article 5 is amply covered by the Native Juveniles Employment Act, the relevant section of which reads as follows:

"The Native Commissioner of the district in which any juvenile is employed or seeking employment or absent from the control and care of his parent or guardian may exercise the following powers: (a) he may terminate or cancel any contract of service which may have been entered into by a juvenile on the grounds that the employer is an undesirable character or that the nature of the employment is dangerous or immoral or injurious to the health of such juvenile, or for any other lawful or reasonable cause. The exercise of this authority by the Native Commissioner shall be subject to review by the Chief Native Commissioner, whose decision shall be final; (b) he may enter the premises wherein any juvenile is employed and inspect such premises or enquire into the conditions of service; (c) on the application of a parent or guardian, or for any reason which may appear desirable or proper, he may order any juvenile to return home or restore him or her to the charge of such parent or guardian and if such juvenile is employed he may cancel the contract of service entered into by him or her." (Section 4.)

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

France

Algeria.

Order of 25 October 1949.

No provision is made for members of the same family.

The exceptions allowed under Article 2, paragraph 2 (a), of the Convention (factories where

continuous furnaces are used) apply to youths over 16 years of age employed in essential work. Section 5 of the Order of 25 October 1949 indicates the formalities to be observed in order to obtain authorisation for such exceptions which, in fact, have never been made use of in Algeria.

Under Algerian legislation the night period in

the baking industry is considered to be the interval between 10 p.m. and 4 a.m.

The text corresponding to Article 4 of the Convention is section 25 of Book II of the Labour Code (notice to the labour inspector: maximum 15 nights per year).

Article 7 of the Convention states that the prohibition of night work may be suspended; this provision may be applied in the case of work connected with the national defence, provided such work is organised in shifts. During the year covered by the report the Government did not suspend the prohibition of night work.

The total number of young persons protected by labour legislation in commerce and industry was 22,424, of whom 10,211 were in Algiers, 8,279 in Oran, and 3,934 in Constantine.

The total number of infringements of labour legislation relating to young persons was 71.

French Equatorial Africa.

See under Convention No. 5.

French Guiana.

The system is the same as that in force in France.

The electric power station and the hospital are the only establishments working day and night and they employ no children.

Guadeloupe.

See under Convention No. 4.

Martinique.

See under Convention No. 4. No cases of emergencies occurred and there was no suspension of the prohibition of night work.

Morocco.

The Dahir of 2 July 1947 prohibits the night work of children under 16 years of age in industrial

and commercial undertakings. The age limit is fixed at 16 rather than at 18 years because most of the children employed in such undertakings are Moroccans who develop physically much earlier than European children.

The provisions concerning the prohibition of night work for children under 16 years of age and exceptions to this prohibition are the same as those for the night work of women (see under Convention No. 4).

St. Pierre and Miquelon.

See under Convention No. 4.

Togoland.

Decree of 28 December 1937, promulgated by Order No. 66 of 27 January 1938.

The Convention was extended to the territory by the above-mentioned Decree.

See under Convention No. 4: the remarks concerning the employment of women during the night in industry apply also to children.

Tunisia.

See under Convention No. 3.

Portugal

Reports have been received for the following territories: *Angola, Cape Verde, Macao, Portuguese Guinea, Portuguese Indies, S. Tomé and Príncipe, and Timor.*

In general, these reports confirm the information supplied for the periods 1949-1950 and 1950-1951 and published in the summaries of reports on ratified Conventions submitted to the 33rd and 34th Sessions of the International Labour Conference (1950 and 1951).

There is no new information.

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

Australia

Papua and New Guinea.

Convention No. 58, which revises and is more restrictive than Convention No. 7, has been examined on behalf of Papua and New Guinea and it is considered that the law and practice in these two territories is largely in accord with the provisions of the Convention.

France

French Equatorial Africa.

See under Convention No. 5.

United Kingdom

Jamaica.

Juveniles Law, No. 44 of 1948, to repeal and replace the Children and Young Persons Law, Chapter 386 of the Revised Laws.

The above legislation came into force on 1 July 1951 and defines the term "vessel" as "any seagoing ship or boat of any description which is registered as a British ship and which is habitually used only for voyages from one port to another in Jamaica or any of its dependencies".

Leeward Islands.

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

Presidential Ordinances: Antigua, No. 3 of 1950; St. Kitts-Nevis, No. 1 of 1950; Montserrat, No. 5 of 1950; and Virgin Islands, No. 5 of 1950, all with effect from 1 January 1951.

The above legislation gives effect to the provisions of the Convention. Section 2 of the Act defines the term "vessel" as "any seagoing ship or boat of any description registered in the colony". There are no school-ships or training-ships in the colony, and it is unlikely that there ever will be. Articles 2 and 4 are applied by sections 5 and 8 of the Act.

Nigeria.

Labour Code (Amendment) Ordinance, No. 34 of 1950.

This Ordinance amends section 171 of the Labour Code Ordinance by raising from 14 to 15 years the earliest age at which juveniles may be employed on vessels.

North Borneo.

On 30 June 1951 there were 55 vessels on the colony's shipping register; all but one of these vessels were under 100 tons net register.

Nyasaland.

Section 107 (1) of the Shipping Ordinance of 1951, which is to come into force on a date to be notified by the Governor by Notice in the *Gazette*, provides that no child under 15 years of age shall be engaged in the Protectorate or carried on

Protectorate waters to work in any capacity in any ship, except in a ship in which all persons employed are members of one family or except where such child is to be employed at a nominal wage and will be in the charge of his father or other adult male relative.

St. Helena.

The Convention is strictly applied.

St. Lucia.

The method of registration is set out in section 4 (2) of the legislation in force. No register has been prescribed.

Trinidad and Tobago.

See under Convention No. 5.

Zanzibar.

As regards Article 4 of the Convention, the report states that a form of register is being prepared. Ships' crews are signed on by the port office staff and close attention is paid to the question of age which, however, must often be guessed, as few natives manage to keep their birth certificate for any length of time.

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

Australia

Papua and New Guinea.

Papua.

Seamen (Unemployment Indemnity) Ordinance, 1937-1950.

New Guinea.

Shipping (Maritime Convention) Ordinance, 1937-1950.

Section 5 of the Papua Ordinance of 1937, which prohibited the extension of the scope of the Ordinance to include any native, has been deleted by the Amending Ordinance of 1950.

In New Guinea section 2 of the Ordinance of 1937 has been amended by the 1950 Ordinance, which extends the provisions of that section to include native seamen. Section 2 now defines "seaman" as "every person employed or engaged in any capacity on board ship, but, in the case of a ship which is a fishing boat, does not include any person who is entitled to be remunerated only by a share in the profits or gross earnings of the working of the boat".

France

Cameroons.

In view of the small number of vessels registered in the Cameroons, the enactment of special legislation to apply the provisions of the Convention would not be justified. Local seamen are

only engaged for short voyages, limited to the territorial waters of the Cameroons and the neighbouring coasts.

In case of shipwreck of vessels registered in France, the law applicable in France concerning the repatriation of seamen and the assistance given also applies in the Cameroons.

In case of shipwreck of foreign vessels, all necessary measures would be taken by the welfare service of the territorial administration, in agreement with the Consul concerned. No shipwreck occurred during the period under review.

French Equatorial Africa.

The local regulations do not provide for the contingency of loss by shipwreck which is, unquestionably, a case of *force majeure* exonerating the employer from his obligations in regard to the crew, always provided, however, that there is no possibility of the employer's finding employment for the crew on another vessel or on land. If this is the case, and the employer wishes to retain the services of the crew, he is obliged, under normal circumstances, to pay at least the basic wage during the period of forced unemployment.

French Somaliland.

The Convention has been in force in the territory since 16 March 1923. It is applied under the Seamen's Code (Act of 13 December 1926).

French West Africa.

Seamen of French West African birth who possess "seamen's identification books" may be employed on board vessels commissioned in metropolitan France, in which case they are subject to the provisions of the Seamen's Code in the same manner as French nationals.

The following data are, therefore, applicable only to African crews on board vessels whose home port is in French West Africa. There is no legislation applying the provisions of the Convention to seamen included in this group.

Nevertheless, a decision was taken on 27 June 1950 by the Director of the Mercantile Marine, with the agreement of the parties concerned, as well as of the labour inspectorate, to grant compensation to any seaman dismissed for a cause other than his own misconduct.

The amount of compensation is calculated by multiplying the average monthly wage over the preceding 12 months by the number of years of service on the basis of the following coefficients: 20 per cent. of wages for one to five years service; 25 per cent. of wages for five to ten years service; 30 per cent. of wages for ten to fifteen years service.

Madagascar.

No law or regulations exist in Madagascar relating to unemployment benefits for seamen in case of the loss or foundering of the vessel.

Martinique.

The metropolitan regulations (Act of 13 December 1926, section 42) are fully applicable.

Supervision of the application of the legislation is effected by the superintendent of seamen's registration.

Morocco.

Morocco has not yet adhered to any of the international Conventions concerning conditions governing the employment of seafarers.

However, the Bill for the revision of the Commercial Shipping Code of Morocco, which was drawn up in 1946 by the competent departments of the Residency, was based to a certain extent on the maritime legislation of France, which has ratified these Conventions. Some of the provisions of the French Code were therefore to have been incorporated in the Moroccan legislation. However, this Bill has not yet been adopted.

At present Morocco has no legislative provisions equivalent to those of the Convention.

Reunion.

Act of 13 December 1926, to issue a Seamen's Code (L.S. 1926—Fr. 13), promulgated by local Decree No. 272 of 12 March 1927.

Act of 15 February 1929, to amend the above-named Act (L.S. 1929—Fr. 1).

The definitions are in conformity with those laid down in Article 1 of the Convention.

Compensation is due if the vessel is captured, wrecked, or declared unseaworthy (section 42 of the Seamen's Code).

The term "loss by shipwreck" includes total loss of the vessel.

The term "wages" is taken to include the remuneration in cash provided for in the list

of the crew, and the ration allowance. Compensation is limited to two months' wages. Disputes are settled, in the case of conciliation proceedings, by the superintendent of seamen's registration and, in the case of legal proceedings, by justices of the peace. No seaman has received compensation, at least during recent years. (There have been no shipwrecks.)

St. Pierre and Miquelon.

Act of 15 February 1929, to provide for the payment to seamen of compensation against unemployment in case of the capture, loss or foundering of the vessel or the declaration of its unseaworthiness (L.S. 1929—Fr. 1). This Act was published by a local Order of 28 October 1947.

In case of capture, loss or foundering of his vessel, or declaration of its unseaworthiness, a seaman is entitled to compensation which is paid to him for the entire duration of his actual unemployment, at the same rate as the wages payable under his contract of employment; nevertheless, the total compensation may not exceed two months' wages.

Togoland.

The Convention is not applicable to the territory as there are no ships and no seamen's registration centre. Togolandese who join ships from other territories are covered by the legislation of those territories.

*United Kingdom**Barbados.*

Under an Order-in-Council to be made shortly the United Kingdom Merchant Shipping (International Labour Conventions) Act of 1925 is to be applied to Barbados, with one modification to the effect that section 1 of the Act respecting unemployment indemnity for shipwrecked seamen shall not apply to certain vessels of less than 250 tons gross register.

Cyprus.

There are now no ships on the Cyprus register.

Dominica.

Merchant Shipping (International Labour Conventions) Act, 1925, as extended by the Merchant Shipping (Colonies) Order, 1927, and amended by the Merchant Shipping (Colonies) (Amendment) Order, 1942.

The above legislation is administered by the shipping master.

Hong Kong.

During the period under review there were two cases of foundering of Hong Kong and United Kingdom registered ships and compensation was granted under Article 2 of the Convention.

Leeward Islands.

Merchant Shipping (International Labour Conventions) Act, 1925, applied, with appropriate modifications, by Ordinance No. 267 of 1942.

Effect is given to the provisions of the Convention by the above-mentioned legislation and its

accepted interpretation. Seamen can take action under the appropriate provisions of the United Kingdom Merchant Shipping Act, 1894. The customs authorities are entrusted with the application of the existing legislation. No statistics are available.

North Borneo.

See under Convention No. 7.

9. Convention for establishing facilities for finding employment for seamen

Australia

Norfolk Island and Nauru.

There are no local shipping services at Norfolk Island and Nauru.

Papua and New Guinea.

The provisions of the Convention have been designed for countries which are more advanced than Papua and New Guinea.

France

Cameroons.

Order No. 369 of 28 January 1949, issued by the High Commissioner of the French Republic in the Cameroons, prescribing conditions for the engagement of citizens of the French Union of Cameroon origin as members of crews on board merchant, fishing or pleasure vessels.

There are no special regulations dealing with the placing of seamen from the Cameroons.

Under the Order of 28 January 1949 these seamen must be identified and registered before being issued with a special identity card authorising them to serve on board ship.

Only 64 seamen are registered in the Cameroons. The seamen's registration office at Douala performs the functions of a free employment office.

The conditions of service of seamen from metropolitan France employed in the Cameroons are determined by their contract. The question of placing does not arise for this category of workers.

French Equatorial Africa.

See under Convention No. 22.

French Guiana.

French Guiana has no seamen's placing office. Seamen are recruited through the Seamen's Union.

French Somaliland.

Since Djibouti is merely a port of call, vessels are not normally manned there, and consequently the placing of seamen is on a very small scale (roughly 30 placings per year).

A list of seamen awaiting engagement is kept at the seamen's registration office.

French West Africa.

See under Convention No. 8, first three paragraphs.

Seychelles.

Local Trading Vessels Ordinance, No. 2 of 1951.

One vessel of 100 tons net register was stranded on Farquar Island and one vessel of 40 tons net register caught fire in the home port (Port Victoria). The members of the crews were fully compensated in accordance with the legislation in force.

In practice, lists of seamen seeking employment are available for consultation by masters and shipowners at the seamen's registration centres.

Madagascar.

Decree of 7 April 1938, to issue regulations governing native labour in Madagascar (L.S. 1938—Fr. 2).

Section 83 (1) of the Decree of 7 April 1938 provides that "the local employment office shall constitute a placing, information and statistics office". The term "seaman", as it is understood by the Convention, comprises all persons employed as members of crews other than officers. The placing of seamen is not conducted with a view to profit. As in the case of other workers, placings are effected through the local employment offices which are established in each district and are 81 in number. In addition, a placing office for the whole territory is attached to the provincial labour inspectorate at Tananarive. Each month this office publishes a list of vacancies and applications for employment which have been brought to its notice; this list is widely distributed. The application of local by-laws is entrusted to the labour inspection service in co-operation with the seamen's registration offices.

Martinique.

The metropolitan legislation (Act of 13 December 1926, section 6) is fully applicable.

Supervision of the application of the legislation is effected by the superintendent of seamen's registration. As a result of the system of "stability" of employment (a renewable civil contract binding the seaman and the shipping company for a minimum period of three years), the necessity for a seamen's employment agency has not been felt in Martinique, where there is only one company which engages merchant seamen. No joint seamen's employment office has been established. Seamen are engaged directly or through the intermediary of the information offices of the various officers' and seamen's associations.

Morocco.

See under Convention No. 8.

Reunion.

For legislation, see under Convention No. 8.

Placings must be effected free of charge. Penalties in case of contravention are provided for in section 202 of Book I of the Seamen's Code.

Seamen are placed (section 6 of the Seamen's Code) either by direct engagement, or through the intermediary of seamen's placing offices, or by trade unions which may set up offices to provide information on labour supply and demand. There is no effective placing organisation in Reunion at present, because there is no necessity for it. There are no fee-charging employment offices.

The seamen's registration service supervises enforcement of the legislation.

St. Pierre and Miquelon.

Act of 13 December 1926 (section 6), to issue a Seamen's Code (L.S. 1926—Fr. 13).

The provisions of the Convention are applied in the territory.

Togoland.

As there are no ships registered in the territory the Convention cannot be applied to Togoland. Lists of seamen who wish to join ships are kept at the seamen's registration offices in Dakar.

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

France

Algeria.

Act No. 51-215 of 27 February 1951, to supplement with a view to its application in Algeria, Act No. 50-205 of 11 February 1950 respecting collective agreements and the procedure for the settlement of collective labour disputes.

Act No. 51-215 lays down conditions for the application to Algeria of the Act of 11 February 1950, both in respect of agricultural and non-agricultural occupations. Section 27 of the first-named Act provides, in particular, for the establishment of conciliation boards for agricultural occupations. The departmental labour regulations, issued in pursuance of the Ordinance of 7 July 1945, contain provisions to the effect that freedom of association and the right to join and be a member of a trade union are indisputable. These regulations also specify that, in engaging or dismissing a worker or in allocating work, an employer must not be influenced by the fact that the worker does or does not belong to a trade union. The few collective agreements which have been concluded for agriculture contain one or more clauses stipulating that agricultural employers must formally recognise the workers' right to organise and freely engage in lawful trade union activities.

French Equatorial Africa.

Section 5 of the Decree of 7 August 1944, according to which trade union officials must have been educated up to elementary school certificate standard, is applied very liberally. Circular No. 704/AP-2, issued by the High Commissioner on 23 October 1946, merely stipulates that such officials shall be able to express themselves clearly in French.

The fact that agricultural workers are spread over estates which are often remote from one another is a great obstacle to the establishment of unions. In addition, there are, at the moment, few agricultural workers capable of organising representative trade unions on the same lines as in trade and industry. However, the union of agricultural workers, lumber workers and charcoal burners of Bangui and district was registered in 1950. This union, which is affiliated to the C.G.T., has shown few signs of activity up to the present.

French Somaliland.

No regulations exist relating to the right of association of agricultural workers, as there are no agricultural unions, co-operatives or associations, and agriculture is practically non-existent in the region. There are only a few small farms, which are worked on a family basis.

Guadeloupe.

Decree No. 48-567 of 30 March 1948, concerning the powers of inspectors of labour and manpower in the Overseas Departments.

Under the terms of this Decree the labour inspectors are responsible for the administration of all social legislation respecting agriculture, in so far as it is not based on social security legislation, and are placed, for this purpose, under the authority of the Minister of Agriculture. During the period under review no difficulties were encountered in applying the provisions of the Convention.

Guadeloupe is primarily an agricultural Department and agricultural workers' unions are very numerous.

Martinique.

The legislation is identical with that in force in France. There are no restrictions on the rights of association and combination of agricultural workers as compared with industrial workers. The organisation of agricultural unions is well developed in Martinique. Wage strikes lasting several weeks occurred but did not lead to the breaking of contracts of employment.

Reunion.

Local Decree No. 130 of 11 May 1884, to promulgate the Act of 21 March 1884 respecting trade unions. Metropolitan Labour Code.

Since 1884 agricultural workers, employees, technicians and supervisory staff have enjoyed, without restriction, the same rights of association as employees in industry.

Togoland.

In accordance with the provisions of Article 4 A.I. of the Trusteeship Agreement, all the

legislation ensuring that French nationals shall enjoy the rights of man and the fundamental liberties defined or enumerated in the French Constitution of 1946 has been extended to Togoland. Moreover, the Decree of 7 August 1944 had already afforded indigenous inhabitants the right to organise in defence of their occupational interests.

The extension of the Convention to Togoland would only confirm legal rights already acquired and would have little practical value in view of the family structure of the agricultural economy and the very restricted number of permanent agricultural workers.

There is no agricultural employers' or workers' association in Togoland.

Tunisia.

See under Convention No. 3.

United Kingdom

Barbados.

Although only a comparatively small number of agricultural workers have availed themselves of the right to join a trade union, non-unionists accept and honour agreements affecting their wages and conditions of work which have been concluded between the Barbados Sugar Producers' Federation and the Barbados Workers' Union. During the period under review no objection to agricultural workers becoming trade unionists was voiced.

British Honduras.

Trade Unions (Amendment) Ordinance, No. 1 of 1951.

The above legislation provides that the registrar should approve rather than appoint the auditors of accounts of registered trade unions.

Cyprus.

At the end of 1950 there were seven registered trade unions of agricultural workers, with a total paid-up membership of 1,168.

Hong Kong.

The Government Agricultural Station having closed, the only trade union of agricultural workers has been inactive and enquiries are being made as to whether it will continue to function.

Jamaica.

Out of an estimated total of 120,000 agricultural workers, 36,174, or 30.15 per cent., were

organised, most of them being employed in the sugar industry.

Leeward Islands.

Trade Unions Act, No. 16 of 1939.

The above legislation gives practical effect to the Convention and there is no discrimination against the rights of association and combination of agricultural workers. The majority of members of existing trade unions are agricultural workers.

Mauritius.

Out of a potential membership of 60,000, 6,214 agricultural labourers are subscribing members.

Nyasaland.

Workers engaged in agriculture have the same rights of association and combination as industrial workers. There are no statutory or other provisions restricting such rights.

St. Lucia.

Trade Unions and Trade Disputes Ordinance, No. 4 of 1948.

This Ordinance can be said to apply the provisions of the Convention. Supervision is carried out by the executives of the trade unions, but, where a worker alleges that he is aggrieved by a breach of any rule, he may complain to the registrar of trade unions who, after giving the worker in question an opportunity of being heard, and provided he considers that such a breach has been committed, may make such order for remedying the breach as he thinks just under the circumstances. Any such order of the registrar shall be binding and conclusive for all parties, with a right of appeal to the Supreme Court, and shall not otherwise be removable in any court of law or restrainable by injunction and, on being recorded in the First District Court, may be enforced as if it had been an order of the First District Court.

An appeal under these provisions may be brought within 15 days from the order of the registrar in the First District Court and shall otherwise be subject to the rules governing appeals from the District Court in civil cases.

Swaziland.

Trade Union Registration Rules (High Commissioner's Notice, No. 8 of 1950), made under the Swaziland Trade Unions and Trade Disputes Proclamation, No. 31 of 1942.

The report refers to the above-mentioned legislation.

12. Convention concerning workmen's compensation in agriculture

France

Algeria.

Act of 17 August 1950, to extend to Algeria the Act of 2 August 1949.

The Act of 17 August 1950, which increases the benefits and allowances payable under the

legislation respecting industrial accidents, establishes complete similarity between the systems of compensation for industrial accidents in the agricultural and non-agricultural sectors, and between the systems in Algeria and in France. The system applicable to agriculture is laid down in sections 6, 7, 11, 12 and 13 of Part II of the Act.

The Department for the Supervision of Labour Legislation in Agriculture, which was established by the Order of 14 March 1949, is responsible for ensuring the observance of the legislation relating to industrial accidents in the agricultural sector.

Cameroons.

Industrial accidents in agriculture in 1950 had the following consequences: five accidents caused temporary incapacity for less than ten days; two accidents caused temporary incapacity for more than ten days; no accidents caused permanent incapacity of less than 50 per cent.

These accidents, seven in all, represented 0.54 per cent. of the total number of industrial accidents.

French Equatorial Africa.

The methods for the payment of compensation in respect of industrial accidents and particularly the bases for the calculation of compensation as set out in Circular No. 530/IGT of 30 September 1951 (see under Convention No. 17) are applicable without modification to industrial accidents in agriculture.

French Somaliland.

In view of the very small number of agricultural workers it has not been considered necessary to establish a special workmen's compensation scheme. Agricultural workers are covered by the general scheme.

French West Africa.

Ivory Coast.

Decree of 17 December 1942, applicable in the Upper Volta.

Sudan.

Decree of 28 July 1944.

Dahomey.

Decree of 19 May 1942.

Niger.

Decree of 22 January 1949.

All these local regulations constitute attempts to fill the gap resulting from the absence of legislative provisions. Their effectiveness is limited by the fact that local authorities must exercise considerable caution, since employment injury is a matter which falls within the scope of the law. In most cases they merely provide compensation for the dependants of the victim in cases where an accident results in death.

Nevertheless, the provisions adopted in the Ivory Coast are more thorough. They prescribe, in particular, that, in case of temporary incapacity resulting from employment injury, and throughout the duration of such incapacity, the victim shall receive compensation amounting to a prescribed percentage of his wages, *i.e.*, 50 per cent.; that, in case of permanent partial incapacity, the victim shall receive compensation amounting to 325 francs for every percentage unit of incapacity; and that, in case of death, the beneficiaries shall receive compensation of 19,500 francs.

The principle of extending to agricultural workers the laws and regulations enacted for the protection of other groups of workers in case of industrial accidents, which is embodied in the

Convention, is worthy of serious consideration. However, it would be for the Legislature of metropolitan France to adopt such a measure.

Guadeloupe.

The provisions of Act No. 49-1,104 of 2 August 1949 have not yet been fully applied and the Guadeloupe General Social Security Fund has not yet assumed responsibility for the application of the new legislation.

The numerous provisions of the Decree of 23 May 1927, to issue public administrative regulations determining the conditions for applying to Martinique, Guadeloupe, Reunion and French Guiana the Act of 15 December 1922 extending legislation respecting industrial accidents to agriculture, are still applied.

It is estimated that about 35,000 agricultural workers are protected by the legislation respecting compensation for industrial accidents in agriculture.

Morocco.

The Dahir of 12 March 1945 extended the legislation on employment accidents to agriculture. Since 1 July 1945 compensation for employment accidents sustained by agricultural workers has been based on the Dahir of 25 June 1927 respecting compensation for employment accidents.

New Caledonia.

During 1950 one accident which resulted in temporary incapacity was reported.

Reunion.

Act of 1898, respecting industrial accidents.

Decree of 23 May 1927, to extend the Act of 15 December 1922.

Act of 30 October 1946.

The total number of workers protected was 67,000 (51,000 men and 16,000 women).

Togoland.

No legislation providing for compensation for victims of accidents arising out of or in the course of employment has been promulgated.

In practice, this does not have serious consequences for the following reasons. There are only two large agricultural undertakings where wage earners are employed; all the rest are family concerns. Anyone who is the victim of an industrial accident is, like the rest of the population, afforded benefits through the indigenous medical assistance scheme. These benefits take the form of free consultations, hospital treatment, medical care and pharmaceutical supplies. So far, in case of permanent incapacity, the labour inspector, in accordance with section 1382 of the Civil Code, has obtained payment of an allowance, the amount of which is agreed upon between the parties concerned. But this is only a make-shift arrangement which depends upon the good will of the employers.

The Overseas Labour Code will certainly provide a solution for the inadequacy of existing legislation.

Tunisia.

See under Convention No. 3.

*United Kingdom**Bahamas.*

The workmen's compensation legislation does not apply to agricultural workers. In any case, very few workers are engaged in agriculture on a wage-earning basis. Workers recruited in the territory for agricultural employment in the United States are insured against accidents under United States legislation and against sickness under a Bahamas Government contributory scheme.

Barbados.

Workmen's Compensation (Amendment) Act, No. 4 of 1951.

This legislation had not come into force at the end of the year under review. According to the last estimate, based on the 1946 census returns, the approximate number of agricultural workers covered by workmen's compensation legislation was 28,000. Separate figures indicating the number of accidents to agricultural workers are not available.

Basutoland.

With regard to the observations of the Committee of Experts in 1951, the report states that there are no wage-earning agricultural workers in Basutoland; peasants and their families farm their own land and Europeans are not permitted to own or to farm land.

Bermuda.

The Social Security Bill previously referred to was adopted on 21 May 1949 but has not yet come into force. The House of Assembly has not yet made the necessary financial provision.

British Guiana.

During the period under review 9,006 accidents to agricultural workers, involving incapacity for three days and over, were notified to the Department of Labour. The report submitted by the committee set up in 1950 to examine the working of the Workmen's Compensation Ordinance and amendments is being considered by the Government.

British Honduras.

There were 90 accidents in private undertakings, seven of which resulted in permanent partial incapacity. The total amount of compensation paid was \$4,002, of which \$2,421 was for accidents resulting in permanent partial incapacity. There were 61 accidents in Government undertakings, two of which were fatal and one of which caused permanent partial incapacity. Compensation totalled \$1,340 for the accidents causing temporary incapacity, and \$1,830 for the three accidents resulting in death or permanent incapacity.

Brunei.

Workmen's Compensation Enactment, 1950.

This legislation came into force on 1 July 1950.

Gibraltar.

A draft Ordinance, based substantially on the United Kingdom National Insurance (Industrial Injuries) Act, 1946, has been completed and will be submitted to the Legislative Council in the near future. It is intended that the Ordinance shall apply equally to agricultural workers and other industrial workers.

Jamaica.

There was one accident resulting in temporary partial incapacity. Compensation amounting to £18 was paid.

Kenya.

The average number of agricultural workers increased slightly in the period under review and was approximately 110,000. There were 106 accidents, five of which were fatal.

Leeward Islands.

Workmen's Compensation Act, No. 11 of 1937, as amended in 1939 and 1941.

Workmen's Compensation Rules, Nos. 12 and 21 of 1938.

The Convention is applied by the above legislation, and agricultural workers are covered on exactly the same basis as other workers. Claims for compensation are normally settled voluntarily between the parties, with the advice and assistance of the Labour Commissioner, if required. Contested claims are referred to the Commissioners for Workmen's Compensation (section 20 of the Act). Appeals are made in the first instance to a judge of the Supreme Court and then to the Windward-Leeward Islands Court of Appeal. Section 15 of the Act requires annual returns of the number of injuries and the amount of compensation paid. Statistics of accidents and compensation are given for the 1948-1950 period covered by the report.

Federation of Malaya.

The draft of a new Workmen's Compensation Bill has now been approved in principle and it is hoped to secure the enactment of the Bill in 1952. During the period under review there were 50 fatal accidents, 144 accidents causing permanent incapacity, and 678 accidents causing temporary incapacity. The victims were workmen on rubber, coconut, oil palm, tea and pineapple plantations. According to returns collected from employers by the Department of Labour, there were 310,247 workmen employed on plantations on 30 June 1950. In general, however, these returns only covered plantations of 25 acres or more.

Mauritius.

During the period under review there were 2,886 accidents, eight of which were fatal; the total amount paid out in compensation was Rs. 74,549.

Nigeria.

Workmen's Compensation (Amendment) Ordinance, No. 23 of 1950.

This Ordinance extends the benefits of the compensation legislation to all agricultural workers in the service of employers employing not less than ten workers.

North Borneo.

Workmen's Compensation Ordinance, 1950.
Workmen's Compensation (Application) Order, 1950.

The Convention is applied by the Ordinance and Order which came into force on 1 July 1950, with the modification that only employers in agricultural undertakings employing 20 or more persons are liable to pay workmen's compensation. In view of the fact that in North Borneo agricultural undertakings employing less than 20 workers are in most cases family concerns, wider application was felt to be undesirable as yet. This question will be reconsidered, however, when the effect of the enforcement of the present legislation has been studied.

The legislation is supervised and enforced by the Department of Immigration and Labour, whose officers, together with district officers and certain other administrative officers appointed to be Assistant Commissioners of Labour, have power to make any investigation necessary and to represent workmen in the courts. The Government Medical Department also co-operates by notifying the Labour Department of accidents which come to its notice. Under section 14 of the Ordinance employers must report any accidents occurring in circumstances entitling workmen to receive compensation. The officers of the Department and the Assistant Commissioners also investigate any accidents which come to their notice during routine inspections or otherwise.

The total number of agricultural workers was 9,776, and 16 accidents causing temporary incapacity were reported. The total cost of cash benefits was \$444.50.

Northern Rhodesia.

The workmen's compensation legislation of the territory does not differentiate in any way between agricultural workers and other classes of workers, and reference is made, therefore, to the report on Convention No. 17.

St. Lucia.

The workmen's compensation legislation makes no distinction between workers engaged in industry or agriculture. A total of approximately 11,000 persons (male and female) are covered by its provisions. During the year under review 202 accidents were reported, of which 200 caused temporary incapacity, one caused permanent incapacity, and one was fatal. Workers in the sugar industry are covered by insurance. Where a small-scale employer is unable to insure his employees against accidents, in the case of an accident the employer continues to pay the employee's normal wages.

St. Vincent.

Workmen's Compensation (Amendment) Ordinance, No. 5 of 1949.

The above legislation prescribes the payment of increased rates of compensation to workmen for injuries sustained in the course of their employment.

Seychelles.

The draft legislation mentioned in the previous report has been found to require considerable revision. The Colonial Office is now preparing a model Bill based on the special conditions obtaining in Seychelles.

Sierra Leone.

A revised Workmen's Compensation Ordinance covering all wage-earning agricultural workers has been drafted; this Ordinance is still under consideration by the Joint Consultative Committee.

Singapore.

No accidents to agricultural workers were reported during the period under review.

13. Convention concerning the use of white lead in painting*France**Algeria.*

Order of 24 March 1950.

The above local Order prohibits the use of white lead, sulphate of lead, and all products containing these pigments, in all painting work on buildings, whether internal or external. The Algerian text authorises no exceptions. Only one summons was issued.

French Equatorial Africa.

Decree of the High Commissioner of 7 September 1951.

Under the terms of this Decree "the use of white lead, sulphate of lead, plumbiferous linseed oil, and all products containing white lead or sulphate of lead, is forbidden in all painting work on buildings, whether external or internal". This Decree meets the observations of the Committee

of Experts which, in 1951, pointed out the absence of legislation in this regard.

French Guiana.

Decree No. 48-592 of 30 March 1948.

Book II of the metropolitan Labour Code was made applicable by the above-mentioned Decree. The method of application is the same.

French Settlements in Oceania.

Decree No. 1,486/I.T. of 12 December 1950, concerning the use of white lead in painting.

Notwithstanding the provisions of Article 3 of the Convention, this Decree empowers the labour inspector to authorise the employment of apprentices after consultation with the employers' and workers' organisations. In fact this clause has not been applied up to the present. As regards

Articles 5 and 6 of the Convention, sections 3 and 4 of the Decree cover the use of white lead. As to Article 7 of the Convention, the local legislation in application of the Convention has not raised any difficulty. It has been expressly approved by the local organisations of the General Confederation of Labour and the French Confederation of Christian Workers.

Guadeloupe.

For legislation and the authorities responsible for its application see under Convention No. 4.

White lead and sulphate of lead are not used in painting work on buildings in Guadeloupe. No cases of the employment of women or young persons under 18 years of age in industrial painting occupations involving the use of white lead, sulphate of lead, or products containing these pigments, have been reported. No case of lead poisoning was brought to the notice of the service during the period 1 July 1950 to 30 June 1951.

Martinique.

The metropolitan regulations are applied. No cases of white-lead poisoning have been reported. All spray-painting work is carried out in the open.

Morocco.

Dahir of 2 July 1947, governing conditions of employment (section 19).

Dahir of 9 May 1931, requiring administrative authorisation for the import, purchase, sale, transport and use of white lead and lead compounds for industrial purposes, with the exception of red lead, litharge and products containing lead in a proportion lower than 5 per cent.

White lead, sulphate of lead, and linseed oil containing lead, as well as all specialised products containing white lead or sulphate of lead, may not in any circumstances be used for the painting of buildings, whether inside or outside, or for the painting of vehicles. No exceptions are authorised. The application of the above-mentioned legislation is entrusted to the labour inspectorate.

Reunion.

Decree of 1 July 1933.

The Convention was made applicable to Reunion by the above Decree. The Convention is observed

and there have been no contraventions. No cases have been noted of the employment of women or young persons in painting operations; there are no female employees or young persons having the necessary training as painters. The prohibitions envisaged in Article 4 of the Convention came into force in 1933. In Reunion the spray-painting of motor-car bodies is done in the open and by casual labour (there are only a few thousand motor cars in the island). A worker will do the equivalent of only one or two whole car bodies per month. Approximately 200 workers are protected (it is difficult to give precise figures because of the many occupations of the workers who engage only part-time in painting operations).

St. Pierre and Miquelon.

There are no local provisions regulating the application of the Convention in the territory.

Painting work, for which white lead is very seldom used, is carried out only by men and young persons over 18 years of age and is confined to the maintenance of houses and boats.

Togoland.

Decree of 28 December 1937, promulgated by Order No. 66 of 27 January 1938.

The Convention was extended to Togoland by the above-mentioned Decree.

The use of white lead and sulphate of lead and of all products containing these pigments is prohibited in the territory and no exceptions are authorised. The paint used in Togoland is imported either from France or from countries bound by the provisions of the Convention. There are no spray-painting workshops in Togoland. Compliance with the regulations is ensured by periodic and unannounced visits by the labour inspector and the administrative authorities as well as by the maintenance of close contact between the labour inspector and the representatives of employers' and workers' unions.

Tunisia.

Decree of the Bey, 9 October 1934.

The relevant laws and regulations of Tunisia are fully in conformity with international standards.

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

France

Algeria.

In 1950 the labour inspectorate drew up 83 reports covering 234 infringements.

French Equatorial Africa.

The report points out that the principle of a weekly rest period is established in paragraph 1 of section 24 of the Executive Order of 21 December 1935, issued in application of the Decree

of 4 May 1922 concerning conditions of employment in French Equatorial Africa. This principle is respected.

The last report stated that public works tenders provided for guarantees regarding hours of work and the calculation of overtime. Circular No. 310/CIRC-SG, issued by the High Commissioner on 11 June 1951, prescribes the addition of the following clause to the text of tenders: "Hours worked on public holidays and on Sundays, which, in the latter case, are compensated by an equivalent rest period taken on one or

several working days, shall be paid at the rate of one-and-a-half times the normal hourly wage”.

French Guiana.

The system is the same as that in force in France.

French Settlements in Oceania.

Decree 620/I.T. of 29 May 1950, governing conditions of employment of employees in local public services.

This Decree provides that employees of public services shall be granted a weekly rest period of 24 hours, to be taken, as a rule, on Sunday.

As regards private employees, the recommendations of the Council of Labour and Manpower of 13 September 1947 included a compulsory weekly rest period of 24 consecutive hours, to be taken, as a rule, on Sunday. These recommendations are followed in all undertakings.

French Somaliland.

The weekly rest period is compulsory (statutory public holidays are also observed).

Guadeloupe.

See under Convention No. 4.

Martinique.

The weekly rest is strictly applied in the sugar refineries which employ three shifts during the season. The period of rest usually extends from Saturday afternoon to Monday morning, but many industries work a five-day week.

Morocco.

Under a Dahir of 21 July 1947 a weekly rest period of at least 24 consecutive hours is granted to all workers employed in industrial or commercial undertakings or by members of the liberal professions.

Reunion.

Decree of 14 December 1936.

Decree No. 48-592 of 30 March 1948, to extend the metropolitan Labour Code.

The Act of 21 June 1936 relating to the 40-hour week was extended to Reunion by the Decree of 14 December 1936. Current practice goes even further: the rest period in agriculture, commerce and the liberal professions extends from midday on Saturday to Monday morning.

Togoland.

The Convention could be extended to the territory without any difficulty because, under the terms of the Act of 23 April 1919, hours of work are limited to 48 per week and eight per day; as a rule, they are distributed as follows from Monday to Saturday: from 7 a.m. to noon and from 2 p.m. to 5 p.m. Sunday is usually the day of rest.

The weekly rest period is observed everywhere. The labour inspectorate and the administrative authorities have no difficulty in ensuring the application of an Act which has become the general practice.

Tunisia.

See under Convention No. 3.

Portugal

Reports have been received for the following territories: *Angola, Cape Verde, Macao, Portuguese Guinea, Portuguese Indies, S. Tomé and Príncipe, and Timor.*

In general, these reports confirm the information supplied for the periods 1949-1950 and 1950-1951 and published in the summaries of reports on ratified Conventions submitted to the 33rd and 34th Sessions of the International Labour Conference (1950 and 1951).

A summary of the new information contained in these reports is given below.

Cape Verde.

During the period under review no violation of the legislation was reported.

Portuguese Guinea.

Legislative Order No. 1,509 of 26 May 1951.

The former legislative provisions have been modified.

Employees of commercial and industrial undertakings are entitled to one day of rest per week. Employees required to work on Sunday, under a legal authorisation, are entitled to one day of rest during the three days following. Sunday is the weekly day of rest throughout the territory.

Industries where continuous processes are carried on or those using a shift system must organise the shifts so as to be able to grant a weekly day of rest to the employees concerned without prejudice to the provisions of section 28 of the National Labour Regulations and of the legislation respecting holidays with pay. All commercial and industrial undertakings must remain closed for a whole day each week. The fixing of the closing day, which must coincide with Sunday except in special cases, is the responsibility of the Central Bureau of the civil administration services after consultation with the organisations concerned.

In addition to industrial undertakings where continuous processes are carried on, urban public transport services, and other services which have received the special permission of the Central Bureau of the civil administration services, the following undertakings are exempted from these provisions: pharmacies, photographic studios, hospitals, clinics, bathing establishments, hotels, inns, restaurants, cafés, dairies, bars, shops selling fresh fish, poultry, vegetables, fruit and flowers, tobacconists, undertakers, shipping companies with ships in port, daily newspaper shops, bakeries, butchers' shops, ice-cream manufacturers and commercial undertakings selling to the public.

With a view to the application of the above provisions, only pharmacies required for the needs of the public may remain open on the weekly day of rest; in places where the number of pharmacies is sufficient to introduce a system of rotation among these establishments, this may be

done with the permission of the administrative or judicial authorities.

The direct supervision of the application of of these legislative provisions is entrusted to the Central Bureau of the civil administration services, the police authorities and the administrative authorities. The administrative and police authorities afford all necessary assistance to the Central Bureau of the civil administration ser-

vices with a view to the application of these provisions.

S. Tomé and Príncipe.

Legislative Order No. 383 of 3 March 1951.

The above-mentioned Legislative Order introduced some minor modifications in the legislative and administrative measures in force.

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

Australia

Norfolk Island and Nauru, Papua and New Guinea.

The question of applying the Convention in these territories was examined during the period under review but a final decision was not reached.

France

Algeria.

The provisions of the Convention are reproduced in section 114 of the Act of 13 December 1926, providing for the extension to Algeria of the Seamen's Code. This text is strictly applied in Algeria, under the supervision of the seamen's registration authorities.

Cameroons.

The provisions of the metropolitan Seamen's Code (Act of 13 December 1926) are observed by ships registered in metropolitan France calling at Douala, and are also observed in respect of seamen from metropolitan France employed on board ships whose home port is in the Cameroons.

The conditions of work of Africans employed on board ships registered in the Cameroons are not governed by any special laws or regulations. The shipping companies do not, as a rule, employ indigenous workers as stokers or trimmers. No seaman under 18 years of age is employed for this type of work.

French Equatorial Africa.

See under Convention No. 5.

French Guiana.

Act of 13 December 1926, to issue a Seamen's Code (section 115) (L.S. 1926—Fr. 13).

Act No. 50-882 of 29 July 1950, to amend section 111 and sections 113 to 117 of the Seamen's Code (L.S. 1950—Fr. 7—B).

The inspectorate of shipping is responsible for supervising the work of young persons.

French Somaliland.

Under the Order of the Governor of 13 September 1938 indigenous workers under the age of 21 years may not be employed as seamen.

French West Africa.

Investigations have revealed that in practice young persons are never employed as trimmers and stokers under 18 years of age, and usually not until they have reached the age of 20.

There is, therefore, no reason why the Convention should not be applied to French West Africa.

See also under Convention No. 8, first three paragraphs.

Madagascar.

Decree of 7 April 1938, to issue native labour regulations in Madagascar (sections 19, 21 and 22) (L.S. 1938—Fr. 2).

The above provisions read as follows:

"For the purpose of the present Decree, boys and girls under 18 years of age shall be deemed to be minors (section 19).

Minors shall not be employed in night work of any description. They shall not, under any circumstances, perform additional work over and above the working day as determined in the regulations (section 21).

Minors cannot be compelled to carry, drag or push loads exceeding 20 kilograms in weight." (Section 22.)

These local by-laws are strictly observed.

Minors under 18 years of age are not employed on board ship as stokers or trimmers.

Supervision of the above-mentioned regulations is carried out by the labour inspectorate in conjunction with the seamen's registration office.

Martinique.

The metropolitan regulations are fully applicable.

See also under Convention No. 8.

Morocco.

Section 176 *quater* of the Commercial Shipping Code of Morocco (as amended on 1 December 1930) prohibits the employment of children under 16 years of age as trimmers and stokers.

No other detailed provisions on this subject are contained in Moroccan legislation.

See also under Convention No. 8.

Reunion.

Act of 13 December 1926, to issue a Seamen's Code (L.S. 1926—Fr. 13).

Act No. 493 of 11 April 1942, concerning the special provisions of the Seamen's Code applicable to seamen under 21 years of age (Seamen's Code (Young Persons)) (L.S. 1942—Fr. 3).

Act No. 50-882 of 29 July 1950, to amend sections 111 and 113 to 117 of the Seamen's Code (L.S. 1950—Fr. 7—B).

The definition of the term "vessel" given in the Code corresponds to the definition given in Article 1 of the Convention. Section 114 of the Code provides that boys and ordinary seamen may not be employed as trimmers or stokers, nor before the fires in the galley.

The new section 111 (Act of 29 July 1950) makes it clear that a "boy" is a minor who has signed on and who is less than 16 years of age, whereas an "ordinary seaman" is over 16 years of age. Articles 3 and 4 of the Convention do not apply in practice. Articles 5 and 6 are observed. The seamen's registration service supervises the application of the legislation.

St. Pierre and Miquelon.

Act of 13 December 1926, to issue a Seamen's Code (section 114) (L.S. 1926—Fr. 13).

The provisions of the Convention are applied in the territory.

Togoland.

The Convention is not applicable to Togoland, where there are no ships. Small-scale fishing is carried out in sailing boats and canoes.

Young Togolandese may join a ship in French West Africa where, in accordance with an investigation made by the Superintendent of Seamen's Registration, *i.e.*, the Federal Director of the Merchant Marine, trimmers and stokers are never permitted to join a ship before they have reached the age of 18 years.

Tunisia.

Section 30 of the Decree of 15 December 1906, as amended by the Decree of 11 May 1939,

stipulates that young persons under 17 years of age may not be signed on board steamships as trimmers and stokers.

United Kingdom

Barbados.

See under Convention No. 8.

Dominica.

See under Convention No. 8.

Leeward Islands.

Merchant Shipping (International Labour Conventions) Act, 1925, applied, with appropriate modifications, by Ordinance No. 267 of 1942.

The above legislation gives effect to all the provisions of the Convention. No cases have arisen necessitating the use of a register as prescribed in the Convention. The customs authorities are responsible for applying the legislation.

North Borneo.

See under Convention No. 7.

Nyasaland.

Section 107 (4) of the Shipping Ordinance, 1951, which will come into force on a day to be notified by the Governor by Notice in the *Gazette*, provides that no young person under 18 years of age shall be engaged or carried on Protectorate waters to work as a trimmer or stoker on board any vessel.

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

Australia

Norfolk Island and Nauru.

Conditions in these territories are such that the Convention is not applicable.

Papua and New Guinea.

Current practice is in accordance with the provisions of the Convention; it is proposed to ratify the Convention.

France

Cameroons.

As a rule young seamen from the territory are required by the shipping companies to undergo a medical examination prior to embarkation.

See also under Convention No. 15.

French Equatorial Africa.

See under Convention No. 5.

French Guiana.

See under Convention No. 15.

French Somaliland.

See under Convention No. 15.

French West Africa.

In practice, local regulations prescribe a medical examination, prior to engagement, at the expense of the shipowner.

See also under Convention No. 8, first three paragraphs.

Madagascar.

Decree of 7 April 1938, to issue native labour regulations in Madagascar (section 29) (L.S. 1938—Fr. 2).

The text of section 29 of the above-mentioned Decree reads as follows:

"Natives who are recruited to work outside their home district shall, before signing their con-

tract, be examined by a medical practitioner appointed by the local labour office, who may postpone or prevent their departure where necessary.

Those persons who are certified fit for work and are to be employed in areas where the climate is cold, or which are subject to considerable variations in temperature, shall be provided with a blanket on leaving, and, on arriving at their destination, with warm clothing.

The administrative districts where this provision applies shall be determined by an Order of the Governor-General."

The statutory provisions concerning the medical examination of young persons are strictly observed. The seaman's registration file contains a medical report drawn up along the lines indicated in the Merchant Navy Instruction of 9 May 1946.

In addition, minors under 18 years of age are not employed on board any vessel except as apprentices and then they are covered by the regulations concerning the employment of minors: they are required to perform light work during the day only and their hours of work are those stipulated in the regulations (eight hours). Under no circumstances are they compelled to carry, drag or push loads weighing more than 20 kilograms.

Martinique.

Act of 13 December 1926 (section 115, paragraphs 4 and 5).

The metropolitan legislation is fully applicable.
See also under Convention No. 8.

Morocco.

See under Convention No. 8.

Reunion.

Act of 13 December 1926, to issue a Seamen's Code (L.S. 1926—Fr. 13).

Act No. 50-882 of 29 July 1950, to amend section 111 and sections 113 to 117 of the Seamen's Code (L.S. 1950—Fr. 7—B).

The definition of the term "vessel" given in the Code corresponds to the definition given in Article 1 of the Convention.

Section 115 of the Code, as amended by the Act of 28 July 1950, stipulates that signing-on is conditional upon the production of a certificate of physical fitness, which is issued free of charge by a medical practitioner appointed by the maritime authority. If the certificate states that the minor is suited for one type of service only, no other service will be authorised.

Boys and apprentice seamen are required to undergo a medical examination every six months.

The exception provided for in Article 4 of the Convention is not applied.

Supervision is carried out by the seamen's registration service.

St. Pierre and Miquelon.

No local Orders have been issued regarding the application of the Convention. However, the

persons concerned always undergo a medical examination when signing on for the first time and this is followed by an annual examination.

Togoland.

Young Togolandese who wish to become seamen must enlist in French West Africa, where they are required to undergo a medical examination at the cost of the shipowner before every voyage.

In accordance with the Decree of 28 May 1942 (section 2) an African seaman's identity card, which entitles him to board an armed ship in France, is not returned to him until he has undergone a medical examination.

United Kingdom

Barbados.

See under Convention No. 8.

Dominica.

See under Convention No. 15.

Gibraltar.

At present no young persons are employed on board locally registered vessels.

Leeward Islands.

Merchant Shipping (International Labour Conventions) Act, 1925, applied, with appropriate modifications, by Ordinance No. 267 of 1942.

The above legislation gives effect to all the provisions of the Convention. The customs authorities are responsible for applying the legislation. No statistics are available.

North Borneo.

See under Convention No. 7.

Nyasaland.

Section 107 (2) of the Shipping Ordinance, 1951, which will come into force on a day to be notified by the Governor by Notice in the *Gazette*, provides that the employment of any young person under the age of 18 years on board any vessel other than vessels on board which only members of the same family are employed shall be conditional upon the production of a medical certificate attesting his fitness for such employment, signed by a Government medical officer.

Section 107 (3) provides that the continued employment in Protectorate waters of any such young person shall be subject to the repetition of such medical examination at intervals of not more than one year, and the production to the port officer or competent authority after each such examination of a further medical certificate attesting the young person's fitness for such employment.

17. Convention concerning workmen's compensation for accidents

*France**Algeria.*

Order of 10 July 1950, to apply section 3 of Decision No. 49-045 of the Algerian Assembly concerning compulsory insurance against employment injury.

Act of 17 August 1950, to extend to Algeria the Act of 2 August 1949 increasing the benefits and allowances payable under the legislation respecting industrial accidents.

Section 4 of the Act of 17 August 1950 provides that: "where permanent incapacity is total and compels the injured person to have recourse to the assistance of another person for the ordinary acts of daily life, the amount of the pension calculated in accordance with the preceding paragraph shall be increased by 40 per cent. The said increase shall in no case be less than 120,000 francs."

During 1950, 25,326 industrial accidents were reported.

French Equatorial Africa.

In his Circular of 30 September 1951 the High Commissioner prescribed a new contractual basis for compensation for industrial accidents.

Previously, the labour inspectors had applied the metropolitan scale for workers from outside the territory and the scale of 10 days' wages per degree of invalidity for indigenous workers.

This system, which involved a discrimination contrary to the Constitution, was consequently abandoned. In future compensation for incapacity resulting from industrial accidents will be calculated on the basis of the loss of wages suffered, irrespective of the origin or personal status of the injured person.

French Guiana.

Act of 9 April 1898, as amended by the Act of 1 July 1938 and made applicable in French Guiana by a Decree of 19 July 1925 and the Act of 16 October 1946.

The legislation now in force is that which was applicable in France before the social security scheme took over the risk of industrial accident. In Guiana, too, this risk will soon be covered by the social security scheme.

The legislation is applicable to all persons with a contract of employment (there is no special scheme for industry and commerce).

Compensation takes the form of a pension.

Compensation for temporary incapacity is paid by the employer or, if he is insured, by his insurer from the day following that on which the accident occurred. Compensation for the day on which the accident occurred is paid in full by the employer.

The pension payable for permanent total incapacity is equal to 75 per cent. of the worker's adjusted annual earnings. If the incapacity is such that the injured person is obliged to have recourse to the assistance of another person for the ordinary acts of life, his pension is increased to 100 per cent. of his previous earnings and he is paid an additional bonus of 9,000 francs a year.

If necessary, medical supervision may be exercised by the medical practitioner of the employer and of the insurance company, throughout the period of temporary incapacity.

The pension may be reviewed within the first three years.

All medical, pharmaceutical, surgical and hospital expenses, as well as the cost of surgical appliances are defrayed by the employer until the injured person has recovered.

If the employer is insolvent, the pension is paid by the National Old-Age Retirement Fund.

The application of the statutory provisions and the regulations is entrusted to the courts.

During the period under review the number of workers affected by these provisions amounted to 2,742.

In 1950 there were 296 accidents, of which three were fatal and 12 resulted in permanent incapacity for work.

Cash benefits are paid by undertakings or by private companies. No details are available as to their amount nor as to the cost of applying the legislation.

French Settlements in Oceania.

Decree 620/I.T. of 29 May 1950, governing the conditions of employment of employees in local public services.

A Bill relating to industrial accidents in overseas territories, introduced by the Ministry of Overseas Territories, is currently being examined by the Department.

Pending further legislation, Part VI of the above-named Decree fixes the conditions for compensation in respect of industrial accidents sustained by employees of public services in the territory. The provisions in question have been extended to employees in the public health service, the postal and telegraph service, and the agricultural service by Decree No. 259/I.T. of 19 February 1951, and to employees in the education service by Decree No. 1,052/I.T. of 22 August 1951.

As regards private employees, it should be noted that the principal undertakings have insured their workers with insurance companies against "industrial accidents".

The allowances prescribed by the local regulations are granted in the form of a lump-sum payment. Compensation is paid as from the date of the accident. No provision has been made for supplementary allowances for victims of accidents involving incapacity which necessitates the constant attendance of another person.

Compensation is calculated on the basis of working days and reviewed in accordance with changes in wages. Victims of industrial accidents enjoy free treatment at one of the health centres of the territory; medical care, hospital treatment, pharmaceutical supplies, and dentures are all provided at the Government's expense.

French Somaliland.

Decree of 22 May 1936 (sections 36 to 39) and Decree No. 1,024 of 19 November 1940.

Employers are required to provide rations and to pay half the normal remuneration due for a maximum period of one month in the case of absence due to incapacity (accidents or sickness) arising out of employment. During this period, if an employee is unable to obtain treatment under an indigenous medical assistance scheme, his employer is obliged to provide or to refund the cost of medical care, including pharmaceutical supplies. After one month has elapsed, the employer may apply to the Board of Arbitration for the termination of the contract, without prejudice to any judicial action arising out of the accident or sickness to which the incapacity is due. Where no compensation is due under civil law, an allowance payable by the employer may be granted to the injured employee. The compensation or allowance paid is calculated on the basis of the total wage for 200 working days. In the case of permanent total incapacity, the convertible allowance is equal to half the basic wage.

Guadeloupe.

See under Convention No. 12, second and third paragraphs.

Madagascar.

All private and public employees are entitled to compensation. The number of persons covered is estimated at 228,000. The total amount paid out in cash benefits is estimated at 4 million francs, while benefits in kind amounted to 9 million francs.

Martinique.

A total of 2,722 accidents was reported; of these, 2,684 resulted in temporary incapacity, 35 in permanent incapacity, and three were fatal.

Morocco.

Dahir of 25 June 1927.

The above-mentioned legislation lays down the bases of compensation for industrial accidents.

In case of temporary incapacity, the victim receives a daily allowance; in case of permanent incapacity, he receives a pension proportionate to the degree of disablement and to his wages. An increase is granted to pensioners who sustain permanent total incapacity and who require the assistance of another person.

In case of death, pensions at the following rates are granted to the survivors: 25 per cent. of the victim's wages in respect of the spouse; 15 per cent. of the victim's wages in respect of a single child under 16 years of age; 30 per cent. of the victim's wages in respect of two children under 16 years of age; an additional 10 per cent. in respect of every subsequent child under 16 years of age; and 10 per cent. of the victim's wages in respect of each dependent relative in the ascending line.

Medical, pharmaceutical, funeral and hospital expenses are borne by the employer or by the insurer.

Bonuses to pensions are granted to persons who sustain at least 10 per cent. disablement or to beneficiaries whenever the wage rate on which their pension is based (*i.e.*, the wage earned at the time of the accident) is inadequate as the result of an increase in the cost of living.

New Caledonia.

The number of persons covered by existing regulations includes 6,000 insured persons out of a total of approximately 10,000 employees in all undertakings. The Labour Inspection Department does not possess any statistics in this connection.

Out of a total of 157 reported industrial accidents, 156 accidents in undertakings covered by the regulations had the following consequences: eight caused temporary incapacity lasting for more than five days; 102 caused temporary incapacity lasting from five days to one month; four caused temporary incapacity lasting for more than one month; two caused permanent incapacity of less than 50 per cent.; two were fatal; and the consequences of 38 are unknown.

Reunion.

Act No. 49-1,104 of 2 August 1949.

There are no special observations to be made in regard to Articles 1 to 7 and 9 to 11 of the Convention.

In pursuance of the above Act, a readjustment of periodical payments will shortly be made in respect of accidents that occurred before 1 March 1951.

Notification forms for industrial accidents are forwarded by the mayors to the labour inspector.

According to the insurance companies, expenditure on cash benefits is in the neighbourhood of 25 million francs C.F.A. For minor and even serious injuries, the employer pays the hospital, doctor's and chemist's fees directly. The average figure of 25 million francs C.F.A. for approximately 18,000 protected workers, or 1,400 francs C.F.A. per head (reliability of figure doubtful), should be increased by about 10 per cent. to take this factor into account and would then be about 1,540 francs C.F.A. per head.

The number of industrial accidents reported in 1950 was 1,254.

The cost of applying the legislation could be estimated only on the basis of precise data from the insurance companies; this figure could be established officially only if the risk of industrial accident were covered by the General Social Security Fund.

Togoland.

Victims of industrial accidents are not covered at present by any special legislation.

Historically, this lack of social legislation is explained, on the one hand, by the unimportance of money in a rudimentary economy based on barter and by the almost total absence of industrial undertakings and, on the other hand, by the social benefits, such as free consultations, hospital treatment, care, and pharmaceutical supplies, afforded to indigenous inhabitants under the indigenous medical assistance scheme.

Since the war, however, the development of barter and transport, the birth of small-scale

industry, the setting up of several construction sites, the growth of urban centres, the increase in the value of colonial products and in the cost of living, have brought about changes which call for the drawing-up of modern legislation respecting the prevention of and compensation for industrial accidents. The enforcement of common law—even with the controversial wider scope given to section 1382 of the Civil Code—is of little benefit to the victim of an industrial accident who has the burden of proof.

Legislation concerning industrial accident prevention and compensation is therefore essential. With its promulgation, and once the necessary administrative bodies have been set up, the Convention could be extended to Togoland.

Tunisia.

See under Convention No. 3.

Portugal

Reports have been received for the following territories: *Angola, Cape Verde, Macao, Portuguese Guinea, Portuguese Indies, S. Tomé and Príncipe, and Timor.*

In general, these reports confirm the information supplied for the periods 1949-1950 and 1950-1951 and published in the summaries of reports on ratified Conventions submitted to the 33rd and 34th Sessions of the International Labour Conference (1950 and 1951).

A summary of the new information contained in these reports is given below.

Angola.

During the period under review only two accidents were reported.

There were no difficulties in the practical application of the principles laid down in the Convention; the legislative provisions in force have not been modified.

Cape Verde.

No industrial accident was reported during the period under review.

Portuguese Guinea.

Legislative Order No. 1,515 of 24 July 1951.

The above-mentioned Order, which relates, in particular, to commercial employees, covers all non-indigenous salaried employees as regards workmen's compensation.

As no accident was reported in this branch of the economy, there were no decisions by courts of law.

Among indigenous workers, 137 industrial accidents were reported; the appropriate benefits were fixed and granted in accordance with the provisions of the legislation.

S. Tomé and Príncipe.

Order No. 1,578 of 26 July 1951.

New draft Regulations respecting industrial accidents sustained by indigenous workers are

at present under consideration. The above-mentioned Order repeals Order No. 1,403 of 19 May 1950 and modifies certain of its provisions.

The measures taken with a view to rendering more effective the system of medical supervision—in accordance with the information previously given in respect of Order No. 1,403—are designed to reduce the number of accidents through closer supervision of the working conditions of indigenous workers.

During the period under review 69 lawsuits in connection with the granting of life pensions, compensation and allowances were instituted, and awards have already been made in 52 of these cases; the total amount paid out in life pensions, compensation and allowances was 37,549.80 escudos.

Of the 38 suits still undecided during the preceding period, 28 have now been settled and resulted in the granting of life pensions, compensation and allowances totalling 18,118.64 escudos.

United Kingdom

Aden.

Government Notice No. 22 of 1950 provides for the appointment of an inspector of boilers.

Bahamas.

Workmen's Compensation Act, 1943, as amended by Act No. 25 of 1943.

Act No. 9 of 1944, as extended by Act No. 13 of 1949.

The above legislation provides for workmen's compensation in respect of injuries suffered in the course of employment.

Barbados.

Workmen's Compensation (Amendment) Act, No. 4 of 1951.

This legislation had not come into force at the end of the period under review. Ten fatal and 573 non-fatal accidents were reported. The total cost of benefits was \$13,833. Compliance with the provision regarding the compulsory insurance of workmen often leaves much to be desired. The question of ensuring compliance with this provision is receiving active consideration.

Basutoland.

Proclamation No. 1 of 1950.

With reference to the observations of the Committee of Experts in 1951 the report explains that the territory has no major industries, the main occupation being peasant agriculture. Such paid labour as exists comprises Government service, employment by shops, garages, building contractors, printing works, hotels, etc.

Except for the Basutoland Government, there are no employers of labour on a large scale; the majority of undertakings are small family concerns. However, it is intended to make Proclamation No. 4 of 1948, as amended, applicable to employments in which there is an element of risk but, as the number of the employees likely to be affected is very small, the adoption of the necessary legislation has had to be deferred pending the drafting of a large volume of other legislation of more practical benefit to the population of the territory.

Persons employed in Government service and holding pensionable offices are covered by Proclamation No. 1 of 1950. The total number of workmen, employees and apprentices employed by all enterprises, undertakings and establishments was estimated in the 1946 census to be approximately 7,400. A further 6,400 persons (including those conducting their own trades or businesses) are engaged in miscellaneous occupations. Approximately 1,000 Government employees are covered by the special schemes provided for by Proclamation No. 1 of 1950. Proclamation No. 4 of 1948 has not yet been applied to the remainder. No statistics are available, but the number of accidents is stated to be negligible.

Bechuanaland.

During the period under review the total number of employees, including agricultural workers, was 7,380. With the starting of asbestos mining, about 130 employees are now covered by the legislation.

Bermuda.

For legislation, see under Convention No. 12.

The relevant legislation will provide for compensation for personal injury caused by accidents arising out of or in the course of a worker's employment. A commission appointed by the Governor will be responsible for administering the legislation.

British Guiana.

See under Convention No. 12.

British Honduras.

See under Convention No. 12.

British Somaliland.

There is no legislation and there are no administrative regulations applying the provisions of the Convention. The vast majority of the people of the Protectorate are nomadic pastoralists and the Government is the only large-scale employer of labour.

Brunei.

See under Convention No. 12.

Cyprus.

Workmen's Compensation (Amendment) Law, No. 14 of 1951.

In framing the above legislation consideration was given to the Workmen's Compensation (Occupational Diseases) Conventions of 1925 and 1934 and to similar legislation in the United Kingdom and in other colonial territories. Recommendations made by the Labour Advisory Board were also adopted.

The ratification of the Convention has had no actual legal effect, observance of the Convention being enforced by law through the courts. Labour Department officers assist in the administration of the Law.

The above legislation raises the limit in respect of non-manual workers from £250 to £400 per year and reduces the categories of workers not covered. Domestic servants, other than those employed in private dwelling houses, are now covered, as are clerical workers and shop assistants. Workmen employed under the Crown, other than workmen who are members of the naval, military and air forces and persons in the civil employment of Her Majesty other than in the Government of the colony, are now covered in the same way and to the same extent as if the employer were a private person. Civilian employees in the armed forces and in Government Departments are also covered.

For information relating to occupational diseases, reference is made to the report for Convention No. 42.

Compensation payable in the case of an accident resulting in permanent incapacity and lump-sum payments in the case of temporary incapacity are disbursed by the courts in the form of a pension, unless the court decides otherwise.

Local trade union organisations have made strong representations regarding the lack of provision for medical aid in the amending legislation.

Approximately 90 per cent. of the number of persons employed, exclusive of agricultural workers, are now covered, i.e., some 75,000 out of a total of 84,000 workers. In 1950 £7,024 was paid out in compensation, representing an estimated average of 2s. 7d. per person. There were 352 accidents, of which seven were fatal, two resulted in permanent total incapacity and 19 in permanent partial incapacity. By the end of the year 28 cases had not been settled and are not included in the above figures. The cost of applying the legislation cannot be ascertained. No observations have been received but the trade unions have commented on certain omissions in the Law.

Dominica.

Workmen's Compensation Act, No. 11 of 1937.
Workmen's Compensation (Amendment) Ordinance, No. 25 of 1949.
Statutory Rules and Orders, Nos. 12 and 21 of 1938, of the Leeward Islands.

A definition of the term "workman" is contained in section 2 (1) of the Act. This section also gives effect to paragraph 2 of Article 2 of the Convention. As regards Article 3, there is no special scheme for persons excepted from the application of the Convention. Both the Act and the amending Ordinance apply to agricultural workers.

Article 5 of the Convention is applied by section 7 of the Act. A lump sum may be paid either by agreement between the parties or by order of the Commissioner under the Workmen's Compensation Act.

Section 3 (1) (a) of the Act requires employers to pay compensation for injuries which incapacitate workmen for a period of more than three days.

The legislation makes no provision for the application of Articles 7, 9 and 10 of the Convention.

Section 6 of the Act provides for the review of claims by a Workmen's Compensation Commissioner.

Article 11 is applied by section 14 of the Act.

The Magistrate of Roseau and the Registrar of the Supreme Court are entrusted with the enforcement of the Act.

Falkland Islands.

A "workman" is defined as any person who has entered into or works under a contract of service or apprenticeship with an employer, whether such a contract is expressed or implied, is oral or in writing; the definition includes a person engaged in plying for hire with any vehicle, the use of which is obtained by that person under any contract of bailment (other than a hire-purchase agreement) in consideration of the payment of a fixed sum or a share in the earnings or otherwise. The following persons are not regarded as workmen for the purpose of the Workmen's Compensation Ordinance, 1937: persons employed otherwise than on manual labour whose remuneration exceeds £350 a 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.

Fiji.

The total number of workmen, excluding seamen, fishermen, and agricultural workers, was 15,150; the number of accidents reported for 1950 was 361, of which five were fatal, 23 involved permanent total or partial incapacity, and 333 involved temporary incapacity.

Gambia.

Workmen's Compensation Ordinance, No. 18 of 1940.

As regards Article 1 of the Convention, the report states that sections 6 to 10 of the above Ordinance explain on what terms compensation is payable to injured workmen or their dependants; sections 2 and 4 cover the provisions of Article 2 of the Convention. Employment of a casual nature is not defined in the Ordinance, but the local customary definition is that it is that of "a workman who is paid each day and by the day". "Outworker" is defined as "a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished or 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 articles". The term "members of the family" includes a mother, father, wife, son, daughter, brother, sister, father's father, father's brother. The Ordinance lays down that any person employed otherwise than by way of manual labour whose earnings exceed £500 a year is outside the scope of the provisions of the Ordinance. Compensation in the case of an accident resulting in permanent incapacity or death takes the form of a lump-sum payment to the injured party or his surviving dependants, as the case may be. As a rule no guarantees respecting the proper utilisation of the compensation are required. Compensation is payable by the employer. No compensation is payable 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 before the injury. If the incapacity

lasts for less than four weeks, no compensation is payable in respect of the first three days. There is no provision for additional compensation to workmen injured in such a way as to require the constant help of another person. Any periodical payment provided for under the Workmen's Compensation Ordinance, either by agreement between the parties or by an Order of the court, may be reviewed by the court on the application either of the employer or of the workman. Workmen are entitled to free medical examination and to such free treatment as is recognised to be necessary in consequence of an accident and for as long as is necessary. Medical aid is paid by the employer. There are no provisions giving effect to Article 10 of the Convention; there are no specific provisions to ensure the payment of compensation to injured workmen of their dependants in the event of insolvency of the employer. Compensation for permanent incapacity or death is required to be paid into court. The Labour Advisor assists workmen in their claims for compensation.

Gibraltar.

See under Convention No. 12.

Gold Coast.

The Minister responsible for labour is now the authority for declaring by Order those persons not classified as workmen for the purposes of the 1940 Ordinance. Accurate statistics are not available, but returns submitted by employers on 31 December 1950 indicated that at least 160,192 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. Benefits in cash, as recorded in the Labour Department from April 1950 to March 1951, amounted to £11,363. In the same period there were 57 fatal accidents and 260 non-fatal accidents.

Grenada.

During 1950 the average number of persons employed by the Government (artisans, apprentices, etc.) was 1,400; and the average number of persons employed in business places (porters, etc.) was 311. During the year ended 30 June 1951 seven cases, including one death, involved the payment of compensation.

Jamaica.

The estimated total number of wage earners, salaried employees, and apprentices, excluding seamen, fishermen and agricultural workers, covered in all undertakings and industries, is 23,527. The number of injuries reported was 388. The total amount paid out in cash benefits was £2,692, representing an average of £6 19s. per person. Statistics are not available regarding benefits in kind.

Kenya.

A total of 386,381 workmen was covered by the provisions of the Workmen's Compensation Ordinance; the total cost of benefits in cash was £11,562. There were 85 fatal accidents, 381 acci-

dents causing permanent total or partial incapacity and 1,381 accidents causing temporary incapacity.

Leeward Islands.

Workmen's Compensation Act, No. 11 of 1937, as amended in 1939 and 1941.

Workmen's Compensation Rules, Orders Nos. 12 and 21 of 1938.

Compensation is granted to a "workman" who suffers personal injury as the result of an accident arising out of and in the course of his employment. "Workman" is defined in section 2 of the Act as meaning any person who has entered into or works under a contract of service or apprenticeship with an employer, whether such contract is expressed or implied, is oral or in writing; the definition also includes a person engaged in agriculture or in plying for hire with any vehicle the use of which is obtained by that person under any contract of bailment (other than a hire-purchase agreement) in consideration of the payment of a fixed sum or a share in the earnings or otherwise. Exceptions have been made in respect of casual workers employed otherwise than for the purpose of an employer's trade or business, outworkers, members of a family, non-manual workers whose remuneration exceeds £200 a year, domestic servants, persons employed exclusively as clerical workers, and shop assistants.

Compensation is normally payable in a lump sum by the employer (not later than the fourth day after the accident, in case of incapacity), but section 8 of the Act provides for periodical or proportionate payments to beneficiaries. Section 6 of the Act provides for the review of half-monthly payments but does not prescribe any time limit. Section 11 of the Act and Rule No. 45 of Order No. 21 of 1938 make provision for a workman to receive treatment in respect of an injury at a hospital or other institution at his employer's expense. There is no legislative provision covering the supply of artificial limbs and other such surgical appliances.

The administration of the legislation is entrusted to the Commissioner for Workmen's Compensation appointed by the Governor in accordance with the provisions of section 20 of the Act. Section 15 of the Act provides for annual returns from employers on the number of accidents and injuries in respect of which compensation has been paid as well as on the amounts of compensation so paid.

In 1949 the total number of workers covered by the legislation was (according to available statistics) 5,592 in Antigua and 8,001 in St. Kitts. The cost of applying the legislation is borne by the Government.

Federation of Malaya.

For legislation, see under Convention No. 12.

During the year under review the total expenditure on cash benefits was \$759,069. There were 196 fatal accidents, 366 cases of permanent total and partial incapacity and 1,908 cases of temporary incapacity.

Malta.

It is hoped, in the course of the current year, to enact new legislation which will improve upon

the legislation now in force. An extract from the Director of Labour's annual report for 1950, together with tables of statistics, is appended to the report.

Mauritius.

Workmen's Compensation (Amendment) Ordinance, No. 16 of 1950.

This Ordinance concerns medical examination; 154 accidents causing injury and three deaths were reported.

Nigeria.

Workmen's Compensation Ordinance, No. 51 of 1941. Chapter 234 of the Laws of Nigeria, 1948.

Workmen's Compensation (Amendment) Ordinance, No. 23 of 1950.

Workmen's Compensation (Employments) Order-in-Council, No. 31 of 1941, as amended by Order-in-Council No. 4 of 1942.

Workmen's Compensation (Employments) (Revocation) Order-in-Council, No. 10 of 1951.

Workmen's Compensation (Rules of Court) Rules, No. 2 of 1942.

Workmen's Compensation Rules, No. 4 of 1942.

Workmen's Compensation Rules, No. 1 of 1948.

Workmen's Compensation (Amendment) Rules, No. 1 of 1951.

The legislation is applied to workmen, as defined in section 1 of the Workmen's Compensation Ordinance, who sustain personal injury as the result of an accident arising out of and in the course of their employment.

The Workmen's Compensation (Employments) (Revocation) Order-in-Council, No. 10 of 1951, removes the limitation on the gradual application of the Ordinance to workmen as defined in section 2 thereof. The limit of remuneration for non-manual workers is £500.

Provision is made in sections 2 and 3 of the Ordinance for the exemptions authorised in paragraphs (a), (b) and (c) of Article 2 of the Convention. The Ordinance applies to seamen on any steam vessel as defined in section 2 of the Shipping and Navigation Ordinance, or on any vessel which is towed or intended to be towed by a steam vessel, or on any ship not included in this definition but of 50 tons net register or over.

There are, at present, no special accident schemes in the country. The Workmen's Compensation (Amendment) Ordinance, No. 23 of 1950, extends the provisions of the Ordinance to all agricultural workers in the service of employers normally employing not less than ten workmen. Compensation in respect of permanent total or partial incapacity or death takes the form of a lump-sum payment. Periodical payments are made during the period in which the injured workman receives treatment pending an assessment by a medical officer of the degree of permanent incapacity. If incapacity lasts for less than four weeks, no compensation is payable in respect of the first three days.

Employers are responsible for the payment of compensation; in some cases, by arrangement between an employer and an insurance company, the latter takes over the employer's responsibility in this respect.

The Workmen's Compensation (Amendment) Ordinance, No. 23 of 1950, makes provision for the application of Article 7 of the Convention.

There are no legislative provisions giving effect to Article 8. Whenever the provisions of existing

legislation are observed to be inadequate for current needs a review is undertaken.

The Workmen's Compensation (Amendment) Ordinance prescribes that an employer must defray reasonable expenses connected with the supply, maintenance, repair and renewal of non-articulated artificial limbs and apparatus up to a maximum all-inclusive limit of £50. No provision is made for a cash award, as this is not deemed advisable.

Section 26 of the Workmen's Compensation Ordinance provides that, in the event of an employer's becoming insolvent or his business being liquidated, his rights against the insurers in respect of liability under the Ordinance shall be transferred to or vested in the workman concerned.

The legislation is administered by the Department of Labour and the law courts. The duties of labour officers include regular visits to hospitals to interview injured workmen.

During the period covered by the report £7,921 18s. 10d. was paid out in compensation to 979 injured workmen. During the year under review 1,164 cases were reported, 46 of which were fatal.

The only observation received regarding the application of the Workmen's Compensation Ordinance was from an association of insurers. Rule No. 3 of the Rules made under the Ordinance (Rule No. 1 of 1948) requires insurers to submit half-yearly reports relating to injuries sustained by workmen in the employ of their clients and to the compensation awards made. This requirement is opposed by the association on the ground that it involves excessive work; the association also argues that it constitutes an infringement of the principle that the business of their clients is confidential. As a result of their representations, the Rule has been repealed by the Workmen's Compensation (Amendment) Rules, No. 1 of 1951.

Article 23 of the Convention has not yet been applied to the territory.

North Borneo.

Workmen's Compensation Ordinance, 1950.

Workmen's Compensation (Application) Order, 1950.

The Convention is applied with modifications. The Ordinance covers specified employers and the following types of employment: employment in the service of the Government of the colony; in any factory or place of employment in which power-driven machinery is used; in any factory, workshop or other premises carrying on any manufacturing processes without the use of power, provided that not less than 20 persons are employed therein on any one day of the year; on any estate or plantation on which not less than 20 persons are employed on any one day of the year; as the master of, or as a seaman in, a ship as defined in the Shipping Ordinance, 1914, or as part of the crew of any aircraft; on board any ship, as defined in the Shipping Ordinance, 1914, or aircraft, if such employment is for the purpose of the ship or aircraft or of the passengers or cargo or mails carried by the ship or aircraft; in any operation for the fuelling, constructing, repairing, demolishing, cleaning or painting of any ship, tongkang, lighter or aircraft; in any mine or quarry, in any mining or quarrying operation, including the extraction of oil, or in any other kind of work whatsoever incidental to or connected

with such operations; in burning or felling jungle or in connection with the felling, preparing for transport, transportation, milling, dressing or otherwise preparing for trade or sale of timber or firewood; in the construction, maintenance or demolition of any building, bridge or other erection; in the construction, maintenance or demolition of any canal, sewer, public road, aerodrome, tunnel, aerial ropeway or pipeline for the supply of gas, water or oil, or in any core or drilling operation; in the construction, maintenance or demolition of any dam, embankment or excavation of a height or depth or intended height or depth, as the case may be, of not less than 20 feet; in connection with the generation, transformation or distribution of electrical energy; in setting up, repairing, maintaining or taking down any telegraph or telephone line or post; in any occupation involving blasting operations; in any of the operations of loading, unloading, storing, discharging, transferring or moving goods into or from any railway truck, lorry, godown or ship; in the operation or maintenance of mechanically propelled vehicles which are maintained for the transport of passengers, for hire or for commercial purposes; in the service of any fire brigade not being a voluntary organisation.

No definition of employment which is of a casual nature and is not for the purpose of the employer's trade or business is given in the legislation. An "outworker" is deemed to be "a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished or 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". The term "members of the family" includes a wife, husband, father, mother, grandfather, grandmother, step-father, step-mother, son, daughter, grandson, grand-daughter, step-son, step-daughter, brother, sister, half-brother or half-sister. The limit of remuneration for non-manual workers has been fixed at Straits \$400 per month. No advantage has been taken of paragraph 2 of Article 3 of the Convention. In the case of an accident resulting in permanent incapacity or death and sustained by a workman whose earnings were less than Straits \$75.00 per month, section 29 of the Workmen's Compensation Ordinance lays down that the Commissioner of Labour is the authority for deciding the manner in which such compensation shall be paid to either the workman or his dependants, as the case may be, and, where there is more than one dependant, the degree of dependency of each. In other cases, the prescribed authority is a court of a magistrate of the first class. The Labour Department supervises carefully the utilisation of compensation in order to ensure that lump sums are invested in such a manner as to guarantee an assured income to the beneficiaries. Section 9 of the Workmen's Compensation Ordinance provides that, in case of incapacity, compensation is payable from the day of the accident unless the incapacity is of a temporary nature lasting less than four weeks, in which case no compensation is payable for the first three days of incapacity. No compensation is payable where incapacity lasts less than seven days. Compensation is payable by the employer. An employer may indemnify himself against paying compensation by insuring with an approved

insurance society. Section 7 (2) of the Workmen's Compensation Ordinance provides that, 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. Section 18 provides that any periodical payment payable, under the provisions of the Ordinance, either by agreement between the parties or by an order of the court, may be reviewed by the court on the application either of the employer or of the workman, provided that, where the application for review is based on a change in the condition of the workman, any such application shall be supported by a certificate from a medical practitioner if the services of a medical practitioner are available; any periodical payment may, on review as provided for in this section, be continued, increased, reduced, converted into a lump sum, or terminated, subject to the provisions of the Ordinance. If the accident is found to have resulted in permanent incapacity, the periodical payment shall be converted into the lump sum to which the workman is entitled under the provisions of section 7 or 8 of the Ordinance, as the case may be, and such lump sum shall be dealt with in accordance with the provisions of paragraph (2) of section 12 of the Ordinance; where an application is made by an employer, under the provisions of this section, for any periodical payment to be terminated or reduced, and the application is supported by a certificate from a medical practitioner, the employer may pay into court the periodical payment, or so much thereof as is equal to the amount by which he contends that the periodical payment should be reduced, and must abide by the decision of the court made on review as provided for in this section.

In making a review as provided for in this section the court shall have regard only to the workman's capacity for work as affected by the accident. At present no provision is made in the legislation in force as regards medical, surgical or pharmaceutical aid or as regards the provision of artificial limbs or surgical appliances. Legislation regarding the application of Articles 9 and 10 of the Convention is, however, under consideration. Under section 27 of the Ordinance payment of compensation is given priority over the payment of all other debts in the event of the bankruptcy of the employer or insurer. The administration of the legislation is entrusted to the Department of Immigration and Labour.

The application of the legislation is supervised by the Department, its officers and the Assistant Commissioners who are empowered to represent workmen in their claims against employers. Section 14 of the Workmen's Compensation Ordinance makes it compulsory for employers to report to the Department all accidents entitling workmen to compensation under the Ordinance. In addition, officers of the Department are instructed to enquire into any cases of accident which come to their notice during the inspection of places of employment or otherwise, and, if necessary, to claim compensation on behalf of the workmen concerned. No records are available of workers in undertakings employing less than 20 persons, many of whom are eligible for compensation under the legislation. More accurate statistics

may be available after the census for the colony has been taken in May 1951. There is a total of 6,411 workers in 59 industrial and commercial establishments where more than 20 workers are employed; in 70 similar Government establishments, there is a total of 3,391 workers.

The estimated number of workers who are in fact covered by the legislation is approximately 11,000.

During the period under review there were 24 cases of temporary incapacity, which gave rise to benefits totalling \$1,695.67; four cases of permanent incapacity, for which the benefits cost \$571.29; and two cases of death, involving benefits amounting to \$4,209.

Northern Rhodesia.

Ordinance No. 15 of 1950.

This Ordinance amended the previous Workmen's Compensation Ordinance and compensation is now paid as from the date of the accident. Any person whose basic rate of pay exceeds £1,200 a year is excluded from the provisions of the legislation. Sections 55 (4), 56 (1) and 84 of the legislation apply the provisions of Article 5 of the Convention. As regards Article 9, the amount mentioned in section 68 (1) (a) of the previous Ordinance has been increased to £275, and as regards Article 10, the amount mentioned in section 68 (1) (b) has been increased to £125. Lump-sum payments and pensions to Africans are subject to the supervision of the Workmen's Compensation Commissioner. Benefits paid for the year 1950 amounted to £46,251. The number of compensable accidents reported amounted to 4,045, including 61 fatal cases and 447 cases of permanent incapacity. The operating and administrative expenses of the insurance scheme for the period 1 March 1950 to 28 February 1951 amounted to £15,034.

Nyasaland.

During 1950 47 accidents were reported, of which nine were fatal and 17 were serious. The compensation paid amounted to £441. Claims in respect of four deaths, seven serious accidents and four other accidents are pending.

St. Helena.

St. Helena Workmen's Compensation Ordinance, No. 3 of 1946.
Statutory Rules and Orders, No. 19 of 1946.

The definition of "workmen" contained in section 2 of the Ordinance extends the scope of the Ordinance to all manual workers working for an employer (the term "employer" includes the Government of St. Helena) with the following exceptions: the exceptions noted in paragraphs (a) and (d) of Article 2 (2) of the Convention; domestic servants; members of the local police force; any person in the service of the Crown other than the service of the St. Helena Government.

Agricultural workers are within the scope of the legislation. The limit of remuneration for non-manual workers has been fixed at £300 per annum. No provision is made for payment in the form of a pension of compensation due in the case of an accident resulting in permanent incapacity, nor is this explicitly provided for in the case of an

accident resulting in death. Where death occurs as the result of an accident, however, the lump-sum compensation awarded is deposited with the registrar of the Supreme Court and paid out as the Commissioner shall direct.

It is clear from section 8 (1) of the Ordinance that the Commissioner is not precluded from directing that the award shall be paid in the form of periodical payments until it is exhausted. There is no provision for exacting guarantees for the proper utilisation of a lump-sum award. In case of death or permanent incapacity, no period is stipulated within which compensation shall be paid, although it is understood that it shall be paid as soon as possible. In case of temporary incapacity, half-monthly payments are made, the first payment being due on the 16th day from the date of the injury giving rise to incapacity. Compensation is payable by the employer in all cases. Some employers enter into arrangements with insurance companies to cover their liabilities, but there is no obligation for them to do so.

As regards Article 7 of the Convention, there is no provision for the payment of additional compensation to a workman injured in such a manner as to require the constant help of another person.

As regards Article 8, supervision is not provided for in the legislation, but the half-monthly payments awarded to a temporarily disabled workman may be reviewed at any time on the application of the workman or of the employer, provided the application is accompanied by a medical certificate testifying that there has been a change in the workman's condition.

No provision is made for the application of Article 9 of the Convention, but almost every person in the colony who comes within the scope of the Ordinance is already entitled to free medical treatment from the Government medical officers.

There is no provision in the Ordinance for the supply and renewal of artificial limbs or of other surgical aids. No provision is made for ensuring the payment of compensation by an insolvent employer.

St. Helena is a very small colony with a population of less than 5,000. The number of persons directly employed in tending machinery is less than 200 and almost all, without exception, are employed by the flax-millers or by the Government. The practice of almost all employers of workmen who sustain minor injuries and temporary incapacity is to send them on sick leave with pay. The application of the legislation is entrusted to a Commissioner appointed under section 17 (1) of the Ordinance. The Commissioner has the power to settle disputes, register orders and agreements, and generally to carry out the provisions of the Ordinance. The total number of workmen, employees and apprentices employed in the colony is approximately 1,000, including agricultural workers. No workman is covered by any special scheme. Benefits in kind are not provided. Accidents are not required by law to be reported as an administrative measure. The Government requires all accidents to its employees to be reported.

In the 3½ years which have elapsed since the Ordinance was enacted only one accident to a Government employee, which resulted in the employee's death, has led to an award under the Ordinance.

St. Lucia.

See under Convention No. 12.

St. Vincent.

Workmen's Compensation Ordinance, No. 21 of 1939.
Workmen's Compensation (Amendment) Ordinance, No. 5 of 1949.

The Convention has been applied, with the exception of Articles 7, 9, 10 and 11.

Sarawak.

The first application to a court for compensation was heard in September 1950. The application, made on behalf of the dependants of a deceased workman, was dismissed on the ground that the deceased was not a workman within the meaning of the Ordinance and that there was no agreement or contract between him and his employer and also that he was not in receipt of wages. The total amount paid out in compensation was \$807.74, representing an average of \$161.55 per person. There were six accidents, one of which was fatal.

Seychelles.

See under Convention No. 12.

Sierra Leone.

During the year under review a draft revision of the Workmen's Compensation Ordinance has been under discussion by the Joint Consultative Committee. It was hoped to enact the new Ordinance in 1951, but the Committee has asked for more time to study it. The Ordinance will incorporate the latest improvements effected in the Kenya, Uganda and Nigeria laws by increasing the compensation rates, providing for periodical payments over a longer period in the case of temporary incapacity, without prejudice to any permanent incapacity which may ensue, requiring medical treatment and the provision of appliances without cost to the worker, covering occupational diseases and enabling insurance to be made compulsory. Other subsidiary improvements will also be included. Cash compensation paid during 1950 amounted to £2,990, 17s. 5d. During that year three fatal accidents and 512 non-fatal accidents were reported.

Singapore.

The total number of workmen, excluding seamen, fishermen and agricultural workers, employed during the period under review was 114,769, 100,069 of whom were covered by the Workmen's Compensation Ordinance. The total cost of cash benefits was \$159,348.78, representing an average cost of \$1.59 per person. There were 55 fatal accidents, 48 cases of permanent partial incapacity, and 2,155 cases of temporary incapacity.

Tanganyika.

The total number of workmen, employees and apprentices, including seamen, fishermen and agricultural workers, employed by all enterprises, undertakings and establishments, is approximately 490,000, all of whom are covered by the general provisions of the workmen's compensation legislation. The total cost of cash benefits was E.A. 135,955/- 59 cents. There were 57 cases of

fatal injury, one case of permanent total incapacity, 224 cases of permanent partial incapacity and 554 cases of temporary incapacity.

Trinidad and Tobago.

Workmen's Compensation Ordinance, No. 12 (Chapter 22), as amended by Ordinances Nos. 120 of 1943, 12 of 1945 and 23 of 1948.

Workmen's Compensation (Transfer of Funds) Ordinance, No. 13 (Chapter 22).

A committee appointed by the Government is considering and is to make recommendations regarding the revision, in the light of present-day conditions, of existing legislation governing workmen's compensation. In doing so, the Committee is to have regard to any principles and provisions laid down in existing international labour Conventions and Recommendations dealing with this subject.

The legislation applies to all persons who work under a contract of service or apprenticeship with an employer, subject to the following exceptions: persons employed otherwise than by way of manual labour whose remuneration exceeds \$1,200 a year; persons whose employment is of a casual nature and who are employed otherwise than for the purposes of the employer's trade or business, not being persons employed for the purposes of any game or recreation and engaged or paid through a club; outworkers; members of the employer's family dwelling in his house; persons in the naval, military or air services of the Crown and persons in the civil employment of Her Majesty otherwise than in the Government of the colony; members of the police force and members of any police organisation constituted by law who have the general powers of members of the police force and in respect of whom provision exists in any law for the payment of a gratuity or pension in case of injury or death; domestic servants employed in a private dwelling house; and persons employed (otherwise than in connection with any engine or machine worked by mechanical power) on an agricultural holding not exceeding 30 acres.

No definition is given of "employment which is of a casual nature and is not for the purpose of the employer's trade or business". "Outworker" is defined as a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished or 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. The term "members of the family" includes a wife or husband, father, mother, grandfather, grandmother, step-father, step-mother, son, daughter, grandson, granddaughter, step-son, step-daughter, brother, sister, half-brother, half-sister. The limit of remuneration for non-manual workers is £250 per annum.

Seamen and fishermen are not excluded from the provisions of the legislation.

Persons in the naval or military services, civilian employees attached to the local forces, and the police are covered by special regulations.

Section 8 of the Workmen's Compensation Ordinance, No. 12 (Chapter 22), provides that the compensation payable where the death or permanent incapacity of a workman has resulted from an injury shall be deposited with the registrar (a Government officer) and shall be paid to the

person entitled thereto or be invested, applied or otherwise dealt with for the person's benefit in such manner as the Commissioner thinks fit. The Commissioners are the judges of the Supreme Court and the magistrate assigned for duty in Tobago.

Compensation payable in case of death or permanent incapacity takes the form of a lump-sum payment except where, in case of death, the dependants of the deceased workman are under the age of 17 years. In this case compensation takes the form of periodical payments. Compensation is payable by the employer as from the date of the accident. There is no provision for the application of Articles 7, 9 and 10.

Supervisory measures and methods of review, which may take place at any time, are laid down in Chapter 22 of Ordinance No. 12.

There is no provision ensuring the payment of compensation in the event of insolvency of the employer. However, provision is made for priority under section 14 of Chapter 22 of Ordinance No. 12.

The application of the legislation is entrusted to the Commissioners for Workmen's Compensation.

Subject to the modifications mentioned, the terms of the Convention are duly observed.

Uganda.

Legal Notice No. 226 of 1950.

The above Notice applies the Workmen's Compensation Ordinance of 1949 to all kinds of employment.

During the period under review 1,056 accidents were reported.

Zanzibar.

If an injury occurs in a factory notification of the injury (if made at all) is required by law to be made to the Factories Board; the question of compensation is settled by negotiation between the employee and the employer, with or without the intervention of a labour officer. If the injury occurs elsewhere it is probable that notification would be made to an administrative officer or a labour officer who would take steps to ensure that equitable compensation was paid.

* * *

Southern Rhodesia (voluntary report).

Workmen's Compensation Act, No. 12 of 1941, promulgated on 1 August 1941.

Workmen's Compensation Amendment Act, No. 47 of 1948.

This report covers the period 1 August 1941 to 31 March 1951.

The legislation provides that compensation shall be paid to any person, irrespective of race or colour, who is a workman within the meaning of the Act and who sustains an accidental injury arising from and in the course of his employment. Section 8 of the principal Act defines a workman as any person, male or female, who enters into a contract of service with an employer, whether the contract is expressed or implied, is oral or is in writing, and whose remuneration does not exceed £720 per annum. The amending Act raises this ceiling to £83 6s. 8d. per month. In addition to

this provision, both the principal and amending Acts exclude from the definition such persons as permanent civil servants, members of the armed forces and the police force, but include any member of the public services of the colony in respect of whom no provision exists in any law as to the payment of a gratuity or pension in the case of injury or death. Such members of the public services, the police and the defence forces of the colony as are excluded from the benefits of the Act are provided for under other legislation ensuring benefits no less favourable than the Workmen's Compensation Act.

Outworkers and casual employees who are employed otherwise than for the purpose of the employer's trade or business are excluded from the benefits of the Workmen's Compensation Act, as are persons employed in domestic service in private households. These persons have the rights of an ordinary individual to seek compensation for damages at common law. Members of an employer's family are not excluded, other than the employer's wife inasmuch as an employer, under the existing marriage laws in Southern Rhodesia, is bound to maintain his wife, in which event she cannot qualify as a worker by entering into a contract of service because her marital status specifically excludes this possibility. Non-manual workers are not excluded from the benefits of the Act.

As regards paragraph 2 of Article 3 of the Convention, only those persons specifically excluded by section 8 of the Workmen's Compensation Act are affected and provision already exists for their protection on terms at least as favourable as are provided under the Workmen's Compensation Act.

Compensation for permanent incapacity is normally payable in the form of a pension. Where the amount of the pension is small, provision has been made under the Act for the voluntary or compulsory acceptance of a lump-sum payment. Compensation by way of periodical payments is payable with effect from the day following that on which the accident occurs. The Act places the liability to pay compensation on the employer. At the same time, it requires the employer to insure against his potential liability with an approved insurance company and consequently it is the custom for insurance companies to make payment directly to the workman on behalf of the employer, but such an arrangement does not relieve the employer of his legal responsibilities.

Section 66 of the Workmen's Compensation Amendment Act of 1948 provides that, where the injury in respect of which compensation is payable causes permanent incapacity of such a nature that the workman is unable to perform the essential actions of life without the constant help of another person, the magistrate may, upon the application of the workman and at his discretion, from time to time order the employer to pay an allowance for a specified period towards the cost of such help as may be required. The magistrate may, upon the application of the workman or of the employer liable to pay such an allowance, and on good cause shown by the applicant, revise any such order.

Section 19 (a) of the amending Act gives the Commissioner power to supervise compensation, but, if the parties to the agreement do not concur with the Commissioner's opinion, the dispute shall be referred to the magistrate for decision.

Section 36 provides for the review of any agreement entered into between an employer and an employee concerning the payment of a pension in respect of permanent incapacity. This review may take place at any time within five years from the date of the signing of the agreement. After the expiry of this period the agreement is no longer subject to review.

Section 69 of the original or principal Act of 1941 provided that medical aid, including medical, surgical and hospital treatment, skilled nursing services, and the supply of medicines, would be paid for over a period not exceeding 18 months from the date of the accident, and up to an amount not exceeding £150.

Section 68 of the amending Act of 1948 has considerably improved this award by removing the time limit previously imposed and by increasing the maximum payment, in the first instance, to £250, with the proviso that this sum may, subject to the approval of the Commissioner for Workmen's Compensation, be exceeded by such additional amount as the Commissioner may think fit to determine.

As in the case of the payment of compensation, the law places the liability for payment of medical aid on the employer who, provided he is insured (and it is a statutory offence to be uninsured) may obtain reimbursement of the costs of such medical aid from his insurer. The principal Act provided for the supply and renewal of artificial limbs and surgical appliances for a period of 18 months from the date of the accident and up to a maximum cost of £50. The amending Act has raised the limit to £100 and has removed the time limit. Where a workman does not avail himself of these benefits he is not entitled to receive a cash equivalent of the cost of such artificial limbs or surgical appliances as he may have been recommended to obtain. Artificial limbs or surgical appliances are only supplied on the recommendation of a qualified medical practitioner. Applications for repairs, renewals and incidental expenses connected therewith are subject to the same requirements.

The Workmen's Compensation Act, 1941, as amended, makes provision for the payment of compensation to injured workmen or their dependants in the event of insolvency of the employer, and the State guarantees the payment of such compensation as may be due by any insurer (duly appointed as the agent of the State in workmen's compensation matters) who may become insolvent.

The administration of the Workmen's Compensation Act is vested in the Minister of Internal Affairs and the Act itself entrusts the specific duties of administration to the Commissioner of Workmen's Compensation, who is a permanent civil servant and whose appointment to the post of Commissioner is subject to the approval of the Minister.

The Commissioner or any other person duly appointed in writing by the Minister has the power to investigate all matters concerning the award and payment of compensation and to cause such arrangements to be made as may be necessary to ensure that the intention of the Act is effected.

The principal Act of 1941 provided that every employer of workmen would insure against his potential liability. The insurance of workmen

was compulsory, but the business arising from such insurance was, because of the lack of trained staff and other difficulties, placed in the hands of certain insurance companies operating in the colony. Such companies were required to obtain special licences to conduct workmen's compensation business and the grant of a licence was conditional upon a guarantee as to the strict observance of the provisions of the Act in all its branches. This scheme progressed reasonably well for a few years, but it was generally agreed that the State should undertake to play a more responsible part in the operation of the Act. To this end, the principal Act was amended in 1948 and many of the anomalies which previously hampered the effective operation of the Act were removed.

At the same time, the State assumed full financial responsibility, thus removing the burden from the insurance companies, who continued to arrange the business of insurance, for instance, the issue of policies, the collection of revenue and the settlement of claims. The immediate result of this amendment was that the insurance companies were relieved of responsibility for the rejection or acceptance of any claim lodged by a

workman. The decision now rests entirely with the Commissioner for Workmen's Compensation, who directs insurers as he thinks fit. In the event of any dispute arising in this connection, it is the Commissioner's function to endeavour to bring about agreement between the parties but, should his attempt fail, the matter may then be determined in the courts.

The amending Act not only raised the ceiling for remuneration in respect of the definition of a workman from £720 per annum to £83 6s. 8d. per month, but also provided for additional and increased benefits. At the same time the premium rating scale was regrouped and new rates were introduced which were more related to the way of business in the colony. In the main these rates are more favourable to the employer than those previously used. The schedule of fees payable to medical practitioners for services to injured workmen was also revised and, generally speaking, the rates were increased. The amending Act has provided both workmen and employers with a more satisfactory means of protection than previously existed, and has been well received by all the parties concerned.

18. Convention concerning workmen's compensation for occupational diseases

France

Cameroons.

The general practice, especially where expatriated workers are concerned, is to treat endemic diseases such as malaria and sleeping sickness as industrial accidents. Trypanosomiasis is regarded by the labour inspection authorities as an accident and full compensation is payable where a worker who contracts this disease was employed near a fly-infested area.

Undertakings where operations take place in areas suspected of harbouring this disease are warned that any case of trypanosomiasis detected at the workplace will be subject to compensation under the Act of 30 April 1946. (Compensation generally takes the form of a cash allowance where lesions detected at the secondary or tertiary stage have been confirmed.) In case of default the matter is referred to the competent judge by the labour inspection authorities.

French Equatorial Africa.

See under Convention No. 17.

French Settlements in Oceania.

The only regulations in force in the territory are the provisions of Part VI of Decree No. 620/I.T. of 29 May 1950 concerning the public services.

See also under Convention No. 17.

French Somaliland.

The regulations are identical with those mentioned under Convention No. 17.

Guadeloupe.

No cases of industrial diseases have been reported to the labour inspection service. Owing to the fact that there is very little industry in Guadeloupe, the risk of industrial disease is, in practice, very slight. There are only 110 to 140 workers employed in printing works in which lead poisoning might occur. Painting operations in which any product containing lead pigments is used are very few and no cases of anthrax have been reported.

Madagascar.

It is not possible, for the moment, to provide more complete information concerning workmen's compensation for occupational diseases, since the new regulations have not yet come into force. As has been pointed out elsewhere, occupational diseases are a very rare occurrence and all sick persons are entitled to free medical attention at the health centres organised under the medical assistance scheme; the number of consultations made in 1950 amounted to 7,024,213.

Morocco.

Dahir of 31 May 1943, to extend the provisions of the Dahir of 25 June 1927, relating to compensation for industrial accidents, to cases of occupational disease.

The list of occupational diseases given in the report includes all of the diseases enumerated in the schedule to the Convention and others in addition.

Reunion.

Provisions relating to the inspection of medical and welfare services have not been extended to

Reunion, but will naturally follow the setting up of social security schemes in the Overseas Departments, which is due to take place in the near future.

Togoland.

The Decree of 29 December 1922 provides that contracts of employment must include "all the necessary arrangements for the safety and health of the workers" and sections 7, 8 and 10 of the Decree of 19 May 1928 specify the health measures to be taken by employers.

These arrangements are supervised by the labour inspector or by his legally recognised substitute, *i.e.*, the head of the district office concerned.

Moreover, African workers are treated in the same way as the whole of the indigenous population with regard to benefits in the form of free consultations, care, hospital treatment and pharmaceutical supplies provided under the indigenous medical assistance scheme.

Tunisia.

See under Convention No. 3.

Portugal

Reports have been received for the following territories: *Angola, Cape Verde, Macao, Portuguese Guinea, Portuguese Indies, S. Tomé and Príncipe, and Timor.*

In general, these reports confirm the information supplied for the periods 1949-1950 and 1950-1951 and published in the summaries of reports on ratified Conventions submitted to the 33rd and 34th Sessions of the International Labour Conference (1950 and 1951).

A summary of the new information contained in these reports is given below.

Angola.

During the period under review no case of occupational disease was reported.

Portuguese Indies.

During the period under review no case of occupational disease was reported.

19. Convention concerning equality of treatment for national and foreign workers as regards workmen's compensation for accidents

France

French Somaliland.

The general regulations governing employment injuries (see under Convention No. 17) apply to all native workers, whether nationals or aliens, provided only that the accident occurs or the disease is contracted in French Somaliland.

Guadeloupe.

The system in force provides for equality of treatment for national and foreign workers under the same conditions as in metropolitan France. See also under Convention No. 18.

Morocco.

Compensation for employment accidents is governed by the Dahir of 25 June 1927.

Under section 3 of the Dahir of 25 June 1927, foreign workers who are nationals of countries having acceded to the Convention and who sustain employment accidents in the French zone of Morocco are entitled to the pensions provided for in the Dahir. Their dependants likewise receive pensions calculated according to the provisions of the Dahir, even if they are not residing in Morocco at the time of the accident. If the foreign workers or their beneficiaries leave Morocco they continue to receive the pensions due to them. The same applies to pensions granted either to French or to Moroccan workers, or to their beneficiaries, when they cease to reside in Morocco. No significant change has been made in the Dahir of 25 June 1927. The application of the legislation is

entrusted to the labour inspectorate. The Convention is strictly applied.

Reunion.

Act No. 46-2,426 of 30 October 1946, respecting industrial accidents and occupational diseases (L.S. 1946—Fr. 12).

Notifications of industrial accidents and compensation are supervised in the same way, and are subject to the same penalties, in the case of both aliens and nationals.

Only approximately ten industrial accidents sustained by foreign workers were notified; the exact number cannot be stated as the nationality of the victim is not indicated on the notification.

Togoland.

Foreigners and nationals alike are subject to common law as regards compensation for industrial accidents (section 1382 *et sequentia* of the Civil Code). Moreover, they enjoy the benefits afforded under the indigenous medical assistance scheme (free consultations, hospital treatment, care and pharmaceutical supplies), even if such assistance is not provided for in the neighbouring foreign territories.

With the promulgation of legislation relating to compensation for industrial accidents, the Convention could be extended to Togoland on the basis of reciprocity.

Tunisia.

Decree of the Bey, 25 March 1930.

The relevant laws and regulations of Tunisia are fully in conformity with international standards.

Portugal

Reports have been received for the following territories: *Angola, Cape Verde, Macao, Portuguese Guinea, Portuguese Indies, S. Tomé and Príncipe, and Timor.*

In general, these reports confirm the information supplied for the periods 1949-1950 and 1950-1951 and published in the summaries of reports on ratified Conventions submitted to the 33rd and 34th Sessions of the International Labour Conference (1950 and 1951).

A summary of the new information contained in these reports is given below.

S. Tomé and Príncipe.

The question of the practical application of the principles of the Convention, in accordance with Act No. 1,942 of 27 July 1936, does not at present arise in the territory because of the absence of foreign workers in commerce, agriculture and industry.

Union of South Africa

South-West Africa.

The report indicates that there has been no change in the law and practice in force since the date of the last report.

United Kingdom

Barbados.

According to the 1946 census figures, there are at present approximately 30 foreign workers in Barbados, mostly Indians and a very few Chinese. See also under Convention No. 12.

Basutoland.

With regard to the observations of the Committee of Experts in 1951 reference is made to the report on Convention No. 17, which draws attention to the limited applicability of workmen's compensation provisions to Basutoland and to the steps which have nevertheless been taken. The report adds that foreign workers are rarely employed but that, in any case, they would automatically be covered by any legislation in force.

Bermuda.

See under Convention No. 12.

British Honduras.

See under Convention No. 12.

Brunei.

See under Convention No. 12.

Cyprus.

Workmen's Compensation (Amendment) Law, No. 14 of 1951.

The above legislation does not modify in any way the treatment of foreign workers *vis-à-vis* national workers.

Falkland Islands.

See under Convention No. 17.

Gibraltar.

The majority of industrial grade workers in Gibraltar are employed by one or other of the service departments, the colonial Government or the city council; such workers are now eligible, under departmental injury pay regulations, for compensation in the event of injury or accident arising from their employment. The regulations of their respective departments provide for equality of treatment irrespective of nationality.

See also under Convention No. 12.

Gold Coast.

At the second African Labour Conference held at Elizabethville in 1950, it was agreed that Governments should be requested to set up an Inter-African Labour Institute to take over, *inter alia*, the functions of the West African Council in this connection. It is understood that arrangements are nearing completion.

Hong Kong.

During the period under review 27,340 seamen were engaged and 24,383 discharged by the mercantile marine office. As shipping firms engaging crews insist on official records of service at sea, there was an increasing demand for the issue of a Hong Kong seaman's discharge book. Owing to the influx into the colony of Northern Chinese seamen, these books are issued only to *bona fide* seamen who possess documentary evidence of service in the Allied cause or who have sailed from Hong Kong from 1947 onwards.

Leeward Islands.

Workmen's Compensation Act, No. 11 of 1937, as amended in 1939 and 1941.

Workmen's Compensation Rules, Orders Nos. 12 and 21 of 1938.

The above legislation gives effect to the provisions of the Convention. No distinction is made between national and foreign workers. No special agreements have been made. There are no foreign workers in the colony.

Federation of Malaya.

According to returns collected from employers by the Department of Labour, on 30 June 1950 there were 105,569 Malaysians (*i.e.*, Malays and others of allied race), 165,834 Chinese, 197,112 Indians, 193 aborigines and 3,816 others employed in the Federation as "labourers" as defined in the labour laws.

See also under Convention No. 17.

Nigeria.

Workmen's Compensation (Amendment) Ordinance, No. 23 of 1950.

This Ordinance extends the provisions of the principal Ordinance.

North Borneo.

Workmen's Compensation Ordinance, 1950.
Workmen's Compensation (Application) Order, 1950.

The Convention is fully applied, since the Ordinance does not differentiate between national and foreign workers, and includes all workers employed within the colony in occupations specified by the Workmen's Compensation (Application) Order, 1950, irrespective of their country of origin.

The legislation is supervised and enforced by the Department of Immigration and Labour, whose officers, together with district officers and certain other administrative officers appointed to be Assistant Commissioners of Labour, have power to make any investigations necessary and to represent workmen in the courts. The Government Medical Department also co-operates by notifying the Labour Department of accidents which come to its notice. Under section 14 of the Ordinance employers must report any accidents occurring in circumstances entitling the victim to receive compensation. The officers of the Department and the Assistant Commissioners also investigate any accidents which come to their notice during routine inspections or otherwise.

Figures for such classes of workers as domestic servants, persons employed in small concerns employing less than 20 persons, etc., are not available. Indigenous workers on the island of Borneo and the Philippine Islands, and locally born workers of foreign nationality are also omitted. On 30 June 1951, 2,805 foreign workers were estimated to be employed in agriculture, 1,684 in commerce, and 405 in Government employment. There were approximately 11 cases of accidents to these workers.

Seychelles.

There is no workmen's compensation legislation, but when such legislation is introduced it will apply the principles of Article 1 of the Convention.

Singapore.

The returns made by employers on 31 March 1951, showing the persons in their employment, provided the following figures in respect of labourers (skilled or unskilled manual workers, but not clerks, shop assistants, domestic servants, and self-employed workers, etc.): 77,237 Chinese, 1,589 North Indians, 18,156 South Indians, 5,296 Malaysians (Sumatrans, Javanese, etc.), and 653 others.

Uganda.

Legal Notice No. 226 of 1950.

The above Notice applied the Workmen's Compensation Ordinance of 1949 to all kinds of employment.

The total number of non-indigenous Africans in Uganda is approximately 350,000. Of these, probably 110,000 to 160,000 are adult males of working age, although accurate figures are not

available at present. Most of them work for peasant proprietors and it is not possible to give an exact estimate of their numbers.

The annual census of employees, which covered all known employers of five or more employees, showed that some 40,494 non-indigenous Africans were employed in 1950. No figures are available in respect of 1950 for the numbers of non-indigenous Africans employed in various occupations.

During the period under review 113 accidents to non-indigenous Africans were reported and final settlement of compensation claims has been effected in 89 cases.

* * *

Southern Rhodesia (voluntary report).

Workmen's Compensation Act, No. 12 of 1941.
Workmen's Compensation Amendment Act, No. 47 of 1948.

Any person, irrespective of his country of origin, who is a workman within the meaning of the Southern Rhodesia Workmen's Compensation Act, 1941, as amended, and who is in permanent employment in the colony, is automatically entitled to the benefits provided for in the above-mentioned Act if he sustains accidental injury (the definition of which includes disease) arising out of and in the course of employment. Should any workman who is entitled to receive compensation leave the colony either temporarily or permanently, his compensation is none the less payable to him at whatever place he may decide to take up residence. The same facilities are available to the dependants of a deceased workman. No special arrangements have been made for the payment of compensation to any workman or his dependants who may take up residence beyond the borders of the colony. The State is responsible for the payment of such compensation as is due and arrangements satisfactory to both parties are made as and when the occasion for making them arises. The convenience of the workman or his dependants is always the State's primary consideration.

Persons who are temporarily employed in Southern Rhodesia by employers resident outside the borders of the colony do not qualify for the benefits of the Southern Rhodesia Act unless their employer has obtained the required insurance cover in respect of his operations in the colony. The exception to this general rule is in respect of persons normally domiciled in the Union of South Africa who come to Southern Rhodesia to undertake temporary work on behalf of their employer; by arrangement with the Government of the Union of South Africa such workmen continue to receive the protection available to them in their own country despite their absence from the Union of South Africa. The same conditions apply to any Southern Rhodesian workman who is temporarily employed in the Union of South Africa. A formal agreement embodying this principle has been entered into between the two Governments concerned.

The Minister of Internal Affairs is the authority to whom the legislature entrusts the administration of the Workmen's Compensation Act; the Commissioner for Workmen's Compensation is the Government servant appointed to supervise and maintain the efficient operation of the Act.

21. Convention concerning the simplification of the inspection of emigrants on board ship

Australia

Papua and New Guinea, Norfolk Island and Nauru.

Since vessels registered in these territories do not engage in the emigrant trade, and since emigration as envisaged under the terms of the Convention does not take place, the Convention has no practical value.

22. Convention concerning seamen's articles of agreement

Australia

Papua and New Guinea, Norfolk Island and Nauru.

The Convention was examined during the period under review, but no final decision could be reached as regards its application.

France

Cameroons.

The Act of 10 June 1950, which amends section 121 of the Act of 13 December 1926, extends the rules of jurisdiction fixed by law for civil suits to disputes arising out of the execution of the clauses of seamen's articles of agreement.

The seamen's registration office is not informed of the judicial decisions rendered in the territory. Disputes are generally referred to the jurisdiction of the metropolitan courts.

The Order of 28 January 1949 (see under Convention No. 9) only refers to the identification of native seamen.

Local seamen employed, without being entered in the ship's articles, on board certain vessels in the coastal trade and on tugs come under regulations applicable to shore workers (Decree of 7 January 1944 to regulate native labour in the Cameroons).

Africans are generally reluctant to take up employment under a contract and this system is not practised.

See also under Convention No. 15.

French Equatorial Africa.

Indigenous seamen employed on board vessels whose home port is in French Equatorial Africa come under the regulations relating to employment guarantees of the territory in which the port is situated. This is also the case for seamen who are employed for a certain number of months on board French or foreign vessels engaged in fishing or whaling and based in a port in the territory. Where there is no general arrangement as to conditions of employment, in the nature of a collective agreement, Africans must be given

individual contracts of employment. Their employer is obliged to repatriate them to their port of recruitment under the terms of the Executive Order of 31 December 1935, issued in application of the Decree of 4 May 1922 governing conditions of employment in French Equatorial Africa.

The number of indigenous seamen recruited for vessels plying long distances, who would, in any case, come under the Merchant Marine Code, is negligible. The placing of seamen offers no particular problem.

French Guiana.

All the vessels owned in French Guiana are under 100 tons. The Convention does not therefore apply.

French Somaliland.

The provisions of the Convention were implemented on 4 April 1928. The last collective agreement on this subject, dated 30 November 1950, is legally applicable in French Somaliland.

French West Africa.

A local instruction of 19 March 1951, defining the mutual obligations of seamen and shipowners in respect of a number of points, was issued by the Federal Director of the Merchant Marine with the agreement of workers' organisations and shipowners' representatives and has been approved by the labour inspectorate. The application of the instruction is entrusted to the harbourmasters and labour inspectors.

See also under Convention No. 8, first three paragraphs.

Madagascar.

Commercial Code, Book II, Chapter V.

The provisions of the above text were expressly repealed by section 134 of the Act of 13 December 1926 issuing the Seamen's Code, but that Act, which was promulgated by Decree on 21 June 1927, only applies to vessels whose port of registration and home port are in metropolitan

France. Consequently the provisions of Book II, Chapter V of the Commercial Code are still in force for vessels registered in the territory.

As regards the employment of seamen and the matters dealt with in other international Conventions concerning seafarers, it should be noted that vessels trading in Madagascar can be divided into the following four categories: (1) coasting vessels belonging to metropolitan shipping companies, which are in permanent service and whose masters and officers are recruited from France, and whose ratings are native seamen. The regulations in force in France are fully applicable to these vessels and are in fact observed; (2) coasting vessels of the same type as those mentioned above but registered in Madagascar. The regulations in force in France are not applicable to these vessels; however, for the sake of uniformity and fairness, the terms of engagement of their crews are identical with those of the crews serving on the first-mentioned vessels, and are drawn up according to the French regulations. Consequently, the French regulations are, in fact, applied to this second category of vessels. In particular, the native personnel are covered by the provisions of the Legislative Decree of 16 June 1938 respecting seamen's sickness insurance (see under Convention No. 56), subject to the payment of contributions; (3) small coasting vessels, tugs or small steamers, belonging to shipowners resident in Madagascar, with one or two certified French officers and registered seamen and whose ratings are native seamen. Only the European personnel are, by virtue of their contract, covered by the French regulations; this avoids any difference between the conditions of registered seamen employed in Madagascar by various shipowners and enables them, should the opportunity arise, to exercise their trade on board French vessels. Pending the organisation in the territory of a social security scheme, the seamen's registration offices are endeavouring to have the terms of French law applied to native personnel employed on board this type of vessel; (4) schooners and various other types of vessels which are manned exclusively by seamen from Madagascar and the Comoro Islands who are subject only to the local regulations. The international Conventions in question are thus applied only in so far as the local regulations contain provisions similar to those of the Conventions.

Martinique.

Act of 13 December 1926, in particular Chapter I, Parts I to IV.

The metropolitan regulations are fully applicable.

See also under Convention No. 8.

Morocco.

Under section 170 of the Commercial Shipping Code of Morocco a seafarer enjoys conditions equivalent to those laid down in the Convention as regards his contract of employment. The contract must be appended to the ship's articles. Under a Dahir of 21 January 1922 individual seamen's books, in which engagements and discharges are recorded, have been introduced.

See also under Convention No. 8.

Reunion.

Act of 13 December 1926, to issue a Seamen's Code (L.S. 1926—Fr. 13).

Decree of 31 March 1925, respecting the organisation of work on board ocean-going vessels (L.S. 1925—Fr. 6).

The regulations concerning articles of agreement apply to all commercial vessels, fishing boats and pleasure yachts, irrespective of their nature or manning.

The agreement must be in writing and constitutes the list of the crew, countersigned by the maritime authority (section 13 of the Code); this signature is refused if the agreement contains any clause which is contrary to legally binding provisions included in the Code. The agreement must be clearly worded and unambiguous. Seamen may obtain any information they desire in the matter from the maritime authority.

The procedure relating to disputes arising out of the application of seamen's articles of agreement is laid down in the Act, and is legally binding. No exception may be introduced by special clause.

A seaman's engagement is recorded in a book which is delivered to him free of charge by the maritime authority, and which remains in his possession. This book may contain no statement as to the quality of work performed.

Sections 10 and 11 of the Seamen's Code lay down provisions corresponding to those of Article 6 of the Convention.

The conditions of service on board are brought to the seaman's attention by a schedule displayed in the crew's quarters, in conformity with section 4 of the Decree of 31 March 1925.

Provisions concerning the termination of an agreement are contained in section 10, paragraph 4, of the Code.

An agreement may be legally terminated through the application of section 93 of the Code.

The conditions under which a shipowner can discharge a seaman are laid down in sections 95 to 98; section 98, paragraph 1, on the other hand, provides that a seaman may demand that he be put ashore immediately if the shipowner fails to fulfil his obligations.

Should the seaman have an opportunity of obtaining a more favourable engagement, the Seamen's Code does not, in the opinion of the local seamen's registration service, appear to lay down the conditions under which the contract may be terminated.

The discharge is recorded in the list of the crew, and in the seaman's book; both entries are made under the supervision of the maritime authority.

St. Pierre and Miquelon.

Act of 13 December 1926, to issue a Seamen's Code, sections 6 to 103 (L.S. 1926—Fr. 13).

The provisions of the Convention are applied in the territory.

Togoland.

See under Convention No. 8.

Tunisia.

Section 30 of the Decree of 15 December 1906, as amended by the Decree of 11 May 1939, reads as follows: "The signing-on of members of crews

shall be witnessed by the following authorities: in Tunisia, by the harbourmaster; in France, by the maritime registration office; abroad, by the French consular authorities. Any cash or other advance shall be mentioned in the ship's articles.

Young persons under 17 years of age may not be signed on board steamships as trimmers or stokers.

Wages determined on a voyage or monthly basis, or shares determined on a voyage basis or for a specified period, shall be fixed at the time of hiring.

Any violation of the provisions of this section shall be punishable by a fine varying from 50 to 500 francs."

United Kingdom

Barbados.

During the period under review 1,019 seamen were engaged and 896 were discharged.

Cyprus.

There are now no vessels on the Cyprus register. The provisions of the United Kingdom Merchant Shipping Acts apply to ships registered as British at the port of Famagusta.

Dominica.

Merchant Shipping Act, Chapter 143 of the Leeward Islands Revised Acts, 1927, as amended and adapted to the colony by the Adaptation of Laws Act, 1939. Part II of the Merchant Shipping Act, 1894 (Imperial), as made applicable by section 260 of that Act to all ships registered in the United Kingdom.

The above legislation is administered by the shipping master.

Fiji.

Between 1 July 1950 and 30 June 1951, 524 seamen entered into articles of agreement.

Gibraltar.

The Convention would appear to be well observed. During the period under review 1,469 seamen were engaged.

Leeward Islands.

Merchant Shipping (Agreements) Act, Chapter 143, as amended in 1932.
Foreign Merchant Shipping (Agreements) Act, No. 20 of 1932.

New legislation is under consideration. The legislation in force does not prescribe any tonnage limit. In fact, almost all sea-going vessels registered in the colony are small schooners, sloops or launches, which are excepted under the provisions of the Convention. No geographical limits are prescribed. Article 3 of the Convention is applied by sections 2 and 3 of Chapter 143 of the Merchant Shipping (Agreements) Act (as amended),

which provide that the master of every British ship shall enter into an agreement with every seaman of his crew. Such agreements, drawn up in a form sanctioned by the Board of Trade, must be signed and dated and must contain particulars of the terms of the agreement.

There are no legislative provisions requiring that a seaman shall be given a record of his employment on board the vessel, that the agreement shall either be recorded in or appended to the list of the crew carried on board the vessel, or that the agreement shall be terminated for an indefinite period in any port where the vessel loads or unloads; nor is there any legislative provision stating the circumstances in which a seaman may demand his immediate discharge, or the right of a seaman to obtain from the master a certificate of discharge. However, provisions are laid down concerning conduct and punishment on board and concerning the posting up of a legible copy of the agreement with the omission of signatures.

The administration of the legislation is entrusted to the customs authorities. No statistics are available.

North Borneo.

There is at present only one ship on the colony's register of shipping. This ship is not excluded by virtue of Article 1 of the Convention. While at present there is no legislation in the colony applying the Convention, seamen's articles of agreement are signed under the general authority of the Merchant Shipping Act and comply with its terms. Separate legislation to apply the Convention specifically to North Borneo is under consideration.

Seychelles.

Local Trading Vessels Ordinance, No. 2 of 1951.

The above Ordinance applies to vessels of 30 tons net register and over; section 2 specifically defines "vessel" and the geographical limits. The term "seaman" is not specifically defined, but includes apprentices. The term "master" is not specifically defined. Section 3 of the Ordinance lays down conditions for agreements. The Merchant Shipping Acts of Great Britain are used as a guide for the engagement of crews. Inspections are carried out in accordance with these Acts. No records of the numbers signed on and off have been kept, but steps are being taken to provide for the maintenance of such records. In the case of a ship registered at Mombasa, the Supreme Court of Seychelles ruled that, as no exact time limit had been stated in the articles of agreement opened at that port for a fishing voyage to the Seychelles Bank, the time limit was three months, and the crew was repatriated accordingly.

Solomon Islands.

As a further safeguard for seamen serving on board ocean-going vessels, employers are now required to give an assurance that adequate welfare facilities are provided in foreign ports.

23. Convention concerning the repatriation of seamen

*France**Cameroons.*

The provisions of the metropolitan Seamen's Code (Act of 13 December 1926) are observed.

Any seaman paid off or abandoned on the termination of his contract in a port other than a metropolitan port must be repatriated at the expense of the vessel.

Masters of vessels are bound to repatriate all natives in their employ to the port at which they were engaged (section 7 of the Order of 28 January 1949—see under Convention No. 9).

French Equatorial Africa.

See under Convention No. 22.

French Guiana.

Section 87 *et seq.* of the Seamen's Code.

Section 119 of the same Code (foreign seafarers).

The report refers to the above-mentioned legislation.

French Somaliland.

The Convention was adopted in 1926 and came into effect on 16 April 1928 (Seamen's Code). It is automatically applicable throughout the territory.

French West Africa.

Section 19 of the local Instruction of 19 March 1951 provides that the repatriation of any seaman put ashore at a place other than the port at which he was engaged shall be governed by the following rules: (a) if the seaman is put ashore at the request of the master or of the shipowner, the shipowner is required to arrange for the seaman's repatriation and to bear the costs thereof; (b) if the seaman is put ashore at his own request or for disciplinary reasons, he himself is required to bear the expenses of his repatriation.

Seamen taken on board vessels which do not return frequently to the port at which they were commissioned are repatriated at the expense of the shipowner if they have completed one year's service on board the vessel when they ask to be put ashore.

See also under Convention No. 8, first three paragraphs, and under Convention No. 22.

Madagascar.

Section 262 of the Commercial Code.

Section 262 of the above Code reads as follows:

"A seaman who falls ill during a voyage or is injured in the course of his duties as a seaman, shall be paid his wages and be given medical treatment at the expense of the vessel. If the seaman has to be left ashore he shall be repatriated at the expense of the vessel; however, the master may meet the expenses of treatment or repatriation by paying to the French authorities a sum to be fixed according to a scale to be published in public administrative regulations; this scale shall be revised every three years. The wages of a seaman who has been left ashore shall be paid until he obtains work or has been repatriated. If he is repatriated before recovering from the injury, his wages shall be paid until he has recovered. However, the period during which wages are paid shall not in any circumstances exceed four months from the date when the seaman was put ashore."

See under Convention No. 22 for the categories of vessels to which section 262 of the Commercial Code applies.

Martinique.

Act of 13 December 1926, Chapter IV, sections 87 to 90.

The metropolitan legislation is fully applicable.

See also under Convention No. 8.

Morocco.

Sections 193 and 194 of the Commercial Shipping Code of Morocco establish the obligation to repatriate seamen. However, no explicit mention is made of repatriation following shipwreck.

See also under Convention No. 8.

Reunion.

Act of 13 December 1926, to issue a Seamen's Code (L.S. 1926—Fr. 13).

The provisions laid down in sections 87 to 90 of the Seamen's Code correspond to those of the Convention.

St. Pierre and Miquelon.

Act of 13 December 1926, to issue a Seamen's Code, sections 87 to 91 (L.S. 1926—Fr. 13).

The provisions of the Convention are applied in the territory.

Togoland.

See under Convention No. 8.

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

*France**French Guiana.*

Decree No. 47-2,002 of 17 October 1947, which is of a general character, extended certain provisions concerning the Convention. However, the effective application of the sickness insurance scheme is subject to the publication of regulations. Up to now a system of free medical assistance has been very widely applied.

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French Settlements in Oceania.

The only provisions in the territory are those set out in Part VI of Decree No 620/I.T. of 29 May 1950 concerning public services.

See also under Convention No. 17.

French Somaliland.

Sickness insurance is not compulsory. Medical attention in respect of non-occupational diseases is provided under the indigenous medical assistance scheme.

Guadeloupe.

Decree No. 47-2,032 of 17 October 1947, concerning the organisation of social security in the Overseas Departments.

The risk of sickness is not yet covered.

Madagascar.

The proposed regulations have not yet been adopted; it is not possible, therefore, to supply any information on this point at present.

Reunion.

Pending the establishment of a general social security scheme, employees without sufficient means are protected in the manner described below.

There are at present in the Department 11,000 employees in industry and commerce, and 4,000 in domestic service. When the general social security scheme is introduced in the Overseas Departments, 45,000 agricultural workers will also be covered.

At present insurance is not compulsory for any employee. A number of employees come under a sickness insurance scheme for all occupational activities in the private sector; some 17,000 families are covered, and receive free medical assistance under a scheme which first came into force in Reunion in October 1948.

It can be said that 80 per cent. of the employees mentioned, including those with insufficient means, can obtain benefit under provisions at least equivalent to those of the Convention. Employees, or heads of families whose total income is less than 6,000 francs C.F.A. monthly, are legally entitled to benefit. All agricultural workers—numbering 45,000—(minimum basic wage 1,120 francs C.F.A. a week), most agricultural small-holders, whose total number is estimated at 15,000 and most of the 15,000 employees in industry and commerce are therefore covered.

No cash benefits are granted. In 1950 the total cost of benefits in kind amounted to 225 million francs C.F.A., representing an average of approximately 3,700 francs C.F.A. per insured person. The system is financed entirely from public funds and there are no contributions by employers or workers.

St. Pierre and Miquelon.

The insurance scheme set up under the Décret of 30 October 1948 includes the following benefits: (a) daily compensation in case of physical incapacity to continue or resume work as certified by a medical practitioner. Compensation is

payable as from the fourth day of incapacity. However, if the duration of incapacity is seven days or more, compensation is also payable in respect of the first three days of incapacity. The rate of daily compensation is at present 200 francs C.F.A. It is increased to 260 francs C.F.A. on the 31st day of incapacity in respect of an insured person who has three or more dependent children. (b) 50 per cent. of the cost of hospital treatment and medical care in the official medical centres of the territory in respect of the insured person, his spouse and dependent children.

The cost of the insurance scheme is met out of contributions from employers amounting to 2 to 3 per cent. of wages (a standard hourly rate of 1 franc and 1.50 francs in respect of each employee).

Togoland.

Under the indigenous medical assistance scheme free benefits are granted to workers on the same basis as to the indigenous population. The collective agreement of 9 November 1946, the scope of which has been extended to the whole territory and which covers commercial, industrial and bank employees as well as employees of insurance companies and shipping companies, provides, in case of sickness, for the granting of one month's full treatment and from one-and-a-half to four months' part treatment for salaried employees who have at least 18 months' service.

Many difficulties would have to be overcome in order to introduce a compulsory sickness insurance scheme at present: for instance, the inadequacy of the registry office, the casual nature of employment, the failure to understand the idea of insurance, aggravated by a definite feeling of repulsion on the part of the workers against the compulsory nature of such insurance.

In an economy as primitive as that of Togoland, the adoption of such a measure would almost inevitably lead to a rise in the cost of living and would lower the peasants' standard of living which, on the whole, is already well below that of workers in the towns.

However, with the cultural and economic development of the territory, the Convention could gradually be applied during a period of stability of prices, and provided that due caution were shown; its scope could gradually be extended to the most easily identified categories of workers (commercial and bank salaried employees and public servants) in agreement with the representative trade union officials.

*United Kingdom**Bermuda.*

See under Convention No. 12.

Cyprus.

The scope of the Government (regular employees) social insurance fund is being extended and the rules are under revision. Apart from that scheme and some company and trade union schemes, organised on a contributory basis, there is no system of sickness insurance. Following a Government decision of 1949, the Government scheme may be extended to cover employees of public

undertakings to the extent permitted by the resources of the fund. Some applications for admission have already been approved and the fund may become the nucleus of an island-wide system of compulsory sickness insurance. A team of experts is to visit the territory this year to advise on social insurance generally. The estimated total number of persons employed in all occupations is 180,000. Benefits in cash (to contributors) amounted to £5,361; the average cost per insured person was £1 14s. 0d. Benefits in kind totalled £2,897, the average cost per insured person (including dependants) amounting to 6s. 2d. The financial resources of the Government scheme were £10,252 during the period under review, £5,044 6s. 0d. each being contributed by employers and insured persons. It was not possible to calculate the contributions of the public authorities, as patients are treated in Government institutions or by Government medical officers and no administrative expenses are charged to the fund.

Early extension to selected firms is urged by the trade union representatives on the managing committee of the fund.

Gold Coast.

It has not yet been possible to organise sickness insurance owing to the following factors: (a) instability of the labour force in industrial employment, due to migration; (b) the early stage reached at present in the provision of a complete and secure system of identification of individual workers; (c) the predominance of non-wage-earning employment, *i.e.*, the great majority of persons are self-employed and gain their livelihood from subsistence farming or cash-crop production on small holdings; and (d) medical services which, though rapidly expanding, are, for reasons of shortage of staff and limited communications, not yet available on the scale required.

Hong Kong.

During the period under review a charge of \$1 was introduced for each visit to Government public dispensaries and polyclinics. The dispensary in the new territories, the evening clinic and the Boat Mission clinic, mentioned in previous reports, have ceased to function but there has been progress, under both private and Govern-

ment auspices, in the provision of medical facilities for the population of the colony. Among these facilities are clinics run by one of the large dockyards, by trade union organisations, and by Chinese welfare associations, as well as a new tuberculosis clinic and an X-ray mobile unit.

Leeward Islands.

There is no legislation giving effect to the provisions of the Convention. A committee has been appointed "to examine the possibility of the introduction in Antigua of a contributory scheme of social insurance and allied services, including unemployment insurance and old-age pensions", but has not yet made its report. In view of the existing economic and financial situation, it is unlikely that the introduction of an advanced social welfare scheme will prove practicable.

Singapore.

There is no system of compulsory sickness insurance in Singapore. In July 1950 returns were submitted by 547 employers of labour in 18 different industries. From these returns it appeared that 43 per cent. of the employers gave free medical treatment to their employees, and 57 per cent. gave paid sick leave to their employees.

Solomon Islands.

The Protectorate has made no provision in this respect and, at the present stage of development, such action is not required. No indigenous worker is in any economic necessity to work for wages, and other workers are locally domiciled members of the local civil service or expatriates serving on contracts. Indigenous workers who become ill are treated and maintained at their employer's expense, and their wages remain payable during sickness until their contracts are terminated. On the termination of his contract an ex-worker is treated and maintained in hospitals free of charge.

Zanzibar.

Free medical treatment is given by the Government to any member of the public who genuinely cannot afford to pay for it.

25. Convention concerning sickness insurance for agricultural workers

United Kingdom

Bermuda.

See under Convention No. 12.

Gold Coast.

See under Convention No. 24.

Leeward Islands.

See under Convention No. 24.

Federation of Malaya.

The committee for medical and health facilities in rural areas has not yet completed its work.

Solomon Islands.

See under Convention No. 24.

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

*Australia**Papua and New Guinea, Norfolk Island and Nauru.*

The Convention was examined during the period under review but no decision could be reached regarding its application to the territories. The Papua and New Guinea Native Labour Ordinance, 1946, has been replaced by the Native Labour Ordinance, 1950.

*France**Algeria.*

Act No. 50-205 of 11 February 1950 (as supplemented with a view to its extension to Algeria by Act No. 51-215 of 27 February 1951), respecting collective agreements and the procedure for the settlement of labour disputes (L.S. 1950—Fr. 6).

Decree No. 50-1,400 of 9 November 1950, to fix the inter-occupational guaranteed minimum wage rate applicable in the departments of Algeria.

Order of 28 March 1951, concerning the Algerian Higher Collective Agreements Board.

Order of 15 April 1951, concerning the inter-occupational guaranteed minimum wage in Algeria.

Since the promulgation of the Act of 27 February 1951, which supplemented the Act of 11 February 1950 by extending it to Algeria, the inter-occupational guaranteed minimum wage is fixed by order of the Governor-General of Algeria, taking into account the economic possibilities of the country and after consultation with the Algerian Collective Agreements Board. This Board includes 15 workers' and 15 employers' representatives, nominated by the most representative occupational organisations and appointed by the Governor-General. The workers' group consists of six agricultural and nine non-agricultural workers, while the employers' group consists of six agricultural and nine non-agricultural employers.

In addition to agriculture, the regulations concerning the inter-occupational guaranteed minimum wage cover industry and commerce, the liberal professions, public and ministerial offices, domestic servants, caretakers in buildings, whether entirely or partially used as dwellings or not at all, homeworkers and employees in ordinary savings funds, non-profit-making societies and occupational unions and associations, irrespective of their nature.

There are 29,422 undertakings covered by these regulations and subject to supervision by the labour inspectorate; these establishments employ 157,770 men, 31,878 women and 22,424 children and young persons, *i.e.*, 212,072 workers in all.

Since 16 April 1951 the inter-occupational guaranteed minimum wage rate applicable throughout Algeria in occupations other than agriculture has been 58 francs per hour. In a certain number of municipalities this rate has been increased to 64 or 67 francs. These rates apply to workers of 18 years of age or over, irrespective of sex.

The enforcement of the regulations governing the inter-occupational guaranteed minimum wage does not give rise to much difficulty in undertakings of a certain size. On the other hand, in small undertakings, and particularly in the country and in

rural centres, the labour inspectorate frequently has to take action to compel the persons concerned to observe these regulations. Between 1 November 1950 (the date on which the inter-occupational guaranteed minimum wage became applicable to Algeria) and 30 June 1951, approximately 1,300 infringements of the regulations were discovered in the whole of Algeria; approximately 280 reports were made.

French Equatorial Africa.

The scales of minimum and basic wages for African wage-earning and salaried employees in the Middle Congo territory have been revised under the terms of the Executive Orders issued by the Commissioner of the territory on 21 February 1951; those for Oubangi-Shari, by the Orders of 28 April 1951, those for Gaboon, by the Orders of 7 April 1949 and for Lake Chad, by the Orders of 13 March 1950.

The prevailing daily basic wage rates for African wage-earning employees in the principal centres of French Equatorial Africa are from 38 to 93 francs, according to zone, for labourers in the timber industry; from 43 to 98 francs, according to zone, for labourers in the building industry; from 76 to 180 francs for skilled workers; and from 254 to 330 francs for highly skilled workers.

The prevailing scale of monthly basic rates for African salaried employees in the principal centres of the territory are from 1,140 to 2,450 francs, according to zone, for those in the first category; from 2,100 to 4,150 francs, according to zone, for those in the third category; from 10,500 to 12,050 francs, according to zone, for those in the sixth category.

It should be noted that the rates actually paid are frequently higher than the basic rates shown above, the difference increasing in proportion to qualifications.

As regards European labour employed in French Equatorial Africa, a legal basis or regulation such as is afforded by collective agreements is still lacking for the fixing of basic rates. In order to meet this situation the High Commissioner issued an Order on 31 August 1951 which permits employers' and workers' organisations to enter into collective agreements or to request the discussion of occupational regulations, according to a simple and practical procedure, under the chairmanship of the local labour inspector.

French Guiana.

Act No. 50-205 of 11 February 1950.

Decrees Nos. 50-241 of 27 February and 50-1,029 of 23 August 1950.

Decrees Nos. 51-254 of 1 March and 51-435 of 17 April 1951.

The above texts meet the requirements of the Convention. Minimum wages are fixed by the Ministry of Labour in Paris. The rates are binding and cannot be reduced.

The number of workers concerned amounts to 2,914 men, 316 women and 83 young persons, making a total of 3,313 persons.

In industry the minimum rate is 65 francs an hour for men and women over 18 years of age (with an abatement of 20 to 50 per cent. for young persons). In agriculture the minimum rate is 2,600 francs per 48-hour week.

The inspectorate of labour supervises the application of minimum rates. It is frequently called upon to intervene when rates are being fixed, but has never had to institute proceedings as a result of their non-application. Any wage earner paid less than the guaranteed minimum wage can, by instituting legal proceedings, recover the amount by which he has been under-paid.

French Settlements in Oceania.

The report for this year refers to the supplementary report sent on 28 June 1951.

French Somaliland.

A tripartite committee, which meets every quarter, studies variations in the cost of living on the basis of standard budgets. Its studies are communicated to the labour office which, in accordance with section 11 of the Decree of 22 May 1936, "proposes standard wage rates for each type of work, including minimum wage rates with or without rations, which are fixed by Order of the Governor". The labour office is composed of representatives of the authorities and one representative of the indigenous population.

French West Africa.

The only point worth noting is the increase in daily minimum wages which, as of 30 June 1951, reached the following amounts in the chief cities of the Federation: 164.80 francs in Dakar (Senegal); 114 francs in Conakry (Guinea); 100 francs in Abidjan (Ivory Coast); 118.80 francs in Saint Louis (Mauretania); 80 francs in Bamako (Sudan); 72 francs in Bobo-Dioulasso (Upper Volta); and 60 francs in Niamey (Niger).

Guadeloupe.

Decree No. 51-254 of 1 March 1951.

For the authorities responsible for the application of the legislation, see under Convention No. 4.

The legislation applicable in the Department is the same as that in force in metropolitan France.

The above-named Decree fixes the inter-occupational guaranteed minimum wage at 2,600 francs per week of 40 hours' actual work in non-agricultural occupations, with effect from 1 January 1951. No decision has yet been taken with regard to domestic workers.

About 12,200 workers, distributed as follows, are employed in the main occupations to which the Convention applies: 5,000 in the sugar and rum industry; 3,000 in building and public works; 1,200 in the handling of cargo in ports, and 3,000 in commerce. There are very few home-workers in Guadeloupe.

Some difficulties are still being encountered in the enforcement of this Decree. The regulations are observed, except in a few insignificant commercial undertakings and in some tailoring establishments which the labour and manpower inspectorate has not yet been able to visit.

Martinique.

Decree of 1 March 1951.

The minimum wage fixed by collective agreement or individual contract of employment may in no case entail a total remuneration lower than the minimum rate guaranteed by law. In industry (where 3,800 persons are employed), commerce (6,500 persons), the liberal professions (500 persons) and various other occupations (9,000 persons) the minimum hourly wage rate is 65 francs. In agriculture (37,000 persons) the minimum hourly wage rate is 54 francs.

This guaranteed minimum constitutes in practice the minimum rate of wages. It is applied in commerce and industry, with the exception of some small handicrafts workshops and some small retail shops, and in agriculture in the case of women employed in certain types of work in the fields.

Apart from claims relating to the amount of the guaranteed minimum wage and failure to grant the minimum wage, no observations regarding the legislation itself were made by the employers' and workers' organisations.

Morocco.

A Dahir issued on 18 June 1936, relating to minimum wages for wage-earning and salaried employees, provides that the minimum wages of such employees must not fall below the rates fixed by Order of the Secretary-General of the Protectorate. At present minimum wages are fixed by a Decree issued on 24 March 1951 which prescribes different rates for each of the four wage zones into which the French zone of Morocco is divided. The Dahir of 18 June 1936 also prescribes that the wages of workers employed on public and construction works by the State, by the cities, by public undertakings and undertakings holding public concessions or operating public services, or for account of such agencies, may not amount to less than the rate indicated in respect of each category of worker in the table of minimum wages appended to the estimate of costs of the work to be performed. Such tables are drawn up by district offices subject to the agreement of a regional committee, whose membership includes one employers' and one workers' representative; these tables become applicable only after they have been approved by the Secretary-General of the Protectorate.

New Caledonia.

No use has been made of the possibility of fixing minimum wages, as provided for by the Decree of 23 August 1946. A scale of wages for young workers (under 21 years) is being considered at present.

Reunion.

Metropolitan Labour Code, Book I, sections 33 *et seq.* Act No. 50-205 of 11 February 1950, respecting collective agreements and the procedure for the settlement of collective labour disputes (L.S. 1950—Fr. 6), and subsequent texts.

Decree No. 51-255 of 1 March 1951.

Decree of 13 June 1951 (conditions of employment in State-sponsored contracts), extended to the Overseas Departments by Decree No. 51-781 of 13 June 1951.

The Act of 11 February 1950 provides, in its new section 31 X of Book I of the Labour Code,

that an inter-occupational guaranteed minimum wage shall be fixed by Decree. Decree No. 51-255 of 1 March 1951 fixed the inter-occupational guaranteed minimum wage at 1,120 francs per week. The scope of this Decree includes both agricultural and non-agricultural occupations.

Hourly rates are as follows: in agriculture, the wage of 1,120 francs C.F.A. covers the six daily spells of 7½ hours, or 45 hours of actual work. The corresponding hourly wage is, therefore, 24.88 francs C.F.A.; in industry, commerce and in the liberal professions, the above weekly wage covers 40 hours of actual work, representing an hourly rate of 28 francs C.F.A.; for homeworkers, the Decree of 13 June 1951, extended to the Overseas Departments by Decree No. 51-781, allows minimum wages to be fixed either directly or indirectly.

Consultation takes place through a system of joint committees on which there are an equal number of employers and workers, taking into account the representative character of the interested occupational organisations.

The Decree was issued following identical proposals made by the prefectorial administration and the labour inspection service. Advantage was not taken of the option to lower the minimum hourly rate.

In the whole of the private sector a total of 58,700 workers enjoys minimum agricultural or non-agricultural wages. The wages of young persons of both sexes under 18 years of age are decreased by 20 to 50 per cent. according to their age (between 14 and 18 years).

Togoland.

The Commissioner of the Republic fixes by Decree the minimum wage rates of unskilled workers after consulting the Advisory Labour Committee. This Committee was set up by a Decree of 26 September 1946 and includes three employers' and three workers' representatives; it is presided over by the labour inspector, who decides when it shall meet, and informs it of his views on labour questions, industrial relations, wages, etc. One of the specific tasks of the Committee is to decide with the labour inspector on the minimum subsistence level to be used in calculating the basic wage.

The minimum remuneration of public servants is fixed as follows: daily workers: by Order of the Governor (wages and categories based on the private sector); auxiliary workers: by Order of the Governor, after consultation with the Joint Committee and the Privy Council; supervisors: by Order of the Governor, after consultation with the Joint Committee and the Representative Assembly of Togoland and with the approval of the Ministry.

The remuneration of salaried employees and wage earners in the private sector is fixed by an additional clause to the collective agreement and to the agreement of November 1946. The rates are fixed by arrangement between the workers' and employers' representatives, in collaboration with the labour inspector. The additional clause is approved by the labour inspector and registered at the record office of the court.

The Convention could, therefore, be extended without difficulty to Togoland.

Tunisia.

See under Convention No. 3.

United Kingdom

Aden.

Government Orders of 18 April and 10 July 1951.

The minimum rates of pay have been raised successively by these two Orders, the texts of which are appended to the report.

Barbados.

Wages Board (Bridgetown Shop Assistants) Decisions, 1950.

During the year covered by the report two sets of Decisions were given by the wages board for shop assistants in Bridgetown. This board is composed of nine members: three nominated by the workers' organisations, three nominated by the employers, and three independent members, all of whom are appointed by the Governor. The Labour Commissioner is *ex officio* chairman. Two of the members of the board are women. Eleven meetings of the board were held during the period under review, and the two sets of Decisions given cover such matters as time, piece-work and overtime rates, holidays and sick leave with pay. The Decisions apply to approximately 3,750 men and 4,000 women. No figures are available showing the number of young persons employed in shops in Bridgetown. There has been considerable reaction on the part of the smaller shop proprietors who complain that the minimum rates are above what they can afford to pay shop assistants such as store porters. The clerks' union, which represents a considerable number of shop assistants, considers that the minimum rates are too low and make it possible for certain employers to pay rates well below those justified by their turnover and the work of the employees. A number of reports have been received that employees over 16 years of age have lost their employment in favour of those under 16 years to whom a lower minimum rate is payable. As these Decisions came into force as from 3 December 1950, it is too soon to give a considered opinion on the working of the new provisions, except to say that, in general, they have made a marked improvement in the earnings of the lowest paid workers in shops in Bridgetown.

British Guiana.

Minimum Wages (Georgetown and New Amsterdam Laundry Employees) Order, 1951.

The report refers to the above Order, which prescribes minimum wages, on a daily, weekly or piece-work basis, for various categories of laundry workers. The Order also prescribes that remuneration for work in excess of the normal hours shall be at one-and-a-half times the normal rate. In the Order "normal hours" mean the maximum which may normally be worked, *i.e.*, eight per day or 47 per week for daily and weekly employees respectively, with the exception of boilermen, whose hours may not exceed 52 in any one week. There were 195 persons affected by the Order.

Cyprus.

The minimum wage of newly registered female domestic servants was raised from 5s. to £1 per month for those under 15 years of age and from 10s. to £1 10s. per month for those over 15; these are cash payments, in addition to free food and accommodation. The Labour Department proposed that an Order be made fixing minimum wages for female agricultural workers in the Paphos district, where wages are abnormally low. Such an Order will be made if further efforts by the Commissioner of the district to persuade employers of women in agricultural packing plants to pay better wages (not less than 4 piastres per hour, or 3 piastres for the 16-17 age group) should not prove successful.

The fixing of minimum wages in respect of certain female agricultural workers and of port workers at Limassol was urged by trade union groups. The suggestion in respect of port workers has so far received Government attention only at a departmental level.

Dominica.

A voluntary agreement fixing minimum wages rates was concluded between the Employers Union and the Dominica Trade Union and covers 5,000 agricultural workers. As from 18 June 1951 the minimum rates per eight-hour day were fixed at 96 cents for men, 72 cents for women, and 60 cents for juveniles. A similar agreement between the Government of Dominica and the Dominica Trade Union covers approximately 2,000 unskilled construction workers.

Gibraltar.

The cost-of-living allowance paid to adult male workers has been raised from 20s. to 40s. The number of men covered by the minimum rates is approximately 7,500 out of a total of some 13,000 industrially employed. Adult women industrial grade workers are in general paid at two-thirds of the gross weekly rates for men, and juveniles and young persons at proportionate rates according to age.

Representations regarding the introduction of a minimum wage have been received from the Gibraltar Confederation of Labour in respect of workers employed in privately owned undertakings. The union was advised that the Government did not wish to make Orders under the Ordinance unless it could be established to its satisfaction that efforts to secure minimum wage agreements by voluntary negotiation for workers in private industry and commerce had failed.

Gilbert and Ellice Islands.

See under Convention No. 5.

Gold Coast.

See under Convention No. 17.

Grenada.

Wages Council Ordinance, No. 4 of 1951.

Wages Council (Shop Assistants) Order, No. 28 of 1951.

The above-mentioned Ordinance empowers the Governor-in-Council to make an Order for the

establishment of a wages council to perform, in relation to the workers described in the Order and their employers, the functions specified in the Ordinance, in any case in which he is satisfied that no adequate machinery exists for the effective regulation of the remuneration of such workers, or that the existing machinery is likely to cease to exist or be adequate for that purpose, and that, having regard to the remuneration existing among such workers, it is expedient that such a council be established.

The Wages Council (Shop Assistants) Order was made under this Ordinance and became effective during 1951. It established a wages council for the regulation of the remuneration and holidays of shop assistants. No abatement of the minimum rates of wages is permissible without general or particular authorisation of the competent authority in respect of shop assistants. This is also true of able-bodied agricultural workers, but the rates payable to non-able-bodied agricultural workers are fixed by the labour officer if, after investigation, he is satisfied that the workers concerned are non-able-bodied. The average number of agricultural workers employed during 1950 was 5,311, and 517 workers were engaged in the preparation of spice for export. There were 1,025 Government road workers and 780 shop assistants.

An agreement entered into between employers' and workers' organisations in April 1951 provided wage increases for able-bodied male and female agricultural workers, with effect from 1 January 1951. These rates have been applied to persons employed in the preparation of spice for export, and to Government road workers. Agricultural workers employed in the sugar industry received increases with effect from 27 July 1950. This resulted from the award of an arbitration tribunal which was set up by the Government to resolve a wage dispute which arose between the local sugar company and the trade union representing the workers in that industry.

Hong Kong.

After a brief period of stabilisation in 1950 there was an increase in the cost of living towards the end of the period under review. Unemployment has increased partly because of restrictions on the supply of raw materials and partly because of the impact upon smaller factories of competition from more modern concerns both abroad and within the colony. Workers' earnings have consequently been reduced and, in order to obtain employment, some workers have been willing to accept wages below the agreed rates. However, wages have generally remained at a reasonable level and it has not been necessary to consider setting up a trade board in any industry.

Jamaica.

Minimum Wage (Catering Trade) Proclamation, 1950.

Minimum Wage (Catering Trade) (Amendment) Proclamation, 1950.

Minimum Wage (Bread, Bun and Cake Bakery Trade) (Urban and Suburban Districts of the Parishes of Kingston and St. Andrew) Proclamation, 1951.

The number of workers covered in all trades totals 8,120. In addition, in the sugar industry, 42,988 workers in the cropping period and 26,667 workers in other periods are covered by higher minimum rates, subject to modification from time

to time, which have been fixed voluntarily by collective bargaining.

Reports by inspection officers show that employers, realising the necessity of complying with the law, are more disposed to settle arrears voluntarily rather than risk prosecution. Arrears settled voluntarily in 1950 amounted to over £3,738, as compared with £2,847 in 1949; arrears paid by order of the court in 1950 amounted to £273, as against £732 in 1949.

Kenya.

Government Notice No. 859 of 1950.

Regulation of Wages and Conditions of Employment Ordinance, No. 1 of 1951.

The Ordinance provides the necessary machinery whereby minimum wages can be fixed for workers in any trade or in any area. Orders made under the previous Minimum Wages Ordinance, 1946, were kept in force by a special provision in the new Ordinance (section 34). One of the main duties prescribed for the Wages Advisory Board (section 4) is the constant review of minimum rates of wages. Section 4 (2) of the Ordinance empowers the Governor-in-Council to require the Wages Advisory Board to enquire into the wage rates paid to "any category of employees either generally or in any area of the colony". This enquiry must take into consideration the views of any interested organisations of employees and employers, including trade unions where they exist. The Board consists of two employers' representatives, two employees' representatives and three independent members.

Minimum rates of wages fixed by a Wage Regulation Order are legally binding on employers and workers and are not subject to abatement. Section 12 of the Ordinance prescribes that, if any existing contract provides for any less remuneration than that specified in a Wage Regulation Order, that contract shall be deemed to be altered by such Order. The minimum wages at present in force were fixed after full enquiry by the Wages Advisory Board and, on its recommendation to the Government, written and oral evidence was taken from interested parties; in addition, full and detailed information regarding the cost of living (prices of commodities) was collected and analysed. The minimum wages at present in force are applied to certain specified areas, and cover all workers in those areas, irrespective of trade or calling (Government Notice No. 859 of 1950).

Employers and workers are informed of the details of the Orders by notices in the press and on the wireless and by specially printed "hand-outs". In addition, constant inspection of places of employment affected is maintained by officers of the Labour Department. The total number of workers covered by Minimum Wage Orders is in the region of 30,000.

The Ordinance provides that a worker can recover any under-payment for a period up to 12 months preceding the date of disclosure of the offence and, in addition, that the employer is liable on conviction to a fine of 400/- for each offence (section 12).

The administration of this legislation is under the control of the Labour Commissioner and the actual inspection and enforcement are carried out by labour officers and African labour inspectors,

who are permanently stationed in the areas covered by Minimum Wage Orders.

Leeward Islands.

Labour (Minimum Wage) Act, No. 21 of 1937, as amended in 1944.

Labour (Minimum Wage) (Advisory Committees), Statutory Rule and Order, No. 1 of 1944.

The regulation of wages is ensured by collective agreement in nearly all industries and trades, and it has not been found necessary to appoint any advisory committees under the Act. The constitution of such committees, as envisaged in the Statutory Rule and Order No. 1 of 1944, is based on the principle of equal representation of employers and workers, with three or more independent members, including the chairman. The independent members are required to be reputable persons of good standing in the community who are unconnected with the particular trade concerned.

If the Labour Commissioner were to be satisfied that wages in any particular trade or industry were exceptionally low and that no arrangements existed for their effective regulation by collective agreement, he would consult interested organisations of workers and employers in that particular trade or industry and submit appropriate recommendations to the Governor concerning the appointment of advisory committees. The method of consultation would be by direct discussion with the respective organisations, separately in the first instance, and jointly later, if necessary.

It has not yet been found necessary to apply the minimum wage-fixing machinery, for which provision is made in the above-mentioned Act and regulations, to any trade or industry in the colony.

Under section 5 of the Act the Governor may appoint such officers as he deems necessary for the purpose of investigating complaints and otherwise securing the proper observance of the provisions of the Act. Provision is made for the imposition of penalties on employers who pay wage rates which are less than the statutory minimum and for the recovery by workers of under-payments.

Neither the trade unions nor the employers favour the application of minimum wage-fixing machinery.

Malta.

Owing to political developments the Bill to be known as the "Conditions of Employment (Regulation) Act" mentioned in previous reports has not yet become law. It is hoped that it may be enacted during the current year.

Nigeria.

A Labour Advisory Boards Bill has been drafted and is now being examined with a view to enactment during the forthcoming year.

North Borneo.

Legislation to apply the Convention has not yet been enacted. The prevailing shortage of labour in the colony continues to keep wages at a high level. On one occasion, however, the Commissioner of Immigration and Labour took

advantage of the provisions of section 118 of the Labour Ordinance, 1949, to impose conditions of employment, including a minimum wage clause, on immigrant workers entering the colony under a licence issued by the Commissioner. This was done at the request of the Government of the country of origin of the workers.

St. Helena.

A 15 per cent. rise in wages was secured in December 1950 by agreement between the Government and employers and between workers and employers. In practice, the Government and the hemp-milling industry set the standard and other employers must follow suit.

St. Lucia.

Statutory Rules and Orders, Nos. 18 and 19 of 1950.

The Labour Advisory Board, consisting of equal numbers of employers' and workers' representatives, with the Attorney-General as chairman, has been appointed since 1938 by the Government. The Board, *inter alia*, tenders its advice and recommendations to the Government in regard to wage rates in industries in which rates are considered unduly low and where the workers are not sufficiently organised to negotiate on their own behalf. This advice is invariably accepted after it has been studied by the Legislature of the colony in the light of relevant economic and social considerations. A proposal to establish wages councils in the colony is now being considered by the Government. Negotiations are proceeding for improved wages and conditions for persons employed in the coconut and cocoa industries. The report contains an extract from a report of the inspection service for a quarter of the period under review, during which extensive visits of inspection were undertaken throughout the colony; 114 premises employing 299 persons were visited. Inspections revealed breaches of the labour laws, to which the attention of the employers concerned was drawn, and immediate compliance was demanded. In the case of breaches of a Minimum Wage Order, the employers concerned were made to pay, through the Labour Department, arrears of wages due to the assistants for the period underpaid. It is regretted that a number of merchants refused to co-operate in the matter of regulating the hours of work of their assistants in accordance with the Shops (Hours) (Amendment) Ordinance.

St. Vincent.

Shops (Hours of Opening and Employment) (Amendment) Ordinance, No. 15 of 1950, and Regulations issued thereunder.

The above legislation gives further effect to the provisions of the Convention. The Ordinance providing for sick leave for shop assistants became effective on 17 September 1950. The Order concerning shop assistants, which prescribes the rates of wages to be paid to male and female shop assistants in Kingstown and in the rural areas, became effective on 1 October 1950. The Industrial Workers Order, which prescribes the minimum rates of wages to be paid to able-bodied industrial workers, became effective as from 19 March 1951. The Agricultural Workers Order, which prescribes the minimum rate of wages to

be paid to able-bodied agricultural workers when employed on time-work, and the piece rates to be paid to such workers when engaged in the digging of arrowroot and in the picking of cotton, became effective on 19 March 1951. The Labour Advisory Board, which is composed of an equal number of employers' and workers' representatives, advises the Government on all matters connected with labour.

Seychelles.

Ordinance No. 22 of 1932, as amended by the Schedule to Ordinance No. 26 of 1945.

Proclamation No. 9 of 1950, to cancel Proclamations Nos. 3 and 5 of 1950.

Proclamation No. 9 of 1950 applied minimum wages to all males over 18 years of age and to all females. The labour officer is especially empowered to vary minimum wages in the case of workers who are not able-bodied by reason of age or otherwise. A right of appeal against this decision lies with the Governor, acting on the advice of an advisory board appointed under Ordinance No. 22 of 1932. A subcommittee, set up to consider the position of female employees working over 33½ hours per week, juveniles, artisans and their apprentices, made recommendations to the Wages Committee, but only the wages recommended for female employees were accepted. The remainder are to be considered at a later date.

Sierra Leone.

Commissioner of Labour's Direction—Public Notice No. 25 of 1951.

Government Notice No. 539 of 1951.

The report refers to the above legislation.

Singapore.

During the period under review the Labour Advisory Board reconsidered its previous view and recommended to the Government that legislation should be introduced to provide for minimum wage-fixing machinery along the lines of the United Kingdom Wages Councils Act, 1945.

Solomon Islands.

The inspector of labour or an administrative officer acts as chairman of the Wages Advisory Board, which met during the year and reviewed the situation. The fixing of a minimum wage for unskilled workers is now under consideration.

Tanganyika.

Regulation of Wages and Terms of Employment Ordinance, 1951.

This Ordinance was enacted in February 1951 but has not yet been brought into operation. Article 1, paragraph 1, of the Convention is applied by section 3 and Parts II and III of the Ordinance. Homeworkers are covered by the provisions of the Ordinance which applies equally to all forms of employment, including manufacturing and commerce. The only persons specifically exempted from its provisions are persons in the armed services of the Crown, persons in the Tanganyika police force or the Tanganyika prisons' service, and persons in the civil employment of Her Majesty's Government in the United Kingdom

other than the armed forces of the Crown or of Her Majesty's Government in the United Kingdom who have been engaged for such employment in East Africa. The Ordinance provides for two forms of wage-fixing machinery. First there is provision in Part II of the Ordinance for minimum wage boards to be established by the member of Executive Council responsible for labour matters in any case where he is of the opinion that it is expedient to fix a basic minimum wage in respect of any employees or class of employees. It is intended that minimum wage boards shall be concerned chiefly with the fixing of minimum wages in urban areas where industry is diversified and where it is necessary to relate remuneration to the subsistence level and cost of living. Secondly, there is provision in Part III of the Ordinance for the member of Executive Council responsible for labour matters to establish wages councils if he is of the opinion that no adequate machinery exists for the effective regulation of the remuneration or the terms of employment of any employees or class of employees in particular industries. Wages councils are intended to be standing bodies empowered to investigate matters referred to them by the member and to make recommendations regarding the remuneration and terms of employment for particular classes of work or classes of employees included within their terms of reference. The manner of giving effect to their recommendations is described in Part IV of the Ordinance. To date no form of wage-fixing machinery as envisaged by the Ordinance has been established but a survey is being undertaken to obtain data and to determine in which industries and areas it is desirable for wage-fixing machinery to be established. It is necessary to differentiate between the procedure to be followed in the establishment of minimum wage boards and that envisaged for the creation of wages councils. Minimum wage boards will be established in those areas or in respect of those groups of occupations where no effective associations of employers or employees as yet exist and where, accordingly, consultation with them on the necessity for the creation of minimum wage-fixing machinery is not practicable. The wages councils are to operate in individual industries where some degree of representative associations among employers and/or employees exists. Before making any Order for the establishment of wages councils, the member of Executive Council responsible for labour matters is required by section 7 of the Ordinance to make public in the *Official Gazette* his intention of making such an Order and to define the employees or class of employees concerned, the place or places where a copy of the draft Order may be inspected and the time limit (not less than 30 days) which is allowed for any objections to be made to the draft Order. The member is required to consider any written objections which are made within the time limit allowed and if he is of the opinion that such objections can be met by modifications not entailing important alterations in the character of the draft Order as published, he may issue a suitably amended Order. If the modifications entailed by the objections are such as to affect materially the character of the original draft Order, the member is required to re-issue the amended draft Order in the *Gazette* and to stipulate a further period during which objections may be

made to the amended draft. When the member has formulated the Order in its final form he is required to publish it in the *Gazette* and in at least one local newspaper circulating in the territory.

Part IV of the Ordinance lays down the procedure to be followed before the proposals of a minimum wage board or wages council are promulgated. Before submitting any wages regulation proposals to the member, a wages council is required to publish in the *Gazette*, and in at least one local newspaper circulating in the territory, notice of the proposals, stating the place where copies of the proposals may be obtained and the period (not less than 21 days) within which written objections to the proposals may be sent to the council. The council is then required to consider any written representations made within that period and, after making such further enquiries as are necessary, may then submit the proposal to the member either without amendment or with such amendments as it thinks fit having regard to the representations received. If the member approves proposals submitted to him in this manner by a minimum wage board or by a wages council he is required by section 10 (3) of the Ordinance to make a Wages Regulation Order which is then communicated to and published by the chairman of the board or council.

The member has discretion to refer proposals back to a wages council or a minimum wage board with any observations he may think fit. After considering any such observations the council or board may re-submit the proposals to the member either without amendments or with such amendments as may be thought necessary and the member is thereupon required to give effect to them by making a Wages Regulation Order as above.

The composition of minimum wage boards and wages councils is set out in the first and second Schedules of the Ordinance respectively. In both cases, in addition to independent members, equal representation is afforded to both employers' and employees' interests and the member is required, before making any appointments other than of independent members, to consult any organisations which might appear to represent employers or employees. Similarly, any committee or sub-committee which might be established from the membership of a wages council must afford equal representation to employers' and employees' interests.

Minimum rates of wages which have been fixed by Wages Regulation Orders are binding on the employers and employees concerned and may not be subjected to abatement by individual agreement between an employer and an employee.

Section 12 (1) of the Ordinance provides that if a contract between an employer and an employee to whom a Wages Regulation Order applies provides for the payment of remuneration which is less than the statutory minimum, the contract shall have effect as if the remuneration provided for had been replaced by the statutory minimum, which rate shall be enforceable against the employer under the penalty prescribed in section 12 (2).

Section 15 of the Ordinance prescribes the circumstances and conditions under which a labour officer may authorise the employment of individual persons at a rate less than the statutory minimum,

subject to such directions as that officer may receive from the Labour Commissioner. This relaxation is only permitted in the case of persons who are unable to earn the statutory minimum because of infirmity or physical incapacity.

No form of minimum wage-fixing machinery embodied in the provisions of the Ordinance has yet been created in the territory. The daily minimum wage rate laid down by Administrative Instructions for unskilled labour in the towns of Dar-es-Salaam and Tanga was raised during the year to 2/- and 1/-90 respectively.

Section 19 of the Ordinance provides for the supervision and enforcement of statutory minimum wage rates by officers of the Labour Department or such other officers as may be deemed necessary by the member. Section 20 of the Ordinance lays down in detail the powers granted to inspecting officers to enable them to supervise and enforce statutory minimum wage regulations. This section also empowers inspecting officers to institute and conduct legal proceedings in respect of any offences under the Ordinance. Any person who hinders or obstructs any inspecting officer in the course of his duties is guilty of an offence and is liable, under section 21 of the Ordinance, to a fine not exceeding 400/-. Under section 17 (1) employers are required, under threat of sanctions, to keep such records as are necessary to show whether minimum wage rates are in fact being paid. Section 22 provides for a fine not exceeding 400/- and/or a term of imprisonment not exceeding three months to be imposed in respect of any person making false entries in records or producing false records or giving false information. Employers who fail to pay the statutory minimum wage rate are liable to a fine not exceeding 400/- for each offence. Section 12 (a) also provides that, in addition to the fine imposed by the court, an employer may be required to pay the balance of wages due to the worker. Proceedings under the Ordinance may be instituted by an employee or an inspecting officer acting on the former's behalf. The time limit during which proceedings may be instituted is 12 months from the date of the offence. This latter provision is that laid down in section 214 of the Criminal Procedure Code, Chapter 20, of the Laws.

Section 12 (3) of the Ordinance provides for the recovery of wages in respect of any period during the 12 months immediately preceding the date of the offence for which an employer has been convicted.

Section 17 (2) of the Ordinance also makes employers responsible for informing their em-

ployees, either by printed notices or in such other manner as may be prescribed, of any wages regulation proposals or Wages Regulation Order affecting them. Any employer who fails to comply with this regulation is liable to a fine not exceeding 100/- and to an additional fine of 40/- for each day the omission continues after such conviction.

Trinidad and Tobago.

Wages Councils (Commissions of Enquiry) (Meetings and Procedure) (Conditions of Office) (Notices) Regulations, 1949 and 1950.

Wages Councils (Amendment) Order, No. 22 of 1950.

Wages Councils (Wages Regulation Proposals) (Notices) Regulations, 1951.

Under Ordinance No. 20 of 1949 a Wages Regulation Order has been made fixing statutory minimum wages for workers in the sugar industry, which includes approximately 20,000 workers. The term "workers in the sugar industry" is defined as follows: "Workers in the colony employed by any person or undertaking engaged in the business of the cultivation of sugar canes and/or the manufacture and/or the refining of sugar, in respect of their employment for the purposes of such business and any operation incidental thereto". The Government is considering the report submitted by the Commission of Enquiry appointed to consider whether a wages council or wages councils should be established in the distributive trades.

Uganda.

Legal Notices Nos. 154 and 155 of 1951.

The above Notices amend the two existing Minimum Wage Orders by amending paragraph 2 of the principal Order in each case by inserting the words "other than apprentices" after the word "workmen" appearing in the second line.

Statistics for the year ended 30 March 1951 show that the Minimum Wages Orders cover 29,046 persons in Kambala and 12,413 persons in Jinja. These figures do not include domestic servants or persons in any establishment which has less than five employees.

Zanzibar.

No Minimum Wage Orders were made during the year 1950-1951. Compliance with the Order regulating the wages of dairy workers appears now to be satisfactory. The revision of the Order concerning carters is under consideration.

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

France

Cameroons.

No special laws have been adopted in regard to the marking of the weight on heavy packages

which are to be transported. However, in practice, the weight is indicated.

In the case of logs of colonial timber the methods of transport at the lumber camp do not allow of marking, but each log is numbered

when leaving the camp and accompanied by a note specifying the cubic area. It is thus easy to calculate the weight when the logs are unloaded. The logs are then weighed exactly on a special machine and the weight mark is cut into one of their sections; the exact weight is thus known when they are placed on the goods wagon.

French Equatorial Africa.

The High Commissioner's Order of 18 September 1947, concerning general health and safety measures applicable in undertakings of all kinds in French Equatorial Africa, provides in section 36 that "hoisting apparatus shall carry an indication of the maximum load which it can lift".

In view of this provision the checking of the weight of large packages before handling is taken for granted.

In order to reinforce the safety measures in this connection it is intended, by the issue of a local Order, to make it compulsory for consignors to mark the gross weight clearly and durably on any package weighing over a ton.

French Somaliland.

Under the Act of 27 June 1935 the marking of the weight on all packages leaving France and weighing 1,000 kilograms or over is compulsory. The consignor or the agent whom the consignor appoints to ship the package is responsible for marking the weight.

Article 1 of the Convention, which is applicable in France, has been observed in Djibouti. The shipping companies which have their headquarters in France give instructions to their agents in Djibouti to apply the Convention.

The inspector of shipping supervises the application of these rules and no infringements have as yet been reported.

French West Africa.

The Convention has not been made applicable to French West Africa.

Guadeloupe.

For legislation and the authorities responsible for its application see under Convention No. 4.

No difficulties have been reported.

Madagascar.

There is no local regulation stipulating the marking of the weight on packages which weigh 1,000 kilograms or over. However, the Merchant Navy Circular of 18 March 1949, concerning the marking of the weight on packages, which was adopted to apply the Convention, serves as instructions to the chambers of commerce and the local shipowners, although the Convention itself is not legally applicable in Madagascar. No disputes have arisen so far as a result of the application of the Circular.

Martinique.

Metropolitan Labour Code, Book II, sections 80 (a) and (b).

The metropolitan legislation is fully applicable.

The supervision of the application of the legislation is ensured by the civil engineering service (harbour directorate).

Morocco.

Under section 27 of the Dahir of 2 July 1947, governing conditions of employment, a consignor by land, rail, sea or navigable river of any package or object the gross weight of which is at least 1,000 kilograms is required to indicate thereon the weight, description of contents, and loading position. In exceptional cases, when it is difficult to determine the exact weight, the weight indicated may be a maximum figure deduced from the volume and nature of the package. When this obligation is not carried out by the consignor, it falls upon the agent to whom the despatching of the package has been entrusted.

Reunion.

Metropolitan Labour Code, Book II.
Act of 12 April 1936.

Sections 80 (a) and (b) of the metropolitan Labour Code contain provisions corresponding to those of Article 1 of the Convention.

The shipping registration service and the labour and transport inspection services supervise enforcement of the legislation.

St. Pierre and Miquelon.

The Convention is not applicable to the territory, as the only exports are dry or fresh cod, in bulk or in packages not exceeding 200 kilograms in weight.

Togoland.

The Convention has been of no practical value up to date, as no package or object weighing 1,000 kilograms or more, other than private cars of which the weight is known, has yet been shipped. Heavy packages or vehicles imported from other countries have usually been marked in accordance with the provisions of the Convention. However, the Convention might usefully be extended to Togoland in anticipation of the eventual loading of large packages on ships or vessels.

Portugal

Reports have been received for the following territories: *Angola, Cape Verde, Macao, Portuguese Guinea, Portuguese Indies, S. Tomé and Príncipe, and Timor.*

In general, these reports confirm the information supplied for the periods 1949-1950 and 1950-1951 and published in the summaries of reports on ratified Conventions submitted to the 33rd and 34th Sessions of the International Labour Conference (1950 and 1951).

A summary of the new information contained in these reports is given below.

S. Tomé and Príncipe.

During the period under review no violation of the provisions in force was reported.

29. Convention concerning forced and compulsory labour

*Australia**Papua.*

Native Regulation No. 121 of 1950.

This Regulation, made under the Native Regulations Ordinance, 1908-1930, came into force on 25 September 1950 and repealed the Native Regulation No. 121 as described in the report for the period 1949 to 1950. It provides that the Administrator may, by Notice in the *Gazette*, declare any part of the territory to be an area liable to famine or a deficiency of food supplies. In any such area a district officer may order the native residents to plant food plants and crops and may fix the number of plants or crops or the area of land, as the case may be, that the native residents of each village shall plant, and may fix the number of plants or crops or the area of land that each able-bodied male native shall plant and cultivate. Any able-bodied male native who fails or neglects to carry out such orders shall be liable, on conviction, to a fine not exceeding £3. Any native who wilfully destroys or injures a plant or crops planted in accordance with the provisions of these regulations shall be liable, on conviction, to a fine not exceeding £3. Any plants or crops planted under the provisions of these regulations and the produce of such plants or crops shall be the property of the community or native who plants them.

*France**French Settlements in Oceania.*

The report refers to the supplementary report sent on 28 June 1951.

French West Africa.

French Penal Code, sections 114, 307, 309 *et seq.*, 341, 354.

The Act of 11 April 1946, which strictly prohibits forced or compulsory labour, provides for the adoption of penal regulations to punish any violation of its provisions.

At first sight the fact that such regulations have not yet been adopted may seem highly regrettable. Actually, the omission is more apparent than real. The prohibition of forced labour, once it has been enacted into law, creates in itself not only a possibility, but an obligation, for penal courts to apply a whole series of repressive legislative texts in the prosecution and punishment of those guilty of compulsion in any form, whether direct or indirect.

In this connection the report mentions the following provisions of the above-mentioned legislation: sections 309 *et seq.* of the Penal Code, which relate to acts of violence and may be invoked in all cases where force has been used to compel individuals to work; section 307 of the Penal Code, which authorises the punishment provided for above in respect of a mere threat; section 341 of

the Penal Code, as amended in respect of French West Africa by the Decree of 19 November 1947, concerning the pledging or illegal confinement of persons and agreements which violate individual freedom; this section is applicable in all cases where the individual compelled to work is deprived of his freedom; section 354 of the Penal Code, which applies where the victim is a minor taken away from his parents, against their will, for compulsory labour; section 114 of the Penal Code, which punishes "arbitrary actions and those which violate individual freedom", and which is applicable in all cases where the compulsion to work is imputable to a public official or a person exercising public authority in any form.

Madagascar.

The regulations prescribing penalties under section 2 of the Act of 11 August 1946, respecting the prohibition of forced or compulsory labour in the overseas territories, have not yet been issued. In any case, the need for such regulations has not been felt, as the terms of the Act are, in practice, strictly observed.

New Caledonia.

Order No. 646 of 15 May 1951.

This Order, which is drafted in exactly the same terms as subparagraph (c) of Article 2 of the Convention, explicitly abolishes the exception permitted in section 49 (1) of Decree No. 1,195 of 18 November 1941, according to which convicts in penal establishments were authorised to work for private employers. No use was ever made of the exception.

Reunion.

Decree of 27 April 1848, to abolish slavery.

International Anglo-French Agreement of 1861, to lay down conditions for the immigration of Indian workers to the French colonies.

Decree of 30 March 1881, to establish the status of immigrants.

Since the Decree of 27 April 1848 came into force, employees in Reunion have not been subject to any form of forced labour, disguised or otherwise.

The above-mentioned International Agreement, and the subsequent Decree of 1881, have had the effect of preventing every type of forced labour, whether apparent or not.

The Decree of 1881 provided for the establishment of an immigrants' protection service which, in fact, was equivalent to a labour inspection service with very far-reaching terms of reference (registration, civil status, conclusion of written contracts, housing, clothing, rations, hygiene, medical services (hospitals), medical supervision, wages, hours of work, holidays with pay, overtime—20 per cent. for the second hour of overtime daily, 40 per cent. for the third—maternity protection).

Togoland.

Act of 11 April 1946, promulgated in Togoland on 28 April 1946.
French Penal Code.
Decree of 9 November 1947.

All forced labour is forbidden not only by the Act of 11 April 1946 but also by the Special Code of Togoland which prohibits compulsory recruitment by authoritative means as well as the retention on the spot of armed forces. The only possible circumstances in which services may be exacted from any individual are those specified in section 475 of the Penal Code (obligation to lend assistance in case of accident, riots, shipwreck, etc.). The labour inspector pays special attention to ensuring the suppression of the old local custom which entitled native chiefs to call upon the populations of the villages to perform collective labour. In future, all such work must be carried out freely and on a remunerative basis.

Forced labour has not been exacted in the territory as a tax or for the execution of public works. Imprisonment for failure to pay taxes does not exist. Public works are provided for in the budget and paid for by means of credits earmarked for that purpose. During his rounds, the labour inspector received no complaints concerning the enforcement of the Act of 11 April 1946. Failure to comply with the provisions of the Act is dealt with, in the case of officials, under section 144 of the Penal Code and, in the case of individuals, under sections 341, 309, 311 and 315 of the Penal Code. The Public Prosecutor is thus in a position to ensure immediate action.

*Italy**Somaliland under Italian Administration.*

The report refers to the report on the International Labour Office mission to Somaliland, prepared in 1951, in which it is stated that no case of forced labour was noted in Somaliland.

*New Zealand**Tokelau Islands.*

During the year under review a comprehensive programme of capital construction was begun, in order to provide the Tokelau Islands with the necessary basis for improvements in the standard of living. With the co-operation of senior officers of the Western Samoan Government and of the New Zealand Reparation Estates, the programme—which included the erection of a hospital ward and a dispensary building on each atoll, living quarters for a medical practitioner on Nukunono, and copra storage sheds, radio buildings, and improved water-storage facilities for each atoll—has almost been completed. A rat extermination campaign, an antifilaria campaign, and a scheme for blasting reef-passages at all islands are still being developed. This information also applies in respect of Conventions Nos. 50, 64 and 65.

*United Kingdom**Bechuanaland.*

With regard to the observations of the Committee of Experts in 1951, the report states

that the type of work on which a man may be compulsorily employed under the legislation in force (section 25 (1) (a) of the Native Administration Proclamation) is entirely within the discretion of the Resident Commissioner and has never been invoked. Cultivation of land only may be ordered (subparagraph (c) of the same section).

Kenya.

During the period under review the use of porters to carry head loads for Administration officers on tour was abolished and mechanised transport was used instead.

Leeward Islands.

There is no statutory or administrative provision for forced or compulsory labour, nor is it practised in the colony.

Federation of Malaya.

Work on the new Labour Code is continuing and a Bill is now under examination by officers of the Legal and Labour Departments of the Government of the Federation.

North Borneo.

The Forced Labour (Unification and Amendment) Ordinance, 1950, (amending the Prohibition of Forced Labour Ordinance, 1933) came into force on 28 June 1950.

The Native Administration (Amendment) Ordinance (amending the Native Administration Ordinance, 1937) came into force on 1 October 1950.

Nyasaland.

Section 254 of the Penal Code provides that any person who unlawfully compels another person to labour against the will of that person is guilty of a misdemeanour.

Sierra Leone.

As regards Article 13 of the Convention, the report states that the working day is eight hours and the prescribed distance is now 12 miles. Wages are paid at the rate of 1s. 8d. per day, or 6d. per mile for short journeys. Overtime must be paid after eight hours, at the rate of 3d. for every mile over and above 12 miles.

Under Article 22 the report states that 274 man-days were worked by 274 men on portage; 82 man-days were worked by 82 men on maintenance and repairs to buildings. The above labour was exacted in three out of twelve of the Protectorate Districts and did not in any case exceed eight hours per day. There were no prosecutions, deaths or cases of sickness.

Swaziland.

The Swaziland Native Administration Proclamation, 1944, has been replaced by a new Proclamation issued in 1950. A copy of recent legislative measures is appended to the report.

Tanganyika.

Native Tax (Amendment) Ordinance, 1951.

The report contains statistical information relating to the labour requisitioned during the period 1 July 1950 to 30 June 1951. In six of the eight provinces no labour was requisitioned for minor public works (Article 10 of the Convention) and in four provinces none was requisitioned for native authorities. Out of a total of 6,405 persons requisitioned for minor public works, 5,874 were employed in one district on essential and urgent anti-tsetse work occasioned by an outbreak of sleeping sickness. The number of cases of sleeping sickness was substantially reduced. During the period under review 1,127 tax defaulters were employed, but the end of the period coincided with the abolition of the legal authority for the exaction of such labour. The Native Tax (Amendment) Ordinance, 1951, was enacted on 25 June 1951 and repealed section 11 of the Native Tax Ordinance, Chapter 183; the legal sanction for discharge of tax obligation by labour was thereby removed.

The number of men employed under native authorities on essential native administration road and building work of direct benefit to the community was 1,091, while 2,122 men were employed on portage (transport of baggage of officials on tour, tax money, sick persons and essential supplies). The average number of hours worked per day varied from four to eight. One death and 246 cases of sickness were reported.

Uganda.

As regards Article 1 of the Convention, the report states that recourse is only had to forced labour for carrying the effects of administrative officers and chiefs on tour in remote or inaccessible areas of the Protectorate where there are considerable local populations but no roads. The employment of forced labour for this purpose is authorised by the Native Authority Ordinance, Chapter 112, Laws of Uganda. During the period under review 4,772 men were called out and performed 5,014 man-days.

The distinction between the forms of compulsory service which are not covered by the definition of forced and compulsory labour and other forms of compulsory service (Article 2) is understood by the authorities concerned. The supervision carried out by officers of the provincial administration and the Labour Department stationed in various districts throughout the Protectorate is adequate to

ensure that the use of compulsory labour for purposes which are excepted from the definition of forced or compulsory labour is not abused and to prevent any confusion. No services have been exacted for military purposes. No forced or compulsory labour on behalf of private individuals, companies or associations has existed for many years and its employment in this manner is prohibited by section 243 of the Penal Code.

The safeguards mentioned in subparagraphs (a) to (d) of Article 9 are considered by the highest local authorities whenever recourse is had to forced labour. The health of the persons concerned during the period under review has been good. There have been no deaths.

The normal working hours of persons from whom forced labour is exacted are not in excess of those prevailing in the case of voluntary labour.

The working day for porters is restricted by Administrative Instruction to five hours, with a limit of 15 miles to the distance over which a load may be carried. During the period under review the hours of work of such labour have varied from three to five per day.

The question of remuneration for overtime does not arise as, under Rule No. 22 of the Employment Rules, 1946, overtime is only payable for hours worked in excess of 48 per week. As labour employed for portage only works for two or three days per annum, the question of a weekly day of rest does not arise.

The rates of wages of forced labour (Article 14) are kept under review by local administrative authorities, who are themselves fully conversant with the rates paid to voluntary labour in the same district.

The very limited use now made of forced labour does not involve the transfer of workers to districts where conditions are different as regards food and climate. It is considered that, consequent upon the extension of the road system and the resulting increased use of mechanised transport, a decreasing use of head portage and of the degree of compulsion necessary to obtain such labour in areas where the economic circumstances do not induce a demand for money is to be expected.

As regards Article 25 of the Convention, no legal proceedings have been instituted under section 243 of the Penal Code, which renders any person who unlawfully compels another person to labour against the will of that person liable to imprisonment for a period not exceeding two years.

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

*United Kingdom**Gibraltar.*

Notification of Accidents and Occupational Diseases Ordinance, 1950.

This Ordinance, which was enacted on 26 October 1950, came into force on 27 December 1950 and

imposes an obligation on employers to notify accidents occurring in the course of employment. During the period under review 34 accidents to dockworkers, involving absence from work for more than three days, were reported. No observations have been received from organisations of employers or workers regarding the introduction

of legislation to provide specific protection for dock labour, but representations have been made by the Gibraltar Confederation of Labour for the introduction of a Factories Ordinance along the lines of the United Kingdom Factories Act, 1937. A draft Factories Ordinance is in course of preparation.

Gold Coast.

The Regulation of Docks Ordinance empowers the Minister responsible for communications to make regulations for the protection of dockworkers. Regulations have now been framed in consultation with all interested parties preparatory to enactment.

Hong Kong.

During the period under review the monthly average of vessels over 60 tons entering and leaving the port was 478 and 483.5 respectively.

Eight accidents due to falls were reported. No fatal accidents were notified.

Kenya.

During the period under review there were 295 accidents, two of which were fatal.

Leeward Islands.

There is no legislation applying the provisions of the Convention.

Malta.

Dock Safety Regulations, 1951, Government Notice No. 175 of 1951.

The above Regulations, issued under the Factories Ordinance, have been substituted for the legislation previously in force. The new Regulations embody all the provisions of the previous Order and include slight improvements.

Solomon Islands.

At present the Protectorate has no special provisions in this respect, but legislation to deal with protection against accidents generally is under consideration.

Tanganyika.

Factories Ordinance, No. 46 of 1950.

This Ordinance became effective as from 1 January 1952. Section 58 of the Ordinance extends certain provisions to docks, wharves and quays, and to machinery and plant used thereon, as well as to the processes of loading, unloading or coaling of ships. Other relevant provisions are contained in the East Africa High Commission and Territorial legislation dealing with ports and the shipping and handling of cargo.

The Ordinance contains a proviso which excludes such machinery and plant as is on board ship and is the property of the owners of that ship.

Under section 43 of the Ordinance, which is applied to dockers by section 58 (1) (d), a court receiving a complaint from an inspector may either (1) prohibit the use of the affected part of the wasted works or machinery or plant or, if it

is capable of repair or alteration, prohibit its use until it is duly repaired or altered; or (2) require the employer to take such steps as may be specified for remedying the danger complained of.

Under section 55 the member of Executive Council responsible for labour affairs has power to make rules for the health, safety and welfare of employed persons. By virtue of section 58 (1)(e) of the Ordinance this power may be exercised in respect of dockworkers.

Under section 71(1) of the Factories Ordinance all rules made by the member shall have the same force and effect as if they had been enacted as part of the Ordinance and shall be laid before Legislative Council on the first day of the first meeting after the date of their making. Subject to the terms of any resolution which Legislative Council may pass, the rules shall come into operation 30 days after being presented to it.

The requirements of Article 2, paragraph 2, and Articles 3, 4, 5, 6, 7 and 8 of the Convention may be implemented by a court making orders as to dangerous conditions and practices under section 43 of the Factories Ordinance or by the member of Executive Council responsible for labour affairs making rules in respect of safety, health and welfare.

As regards Article 3, the provisions of Rule No. 5 of the Port Rules, 1921, are also relevant in this instance, and provide that every ship at anchor in any harbour must have a safe and proper gangway so arranged as to admit of free and safe passage to and from the ship. A watchman shall at all times be stationed on the gangway and a guest warp shall be set in place, extending at least 50 ft. each side of the gangway along the water line. A lifebuoy with a line attached must be placed near each gangway and at night a Holmes, or similar light, shall be attached to such lifebuoy.

Passenger ships having several gangways must provide two gangways one of which shall be used for passengers only. Each gangway must be provided with a guest warp and a notice must be displayed at the head and at the foot of each gangway stating the purpose for which it is to be used. Gangways are to be lowered immediately after the anchoring of ships and must remain lowered during the embarkation and disembarkation of passengers. A water policeman must be placed on each gangway by the port authorities who shall be responsible for controlling the shore boats and assisting the ship's officers in controlling traffic.

The penalty for breach or non-observance of those provisions shall be a fine not exceeding 1,000/-.

As regards Article 4, Rule No. 14 of the Port Rules, 1921, prescribes the licensing system of vessels used for the transport of workers. There are no large ocean-going vessels registered in the territory and reliance is placed in the testing in the ports of origin of all ships' machinery and gear.

A factory inspectorate will be authorised to examine all ships' registers containing information as to the testing and safe working loads of ships' gear and machinery.

As regards machinery and gear used in shore processes, the requirements regarding chains, ropes, lifting tackle, cranes and other lifting machines are contained in sections 31 to 33 of the Factories Ordinance.

No exemptions have yet been granted under Article 15 of the Convention. The requirements of Articles 16 and 18 of the Convention are inapplicable. No shipbuilding facilities for ocean-going vessels exist in the territory.

As regards Article 17 of the Convention, section 58 (1) of the Ordinance, in applying certain provisions to dockworkers, states that these provisions "shall apply to every dock, wharf or quay as if it were a factory and as if the person having the actual use or occupation of the dock, wharf or quay were the occupier of a factory".

Provisions for a system of inspection and for penalties in respect of breaches of regulations are set out in Parts X and XI of the Factories Ordinance. The provisions of these Parts are specifically extended to cover dockworkers by section 58 (1)(g) and (h) of the Ordinance.

Under section 61 of the Factories Ordinance various copies and summaries of the regulations are required to be posted up in prominent positions at workplaces. The provisions of this section are specifically extended to dockworkers.

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

France

Algeria.

The legislation applies to both secular and religious establishments, even if they are carried on for purposes of vocational training or are of a charitable nature.

French Equatorial Africa.

See under Convention No. 5.

French Guiana.

Decree No. 48-592 of 30 March 1948, to extend Book II of the Labour Code.

The regulations and method of application are the same as in France.

Children are debarred from work in commercial undertakings by Book II of the Labour Code. They are debarred from work in other occupations by legislation respecting compulsory school attendance.

French Settlements in Oceania.

The report refers to the supplementary report sent on 28 June 1951.

French Somaliland.

The minimum age for admission of children to employment in non-industrial occupations is 13 years.

Section 8 of the Decree of 22 May 1936 provides that children between the ages of 13 and 18 years may be employed on urgent work of a light nature, but only during the day and under conditions to be determined by the labour office.

Guadeloupe.

For the legislation and the authorities responsible for its application, see under Convention No. 4.

The measures for facilitating the identification and supervision of persons under a certain age employed in the occupations covered by Article 6 of the Convention are those in force in metropolitan France. Penalties are the same as those imposed under the metropolitan Labour Code.

The regulations are, in general, observed. There is no employment of children in public entertainments. Children are not employed in itinerant trading, at outside stalls, or in itinerant occupations.

Martinique.

The minimum age for admission to employment is strictly applied in commerce and in other non-industrial occupations. However, in the case of agriculture, certain types of very light work, so-called "small workshops", are carried out in the sugar-cane plantations between seasons and this makes supervision difficult. Moreover, owing to the lack of regulations in agriculture, it is difficult to discover the exact age of the persons concerned, and this prevents effective supervision.

Morocco.

No child under 12 years of age may be employed as an actor or an extra in any public performances given in theatres, cabarets, or circuses and fairs. However, labour inspectors may, in exceptional circumstances, authorise the employment of children under the age of 12 years in theatres and in certain specified plays. No child under 16 years of age may be employed in displays of strength or acrobatic prowess in circuses and fairs.

See also under Convention No. 5.

Reunion.

Decree No. 48-592 of 30 March 1948, to extend the metropolitan Labour Code to the four French Overseas Departments.

There are no observations in regard to Article 1 of the Convention. The provisions of Article 2 are observed. The children referred to in Article 3 enjoy a weekly rest, and never work on public holidays. They are never employed on night work, even in the sugar refineries. There are no special observations as regards paragraphs 3 and 4 of Article 3. Exceptions are made in the spirit of Article 4 (Mothers' Aid Day).

There are no circuses, variety shows or cabarets in Reunion but, if necessary, the relevant sections of Book II of the metropolitan Labour Code would be applied.

Togoland.

Children are not employed in commercial undertakings in Togoland. Except for two cinemas, there are no places of entertainment. One or two of the large agricultural undertakings in the territory employ children as coffee pickers. The work is supervised regularly by the labour

inspector or his legally recognised substitute, *i.e.*, the district officer concerned. The Togoland economy is based on small-scale family farms where the children perform traditional light work such as clearing away undergrowth, picking and harvesting.

The Convention could be extended to Togoland without any difficulty.

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**French Guiana.*

Decree No. 47-2,002 of 17 October 1947, to organise social security in the new Departments.

Decree No. 48-593 of 30 March 1948, respecting the aged employees' allowance, as amended by Decree No. 50-1,410 of 9 October 1950.

The provisions of the above texts apply to all persons employed in agricultural, industrial, and commercial occupations, and in the liberal professions, as well as to outworkers and domestic servants. None of the exceptions mentioned in the Convention has been retained. Contributions are compulsory only in respect of that part of any wage which is under 228,000 francs. The contributions of workers over 60 years of age have been reduced to 1 per cent. Persons become eligible for pensions on reaching 60 years of age. Employers' contributions amount to 5 per cent. of annual wages below the ceiling of 228,000 francs; employees contribute 4 per cent. The scheme is administered by the general social security fund, whose board of directors is composed of elected representatives of workers and employers.

In case of a dispute concerning benefits, an insured person is entitled to appeal to a free appeals board of the fund, a board of first instance, and a regional appeals board. Foreign workers contribute and are eligible for benefits under the same conditions as nationals. The special allowance for aged employees is paid to workers of at least 60 years of age whose incomes are not over 100,000 francs in the case of a single person, and 144,000 francs in the case of a married couple.

The allowance for aged employees is 27,000 francs per year for a single person and 32,000 francs for a married couple; there is a bonus for a dependent spouse and an extra allowance for dependent children.

The old-age insurance scheme has only been in operation since 1 July 1948. The following information covers the period from 1 July 1948 to 31 December 1951: total number of insured persons registered, 2,072; number of pensions granted, 423; number of pensions paid off or lapsed, 24; total expenditure of the fund on old-age pensions, 20,773,843 francs.

The pension rate amounts to 32,000 francs in Cayenne and 27,000 francs in other areas. No other benefits are paid in cash or kind.

The total income derived from contributions amounted to 112,700,380 francs, five-ninths of

which was paid by employers and four-ninths by employees. The public authorities do not participate financially in any way.

French Somaliland.

No compulsory scheme exists. The number of workers with a record of uninterrupted service over a long period is very limited. However, the Franco-Ethiopian Railway Company, which has a fairly large permanent staff, has set up a bonus scheme under which aged employees receive a retirement pension.

Guadeloupe.

Decree No. 50-1,410 of 9 November 1950, to amend Decree No. 48-593 of 30 March 1948.

Act No. 51-374 of 27 March 1951, respecting old-age insurance (sections 3, 8 and 9).

Henceforward, an old-age allowance will be paid to aged employees as from their 60th birthday; however, it is only payable if the total personal resources of the worker (or of the surviving spouse), together with the allowance, do not exceed 100,000 francs per annum, or 144,000 francs in the case of a married couple. The allowance is paid at the rate of 27,000 francs in towns with less than 5,000 inhabitants and 32,000 francs in towns with more than 5,000 inhabitants. An increased allowance is granted in respect of a dependent spouse; this amounts to 5,000 francs, but when the spouse attains the age of 60 years it is equal to one-half of the allowance paid to aged employees in towns with more than 5,000 inhabitants.

Beneficiaries who have had at least three children are entitled to an increase equal to one-tenth of the amount of the basic allowance. The scale of social insurance contributions has not been changed, but these contributions will be calculated henceforward on the basis of a maximum remuneration of 228,000 francs per annum.

On 30 June 1951 the total number of registered employed persons, in agricultural and non-agricultural occupations, was 25,417. On the same date 6,612 files had been examined and resulted in the issue of notices for final liquidation. The administrative balance-sheet of old-age insurance showed expenditure of 203,723,000 metropolitan francs against receipts of 278,431,000 francs.

Madagascar.

No laws or regulations governing this question exist in Madagascar; the proposed regulations have not yet been adopted. It is not possible, therefore, to supply any information on this subject at present.

Martinique.

Decree No. 50-1,410 of 9 November 1950, to amend the provisions of Decree No. 48-593 of 30 March 1948.
Act No. 51-374 of 27 March 1951, respecting old-age insurance (sections 3, 8 and 9).

In future allowances are to be paid to aged employees as from their 60th birthday. The allowance is only payable in cases where the total personal resources of the worker (or of the surviving spouse), together with the allowance, do not exceed 100,000 francs per annum, or 144,000 francs in the case of a married couple. The rate of the allowance is 27,000 francs in towns with less than 5,000 inhabitants and 32,000 francs in towns with more than 5,000 inhabitants. An increase in the allowance is granted in respect of a dependent spouse; this amounts to 5,000 francs, but, when the spouse reaches 60 years of age, it is equal to one-half of the allowance paid to aged employees in towns with more than 5,000 inhabitants.

Beneficiaries who have had at least three children are entitled to an increase amounting to one-tenth of the basic allowance. The rates of social insurance contributions have not been changed but, in future, they are to be calculated on the basis of a maximum remuneration of 228,000 francs per annum.

On 30 June 1951 23,851 wage earners had been registered in agricultural and non-agricultural occupations. On that date 3,216 cases were due for final liquidation. The administrative balance sheet of the old-age insurance fund showed expenditure of 103,484,000 metropolitan francs against receipts amounting to 301,454,000 francs.

New Caledonia.

Order No. 1,010 of the Governor of New Caledonia, dated 16 August 1951.

Under the Order of 16 August 1951 an assistance scheme has been established for aged employees in occupations where family allowances are granted (industry and commerce, and in the liberal professions). This assistance is granted to French citizens of 65 years of age (or 60 years if unfit for work) who have been engaged for not less than 25 years in New Caledonia in work which gives the right to family allowances. The main allowance, which is reviewed every six months in the light of variations in the cost-of-living index, is accompanied by a supplementary allowance for a dependent spouse over 40 years of age, and by a bonus if the worker has brought up more than three children or is the holder of an ex-serviceman's card. On the death of the principal beneficiary, the dependent spouse retains the right to benefit, which is paid for life, as well as to bonuses where appropriate. A widow aged not less than 55 years, who has not remarried and whose husband was employed as a wage earner for more than 15 years, receives three-quarters of the principal allowance if she has brought up at least five children.

Reunion.

Decree No. 50-1,410 of 9 November 1950, to amend the provisions of Decree No. 48-593 of 30 March 1948.
Act No. 51-374 of 27 March 1951, respecting old-age insurance (sections 3, 8 and 9).

Henceforward an allowance will be paid to aged employees as from their 60th birthday; however, it is only payable if the total personal resources of the worker (or of the surviving spouse), together with the allowance, do not exceed 50,000 francs C.F.A. per annum, or 72,000 francs C.F.A. in the case of a married couple. The allowance is paid at the rate of 13,500 francs C.F.A. in towns with less than 5,000 inhabitants and 16,000 francs C.F.A. in towns with more than 5,000 inhabitants. An increased allowance is granted in respect of a dependent spouse; this amounts to 5,000 francs C.F.A., but, when the spouse reaches the age of 60 years, it is equal to one-half the allowance paid to aged employees in towns with more than 5,000 inhabitants.

Beneficiaries who have had at least three children are entitled to an increase equal to one-tenth of the basic allowance. The rate of social insurance has not been changed but contributions are now calculated on the basis of a maximum remuneration of 114,000 francs C.F.A. per annum.

On 31 December 1950, 26,993 employees had been registered in agricultural and non-agricultural occupations. On the same date payments had been made in respect of 2,789 files. The old-age insurance balance sheet showed expenditure of 39,353,000 francs C.F.A. against receipts of 85,562,000 francs C.F.A.

Togoland.

There is no legislation giving effect to the provisions of the Convention, the application of which would encounter great difficulties (see under Convention No. 24).

The present social structure, which is based on family solidarity (in the widest sense of the word) and the links maintained by employees with their native village, makes it possible to postpone the introduction of old-age insurance.

However, the State has set up a local pensions fund for civil servants and it is the custom for large commercial firms to make over a small amount of capital to persons who have been in their service for a long time. The Bank of West Africa has even introduced a superannuation scheme for its European and African staff.

Under the prevailing economic and social conditions, it is impossible to contemplate extending the application of the Convention to all employees.

*United Kingdom**Dominica.*

There are about 500 persons employed in commercial undertakings.

Gibraltar.

During the period under review a total of 333 persons received assistance. The total expenditure involved was £8,099. Statistical information, which will enable a comprehensive scheme of contributory old-age pensions to be prepared,

will become available as a result of analyses of the returns of the census of the population, which was taken on 3 July 1951.

Gold Coast.

It has not yet been possible to organise old-age insurance owing to the factors mentioned in connection with sickness insurance. (See under Convention No. 24.)

Leeward Islands.

See under Convention No. 24.

Federation of Malaya.

Employees' Provident Fund Ordinance, No. 21 of 1951.

The necessary preparations are being made for the early enforcement of this Ordinance. It does not secure observance of the provisions of the Convention but its purpose is to provide employees, as far as it is possible to do so in existing circumstances in the Federation, with a measure of financial security and independence. The Ordinance seeks to encourage employers to operate, on behalf of their employees, provident schemes which are more advantageous to the employee than the scheme set up under the Ordinance. Where an employer has, or proposes to, set up an individual provident scheme, and the administering board (consisting of six Government officials, six representatives of employers and six representatives of workers) has satisfied itself that the

individual scheme is not less advantageous to the employee than the scheme under the Ordinance, the employer and his employees may be exempted from contributing to the Employees' Provident Fund.

Nyasaland.

At the present stage of development of the Protectorate, the application of the Convention is not practicable. Measures of social security such as those advocated are beyond the financial resources of the Protectorate.

St. Helena.

During the period under review the total number of pensioners was 23 and the expenditure from public funds amounted to £2,444.

Singapore.

Under the provisions of the Inquiry Commission Ordinance, No. 5 of 1941, a commission was appointed by the Governor on 21 May 1951 to enquire into the question of retirement benefits for wage earners.

Solomon Islands.

The Protectorate has no legislation in this connection nor is any required at the present stage of development. The only persons who spend the greater part of their working lives in employment are public servants.

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

France

French Guiana.

See under Convention No. 35.

French Somaliland.

See under Convention No. 35. In view of the fact that agriculture is limited to a few small farms run as family undertakings, there are practically no agricultural labourers.

Madagascar.

See under Convention No. 35.

New Caledonia.

In the report for last year it was stated that an assistance scheme for certain categories of aged employees similar to the old-age pension scheme in force in France was under consideration. This scheme was to be made applicable to aged agricultural workers.

The report for this year points out that an old-age insurance scheme could only be introduced by an Act applying the general social security provisions to the territory.

Reunion.

For legislation, see under Convention No. 35.

The ceiling for resources is fixed at 37,500 francs C.F.A. for single persons and at 50,000 francs C.F.A. for married couples. Small-holders are paid in kind and come under the old-age insurance scheme for wage earners. They also benefit under the old-age retirement scheme by virtue of their present contributions. The employer's contribution is 5 per cent. and that of the small-holder 4 per cent.

As the scheme is uniform it is difficult, or even impossible, to make a distinction between aged agricultural and non-agricultural wage earners: workers frequently change from the one form of activity to the other. The proportion can be roughly estimated, however, and out of the 60,000 wage earners in the private sector, of whom 45,000 are in agricultural occupations, there are 6,000 agricultural and 2,000 non-agricultural workers drawing non-contributory pensions.

For the total expenditure on old-age insurance, see under Convention No. 35.

Old-age insurance benefits in respect of agricultural wage earners amount annually to approximately 28 million francs C.F.A. Assistance to aged peasants amounts annually to about 25 mil-

lion francs C.F.A. It would therefore appear that 80 per cent. of aged wage earners receive 16,000 francs C.F.A. and 20 per cent. receive 13,500 francs C.F.A.

In all, 8,000 aged persons receive a pension which varies from 4,200 to 16,000 francs C.F.A. per annum. The total expenditure amounts to 65 million francs C.F.A., representing an annual average of roughly 8,000 francs C.F.A. per person, one-tenth of which is in kind and nine-tenths in cash.

Togoland.

Togoland is an agricultural country and its economic structure is based on indigenous small-scale family holdings and, in particular, on the cultivation by families of communal land which belongs traditionally to the village.

There are only two large European agricultural undertakings in the whole of the territory and these employ about 500 unskilled labourers and agricultural workers. The unskilled labourers are seasonal workers. The regularly employed workers have maintained close contact with their village or family holding.

There are no agricultural wage earners.

United Kingdom

Gibraltar.

See under Convention No. 35.

Gold Coast.

See under Convention No. 35.

Leeward Islands.

See under Convention No. 24.

Federation of Malaya.

See under Convention No. 35.

Nyasaland.

See under Convention No. 35.

Singapore.

See under Convention No. 35.

Solomon Islands.

See under Convention No. 35.

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

France

French Guiana.

See under Convention No. 24.

French Settlements in Oceania.

The only provisions which exist are the regulations contained in Chapter VI of Decree No. 620/I.T. of 29 May 1950 concerning the public services.

See also under Convention No. 17.

French Somaliland.

No compulsory scheme exists. However, in the case of occupational diseases, employees in industry and commerce, as well as domestic servants, are covered by the regulations referred to in connection with Convention No. 17.

Guadeloupe.

The risk of invalidity is not yet covered in Guadeloupe, except in the case of industrial accidents.

See also under Convention No. 24.

Madagascar.

See under Convention No. 35.

Martinique.

Texts for applying the Convention are being examined by the Government.

Certain groups, such as the General Transatlantic Company, commercial employees in food, clothing and pharmaceutical establishments, have concluded temporary agreements by which full pay in case of sickness is paid during the first two or three months and half pay during the following two or three months.

Reunion.

Legislation to extend social security to the Overseas Departments is being drafted.

Togoland.

See under Conventions Nos. 24 and 35.

United Kingdom

Bermuda.

See under Convention No. 12.

Gibraltar.

The total number of persons in receipt of assistance in respect of invalidity was 45 on 1 July 1950, and 55 on 30 June 1951. The total expenditure on financial assistance granted in respect of invalidity was £2,392.

Gold Coast.

It has not yet been possible to organise invalidity insurance owing to the factors mentioned in

connection with sickness insurance (see under Convention No. 24).

Nyasaland.

See under Convention No. 35.

Leeward Islands.

See under Convention No. 24.

St. Helena.

During the period under review there were five pensioners; expenditure from public funds amounted to £134.

Federation of Malaya.

See under Convention No. 35.

Solomon Islands.

See under Convention No. 35.

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

France

French Guiana.

See under Convention No. 24.

Togoland.

See under Convention No. 36.

French Settlements in Oceania.

The only provisions which exist are those contained in Chapter VI of Decree No. 620/I.T. of 29 May 1950 concerning the public services.

See also under Convention No. 17.

United Kingdom

Bermuda.

See under Convention No. 12.

French Somaliland.

There are no regulations on this matter for the reasons stated in connection with Conventions Nos. 11 and 36.

Gold Coast.

See under Convention No. 37.

Guadeloupe.

See under Convention No. 37.

Leeward Islands.

See under Convention No. 24.

Madagascar.

See under Convention No. 35.

Federation of Malaya.

See under Convention No. 35.

Reunion.

A draft text concerning the application of the Convention is being prepared.

Nyasaland.

See under Convention No. 35.

Solomon Islands.

See under Convention No. 35.

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

United Kingdom

Aden (first report).

No legislation has been enacted applying the Convention. There is very little industry employing labour on a large scale. The labour employed is Yemenis, and these workers are mostly migrants. It would be premature to attempt to introduce any form of insurance to cover both settled and migratory labour unless basic conditions of employment were satisfied.

The labour and welfare officer, who was appointed a year ago, is fully occupied in ensuring the full observance of existing legislation regarding hours of work, rates of pay, etc.

Bermuda.

Social Security (Sickness and Workmen's Accident Benefit) Act, No. 31 of 1949.

The above legislation applies the provisions of the Convention only to the extent of pensions to dependants of contributors who die as the result

of injuries caused by accident in the course of their employment. However, the Act has not yet come into force, as the funds for its implementation have still to be provided by the Legislature.

British Guiana.

Social conditions have not developed sufficiently nor has there been enough economic progress to permit the territory to undertake to fulfil the obligations laid down in the Convention.

British Honduras.

The provisions of the Convention have not been applied in view of the present undeveloped condition of the territory which renders impracticable the operation of this and other systems of special insurance on a joint contributory basis.

British Somaliland.

See under Convention No. 17 for legislation.

Very few workers are employed in industry.

Brunei.

No legislation has been enacted to give effect to the provisions of the Convention.

Cyprus.

The Convention has not been applied as the introduction of a scheme on the lines advocated is not practicable at the present stage of development of the territory. The great majority of industrial and commercial undertakings are small establishments employing only a few workers, and a compulsory contributory scheme would undoubtedly meet with opposition. The need for such a scheme is not yet felt and voluntary schemes are almost non-existent, as the custom prevailing locally is for relations to accept responsibility for widows and orphans. Members of the liberal professions are mainly in the higher income groups and would probably be exempted from the provisions of such a scheme. As regards outworkers, their conditions of work are substantially different from those of other wage earners. They are few in number and work mainly on a part-time basis, taking up alternative work during slack periods. There are 2,105 female domestic workers (out of a total of 2,238), mainly young girls who engage in such work until they marry. Very few remain in this kind of employment for any appreciable length of time.

Dominica.

Owing to local conditions it has not been found advisable to introduce legislation to give effect to the terms of the Convention.

Falkland Islands.

It is not yet practicable to give effect to the Convention.

Fiji.

The Convention has not been applied. Only a small fraction of the total population is employed in wage-earning occupations. Under the Fijian

communal system, the care of widows and orphans is a communal responsibility. Where necessary, Government destitute relief is given to dependants of deceased workers of other races. At the present stage of the colony's economic and industrial development, any form of advanced social security legislation would be impracticable.

Gambia.

There are no laws providing for compulsory widows' and orphans' insurance for persons employed in industrial or commercial undertakings, in the liberal professions, and for outworkers and domestic servants. The establishment of an insurance scheme is not practicable at the present stage of economic and social development of the colony.

Gibraltar.

There is no legislation applying the Convention, but, since 1946, an administrative system of financial assistance has been in operation under which widows may be granted assistance if they are unable to work or if, when in employment, their earnings fall below a certain level. On 1 July 1950 the total number of widows in receipt of assistance who were entitled to assistance was 23. The total expenditure on financial assistance of this kind was £1,266.

Gilbert and Ellice Islands.

The Convention has not yet been applied. Every native worker enjoys the security of being a landowner and, in addition, the traditions of native society will, where necessary, safeguard the welfare of a worker's survivors. All natives are entitled to free medical care and attention.

Gold Coast.

It has not been possible to organise survivors' insurance owing to the instability of the labour force in industrial employment, due to migration, and the early stage reached at present in the provision of a complete and secure system of identification of individual workers.

Grenada.

It has not been practicable to institute any compulsory social security schemes at the present stage of the colony's development.

Hong Kong.

There is no legislation or administrative regulation giving effect to the Convention. The sociological and economic structure of the colony make the introduction of any such scheme impracticable at present. The population of the colony may become more stable, but the great majority of the Chinese, who form over 90 per cent. of the working population, are Chinese Nationals and any attempt to apply a compulsory scheme on the basis of long residence in Hong Kong would be unworkable. A number of firms have provident fund or death gratuity schemes, but any attempt to introduce a general compulsory system of survivors' insurance would meet with very strong opposition from Chinese employers and workers alike.

Jamaica.

There is no legislation or administrative regulation applying the provisions of the Convention.

Kenya.

There is no legislation providing for a system of compulsory survivors' insurance in Kenya. The colony is in the very early stages of development and measures of social security such as this would be beyond its economic capacity at present. Moreover, social security in the case of the African is largely derived from the fact that he has the right to a house in the reserve. Nevertheless, in addition to the Government and semi-official pension and gratuity schemes, many employers have instituted their own pension and gratuity schemes. The colony cannot yet subscribe to the Convention, therefore, and must regard itself as exempted from its provisions.

Leeward Islands.

See under Convention No. 24.

Federation of Malaya.

Employees' Provident Fund Ordinance, No. 21 of 1951.

The Government of the Federation of Malaya considers that the provisions of the Convention cannot at present be applied in the Federation. However, the above Ordinance is designed, as far as present conditions in the Federation permit, to give employees a measure of financial security and independence. The Ordinance is not yet in force but it prescribes that, where an employee dies during his working life, his legal heirs, or such other persons as he may specifically nominate for the purpose, will be entitled to payment of the amount standing to his credit in the fund which is to be set up under the provisions of the Ordinance.

Malta.

The Convention has not been applied. It is felt that the State should subsidise any such scheme, rather than impose relatively high contributions, and owing to financial stringency it has not been possible to consider the matter.

Mauritius.

The present stage of social development in the territory renders the application of the Convention impracticable. Attention is drawn to the report for the period 1948-1949 on Convention No. 35.

Nigeria.

There is no Government-sponsored compulsory widows' and orphans' insurance scheme for persons employed in industrial or commercial undertakings, in the liberal professions, and for outworkers and domestic servants. Such a scheme would be impracticable at the present stage of development of the territory, as the working population consists mostly of peasants employed on their own account.

North Borneo.

No legislation has been enacted to give effect to the provisions of the Convention. The local

conditions are such that the basic prerequisites of an insurance scheme are lacking. Out of a total estimated population of approximately 333,000, only about 10 per cent. are engaged in wage-earning employment, the remainder being engaged in peasant agriculture or small trading activities. Only a small minority is literate. The colony is thinly populated, having an average of about nine persons per square mile. Communications are very difficult, as there is no mechanised transport except in coastal areas. The Convention is thus inapplicable at the present stage of the development of the colony.

Northern Rhodesia.

At the present stage of economic and social development of the territory, it is not possible to give effect to the provisions of the Convention.

Nyasaland.

It has not been practicable to give effect to the provisions of the Convention. The financial and administrative resources of the Protectorate are not, at the present stage of its development, such as to enable an insurance scheme of this nature to be established or financed. A contributory widows' and orphans' pension scheme is maintained by the Government in respect of European officials. Non-contributory pension and/or gratuity schemes are maintained by the Government and by a few of the larger employers in respect of African permanent employees. These schemes usually provide for a gratuity to be paid to surviving dependants in the case of death of the employee, if it is established that these dependants are in need. In general, however, it is a recognised tribal custom in the territory that the care of widows and orphans is the responsibility of the family as a whole. It is not considered that any demand exists at present for an elaborate scheme of compulsory insurance. The casual nature of the employment of the great majority of the workers would also present very great difficulties as regards contributions.

St. Helena.

It is not practicable to apply the Convention in present circumstances, owing to the lack of regular employment and to the fact that contributions would almost certainly be beyond the capacity of the workers. Approximately 90 per cent. of the adult population belongs to friendly societies which make provision for old-age allowances.

St. Lucia.

The present stage of development of the colony does not warrant the enactment of legislation to give effect to the provisions of the Convention.

St. Vincent.

The present stage of social and economic development of the territory renders the application of the Convention impracticable.

Seychelles.

It would be desirable to apply the Convention, but at the present stage of development it is not

possible to do so. The Administration has a scheme under which all its pensionable employees make a contribution, and which is compulsory for such employees appointed after 1 January 1950 and optional for those appointed before that date.

Sierra Leone.

Up to the present it has not been considered practicable to institute contributory compulsory insurance schemes to provide pensions for dependants of wage and salary earners generally. The practical difficulties have been the casual nature of the employment of many workers (in that they are basically subsistence farmers and return to their villages after a period of employment), the relative absence of registration of births, deaths and marriages, the difficulties of checking identity amongst a preponderantly illiterate population, the low standard of education of many employers, the problem of exacting contributions from workers at the lower wage levels, and the general lack of finances, experienced staff and administrative machinery in a country whose development is advancing beyond its temporary resources. The earliest prospect of introducing a compulsory insurance scheme would be to start with a strictly limited scheme covering the stabilised working population of Freetown or the colony peninsula. There are as yet no definite plans to attempt this.

Singapore.

A committee has been set up by the Government to investigate the possibility of schemes for social security.

Under the Widows' and Orphans' Pensions Ordinance, 1905 (Chapter 79), a public servant permanently employed in the service of the Government whose salary is not less than \$20 per month, and who is restricted by law to one wife at a time, may be compelled to contribute 4 per cent. of his salary to public funds, so as to ensure a pension for his widow and orphans in the event of his death. There is no other form of compulsory widows' and orphans' insurance.

Solomon Islands.

Fiji Widows' and Orphans' Pensions Ordinance, No. 3 of 1914, as amended in 1943.

The Convention has not been applied by legislation except in respect of expatriated public servants and pensioners. At present there is no national insurance scheme nor is legislation to introduce such a scheme considered necessary as, apart from public servants, indigenous workers rarely remain in continuous employment for more than six months.

Tanganyika.

The Convention has not yet been applied but is accepted as an aim of policy. Tanganyika has not

reached a stage of development which would render the application of the Convention practicable. In so far as the Africans of the territory are concerned, the problems of social security need to be approached from an angle different from that pertaining in the metropolitan countries, as Africans are wedded to the land and to their tribal systems to which ultimately they always have recourse whether or not they enter wage-earning employment.

Trinidad and Tobago.

The present stage of economic development of the colony renders the application of the Convention impracticable. Reference is made to the report submitted for the preceding year in respect of Conventions Nos. 24, 25 and 44.

Uganda.

The Convention has not been applied as it is considered premature at this stage in a territory where the majority of the inhabitants are peasant cultivators on their own or tribal lands. Those who find their way into industry or other employment which separates them from their traditional background rarely stay there for long and almost all maintain contact with the village in which they were born and where in most instances they have maintained family connections. It is considered that the enforcement of the Convention would not only be wasteful of funds which might be better employed in other directions, but would also lead to unnecessary and unprofitable disturbances of native customs whereby the widows and orphans of deceased persons are looked after on an individual and tribal basis.

Zanzibar.

Widows' and Orphans' Pensions Decree, Chapter 55, Revised Laws of Zanzibar, 1934, as amended.
Asiatic Widows' and Orphans' Pensions Decree, Chapter 56, Revised Laws of Zanzibar, 1934, as amended.

There are no schemes of compulsory widows' and orphans' insurance within the Protectorate, other than the compulsory scheme for male European and Asiatic Government officers on the permanent staff who are between the ages of 21 and 49 years. Such schemes are provided for under the above-mentioned legislation. There are, of course, provident funds in organisations such as the Clove Growers' Association, the Government grant-aided Indian schools (teachers), etc., but no compulsory scheme has yet been instituted for persons employed in industry or commerce, in the liberal professions, or for outworkers and domestic servants, because it is believed that this would be administratively impracticable in the present state of development of the Protectorate.

**40. Convention concerning compulsory widows' and orphans' insurance
for persons employed in agricultural undertakings (1933)**

United Kingdom

Aden (first report).

No legislation has been enacted applying the Convention as there is no agriculture in the colony.

Bermuda.

See under Convention No. 39.

British Guiana.

See under Convention No. 39.

British Honduras.

See under Convention No. 39.

British Somaliland.

Very few workers are engaged in agriculture. See also under Convention No. 17.

Brunei.

See under Convention No. 39.

Cyprus.

The Convention has not been applied, the introduction of the kind of scheme advocated therein being impracticable under present circumstances. Most agriculturists are peasant proprietors and members of their families, and the remainder are mainly seasonal workers. Reference is made to the general remarks made in the report on Convention No. 39.

Dominica.

Owing to the casual nature of employment in agriculture it has not been found practicable to introduce legislation giving effect to the terms of the Convention.

Falkland Islands.

It is not yet practicable to give effect to the Convention.

Fiji.

The Convention has not been applied in the colony. At the present stage of economic development, any form of advanced social security legislation would be quite impracticable. Public funds are provided for the care and maintenance of destitute persons, including destitute widows and orphans in agricultural areas; the appropriation for 1951 was £33,000.

Gambia.

There are no laws which provide for compulsory widows' and orphans' insurance for persons employed in agricultural undertakings. The establishment of such a scheme of insurance is not

practicable at the present stage of economic and social development of the colony.

Gibraltar.

The number of workers employed in agricultural undertakings in Gibraltar is so negligible as not to warrant the introduction of separate legislation to provide for compulsory widows' and orphans' insurance for this class of worker. Pending the introduction of general legislation, persons who would otherwise be eligible for widows' and orphans' insurance are granted financial assistance under an *ad hoc* scheme administered by the Department of Labour and Welfare.

Gilbert and Ellice Islands.

See under Convention No. 39.

Gold Coast.

See under Convention No. 39.

Grenada.

See under Convention No. 39.

Hong Kong.

There is no legislation or administrative regulation giving effect to the Convention in the colony. As previously reported in respect of Convention No. 25, there is a very small proportion of agricultural workers, the land being worked by peasant farmers and their families. There is little likelihood of any general scheme of compulsory survivors' insurance being introduced in the near future. However, the traditional responsibility of the family for its members remains very strong, particularly in rural districts.

Jamaica.

There is no legislation or administrative regulation applying the provisions of the Convention.

Kenya.

See under Convention No. 39.

Leeward Islands.

See under Convention No. 24.

Federation of Malaya.

See under Convention No. 39.

Malta.

See under Convention No. 39.

Mauritius.

See under Convention No. 39.

Nigeria.

See under Convention No. 39.

North Borneo.

See under Convention No. 39.

Northern Rhodesia.

See under Convention No. 39.

Nyasaland.

See under Convention No. 39.

St. Helena.

See under Convention No. 39.

St. Lucia.

See under Convention No. 39.

St. Vincent.

See under Convention No. 39.

Seychelles.

In view of the stage of development of the colony it has not been possible to apply the provisions of the Convention.

Sierra Leone.

There is hardly any wage-earning agricultural employment at present. Apart from a few small farms in the colony area, which employ casual

labour, and Government agricultural research stations in the colony and Protectorate, the overwhelming majority of the agricultural workers are independent subsistence farmers. It will be some time before agriculture develops to an extent which necessitates the employment of a considerable number of stabilised wage earners. The introduction of a contributory insurance scheme of private pensions for the dependants of agricultural workers is therefore dependent on a much greater degree of agricultural development.

Singapore.

The Convention has not been implemented in Singapore, where there are very few agricultural undertakings.

Solomon Islands.

See under Convention No. 39.

Tanganyika.

See under Convention No. 39.

Trinidad and Tobago.

See under Convention No. 39.

Uganda.

See under Convention No. 39.

Zanzibar.

See under Convention No. 39.

41. Convention concerning employment of women during the night (revised 1934)

*France**Algeria.*

See under Convention No. 4.

Guadeloupe.

See under Convention No. 4.

Madagascar.

The Convention is fully applied.

Morocco.

See under Convention No. 4.

Reunion.

Decree of 22 May 1916, to promulgate a Labour Code for Reunion.

Decree No. 48-592 of 30 March 1948, to extend the metropolitan Labour Code to the four Overseas Departments.

Decree No. 49-1,134 of 2 August 1949.

There are no special observations in regard to Article 1 of the Convention. Decree No. 49-1,134 of 2 August 1949, to issue a schedule of undertakings, is applied.

Section 13 of the Decree of 22 May 1916 defines the night interval as being of ten hours' duration, from 8 p.m. to 6 a.m.

See also under Convention No. 4.

St. Pierre and Miquelon.

See under Convention No. 4.

Togoland.

See under Convention No. 4.

Tunisia.

See under Convention No. 3.

42. Convention concerning workmen's compensation for occupational diseases (revised 1934)

*France**Algeria.*

The Order of 4 December 1950 defines the following occupational diseases and their origins: occupational diseases caused by arsenic and its oxygenised or sulphuric compounds; occupational poisoning by hydrogen arsenate; occupational silicosis; occupational asbestosis; occupational diseases caused by streptomycin and its salts.

The legislation on industrial accidents in general applies to occupational diseases. During 1950 21 cases of occupational diseases were reported.

French Settlements in Oceania.

The report refers to the supplementary report sent on 28 June 1951.

French Somaliland.

See under Convention No. 18.

Guadeloupe.

No case of anthrax or silicosis has been reported. See also under Convention No. 18.

Morocco.

See under Convention No. 18.

Reunion.

See under Convention No. 18.

Togoland.

See under Convention No. 18.

*United Kingdom**Basutoland.*

The report points out that there is little likelihood of the occurrence in Basutoland of occupational diseases of the kind specified.

See also under Convention No. 17.

British Guiana.

The extension of the workmen's compensation laws to cover occupational diseases will be considered in the light of returns made under the Factories Ordinance. The provisions of the Convention were considered by the committee which enquired into the working of the Workmen's Compensation Ordinance.

Brunei.

See under Convention No. 12.

Cyprus.

Workmen's Compensation (Amendment) Law, No. 14 of 1951.

Cyprus legislation follows generally the lines of the United Kingdom Workmen's Compensation

Act, 1925, which is adapted to local circumstances. The application of the Law cited above to occupational diseases is effected under new paragraphs 28 A and 28 B. The ratification of the Convention has had no actual legal effect, as compliance with the Convention is enforced by law through the courts.

A workman who is medically certified as suffering from an occupational disease mentioned in the Second Schedule is entitled to the same compensation as is provided for in the case of injury due to an accident. Similar compensation is payable if death results from a disease contracted within 12 months previous to the date of incapacity.

Fourteen classes of occupational diseases relating to important processes in Cyprus are listed in the Second Schedule, but silicosis (and pneumoconiosis generally) is not included. Its inclusion is still under consideration. Exposure to the risk of silicosis has not been clearly ascertained, though it may prevail in the mining and processing of copper-bearing areas.

The cost of application is not yet ascertainable.

Local trade unions have objected to the exclusion of silicosis from the Schedule and claim to know of cases of this disease concerning which they will submit details.

Dominica.

An Ordinance to provide for notification of accidents and occupational diseases is now being considered by the Government.

Gibraltar.

Since the legislation has been in force, three cases of persons suffering from occupational diseases specified in the Schedule to the Ordinance have been reported.

See also under Conventions Nos. 12 and 32.

Grenada.

Compensation for Injuries Ordinance (Chapter 48).
Workmen's Compensation Ordinance (Chapter 248).
Workmen's Compensation (Amendment) Ordinances, Nos. 14 and 38 of 1936, 9 of 1939 and 1 of 1944.
Workmen's Compensation Regulations, No. 34 of 1938.
Workmen's Compensation (Appeal) Rules, No. 44 of 1938.

Section 3 of the above-mentioned Chapter 248, as amended by Ordinance No. 1 of 1944, states that 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 in accordance with the provisions of the Ordinance. The employer is not liable, however, in respect of an injury which does not result in the total or partial incapacity of the workman for a period exceeding three days; in respect of injuries resulting from accidents directly attributable to the workman's having been under the influence of drink or drugs, or to the wilful non-compliance of the workman with an order expressly given, or with a regulation or rule expressly made for the purpose of securing the

safety of workmen, or to the wilful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workmen.

No compensation is payable in respect of any disease unless it is solely and directly attributable to a specific injury by accident arising out of and in the course of the workman's employment. Section 4 of Chapter 248 provides that, where death results from an injury and the workman leaves a dependant or dependants wholly dependent on his earnings, the compensation due is a sum equal to 30 months' wages or £250, whichever is the less. If the dependant or dependants are partly dependent on his earnings, the compensation payable shall not exceed the above sum, and may be agreed upon, or, in default of agreement, may be an amount awarded by the Commissioner for Workmen's Compensation as being reasonable and proportionate to the injury to the dependant or dependants. In addition, the employer must pay the reasonable expenses (not exceeding £5) of the burial of the deceased workman.

In case of permanent total incapacity, the compensation payable in respect of an adult is a sum equal to 42 months' wages or £350, whichever is the less: in respect of a minor, it is 84 months' wages or £350, whichever is the less. In case of permanent partial incapacity, compensation is paid in accordance with a schedule, or if the injury is not listed in the schedule, it is a percentage of the compensation payable in case of permanent total incapacity, proportionate to the permanent loss of earning capacity caused by the injury. Where more injuries than one are caused by the same accident, the amount of the compensation payable is aggregated but may not exceed the compensation which would have been payable for permanent total incapacity. In case of total or partial temporary incapacity, the workman receives a half-monthly payment payable on the sixteenth day from the date on which the injury causing incapacity occurred and thereafter half-monthly throughout the period of incapacity or for a period of five years, whichever is the shorter. This half-monthly payment is a sum equal to one-fourth of the monthly wages in the case of an adult and to one-third of the monthly wages in the case of a minor.

The conditions under which compensation is payable and the rates of compensation for occupational diseases are the same as for cases of injury. The law does not provide for any distinction provided the disease was contracted "out of and in the course of his (the workman's) employment".

Workers do not come in contact with the substances listed in the schedule to the Convention, but it is considered that any diseases contracted out of and in the course of a worker's employment would be classified as occupational diseases for the purposes of the Workmen's Compensation Ordinance.

The Commissioner for Workmen's Compensation is responsible for the administration of the legislation. Grenada is an agricultural community and no cases of occupational diseases have been reported.

Hong Kong.

The draft of a Workmen's Compensation Ordinance has recently been completed. At the

outset it is not planned to include a schedule of occupational diseases in the legislation, but provision will be made for the inclusion of such a schedule at a later date. At present there is very little evidence of occupational diseases in the colony. A factual background is necessary and it is proposed to carry out a medical survey on an occupational basis. This will be accompanied by the education of employers and workers in factory hygiene and by the enactment, where necessary, of special safety regulations. Such a survey, if made against a background of compulsory compensation, would be strongly opposed by employers and workers alike and there would be a danger that employers might dismiss a worker who was ill, for fear that he might be contracting a scheduled disease which would entail the payment of compensation, while workers might refuse medical attention for fear of losing their jobs. The employment situation is such that great hardship might be inflicted and the whole workmen's compensation legislation brought into disrepute. Compensation will be payable in respect of diseases which can be shown to be attributable to an injury by accident arising out of and in the course of a worker's employment.

Jamaica.

In view of the recent start of operations in connection with the mining of gypsum and bauxite and the manufacture of cement, the committee appointed by the Governor to enquire into the scope and working of the Workmen's Compensation Law considered the question of recognising specified industrial diseases relating to these industries. Expert opinion was divided as to whether there was a real danger of occupational diseases in these industries and the committee decided to postpone making recommendations until the industries are fully established.

Leeward Islands.

Workmen's Compensation Act, No. 11 of 1937, as amended in 1939 and 1941.
Orders Nos. 12 and 21 of 1938.

There is no legislation or administrative regulation applying the provisions of the Convention. The above legislation provides for payment of compensation only where the disease is directly attributable to an injury by accident arising out of and in the course of the worker's employment and does not cover compensation in respect of occupational diseases. A committee, comprised of a Government official as chairman, two representatives of employers and one representative each of the trade unions of Antigua, St. Kitts-Nevis and Montserrat, has recently been appointed to consider amendments to the above legislation; the chairman's attention will be drawn to the need for implementing the provisions of the Convention.

Federation of Malaya.

The draft of a new Workmen's Compensation Bill has been approved in principle. During the year under review the total number of claims for workmen's compensation in which the Department of Labour acted on behalf of workmen was as follows: plantations: 50 fatal cases, 144 cases of permanent incapacity, 678 cases of temporary

incapacity; mines: 44 fatal cases, 60 cases of permanent incapacity, 394 cases of temporary incapacity; other places of employment: 102 fatal cases, 162 cases of permanent incapacity, 836 cases of temporary incapacity.

Nigeria.

Workmen's Compensation (Amendment) Ordinance, 1950.

Under the provisions of the amending Ordinance the Governor-in-Council may, by Order, extend the benefits of compensation legislation to cases of incapacity or death caused by occupational disease. During the period under review no Order was made by the Governor-in-Council.

North Borneo.

Workmen's Compensation Ordinance, 1950.

Workmen's Compensation (Application) Order, 1950.

The Convention is applied with modifications. The Ordinance is applied to certain specified employers and types of employment, a list of which is given under Convention No. 17.

The Workmen's Compensation Ordinance, 1950, applies the principle that any worker to whose occupation the Ordinance has been applied by virtue of the Workmen's Compensation (Application) Order, 1950, is entitled to receive compensation from his employer for incapacity arising from any accident causing him personal injury and arising out of and in the course of his employment, subject to certain limited statutory exceptions. This principle has been further enlarged as the legislation provides that an accident arising in the course of a workman's employment is deemed to arise out of that employment, unless there is evidence to the contrary. In case of death of the workman as the result of an industrial accident, his dependant or dependants are entitled to compensation proportionate to the degree of dependency.

The rates of compensation in case of industrial accident are as follows: in case of death, if the workman leaves any dependants wholly dependent on his earnings, the amount of compensation is equal to 30 months' earnings or \$3,200, whichever is the less; if the surviving dependants are partially dependent on his earnings, the amount of compensation is the sum fixed by the court to be reasonable and proportionate to the injury to the dependants, within the limits previously indicated; if the workman leaves no dependants the reasonable expenses of his burial, not exceeding a prescribed sum, are paid by the employer. Where permanent total incapacity results from the injury, the amount of compensation is equal to 48 months' earnings or \$4,800, whichever is the less; the compensation may not be under \$320; where permanent total incapacity is of such a nature that the injured workman requires the constant help of another person, additional compensation is paid amounting to one-quarter of the amount otherwise payable. Where permanent partial incapacity results from injury, the amount of compensation is fixed in proportion to the incapacity; where more injuries than one are caused by the same accident, the amount of compensation payable is aggregated, but the sum may not exceed the amount payable in the case of permanent total incapacity. Where temporary incapacity, whether total or partial, results from an

injury, compensation is paid in the form of periodical payments equal to half the difference between the monthly earnings at the time of the accident and the monthly earnings during the contingency; if the incapacity lasts less than four weeks no compensation is payable in respect of the first three days; the aggregate of the periodical payments may not exceed the lump sum which would have been payable had the injury resulted in permanent total or partial incapacity.

Compensation for the occupational diseases listed in the schedule appended to the legislation is payable under the following conditions: provided a medical practitioner grants a certificate testifying that the workman is suffering from a scheduled disease causing incapacity or provided the death of the workman is caused by a scheduled disease and provided the disease was due to the nature of the workman's employment and was contracted within 24 months previous to the date of incapacity or death; under the legislation in question, the workman or his survivors are entitled to compensation similar to that granted in the case of industrial injuries. This compensation is payable by the employer who last employed the workman during the period of 24 months previous to the date of incapacity or death, unless the employer is able to prove that the disease was not contracted while the workman was in his employment.

The schedule of occupational diseases referred to above includes all the occupational diseases listed in the schedule to Article 2 of the Convention, with the exception of poisoning by mercury, its amalgams or its compounds and their sequelae, silicosis, and phosphorous poisoning by phosphorus or its compounds and sequelae. However cyanide poisoning, including cyanide rash, is also included in the schedule to the legislation.

The Department of Immigration and Labour is responsible for the administration of the legislation. No cases of incapacity or death due to occupational diseases have yet been reported in the territory. In view of the stage of development of industry, such occupational diseases are very infrequent.

St. Lucia.

Consideration is being given to the enactment of legislation to give effect to the provisions of the Convention.

Seychelles.

See under Convention No. 12.

Sierra Leone.

A revised Workmen's Compensation Ordinance has been drafted and covers incapacity or death resulting from occupational diseases. The draft is still being considered by the Joint Consultative Committee.

Singapore.

The report gives revised figures for the number of workers employed in dangerous trades or industries. During the period under review the Labour Advisory Board considered the draft of a new Workmen's Compensation Ordinance which includes many diseases not mentioned in the Ordinance at present in force.

Tanganyika.

Three cases of anthrax were reported during 1950. One case resulted in death and the sum of 2,268/- was paid as compensation to the dependants of the deceased. In the remaining two cases, hospitalisation and medical treatment resulted in cure with no permanent incapacity. The two employees concerned received half pay

for the duration of their temporary incapacity in accordance with the terms of the Workmen's Compensation Ordinance.

Zanzibar.

No occupational diseases arising from employment in the Protectorate are known to the Medical Department.

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

France

French Somaliland and *Togoland* are among the territories in which there are no sheet-glass works. The report for *Togoland* states that the Convention could be extended to the territory in anticipation of the eventual setting up of automatic sheet-glass works.

United Kingdom

In *North Borneo* the recommendations contained in the 1951 report of the Committee of Experts (paragraph 61) are being studied in relation to the application of the Convention. There are no sheet-glass works in the *Leeward Islands*. There is no special legislation in this respect in the *Solomon Islands* and it is not considered likely that glass manufacture will ever take place in the Protectorate.

44. Convention ensuring benefit or allowances to the involuntarily unemployed

*France**Algeria.*

At present the allowance is fixed at 300 or 240 francs, according to the zone.

French Somaliland.

As the labour force is essentially a floating population persons without work cannot be considered as involuntarily unemployed. The great majority of workers, especially labourers, work in a very spasmodic fashion. After some months or some years, an employee generally wishes to return to his up-country home for a prolonged stay with his family.

Guadeloupe.

The legislation and regulations in force in France have not been extended to the Department. The workers' organisations are urging that this be done.

Morocco.

See under Convention No. 2.

Reunion.

See under Convention No. 2.

Togoland.

There is no legislative or administrative regulation which gives effect to the provisions of the Convention.

It has not been deemed necessary to extend the Convention to the territory in view of the

fact that the number of unemployed persons does not present a social problem.

In point of fact, the development of economic activity in the territory has given rise, as in all the African countries, to demands for manpower, which, as a rule, exceed the supply, particularly in the case of skilled workers.

However, some applications for employment have been received from shop and office workers who are either beginners or difficult to place on account of their lack of occupational skill.

Moreover, the application of the Convention would call for the setting up of a registrar's office at which all the active population would be required to register; the stabilisation of labour which is, in many cases, seasonal; and an examination of the consequences, on an economy which is still in the initial stages of development, of the establishment of unemployment benefits or allowances.

In particular, there would be the problem of adapting the measures advocated in the Convention to the psychology of the African worker.

The extension to *Togoland* of the Convention is not advocated.

*United Kingdom**Gibraltar.*

During the period under review £801 was paid by way of assistance to unemployed persons.

Gold Coast.

It has not yet been possible to organise provision for unemployment owing to some of the factors mentioned in connection with sickness insurance (see under Convention No. 24).

Hong Kong.

The possibility of introducing some form of unemployment insurance system on a contributory basis is receiving close attention, but the difficulties are very great. The political changes in China may modify the pattern of Hong Kong labour. Any system introduced would have to be both tentative in character and limited in scope. The recruitment and training of the required staff would present a major difficulty and the whole question is bound up with that of public employment exchanges. The report refers to the information supplied in respect of Convention No. 2.

Leeward Islands.

See under Convention No. 24. The report also states that particular industries would be encouraged to develop or initiate their own pensions schemes. No observations have been received from employers' or workers' organisations regarding the implementation of the provisions of the

Convention; however, from time to time, comments on this subject have been expressed verbally by trade union officials. These comments are under consideration.

St. Helena.

During the period under review there has been an increase in the allowances for dependants. An average of 64 men was employed on relief works. The estimated expenditure on relief amounted to £3,600, out of a total budget of £107,256.

Solomon Islands.

The indigenous population is not in any economic necessity to seek employment. The introduction of expatriates is subject to control by Landing Bonds. The Protectorate has no legislation regarding unemployment and, at the present stage of development, no such measures are required.

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

*France**French Guiana.*

The Convention does not apply, as all mines are open-cast.

French Somaliland.

There are no mines in the territory.

Morocco.

The Dahir of 2 July 1947 (section 22), governing conditions of employment, prohibits the employment of women in underground occupations in mines and quarries. No exceptions to this rule are authorised.

Reunion.

Decree of 2 March 1939, to extend to the old colonies certain provisions of Book II of the metropolitan Labour Code.

Decree No. 48-592 of 30 March 1948, to extend the metropolitan Labour Code to the four Overseas Departments.

The provisions of the metropolitan Labour Code apply.

The following provision was laid down in section 55 of the Decree of 2 March 1939: "Girls and women may not be employed on underground work in mines, surface mines or quarries". There are no mines in Reunion, and any underground work which might have to be done (in connection with the construction of road tunnels, for instance) would not call for the employment of women.

Togoland.

There are no mines. However, the Convention could be extended to the territory in anticipation of the eventual opening up of mines.

Tunisia.

See under Convention No. 3.

Portugal

No changes have taken place since the previous reports were supplied.

*Union of South Africa**South-West Africa.*

Since the last report was supplied no change has taken place in the law and practice in the territory.

*United Kingdom**Cyprus.*

No women are employed in underground work.

Hong Kong.

During the period under review two labour inspectors were added to the Labour Department staff. One underground wolfram ore mine has been re-equipped. Extensive damage was caused during the Japanese occupation and a survey is being made to determine whether or not the mine should be brought into operation. The owners were prosecuted and fined \$200 for employing four women workers underground. Women are employed in alluvial washing at the mine.

Leeward Islands.

There are no mines in the territory.

North Borneo.

Labour Ordinance of 1949 (section 48).

There are still no mines of any kind in operation in the colony. However, legal effect has been given to the provisions of the Convention by the above-mentioned legislation.

Sierra Leone.

There is only one gold mine, employing about 30 men underground; preparations are being made for underground extraction in a chrome-ore mine. Women are not employed at present by the mines in the territory.

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

France

There is only one glass-bottle works in *Algeria*, where the provisions of the regulations are applied.

There are no glass-bottle works in *French*

Somaliland and Togoland. However, the Convention could be extended to the last-named territory in anticipation of the eventual setting-up of this industry.

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

New Zealand

Niue, Cook Islands, Western Samoa.

The general position remains as described in last year's report. There are now no Niueans working for the New Zealand Reparation Estates in Western Samoa. About six Niueans are employed by the New Zealand Government on an annual contract basis at Raoul Island. Contracting arrangements are made through the Niuean administration. On 31 March 1951 there were 186 male labourers from the Cook Islands employed in the French Phosphate Island of Makatea. These workers applied spontaneously for employment through three agencies controlled by the Administration.

Union of South Africa

South-West Africa.

The report states that there has been no change in the law and practice since the last report was supplied.

United Kingdom

Barbados.

During the period under review 1,650 men emigrated for employment under contract in the United States. These men were selected through the Bureau of Employment and Emigration by representatives of American employers. In addition, 56 men were engaged for work in Curaçao under licence from the Labour Department. No Barbadian men were engaged for work either in Aruba or Bermuda.

British Somaliland.

The Government has prepared legislation which will apply the provisions of the Convention as far as local circumstances permit. The draft legislation is at present being examined by the Colonial Office.

Fiji.

Three recruiting licences were issued during the period under review.

Gilbert and Ellice Islands.

See under Convention No. 5.

Gold Coast.

In the course of the period under review four licences to recruit a total of 1,900 labourers from specified areas of the northern territories were granted by the Commissioner of Labour. No cases of illegal recruitment were reported.

Hong Kong.

In August 1950, 315 Chinese mechanics and labourers left the colony for Nauru and Ocean Island under the same conditions as previously reported. This brought the total number of such workers recruited from the new territories since the war to 1,915. It was noted that some workers who had been recruited in previous years and returned to Hong Kong again volunteered for employment and were accepted.

Jamaica.

A Regional Labour Board has been appointed to co-ordinate the recruitment of West Indian workers and to formulate policy. During the period under review 1,345 farm hands were recruited in Jamaica for employment in the United States. At the beginning of the year there were 1,870 farm workers employed under contract, but by the end of the year this number had fallen to 1,297. The Kingston Employment Bureau selected 26 female domestic servants for employment with members of the Commonwealth diplomatic staffs in Washington and New York. Copies of the different agreements are appended to the report.

Leeward Islands.

Recruiting of Workers Act, No. 4 of 1941.

Recruiting of Workers Regulations, Order No. 18 of 1946.

Many of the circumstances contemplated in the Convention do not exist in the colony. With two exceptions, no recruitment takes place. These exceptions are for the recruitment of wor-

kers for employment in the United States, Curaçao or Aruba. But in such cases the workers offer their services spontaneously at a public employment office, and consequently "recruiting", as defined in Article 2 of the Convention, does not take place. The recruitment of labour for agricultural work in the United States is supervised by the Labour Commissioner who attests each contract, and each worker receives a copy of his contract. The terms of the contract are determined by the Regional Labour Board on which all British West Indian Governments are represented. In the United States the welfare and employment of these workers are the concern of the British West Indies Central Labour Organisation in Washington, which has a central liaison officer and regional liaison officers acting as agents for the British West Indian Governments.

Unless recruiting is done by professional recruiting agents the provisions of the legislation do not apply to recruitment (a) by or for employers of not more than 10 workers, (b) in a Presidency for employment within the Presidency, and (c) of personal or domestic servants or non-manual workers. There are provisions governing the minimum age for recruitment, the licensing of recruiting organisations and their agents, safeguards against illegal pressure, misrepresentation or mistake, medical examination of recruited workers, acclimatisation, adaptation and immunisation, transport of recruited workers, wage advances, and alienation on recruitment.

The administration of the Convention is entrusted to the Labour Commissioner in the territory.

Federation of Malaya.

In the report submitted for the period 1 October 1948 to 30 June 1949 it was stated that action would be taken to enact legislation applying the provisions of the Convention if it should appear that recruitment of indigenous workers in the manner envisaged by the Convention was likely to take place. A preliminary draft of the necessary legislation has been made by the Department of Labour and is held ready against such an eventuality.

Nyasaland.

During the year one prosecution was brought against an employer who endeavoured to take

labour engaged for work in Nyasaland out of the Protectorate, on the grounds that he had recruited labour without a permit and induced a native to leave the Protectorate without an identity certificate. A conviction was not obtained.

St. Lucia.

In certain cases the superintendent of police is also an authorised officer under the legislation in force.

Sierra Leone.

No recruiting as defined in the Convention took place during the period under review.

Singapore.

During the period under review a small number of labourers, 15 in all, applied to the employment exchange for work which was available in Brunei, Christmas Island and the Cocos Islands.

Solomon Islands.

The application of the Convention has been extended. Apart from the copra industry, workers are not employed in timber-logging operations. The trochus-shell industry revived for a short period during the market boom but has now lapsed into its former state of inactivity. There is no economic necessity for the indigenous population to work for wages.

Swaziland.

Draft legislation which should bring the law now in force into close accord with the Convention is at present under consideration.

Tanganyika.

On 30 June 1951 two professional recruiters were still operating in the territory. During 1950 46,176 workers were recruited. However, this figure included some 11,000 labourers who were recruited on short-term contracts for railway construction. The Ordinance to implement the statutory recruiting organisation known as the Labour Supply Corporation has not been brought into operation.

52. Convention concerning annual holidays with pay

France

Algeria.

The length of the annual holiday is fixed by section 54 (g), paragraph 1, of Book II of the Labour Code.

The holiday is equal to one day for every month of employment, provided that the total length of the holiday which may be claimed does not exceed 15 days (including 12 working days).

In the case of apprentices and workers under

18 years of age, paragraph 2 of section 54 (g) states that the length of their holiday is calculated on the basis of two days for every month of employment, provided that the total does not exceed 30 days (including 24 working days) and, in the case of apprentices and workers between 18 and 21 years of age, 22 days (including 18 working days). These provisions are applied.

Section 54 (j) lays down the method of calculating the remuneration corresponding to the holiday period, taking into account any accessory

allowances and without prejudice to any customs or collective agreements guaranteeing a higher remuneration.

The actual principle of the legislation is generally accepted. The labour inspectorate takes action on the basis of the regulations concerning the supervision of the application of the legislation. Errors are sometimes detected in the calculation of allowances. Moreover, material hardships lead a certain number of employees to work during their holidays. Such practices are difficult to prove and even more difficult to stop.

During 1950, 103 reports were drawn up, covering 342 infringements.

The number of persons protected by the legislation is 212,072 (189,648 adults and 22,424 children and young persons).

Cameroons.

Among undertakings which grant leave to part of their staff (generally the supervisory grades), mention should be made of banks and certain commercial firms. Industrial undertakings are, to a certain extent, opposed to this measure because of the extreme instability of the manual labour force. This instability is an undeniable fact.

French Guiana.

The system is the same as that in force in France.

There is no holidays-with-pay fund in French Guiana as the number of persons who would be likely to join a compensation fund is too small. Moreover, the fact that employees acquire the right to holidays or compensation after one month's employment means that there is less need for such a fund.

French Settlements in Oceania.

Decree No. 620/I.T. of 29 May 1950, governing the conditions of employment of employees in local public services (Chapter IV, section 11).

Every employee has the right to an annual holiday of 12 working days on full pay, provided that he has completed at least 270 days of paid employment in the year.

Workers who leave their employment or who are dismissed after more than six months of continuous service have elapsed since their last annual holiday or recruitment, are entitled, except in case of serious misconduct, to one day's holiday for each month of full employment; this holiday may either be deducted from the period of notice or replaced by a compensatory allowance.

With the exception of the case referred to above, annual holidays may not be replaced by a compensatory allowance.

Periods of compulsory military service on reserve and not volunteered by the person concerned, absence on account of sickness or injury established by a medical certificate, short leave of absence during the year under special and valid circumstances, may not be deducted from the annual holiday.

French Somaliland.

Although no legislation governing holidays with pay in private industry exists, the larger under-

takings grant annual holidays lasting from 15 days to one month to their permanent staff, under conditions determined by their internal regulations.

Guadeloupe.

For legislation and the authorities responsible for its application, see under Convention No. 4.

The provisions of Articles 1 to 6 and of Article 8 of the Convention call for no comments on the part of the territory.

The register provided for in Article 7 of the Convention, and in section 9 of the Decree of 1 August 1936 governing methods for the application of the Act of 20 June 1936 respecting holidays with pay, is seldom kept.

In general the provisions regarding holidays with pay are observed.

The labour inspectorate has been called upon frequently to furnish employers or workers with information concerning the application of the legislation but has not reported any infringements of the regulations.

Martinique.

The keeping of a special register, as provided for in Article 7 of the Convention, is not always observed. In many cases details regarding leave and corresponding remuneration are entered in the pay-book.

The provisions concerning holidays with pay are fully applied by employers but, in many cases, the employees take advantage of their holidays to find small temporary jobs by which they can earn additional remuneration.

Morocco.

Under the Dahir of 9 January 1946, any wage earner or salaried employee in an industrial or commercial occupation or in a liberal profession is entitled to an annual holiday with pay, the duration of which is prescribed as follows: one day per month of service for workers who have reached 21 years of age; one day and a half per month of service for workers between 18 and 21 years of age; two days per month of service for workers under 18 years of age.

The annual holiday is increased by one day for every five years of service with the same undertaking; however, the total annual holiday may not exceed 18 working days for workers who have reached 21 years of age, or 25 working days for workers under 21 years of age. Public holidays, maternity leave, sick leave and periods of temporary incapacity due to an employment injury or an occupational disease may not be counted as part of the annual holiday. The holiday may be divided into parts, on the condition that one part consists of at least six working days. Holidays may be accumulated from year to year, provided that the aggregate total shall in no case exceed the annual holidays corresponding to three years' service. Any agreement under which a worker waives his right to a holiday, even against payment of monetary compensation, is invalid unless a special authorisation has been granted by the Director of Labour and Social Affairs.

During his holiday the worker receives an allowance equivalent to the remuneration which he

would have received had he remained at work. In case of termination of the contract of employment by reason either of resignation or dismissal before the holiday has been taken, the worker is entitled to compensation amounting to one day's wages for every month of service which has elapsed between the first day of January of the current year and the date of termination of the contract. Such compensation is not payable when the contract is terminated owing to serious misconduct on the part of the worker. Employers are required to keep a register containing all the details prescribed by Order of the Director of Labour and Social Affairs so as to ensure the effective supervision of the application of the legislation.

New Caledonia.

No infringement of the regulations has been reported.

Reunion.

Decree No. 48-592 of 30 March 1948, to extend the metropolitan Labour Code to the four Overseas Departments.

The provisions at present in force are those of the metropolitan Labour Code (consolidated text).

Public or customary holidays are not counted as part of the annual leave. In Reunion national holidays and the feast-days of the Malabar, Chinese and Moslem religions are observed.

St. Pierre and Miquelon.

Temporary public employees are paid their normal remuneration on eight or ten public holidays each year. The permanent employees of the Administration are now granted eight additional days' holiday with pay each year (this measure was under consideration last year).

Togoland.

The Internal Regulations of 24 February 1944 prescribe that 15 days' holiday per year shall be granted to the auxiliary staff of the clubs, services and offices under the administration of the territory.

Decree No. 742/P of 24 December 1945 lays down that daily workers shall be granted an annual holiday of 10 days a year, which may be accumulated for three years.

The scope of the collective labour agreement covering indigenous employees in commercial and private undertakings, industry, banks, insurance companies and Togoland shipping companies was extended by Decree No. 938/A.P.A. of 12 December 1946 to the entire territory, with effect from 1 January 1946, and provides that "employees with more than one year's service in the same undertaking are entitled to 15 days' annual holiday with pay, including at least 12 working days, the payment for the holiday to be calculated on the basis of their last annual remuneration.

Absence on account of accidents or illness contracted at work and established by a medical certificate shall not constitute grounds for a reduction of the annual holiday."

In addition, some employers of their own accord grant to the wage earners in their undertakings the same benefits as those granted to their salaried employees.

In application of the collective agreement "Scimpex" locally recruited Europeans employed in commercial undertakings are entitled to 15 days' holiday a year. As regards persons recruited in France, Article 14 of the above-mentioned collective agreement, applicable to Togoland, provides that four months' leave shall be granted in respect of 20 months' residence in the territory. However, in the case of a first period of residence, leave is granted only after 30 months.

Only those European salaried employees who are not covered by the "Scimpex" agreement, i.e., agricultural and industrial workers, as well as indigenous manual workers and unskilled labourers, are not legally entitled to a holiday with pay.

In practice, as the principle of holidays with pay has become accepted as a local custom, the Convention could be extended to the territory without giving rise to any major difficulties.

Tunisia.

See under Convention No. 3.

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

France

Cameroons.

An Order of 28 June 1921, to issue regulations concerning the merchant navy and the maritime police in the Cameroons, lays down conditions for obtaining a master's certificate in near coasting trade, a skipper's certificate in local coastwise trade, and a certificate of competency as an engineer in the Cameroons.

Masters and officers of the merchant navy serving on board vessels registered in the Cameroons are recruited in France on the basis of certificates proving their capacity to perform the duties for which they are engaged.

French Equatorial Africa.

The subject matter of the Convention is governed by the conditions laid down in France for the recruitment of regular officers of the merchant marine.

French Guiana.

Sections 2 and 70 of the Disciplinary and Penal Code for the Mercantile Marine.

Decree of 14 August 1938, as amended on 12 September 1946.

Decrees Nos. 51-648 and 51-649 of 23 May 1951.

The report refers to the above-mentioned legislation.

French Somaliland.

The Convention is fully applicable in the territory.

French West Africa.

Decree of 21 December 1911, respecting the merchant marine in the French colonies, Chapter III, sections 9 and 10.

Article 1: under section 11 of the above Decree Governors are authorised to issue Orders allowing exceptions to the provisions of section 9, as well as to those of section 10, relating to deck service, in respect of fishing vessels which operate only beyond the limits of distant coasting trade.

Article 3: the details requested are indicated in the legislation itself (sections 9 and 10). Under section 12 of the Decree captains or masters and navigating officers and engineers whose engagement is governed by sections 9 and 10 must be French nationals. However, this condition may be waived in the case of engineers who hold certificates of competency. Governors may, for this purpose, authorise the issue of such certificates to foreigners.

Section 16 of the Decree stipulates that, when, in the course of a voyage and owing to *force majeure*, the prescribed conditions governing the composition of the ship's complement cease to be fulfilled in so far as officers are concerned, the master is required, at the first port of call within the colony, to bring the ship's complement up to normal strength. However, this obligation may be waived provided that the head of the seamen's registration service at the port of call certifies that the required replacements are not available. In case of necessity, French consuls in foreign countries may authorise the signing-on of a foreign master or foreign officers to take the vessel back to a port in the colony.

Article 4: the age and qualifications required for the issue of the certificate of competency are determined by metropolitan legislation.

Article 5: penalties for any violation of the provisions of the Decree are laid down in the Act of 17 December 1926, to issue a Disciplinary and Penal Code for the mercantile marine. This Act is applicable in French West Africa under a Decree of 27 September 1927.

Violations of the legislative provisions are reported by the superintendents of the seamen's registration service, the inspectors of shipping and, in some cases, by the masters of vessels on board which violations have been committed.

Madagascar.

The Decree of 21 December 1911 is applicable and so is the local Order of 20 April 1920 in so far as local coastwise navigation is concerned. The following are the relevant provisions of these texts: "Command over a vessel navigating outside the areas of near coasting trade of the colony where the vessel has its home port may only be exercised by the holder of a distant trade master's certificate. Persons who possess the following certificates are entitled to command vessels operating in colonial distant coasting trade: master, French coasting trade (higher certificate);

first mate, distant trade, with the age and navigating experience required to command vessels operating in French coasting trade and in colonial distant coasting trade. Vessels operating in colonial near coasting trade may be commanded by seamen holding the certificates referred to above or one of the following certificates: master, French coasting trade (ordinary certificate); master, distant coasting trade in colonial areas where navigation is practised. However, seamen holding an ordinary French coasting trade master's certificate are only permitted to command sailing vessels. The requirements for piloting in near coasting trade shall be determined by Order of the Governor." (Section 9 of the Decree of 21 December 1911.)

"Certificates for the grade of master, distant coasting trade, and master, near coasting trade, are only granted as the result of examinations in the theory and practice of navigation. Candidates for examinations to obtain the certificate of master, distant coasting trade, and mate, near coasting trade, must satisfy the following requirements: they must have completed 24 years of age before the date of the examination and they must have completed 60 months' service on French vessels. Persons found guilty of infringements of this Order are reported and prosecuted in accordance with the laws and regulations in force." (Sections 1, 4 and 15 of the Order of 20 April 1920.)

Martinique.

Decrees of 28 June 1947 and 23 May 1951.

The metropolitan regulations are fully applicable. Supervision of the application of the legislation is ensured by the superintendent of seamen's registration and the inspector of shipping. The lack of qualified officers makes it necessary for the maritime authorities to grant exceptions in respect of seamen who do not satisfy the conditions specified in the above-mentioned texts. The number of these exceptions is considerable.

Morocco.

For legislation see under Convention No. 8.

Under section 53 of the Commercial Shipping Code of Morocco only masters (and not officers of the watch) are required to hold certificates.

Masters and skippers must hold either a French certificate or, in the case of coastal and local coastwise navigation, a certificate issued in Morocco under the conditions specified in sections 53 and 54 of the Code.

Penalties for violations of the above-mentioned provisions are punishable under section 58 of the Code, which deals with penalties in general.

Reunion.

Seamen's Code.

Act of 17 December 1926, to issue a Disciplinary and Penal Code for the Mercantile Marine.

Decrees of 16 November 1948 and 23 May 1951.

Section 23 of the Act of 17 December 1926 allows the Minister responsible for the mercantile marine to suspend temporarily or permanently some or all of the rights and privileges conferred upon a seaman by virtue of his certificate or

diploma, in particular where the seaman has been guilty of an offence against honour or a serious offence in the exercise of his calling. Section 70 provides for punishment of the offence of wrongfully exercising duties without having the certificate required by the regulations in force.

St. Pierre and Miquelon.

A local Order of 12 September 1932, as amended by the Orders of 16 March 1938 and 26 August 1942, prescribes the conditions applicable in the territory for obtaining the certificate of master in colonial distant coasting trade, of master in colonial near coasting trade, and skipper in the local coastwise trade, as well as for obtaining the certificate of first, second and third engineer in colonial trade. The Order also lays down the conditions for commanding local vessels engaged in near coasting trade and fishing vessels.

Tunisia.

The Decree of 15 December 1906 specifies the qualifications required of applicants for positions as masters of coastal vessels (section 54) or fishing vessels (section 55).

Tunisian masters' certificates are granted subject to an examination conducted by a committee consisting of the inspector of shipping as chairman, and two distant trade captains (section 56). The committee investigates each applicant and ascertains that he has the necessary nautical knowledge.

As from this year, the subject matter of such examinations is to be very similar to that of examinations for masters in near coasting trade and mates in coastwise trade in France.

Togoland.

See under Convention No. 8.

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

France

Cameroons.

Under section 79 and subsequent sections of the Seamen's Code a seaman must be given medical attendance at the expense of the vessel if he is injured or falls ill while he is on board.

In cases where a seaman is put ashore outside France, the shipowner may discharge himself of his liability for medical attendance and also of the expenses of repatriation mentioned in sections 86 and 88 of the Code by paying a lump sum to the maritime authorities at the time when the seaman is left on shore. Thereafter, the expenses are borne by the State. During the year under review lump sums were paid on eight occasions.

Native seamen are subject to the same sickness and accident regulations as those relating to shore workers.

French Equatorial Africa.

See under Convention No. 22.

French Guiana.

Sections 79 *et seq.* of the Act of 13 December 1926. Act of 17 June 1938.
Decrees of 15 July 1947 and 20 December 1949.

The report refers to the above-mentioned legislation.

French Somaliland.

The provisions of Articles 1 to 10 of the Convention are applied by the Act of 13 December 1926 (Seamen's Code), which is fully applicable to vessels fitted out at Djibouti.

Only two vessels were fitted out at Djibouti; four registered seamen were engaged, including three pilots. (No account is taken of approximately 500 natives engaged in France.) Four other

registered seamen employed by a lighterage company (C.M.A.O.) are covered by the Seamen's Code.

The director of the seamen's registration service is responsible for the application of the 1936 Convention.

French West Africa.

For legislation, see under Convention No. 8.

In practice, shipowners take out an accident insurance policy. In case of illness the shipowner accepts responsibility for all expenses, provided that the illness occurs in the course of a voyage.

Madagascar.

See under Convention No. 23.

Martinique.

Act of 13 December 1926, as amended on 30 June 1934, Chapter II, sections 79 to 86.

The metropolitan legislation is fully applicable. See also under Convention No. 8.

Morocco.

In accordance with the Dahir of 9 July 1945 the general legislation on industrial accidents has been extended to cover seafarers. This Dahir lays added stress on the principle embodied in section 189 of the Commercial Shipping Code of Morocco concerning shipowners' obligations in this respect. Section 191 of the Code also makes the shipowner responsible for burial expenses.

Under a Dahir issued on 19 June 1950 owners of vessels of more than five tons are required to take out an accident insurance policy to cover seamen in their employ.

According to the principles of the above-mentioned section 189, seamen who fall ill while

on board ship are provided with medical attendance at the expense of the owner until they are either cured or have been declared incurable. However, wages are not payable during the period of treatment.

See also under Convention No. 8.

Reunion.

Seamen's Code (sections 79 to 86).

The legislative provisions correspond to those of the Convention. No dispute has come to the notice of the seamen's registration service. At present there are no vessels with their home port in Reunion.

St. Pierre and Miquelon.

Act of 13 December 1926, to issue a Seamen's Code (sections 79 to 87) (L.S. 1926—Fr. 13).

The provisions of the Convention are applied in the territory.

Togoland.

There are no vessels registered in the territory.

Indigenous Togolandese may become registered seamen in French West Africa, in which case they are covered by the Federal legislation.

A seaman who falls ill on shore is entitled to medical attendance free of charge under the indigenous medical assistance scheme but, in practice, the shipowner agrees to cover the costs of any illness which occurs while the vessel is at sea.

During a voyage the shipowner must provide a sick or injured seaman with attendance and, as a rule, he takes out an insurance policy to cover the expenses involved.

56. Convention concerning sickness insurance for seamen

France

Cameroons.

Merchant seamen employed on French vessels calling at the Cameroons are subject to French legislation concerning the Provident Fund.

Cameroon seamen serving in Cameroon territorial waters are granted compensation for industrial accidents in accordance with the provisions of the Decree of 7 January 1944 applicable to shore workers.

French Guiana.

Section 2 of the Decree of 17 June 1938 respecting the reorganisation and unification of the seamen's insurance scheme (L.S. 1938—Fr. 8—A), as amended by section 1 of the Decree of 17 July 1947.

Foreign seafarers authorised to sail on French vessels other than those equipped for coastal fishing or navigation are affiliated to the General Provident Fund under the same conditions as French seafarers, provided that the country to which they belong grants equivalent advantages under international agreements to French seafarers sailing under its flag.

French Somaliland.

Decree of 17 June 1938, respecting the reorganisation and unification of the seamen's insurance scheme (L.S. 1938—Fr. 8—A).

The above-mentioned Decree, which is applicable in France, is fully applicable to seamen engaged to work on vessels fitted out at Djibouti, as well as to persons employed in lighterage. Native seamen employed on vessels required to have a list of the crew are also covered by the Decree.

French West Africa.

For legislation, see under Convention No. 8.

A scheme to provide protection for seamen in case of illness is now under consideration.

The main features of the proposed scheme are the following: any seaman who falls ill will be entitled to medical attendance at the expense of the shipowner for four months; for the two following months, he will be covered by the General Provident Fund for French Seamen. If the seaman has not recovered upon the termination of the last-mentioned period, he will be entitled to a pension, which will be subject to review and may be terminated if he regains his capacity for work.

Madagascar.

Decree of 17 June 1938, respecting the reorganisation and unification of the seamen's insurance scheme (L.S. 1938—Fr. 8—A).

Section 2 of the above Decree provides that natives who are French subjects shall be compulsorily affiliated to the scheme. This Decree has not been published in Madagascar but is applied in virtue of section 17 of the Decree of 21 December 1911 respecting the overseas mercantile marine. The last-named text was duly published by the Order of 4 April 1912 and provides that any vessel with its home port in the colony and trading in colonial waters must have a list of the crew, issued under the same conditions and subject to the same penalties as those applying in France. The Decree of 1938 is applied to vessels which, although registered in Madagascar, have their personnel recruited on the basis of French law and are manned both by French subjects and natives (see report on Convention No. 22). At present this Decree does not apply to sloops and schooners which are manned exclusively by natives. The crews of such vessels will not benefit from sickness insurance until legislation has been adopted to organise an overseas social security scheme. In practice, seamen continue to receive their wages during periods of sick leave not exceeding 30 days and provided that a medical certificate has been supplied. Shipowners generally show considerable understanding in their treatment of this category of workers.

Martinique.

Decree of 17 June 1938, respecting the reorganisation and unification of the seamen's insurance scheme (L.S. 1938—Fr. 8—A).

The metropolitan legislation is fully applicable.
See under Convention No. 8.

Morocco.

See under Convention No. 8.

Reunion.

Decree of 17 June 1938, respecting the reorganisation and unification of the seamen's insurance scheme (L.S. 1938—Fr. 8—A).

The provisions of this text are in conformity with those of the Convention.

St. Pierre and Miquelon.

Decree of 17 June 1938, respecting the reorganisation and unification of the seamen's insurance scheme (L.S. 1938—Fr. 8—A).

French legislation is applicable in the territory.

Togoland.

See under Convention No. 8.

58. Convention fixing the minimum age for the admission of children to employment at sea (revised 1936)

*France**Cameroons.*

The provisions of the metropolitan Seamen's Code (Act of 13 December 1926) are observed in respect of vessels registered in France and calling at Douala and in respect of French seamen employed on board vessels whose home port is in the Cameroons.

There are no regulations governing conditions of employment of Africans on board vessels registered in the Cameroons.

The seamen's registration office, which supervises the employment of native seamen, ensures that no juveniles under 15 years of age are engaged. In practice, only adults are employed by the shipping companies.

French Guiana.

See under Convention No. 15.

French Somaliland.

Order of the Governor of 13 September 1938.

Natives may be employed as seamen only on reaching the age of 21 years.

French West Africa.

For legislation, see under Convention No. 8.

In practice, the only young persons who are signed on as seamen in French West Africa are ships' boys and apprentices on board cutters and small vessels. According to the general legislation respecting the employment of children, which applies automatically to young seamen (Decree of 18 September 1936), young persons are not allowed to sign on if they are under 14 years of age.

Madagascar.

Under section 20 of the Decree of 7 April 1938 children under 14 years of age may not be employed except as apprentices. These regulations are scrupulously observed; no exceptions are authorised. The seamen's registration offices and the labour inspectorate exercise constant supervision

over the employment of children and as a rule there is no occasion for special comment in this connection.

Martinique.

Act of 13 December 1926, section 115.

The metropolitan legislation is fully applicable.
See under Convention No. 8.

Morocco.

See under Convention No. 8.

Reunion.

Seamen's Code, section 115.

Act No. 50-882 of 29 July 1950, to amend sections 111 and 113 to 117 of the Seamen's Code (L.S. 1950—Fr. 7—B).

The definition of the term "vessel" corresponds to that given in the Convention.

The signing-on of young persons under 18 years of age is prohibited.

The signing-on for service on board industrial or small fishing craft of children who are still of compulsory school age is prohibited. However, during the school holidays children who are not less than 12 years of age may be employed on small fishing craft. This authorisation extends to industrial fishing vessels when a relative of the child (father, brother, uncle, guardian) is on board the same vessel.

Supervision of the enforcement of the legislation is entrusted to the seamen's registration service.

The Convention is observed. There are only about 200 small fishing craft in the island, and no children are employed on board these vessels.

St. Pierre and Miquelon.

Act of 13 December 1926, to issue a Seamen's Code (sections 115 to 118) (L.S. 1926—Fr. 13).

The provisions of the Convention are applied in the territory.

Togoland.

See under Convention No. 8.

*United States**Trust Territory of the Pacific Islands.*

The report states that in the Trust Territory of the Pacific islands vessels are operating which presumably would be considered within the definition of "ships" in the Convention.

However, the Secretary of the Navy, under whose jurisdiction the Trust Territory is administered, and the High Commissioner of the Trust Territory, do not recommend the application of the Convention in this area, as the inhabitants are residents of numerous small islands and are familiar with all types of small craft. The application of the Convention would involve considerable hardship to the inhabitants in view of their

geographical location and the nature of their economy, together with the fact that a large portion of their food supplies is obtained from the sea. In this connection it should also be noted that, because of the intimate association of the inhabitants with the sea and the type of small craft operating in the area, the considerations which led to the establishment of a minimum age of 15 years in the Convention do not apply in this case. Generally, young persons in the Trust Territory have a skill and experience in handling such small craft equal to that of experienced able-seamen in other areas.

For these reasons, it has been decided that, for the present at any rate, the provisions of the Convention are not "appropriate to the particular circumstances of the Trust Territory".

64. Convention concerning the regulation of written contracts of employment of indigenous workers

*New Zealand**Western Samoa.*

Contracts of Employment (Indigenous Workers) Ordinance, 1950.

The report supplies information on laws and regulations applying each provision of the Convention.

Article 1: the Ordinance defines a number of terms. "Contract" is taken to mean a contract, other than a contract for personal services according to Samoan custom, by which an indigenous worker enters the service of an employer in return for remuneration. The terms "employer" and "indigenous worker" are also defined: "indigenous worker" means a Polynesian or Samoan within the meaning of the Samoa Act, 1921, and a Chinese who, being no longer liable to compulsory repatriation as a labourer, is now an immigrant within the meaning of the Samoa Immigration Order, 1930.

Article 2: the Ordinance applies to any contracts for the performance of manual labour, except contracts of apprenticeship or contracts where the remuneration specified consists of the occupancy or use of land.

Article 3: contracts must be concluded in writing and signed by the parties concerned when they are made for a period exceeding six months or where they stipulate conditions of employment which differ materially from those customary in Western Samoa for similar work. The indigenous worker must indicate his assent to the contract by his signature or mark. If the contract is not in writing, it is not enforceable for any period exceeding six months. The Ordinance contains a provision similar to that contained in paragraph 4 of this Article.

Article 4: the contract is not binding on the family of the worker or his dependants unless it expressly so provides. The employer is responsible for the fulfilment of any contract which is made by any person acting on his behalf and to which the Ordinance applies.

Article 5: every contract to which the Ordinance applies must contain all particulars necessary to define the rights and obligations of the parties concerned. In terms which are practically identical with those of paragraph 2 of this Article of the Convention the Ordinance enumerates the particulars which must be contained in the contract.

Article 6: contracts must be presented for attestation to an officer of the Samoan Public Service who is appointed by a Notice published in the *Official Gazette*. When the contract is presented for attestation, the officer must satisfy himself that conditions similar to those specified in Article 6 (2) of the Convention have been fulfilled. The Ordinance also contains provisions which are practically identical with those contained in paragraphs 4 to 7 of this Article. The fees for attestation are prescribed by notice and paid into the Western Samoa Treasury fund. A contract which has been attested may be reviewed by the High Commissioner, who may return it for further consideration to the officer appointed to attest contracts. In addition, contracts concluded before the coming into force of the Ordinance are required to be produced for attestation within two months of the date of its coming into force.

Article 7: every indigenous worker who enters into a contract to which the Ordinance applies must be medically examined and issued with a medical certificate which must be submitted to the officer by whom the contract is attested. However, the High Commissioner may declare indigenous workers exempt from the requirements of medical examination if he considers that their proposed employment is not injurious to health or dangerous. The absence of a medical certificate must be mentioned in the contract. No indigenous worker may enter into or continue in employment where a medical certificate is required unless he has been medically examined. The Ordinance prescribes penalties for employers who do not comply with these provisions.

Article 8: a person whose apparent age is less than 14 years may not enter into a contract.

A person whose apparent age is more than 14 but less than 16 years may not enter into any contract except for employment in an occupation which is not injurious to the health of persons who have attained the age of 16 years. Penalties are imposed on employers and any other persons who aid or abet any contravention of these provisions.

Article 9: contracts of service are concluded for a maximum period of two years and contracts of re-engagement for a maximum period of 18 months. Except for reasons of *force majeure* as defined by the High Commissioner, where periods of service after re-engagement involve the separation of an indigenous worker from his family for more than 18 months, the indigenous worker is entitled to return home at his employer's expense before fulfilling his contract of re-engagement.

Article 10: the transfer of a contract from one employer to another is subject to the consent of the indigenous worker concerned and to the endorsement of the transfer on the contract by the officer appointed to attest contracts. The Ordinance contains provisions similar to those of paragraph 2 (a) of Article 10.

Article 11: this Article is applied under British common law, which applies to Western Samoa. Under a general Law of Western Samoa the termination of a contract on account of the death of a worker is without prejudice to the legal claims of his heirs or dependants.

Article 12: under British common law the contract is subject to termination if the employer is unable to fulfil the contract or if the worker is unable to fulfil the contract owing to sickness or accident. The worker can claim any wages due through the normal legal processes. Upon the termination of the contract between the parties concerned, the officer appointed to attest contracts must satisfy himself that the indigenous worker has freely consented to the agreement, and that his consent has not been obtained by coercion or undue influence or as the result of misrepresentation or mistake and that all monetary liabilities between the parties have been settled. Any contract may be terminated by the High Commissioner at the request of either of the parties concerned on the grounds that the indigenous worker refuses or has wilfully neglected to fulfil the contract or that the employer has ill-treated the indigenous worker. The Ordinance fixes the procedure to be followed for termination of the contract at the request of either of the parties.

Article 13: every indigenous worker who is party to a contract is entitled to repatriation under the conditions laid down in paragraph 1 (a) to (e) of this Article. The Ordinance also contains provisions similar to those of paragraphs 2 to 5 of this Article.

Articles 14 and 15: there is no provision giving effect to Article 14 of the Convention. This also applies to Article 15 as, under present conditions, contracts involving long journeys are exceptional. A few Samoans who come spontaneously to work in New Zealand return by the normal means of transport.

Article 16: see under Article 9.

Article 17: it has not been considered necessary to print summaries of regulations concerning

contracts; the Ordinance is published in English and Samoan.

Article 18: the Ordinance applies to contracts made or to be fulfilled in Western Samoa.

Article 19: the requirements of this Article will be observed whenever necessary. At present, there are very few migratory movements of Samoans.

Article 20: this Article is applied.

United Kingdom

British Guiana.

A note by the Colonial Office states that it is possible that the reference to British Honduras made by the Committee of Experts on page 33 of its report was intended to relate to British Guiana. A Bill has been prepared by the Government of British Guiana to give effect to the provisions of the Convention in that territory and this Bill will shortly be submitted to the Legislature.

British Somaliland.

See under Convention No. 50.

Fiji.

During the period under review 92 contracts were concluded.

Gilbert and Ellice Islands.

See under Convention No. 5.

Grenada.

After examining the report for the year ended 30 June 1950 the Committee of Experts asked what progress had been made in connection with the matter covered by the Convention. The Government has decided that compliance with the terms of the Convention would restrict possible emigration which serves to relieve local unemployment.

Jamaica.

Reference is made to the report on Convention No. 50, to which was appended a copy of a worker's contract for employment abroad. The Labour Department is the authority which supervises the recruitment, selection and processing of workers for employment abroad.

Leeward Islands.

Recruiting of Workers Act, No. 4 of 1941.
Recruiting of Workers Regulation, No. 18 of 1946.

Except in very isolated cases which are not covered by the above-mentioned Act and Regulation, employment under contract only takes place in connection with the recruitment of workers for employment in the United States, Curaçao and Aruba.

The report repeats the information given under Convention No. 50 and adds that there is no legislation requiring that contracts extending over

a period of, or exceeding, six months shall be written, that contracts shall not bind the family or dependants, that the worker shall declare himself not bound by any previous engagement, that there shall be provision for a maximum period of service, for leave to be granted during the period of the contract, for the consent of the worker to the transfer of any contract from one employer to another, or for transport facilities in respect of repatriation. However, there are legislative provisions governing the form of the contract, the employer's responsibility, attestation of contracts, medical examination of workers, minimum age of recruitment, termination of contracts and repatriation at the employer's expense. The provisions of paragraph 1 (a), (b), (c), (d), (e), (h) and (i) of Article 19 of the Convention are observed. As regards paragraph 1 (f) of this Article, no maximum period is prescribed by regulation, but the periods, which must be inserted in the contract itself, though variable, are of reasonable duration, and are usually less than one year. With regard to paragraph 1 (g) of this Article, the conditions under which a contract is subject to termination are included as part of the contract. As regards paragraph 1 (j), co-operation to ensure the application of paragraph 2 of Article 15 is effected primarily between the competent authority in the territory of employment and the employer. With regard to paragraph 1 (k), no maximum period is stipulated by regulation for re-engagement contracts, but, as in the case of original contracts, the periods, though variable, are of reasonable duration. It should further be noted that, wherever the employment of workers under contract is not covered by the above-mentioned legislation, English common law respecting contracts applies.

The application of the above-mentioned legislation is entrusted to the Labour Commissioners in the colony. In the United States supervision of workers and the fulfilment of the terms of their

contracts is entrusted to the British West Indies Central Labour Organisation in Washington.

Federation of Malaya.

See under Convention No. 29.

Nyasaland.

Government Notice No. 205 of 1950.

A 1950-1951 "closed season" for the recruitment of labour was prescribed in the above Notice.

St. Helena.

The legislation in force was supplemented shortly after the end of the period under review in order to bring it further into line with the provisions of the Convention.

St. Lucia.

Steps are being taken to prepare legislation to give effect to the provisions of the Convention.

St. Vincent.

The Convention has been applied, but the preparation of local legislation to give effect to its provisions is awaiting publication of the Trinidad legislation, which will be used as a model.

Sierra Leone.

The establishment of the proposed new apprenticeship scheme by collective agreement between the employers and workers represented on the two joint industrial councils in the territory has been postponed. The chief difficulty is that so very few employers are in a position to provide proper training.

65. Convention concerning penal sanctions for breaches of contracts of employment by indigenous workers

New Zealand

Cook Islands.

Penal sanctions for any breach of contract are non-existent in the Cook Islands.

Western Samoa.

Contracts of Employment (Indigenous Workers) Ordinance, 1950.

Article 1: in the above Ordinance the word "contract" is defined as a contract, other than a contract for personal services according to Samoan custom, by which an indigenous worker enters the service of an employer in return for remuneration; the term "indigenous worker" is taken to mean a Polynesian or Samoan within the meaning of the Samoa Act, 1921, as well as a Chinese who, being no longer liable to com-

pulsory repatriation as a labourer, is now an immigrant within the meaning of the Samoa Immigration Order, 1930.

The term "penal sanction" is defined as any penalty imposed for the following reasons: any refusal or failure on the part of the indigenous worker to begin or perform the service stipulated in the contract; any neglect of duty or lack of diligence on the part of the indigenous worker; absence of the indigenous worker from his place of employment for a period of seven consecutive days without permission or valid reason, or absence of the indigenous worker from his place of employment without lawful cause for a period exceeding seven days, save at a time when the indigenous worker still owes his employer money in respect of a recoverable advance made by the employer.

Article 2: the Ordinance states that no person

shall by contract impose or seek to impose a penal sanction and that any contravention of this provision constitutes an offence under the Ordinance.

United Kingdom

British Somaliland.

See under Convention No. 50.

Gilbert and Ellice Islands.

See under Convention No. 5.

Kenya.

The question remains under constant review and the Government is satisfied that the small number of penal sanctions which still remain are necessary mainly in order to deal with cases of desertion where the employee owes a recoverable advance to his employer; cases of wilful breach of duty, either through drunkenness tending to the loss of or damage to property; or cases where, being in charge of animals, the employee fails to report the loss or death of any animal. Penal sanctions are also necessary in order to deal speedily with the few recalcitrant employers who are lax in the payment of wages and the provision of adequate housing and food.

Leeward Islands.

Apprentices Act (Chapter 136).

With the exception of the above legislation, there is no legislative or administrative provision for the imposition of penal sanctions in respect of breaches of contracts of employment by workers in the colony. The legislation in question was enacted 70 years ago and is, for all practical

purposes, quite obsolete. Nevertheless, steps will be taken to repeal it so as to eliminate completely any provision for penal sanctions.

St. Helena.

Strictly speaking there are no indigenous workers in St. Helena and the term is taken to mean the local workers. There is no provision for penal sanctions in respect of breaches of a contract of employment. If there were a contract providing for such sanctions, it would be unenforceable in the court since, in the absence of local legislation, English law applies (section 24 of the Interpretation and General Law Ordinance, 1895).

Singapore.

Penal Code (Amendment) Ordinance, No. 38 of 1950.

Since the end of the Pacific War and, so far as could be remembered, for many years before, there were no prosecutions under the two sections of the Penal Code quoted in previous reports. These sections were repealed by Ordinance No. 38 of 1950, which was brought into force on 13 October 1950.

Uganda.

It is not considered that the abolition of either of the remaining penal sanctions could be hastened by the introduction of the methods suggested by the Committee of Experts in its 1950 Report. These methods were (1) the raising of the age limit for workers authorised to take up work under a written contract, and (2) the institution of arbitration procedure for the settlement of cases in which the contract of employment is terminated. Neither of these proposals is applicable to section 62 of the Uganda Employment Ordinance, 1946.

88. Convention concerning the organisation of the employment service

Australia

Norfolk Island and Nauru, Papua and New Guinea.

The Convention has been examined and it has been decided not to ratify it on behalf of the Australian territories at this stage. The Convention makes provision for areas in which the sparseness of the population or stage of develop-

ment makes the application of the Convention impracticable. The requirements of the employment service in Papua, New Guinea and Nauru are carried out by the administrators. In the case of Norfolk Island, the Convention would have no application in view of the smallness of the territory and the self-employed nature of the rural community.

Communication of Copies of Reports to the Representative Organisations (Article 23, Paragraph 2, of the Constitution)

The information supplied on this point is summarised below.

Australia. Copies of the reports have been communicated to the organisations in Australia.

France. Copies of the reports have been communicated to the representative employers' and workers' organisations in the following territories: *Cameroons, French Equatorial Africa, French Somaliland, French West Africa, Madagascar, New Caledonia, Togoland.*

New Zealand. Copies of the reports have been communicated to the organisations in New Zealand.

United Kingdom. Copies of the reports have been communicated to the representative employers' and workers' organisations in the following territories: *Barbados, Cyprus, Dominica, Gambia, Gibraltar, Grenada, Jamaica, Leeward Islands, Malta.* In *Mauritius*, for administrative reasons, copies of the reports have not been circulated to organisations of employers and workers, but these organisations have been informed that the reports are available for inspection in the Labour Department.

In the territories listed below copies of the reports have been communicated to the organisations indicated:

Labour Advisory Board: *British Honduras, Fiji, Hong Kong, Kenya, Federation of Malaya, North Borneo, St. Lucia, Singapore.*

Labour Advisory Committee: *Gold Coast.*

Central Labour Advisory Board: *Nyasaland and Uganda.*

African Labour Advisory Board: *Northern Rhodesia.*

Labour Board: *Tanganyika.*

Labour Advisory Council: *Zanzibar.*

In the absence of representative employers' organisations copies of the reports have been communicated only to the workers' organisations in *Seychelles, Sierra Leone, Trinidad and Tobago.* In *Hong Kong* the report has been communicated to the Federation of Employers and, in the absence of a representative organisation recognised by the workers, to the Labour Advisory Committee.

The report from *Nigeria* states that Article 23 of the Constitution has not been applied.

The reports from the following territories state that at present there are no representative employers' and workers' organisations: *Aden, Bahamas, Basutoland, Bermuda, British Somaliland, Brunei, St. Helena, Sarawak, Swaziland.*

This is also the case for *Southern Rhodesia.*

In addition, copies of all reports supplied in respect of non-metropolitan territories have been communicated to the British Employers' Confederation and to the Trades Union Congress.

Union of South Africa. The report states that there are no representative employers' and workers' organisations in *South-West Africa.*

REPORT III

(PART II)

INTERNATIONAL LABOUR CONFERENCE

THIRTY-FIFTH SESSION

GENEVA, 1952

SUMMARY OF REPORTS ON UNRATIFIED CONVENTIONS AND ON RECOMMENDATIONS (ARTICLE 19 OF THE CONSTITUTION)

Third Item on the Agenda



INTERNATIONAL LABOUR OFFICE

GENEVA, 1952

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**INTERNATIONAL LABOUR
CONFERENCE**

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INTERNATIONAL LABOUR OFFICE

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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 second series of reports (a summary of which was submitted to the Conference at its 34th Session in 1951) was in respect of Conventions and Recommendations relating to the protection of workers against accidents, vocational training and apprenticeship and labour inspection. The reports which have been examined for the purposes of the present volume concern two Conventions and six Recommendations dealing with two related subjects, namely, unemployment and the organisation of the employment service. A list of the texts in question, which were adopted by the International Labour Conference in the course of five separate sessions, will be found in the table of contents. It was thought desirable, in order to facilitate the

examination of the above-mentioned texts, to group them according to their subject matter, irrespective of whether they are Conventions or Recommendations.

The reports concerning the above-mentioned Conventions and Recommendations cover the period up to 31 December 1950; the Governments of States Members were requested to send in their reports before 1 July 1951. 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 January 1952. 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.

In accordance with the practice followed for the two preceding volumes, 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. 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 include general remarks on the reports submitted by Governments under Article 19 of the Constitution of the International Labour Organisation.

Unemployment Provision Convention, 1934: C. 44¹

Argentina.

A National Employment Service Directorate has been set up under the direction of the Ministry of Labour and Social Security. The Directorate is responsible for administering unemployment benefits and for establishing machinery for the prevention of unemployment; this aim is to be achieved by means of a legal and economic programme, coupled with appropriate financial planning.

The relevant legislation provides for the creation of a trades council, consisting of three employers' and three workers' representatives, which will advise on all measures relating to the operation and policy of the various services administered by the Directorate.

Since unemployment is not an important problem, the legislation tends rather to aim at stabilising employment through compulsory previous notice and compensation for dismissal. These provisions are applicable to the majority of Argentine workers. Agricultural workers and employees of banks and private insurance companies are afforded similar protection.

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

Australia.

Since 1 July 1945 unemployment allowances have been provided by the Commonwealth Government; a constitutional amendment in 1946 gave the Commonwealth Parliament power to make laws in respect of unemployment benefits.

Allowances (known as "benefits" in Australia) are paid from a national welfare fund which, in the main, is financed from consolidated revenue derived from various forms of taxation. Allowances are thus not related to contributions. The amount of the allowance is 25s. per week, with an additional £1 for a dependent wife and 5s. for a dependent child.

Information is given showing the average number of persons receiving unemployment allowances from 1947 to 1950, as well as the cost of such allowances. Since September 1949, only between one and two thousand persons have been receiving such allowances at the end of each month; the most recent figures are lower still. The subject matter of the Convention is thus of comparatively little importance in Australia at present.

The report enumerates the legislation which has some bearing on unemployment allowances, *e.g.*, Social Services Consolidation Act, 1947-1950, income tax legislation, the National Welfare Fund Act, 1943-1950, etc. The law and practice ensuring benefit or allowances to the involuntarily unemployed are in general in accord with the provisions of the Convention. The following comments are restricted, therefore, to those points in the Convention on which special attention is considered necessary.

Article 1. The Australian scheme provides for non-contributory allowances. It does not therefore correspond to any of the alternatives laid down in the Convention.

Article 2. Allowances are payable to all persons who have been residing in Australia for 12 months or who intend to remain permanently in the country. Only persons under 16 (eligible for child endowment) and over 65 years of age (60 years in the case of women) (eligible for old-age pensions) are excluded. Seasonal workers may also be excluded if their income is considered sufficient, notwithstanding a period of temporary unemployment.

Article 3. Casually employed workers may receive an allowance, unless their income exceeds (for a period of two successive weeks) the amount of the allowance plus the permissible income of £1 per week.

Articles 4 and 6. The right to receive an allowance is made subject to the conditions enumerated in the Convention, but there is no qualifying period.

Article 7. The waiting period is seven days.

Articles 8 and 9. Claimants may be required to take a course of vocational training, but there is no provision concerning employment on relief works organised by a public authority.

Article 10. What constitutes "suitable" employment is determined by the Director-General of Social Services and is in accordance with the standards set out in the Convention. Workers are only disqualified for the receipt

¹ This Convention came into force on 10 June 1938; seven ratifications were registered up to 31 December 1950. 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 35th Session of the Conference (Reports on the Application of Ratified Conventions).

of an allowance if they are direct participants in a trade dispute. Compensation paid by an employer is considered as income and if it is greater than the amount of permissible income (£1 per week) and the unemployment benefit (25s. per week), the claimant is not eligible for any allowance.

Articles 11, 12 and 13. The right to receive an allowance is not limited in duration. Apart from the means test as to income and the special provisions concerning seasonal or intermittent workers, the needs of a claimant are disregarded. Unemployment allowances are paid in cash.

Article 14. The Director-General of Social Services is the final appellate authority.

Articles 15 and 16. Allowances are payable only to residents. As mentioned above, non-nationals are eligible for allowances if they intend to remain permanently in Austria.

Unemployment allowances are administered by the Department of Social Services. The report states that there has been some doubt whether a scheme based on public assistance and not on insurance fulfils the requirements of the Convention. It adds that the matter is being re-examined and the International Labour Office will be advised in due course.

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

Austria.

The report enumerates the relevant legislation, in particular, the Federal Act of 22 June 1949, respecting unemployment insurance, various Ordinances based on this Act and the Act of 31 January 1951 respecting the granting of emergency aid to *Volksdeutsche*.

The existing legislative provisions satisfy, on the whole, the requirements of the Convention with the exception of the following points:

Article 10, paragraph 1 (b) (i). Employment is deemed to be suitable in Austria "if it is appropriate to the physical capacities of the unemployed person, does not endanger his health and morals, is adequately remunerated and does not materially prejudice his chances of future employment in his calling". This is not in full conformity with the requirements of the Convention, since the person in question does not necessarily receive the same remuneration as that to which he would be entitled in his usual occupation.

Article 11. The unemployment allowance is usually paid for a period of 12 weeks, but the period of payment may be increased to 20 or 30 weeks if the claimant has been in insurable employment for 52 or 156 weeks or more during different specified periods. The payment of emergency aid is not limited in duration, but not all unemployed persons are entitled to such aid.

Austrian legislation is in conformity with the provisions of Article 16 of the Convention

as regards the payment of an unemployment allowance to foreigners; the emergency aid, however, is granted only to the nationals of States which operate an equivalent scheme and apply it to Austrian citizens in the same way as to their own nationals.

The provisions respecting unemployment insurance are usually given effect to by the employment offices under the supervision of the Ministry of Social Affairs. The municipalities and health insurance carriers are also associated in the administration of insurance.

Employers and workers co-operate in the application of the provisions of the Convention through the boards of management of the employment offices which comprise employers' and workers' representatives. The officially recognised representative employers' and workers' organisations are consulted on matters relating to the administration of the Unemployment Insurance Act.

The legislation on, and the application of, measures concerning unemployment insurance are within the competence of the Federal Government.

The report contains a full set of documentation on the administrative regulations and forms issued in pursuance of the Unemployment Insurance Act.

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

Belgium.

Unemployment insurance is governed by the Order of the Regent of 26 May 1945. The report gives a detailed analysis of the legislative provisions relevant to each Article of the Convention.

Article 1. The scheme in force is one of compulsory unemployment insurance, functioning within the general social security system. Payment of benefit is in the form of allowances. The scheme is financed by employer and employee contributions, with State assistance where necessary.

Article 2. The scheme applies to all wage-earning and salaried employees, with the exception of persons employed in domestic service, employees of the State, the provinces, the municipalities and the national railways, members of the employer's family and workers over 65 years of age.

Article 3. Partially unemployed workers are entitled to benefits.

Article 4. In order to be eligible for benefit a worker must be involuntarily unemployed, physically capable of work, and must have registered at a public employment exchange. Exceptions are provided for in the case of partially unemployed homeworkers and fishermen.

Article 5. The report lists various categories of persons who are disqualified for benefit (not mentioned under Articles 6 to 11), such as workers involved in strikes, workers engaged concurrently in two types of gainful employment, persons working for several

employers, seasonal workers, etc. The report also lists the days for which no benefits are payable, *i.e.*, Sundays, statutory public holidays, annual holidays, etc.

Article 6. No qualifying period of employment is required of men; however, women must have been employed for at least 75 days over a reference period of, usually, three years. Special provisions exist for married women, and for certain other cases.

Article 7. Benefits are payable usually after a waiting period of one day, except in the case of homeworkers, for whom the waiting period is one week.

Articles 8 and 9. Unemployed persons may be required to follow courses of vocational training or to accept employment in public works projects organised by the provinces, the municipalities and public undertakings.

Article 10. The criteria for suitability of employment contained in Belgian legislation differ from those laid down in the Convention; the report gives the following details regarding the nature of and reasons for some of these discrepancies. Employment at some distance from the domicile of the applicant is deemed to be suitable if absence from home does not exceed 14 hours a day, if the employer finds suitable accommodation and if the married employee can spend one full day at home each week. The employment offered should be in the trade of the claimant or in one which he can easily carry on without any prejudice to himself. The term "related employment" is explained in detail, in particular in the case of employees. Special rules apply after unemployment has lasted for a certain period. However, no provision is made for wage conditions which are less favourable; employment is deemed suitable if the remuneration offered conforms to the standard generally observed. A post which becomes vacant as the result of a stoppage of work due to a trade dispute is not, *a priori*, considered unsuitable. Loss of employment for reasons imputed to the worker himself or voluntary unemployment may be punishable by the withholding of benefits for a period varying from one to 13 weeks. Similar penalties exist for persons who refuse to accept suitable employment. Unemployment allowances are not granted during any period for which benefit is paid either in virtue of a contract of service or under national laws or regulations.

Articles 11, 12 and 13. The duration of unemployment benefit is unlimited. Benefit is payable irrespective of the needs of the claimant; it is ordinarily paid in cash, but unemployed persons who have successfully completed retraining receive a grant in kind usually in the form of tools.

Article 14. Disputes concerning the grant of allowances are referred to claims boards and, if necessary, to a board of appeal. Appeals from the decisions of boards of appeal may be brought in the last instance before the Council of State.

Article 15. Persons residing abroad are excluded from benefit, but foreign workers residing in Belgium are covered by the unemployment insurance scheme.

Article 16. Foreigners paying social security contributions are insured against unemployment. Those not paying such contributions are eligible for insurance benefits only to the extent provided for in bilateral or multilateral agreements, and only subject to a minimum working period of 75 days as from 1 September 1944.

The administration of the scheme is entrusted to the Fund for the maintenance of unemployed persons and its local branches. Matters relating to placement and unemployment which do not come directly within the competence of the Fund are dealt with by the Ministry of Labour and Social Welfare.

Employers' and workers' organisations co-operate in the application of the relevant legislation by participating in the work of the managing board of the Fund, the claims boards and the advisory boards attached to the regional offices of the Fund.

The report points out the principal discrepancies existing between certain parts of Article 10 of the Convention and the corresponding legislative provisions (difficulties which have prevented or delayed the ratification of the Convention).

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

Bolivia.

There is no system of unemployment insurance based on regular contributions from employers and employees. However, in cases where a worker is dismissed without good reason or due notice, the Act of 8 December 1942 provides for the payment of compensation to cover the vital needs of the worker and those of his dependants.

The report quotes the relevant articles of the above-mentioned Act and adds that the allowance in question is paid exclusively by the employer and that foreigners are entitled to it in the same way as nationals.

The application of the Act is supervised by the labour inspectorate.

Detailed information is given as regards the difficulties which have prevented the ratification of the Convention, namely, lack of trained technical staff familiar with unemployment insurance, lack of actuarial figures on which to base the system, reluctance on the part of certain employers to pay contributions under a scheme to be administered by a social insurance institute, and the dispersal of activities in a large territory lacking in means of communication.

Canada.

The principal legislation applying the Convention is the Unemployment Insurance Act, 1940, which came into effect on 1 July 1941, following the passage of a constitutional amendment empowering the Federal

Government to deal with unemployment insurance. The report gives full details of the various provisions of this legislation in relation to the Articles of the Convention.

Article 1. The Unemployment Insurance Act set up a compulsory scheme ensuring payment of benefit to persons who are involuntarily unemployed. There are no complementary assistance payments, but during the winter months supplementary benefit is payable to certain classes of insured persons at the rate of 80 per cent. of the normal benefit, financed out of regular contributions.

Article 2. The scheme applies to all persons employed for wages or salary, with specified exceptions permitted under the terms of the Convention. A number of exceptions included in the original Act have since been eliminated.

Article 3. Benefit is payable in cases of partial unemployment subject to certain conditions.

Article 4. The right to receive benefit is made subject to conditions similar to those included in the Convention.

Article 5. In addition to the conditions laid down in Articles 6 to 12, the right to benefit is also subject to certain conditions in the case of workers in seasonal occupations who are unemployed during the off season, married women and inmates of prisons or public institutions.

Articles 6 and 7. The qualifying period consists of at least 180 days' contributory employment during the two years immediately preceding the day on which the benefit year begins, and contributory employment for at least 60 days during the 52 weeks or for at least 45 days during the 26 weeks preceding the beginning of the benefit year. The waiting period is eight days in respect of each benefit year. No benefit is paid for the first day of unemployment in any period of unemployment except when it follows a period of employment of not more than three consecutive days.

Articles 8 and 9. Claimants may be disqualified for benefit up to six weeks if, without good cause, they fail to attend a course of instruction or training to which they have been directed. However, the Unemployment Insurance Act does not make the right to benefit conditional upon the acceptance of employment on relief works organised by a public authority.

Article 10. There is no specific provision declaring employment unsuitable if it would involve residence in a district where no suitable accommodation is available; if such a question arose it would be decided on the merits of the individual case. The provisions of the Convention regarding employment at lower rates or under less favourable conditions or in a different occupation are substantially incorporated in the Unemployment Insurance Act.

Refusal to accept employment which would involve the loss or impossibility of member-

ship of a workers' organisation does not constitute a reason for disqualification from benefit. Employment arising in consequence of a stoppage of work due to a labour dispute is not considered suitable. On the other hand, loss of employment by reason of a stoppage of work due to a labour dispute at the place of employment is a disqualifying factor except in certain cases where the claimant does not participate in the dispute. A claimant is disqualified for benefit if he loses his employment by reason of his own misconduct or leaves his employment without just cause. Claimants who make false statements for the purpose of obtaining benefit or who fail to make use of opportunities of suitable employment are also disqualified.

The receipt of remuneration or compensation for loss of earnings which is substantially equal to the loss is considered as equivalent to employment.

Article 11. Unemployment benefit may be paid in respect of one-fifth of the number of days for which contributions have been paid in the previous five years, minus one-third of the number of days for which benefit has been paid in the previous three years. Thus, the maximum duration of benefit is one year minus the waiting period.

Articles 12 and 13. Benefit is payable irrespective of the needs of the claimant and consists of cash payments in accordance with a scale of daily and weekly rates.

Article 14. Questions arising out of applications for benefit are determined by insurance officers, courts of referees and the umpire. The court of referees is a first appeal tribunal consisting of a chairman and one representative each of employers and employees. Appeals from the decisions of the courts are heard by the umpire, who is a judge of one of the superior courts and whose decision is final.

Articles 15 and 16. Residence abroad disqualifies a claimant from the receipt of benefit except in a country with which Canada has reciprocal relations respecting unemployment insurance. An agreement of this kind has been concluded with the United States. Foreigners residing in Canada and working in insurable employment are insured in the same way as nationals.

The enforcement of the relevant legislation is entrusted to a commission, consisting of a chief commissioner and of two other members, appointed in consultation with the representative workers' and employers' organisations. This body exercises its functions through regional and local staffs and through a chain of local employment offices which deal both with employment and insurance matters. The Unemployment Insurance Advisory Committee, which reports annually on the financial situation of the unemployment insurance fund, is also constituted on a bipartite basis, as are the national, regional and local employment committees.

Although in Canada jurisdiction over labour matters is generally within the competence of

the provinces, it was decided that unemployment insurance should be administered by the Federal Government. However, the provisions of the Act do not apply to employment by any province except with its concurrence.

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

Denmark.

The requirements of the Convention have been met only as regards members of the voluntary unemployment insurance schemes. All other persons are entitled only to the benefits and assistance payable under the general regulations relating to assistance to needy persons.

The administration of unemployment insurance rests with the executive committees of the State-approved unemployment funds under the supervision of the Directorate of Labour (a subdivision of the Ministry of Labour and Social Affairs). A labour board constitutes a co-ordinating link between the various funds and attempts to establish uniform rules governing benefits. Appeals from the decisions of the directorate may be brought before the labour board or the Minister.

The Unemployment Act provides, to a certain degree, for the co-operation of employers' and workers' organisations, e.g., the inclusion of their representatives in the executive committees of the funds. In addition, the employers' organisations take part in measures of control designed to prevent abuses of unemployment benefits. The report of the Directorate of Labour on the employment service and the unemployment insurance funds for the fiscal year 1949-1950 is appended to the Government's report.

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

Dominican Republic.

The Social Insurance Act of 1949 covers the contingencies of sickness, maternity, invalidity and death but not that of involuntary unemployment.

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

Finland.

The Decision of the Council of Ministers, dated 17 May 1945, respecting measures to be taken to prevent unemployment, provides for an unemployment scheme administered by the municipalities and the State covering, in principle, all involuntarily unemployed persons. In the most recent Instructions concerning unemployment, issued on 7 December 1950, particular stress was laid on measures to be taken with a view to providing work for the unemployed. In addition to

these measures, unemployment allowances are payable in the case of full or partial unemployment.

The relevant legislative provisions are administered by the Ministry of Communications and Public Works and its district offices as well as by the labour committees of the communes.

The central employers' and workers' organisations collaborate in the administration of the relevant measures through the medium of the manpower council of the Ministry of Public Works. In addition every commune has a joint labour committee which supervises the measures taken to alleviate and prevent unemployment.

Although the provisions of the Convention are approved in principle, it has not as yet been possible to organise unemployment assistance in conformity with the requirements of the Convention.

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

Greece.

A compulsory unemployment insurance scheme was set up by Act No. 118 of 1945 respecting the insurance of employees in industrial undertakings against unemployment, as amended in 1946 and 1949. The report contains detailed information on the working of this scheme in relation to the various Articles of the Convention.

Article 1. Act No. 118 of 1945 sets up a compulsory insurance scheme covering industrial workers in the area of Attica. Since then, the application of the Act has been extended to the most important industrial districts of the country, and it is intended to apply it, in due course, to the whole of the country. Apart from contributions by the persons covered, employers contribute 10 per cent. of all wages paid to the persons insured with the Unemployment Fund.

Article 2. Prior to 1949, only persons working in areas where the Social Insurance Institute (IKA) was operating were covered by unemployment insurance, but the scheme may now be extended even to regions where the Institute is not in operation. Persons covered by other insurance organisations and workers engaged for a definite period in loading and unloading operations are exempt from unemployment insurance. Homeworkers insured with the Institute are also covered by unemployment insurance. Seasonal workers are covered and there is no minimum or maximum age limit for entry into the Fund, nor are persons receiving salaries above a certain limit excluded from insurance.

Article 3. No benefit is payable in the case of partial unemployment.

Article 4. The right to receive benefit is made conditional on registration with an employment office.

Article 6. The qualifying period for regularly employed salaried workers is 180 working

days within the last 18 months preceding unemployment and, for seasonal workers, 75 working days within the last 12 months.

Article 7. Benefits are payable after a waiting period of five days in the case of workers and technicians, and 10 days in the case of employees and domestic workers.

Article 10. Refusal to accept employment offered disqualifies an insured person from benefit unless the employment in question is unsuitable from a physical or vocational point of view or involves a removal from the family residence. Voluntary stoppage of work or infringement of the rules of the Fund also disqualifies an insured person from benefit, as does the receipt of pensions or allowances other than those for pregnancy, confinement or nursing. Under Act No. 2412 of 1920, the termination of the contract of service without notice entitles a worker to the payment of a fixed indemnity irrespective of the unemployment insurance payments which may be claimed as a consequence of such dismissal.

Article 11. Benefits are payable up to a period of 182 working days except for seasonal workers, for whom the maximum period of benefit payments is 52 days.

Article 13. Unemployment benefit is paid in cash.

Article 14. Decisions concerning payment of benefit are made by the Director of the Fund. An appeal against these decisions may be brought before the executive board of the Fund.

Articles 15 and 16. Residence abroad disqualifies an insured person from the receipt of benefit. All foreigners employed in Greece for a period of more than one year are eligible for benefit under the same conditions as Greek nationals.

The report states that, as there are no essential differences between the legislation in force and the Convention, the Government intends to submit the Convention for ratification in the near future.

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

Guatemala.

Although the Labour Code does not contain any provisions concerning unemployment insurance, it provides for emergency measures in favour of workers who have lost their jobs as the result of raw material shortages, the death of their employer, cases of *force majeure*, etc. The national legislation also provides for the payment of compensation in cases where the suspension of the labour contract is not due to any fault of the worker.

The authority entrusted with the enforcement of the relevant legislation is the Ministry of Economy and Labour and its subdivisions, the general labour inspectorate and the Administrative Department of Labour.

The ratification of the Convention has so far been impossible owing to the fact that Guatemala is a small country where the main problem is not one of unemployment but rather of labour and where insufficient economic development prevents the application of measures of the kind laid down in the Convention. In addition, the social insurance system is not yet in a position to deal with the problem of unemployment by means of a compulsory insurance scheme, and has been confined to the development of the types of insurance which are most needed in the country, *i.e.*, accident, maternity and survivors' insurance.

Iceland.

Icelandic law does not so far provide for unemployment relief from public funds.

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

Italy.

The national legislation is based, to a large extent, on the principles of the Convention. The following information is given on the main features of the Regulations implementing the various Articles of the Convention.

Article 1. Involuntarily unemployed persons receive benefits in proportion to the contributions which they have paid under a mutual insurance scheme; extraordinary daily allowances are granted as a relief measure to persons who are not eligible for such benefits. Workers attending vocational training schools or employed on works projects receive an additional daily allowance. Supplementary allowances are also paid in respect of dependants. Unemployment insurance is compulsory for persons of either sex and of any nationality who are over 14 and under 60 years of age (55 in the case of women). There are no voluntary unemployment insurance schemes.

Article 2. Certain categories of workers (permanent officials of the civil service and other public or private institutions, home-workers, domestic servants, etc.) are excluded from the compulsory insurance schemes. However, sea fishermen and agricultural workers in employment are covered by the relevant regulations.

Article 3. Benefits are granted in the case of partial unemployment.

Article 4. In order to qualify for unemployment benefits, a worker must be available for work and must be registered with the employment office, etc.

Article 6. The right to receive benefits is made conditional on the payment of at least one year's contributions during the two-year period preceding unemployment. Extraordinary unemployment allowances are not granted unless five weekly (or one monthly) contributions have been paid to an unemployment insurance scheme.

Article 8. Detailed information is given on the vocational training courses for unemployed persons and on the organisation of afforestation, road construction and similar public works projects.

Article 10. The payment of unemployment benefits is discontinued if the insured person refuses suitable employment, *i.e.*, employment for which, *inter alia*, the rate of remuneration is not less than that normally paid in the district for the occupation to which the insured person belongs and which does not prevent the insured person from resuming employment in his own occupation in the future. There are no rules involving loss of right to benefit in cases where employment was lost as the result of a trade dispute. Workers who have left their employment voluntarily or who have endeavoured to obtain benefits or allowances through fraudulent methods are disqualified from the receipt of such benefits.

Article 11. Unemployment benefit is payable for a maximum period of 180 days. The extraordinary allowance is usually paid for 90 days and may be prolonged up to 180 days or more in exceptional cases.

Article 12. There is no means test for workers entitled to unemployment benefits. However, certain conditions must be fulfilled before the extraordinary allowance is granted.

Article 13. All benefits and allowances are payable in cash only.

Article 14. Controversial questions arising out of unemployment insurance are settled, in accordance with Italian laws and regulations, by both the administrative and the judicial authorities.

Article 15. The families of workers who have recently left the country for employment abroad receive unemployment allowances for a period not exceeding 45 days.

Article 16. Unemployment insurance is compulsory for all residents irrespective of nationality; benefits are paid according to the same rule.

Compulsory unemployment insurance schemes and supplementary assistance are administered by the National Social Insurance Institute under the supervision and control of the Ministry of Labour and Social Welfare.

Initial steps have been taken with a view to ratifying the Convention.

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

Netherlands.

The unemployment benefit scheme is about to be put on an entirely new basis. The information given, therefore, relates not only to the system at present in force but also to the new system, based on the Unemployment Insurance Act of 9 September 1949, which will come into force in the course of 1952. The present summary gives a brief description of the present system followed by an account

of the scheme which is about to enter into operation.

Since the end of the first world war, there has been in existence a system of waiting allowances, *i.e.*, voluntary payments by private undertakings subsidised by the State. This matter was regulated in the last instance by a Decree of 7 December 1945. The allowances in question are paid to workers who are temporarily unemployed as a result of stoppage of work or short-time work in their undertaking. The amount of the allowance varies with the family income and age of the worker; the relevant Government subsidy is 50 per cent. Under the Transitional Regulations of 29 December 1948, workers who are not, or are no longer, entitled to a waiting allowance and who are in need may receive unemployment assistance for a maximum period of 13 weeks. These benefits are financed by the State and vary with the family income, age and wage of the worker.

The system as described above will cease with the coming into force of the above-mentioned Act of 1949, which provides for two types of measures: the setting up of industrial schemes granting waiting allowances to employees in industries to which they are deemed to belong in a permanent capacity, and an unemployment insurance scheme under which benefit is granted to unemployed persons who do not, or no longer, belong to a particular group of industries. All persons under contract of employment whose annual earnings do not exceed 6,000 florins are covered by this scheme with the exception of domestic servants and certain categories of persons entitled, in virtue of other schemes, to benefits not less favourable than those envisaged under the Act.

The plan of unemployment insurance visualises the establishment of 26 industrial schemes which will pay waiting allowances to all claimants having at least 156 days of work in the branch of industry concerned. The rates of benefit range from 80 per cent. for persons with dependants to 60 per cent. for single persons. The allowance is payable for not less than 48 days per benefit year, but the rate of benefit and its duration may be increased by the occupational associations concerned. These associations consist of representatives of employers' and workers' organisations, with compulsory membership for employers in the branch of economic activity covered by the association. Appeal from the decision of an association may be made to the arbitration board established by that body. Contributions to the schemes will be paid by employers and employees at a rate to be fixed by the association.

Unemployment allowances will be granted to unemployed persons who are no longer entitled to a waiting allowance provided they have worked for at least 78 days in any occupation during the year preceding unemployment. The benefit, which will be the same as the waiting allowance, will be payable for not more than 78 days per benefit

year if the beneficiary has previously drawn a waiting allowance. Otherwise, benefit is payable for 126 days. The scheme will be administered by a general unemployment fund, with a tripartite governing body, and will be financed on a tripartite basis.

The report points out that the Netherlands will be in a position, after the coming into force of the Unemployment Insurance Act, to ratify the Convention.

The texts of various regulations and of the Act are appended to the report.

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

Norway.

The unemployment insurance scheme in force is based on the Act of 24 June 1938 respecting compulsory unemployment insurance, as amended by the Acts of 13 December 1946 and 28 July 1949, as well as on a Royal Decree of 14 July 1949 concerning exemption from liability for unemployment insurance and Regulations of 4 October 1950 concerning grants for vocational training. The report contains detailed information on this legislation in relation to the various Articles of the Convention.

Article 1. The Norwegian system is a compulsory unemployment insurance scheme which, with certain specified exceptions, covers the whole employed population whose annual income does not exceed a specified income limit. The insurance is financed by contributions from employers and employees, together with municipal grants. The amount of the contribution is based on the earnings of the insured person according to his health insurance category. Workers may also join together in forming supplementary funds to provide additional benefit beyond the period stipulated in the Act; these funds, if approved, are entitled to grants from the State amounting to half of the sum paid out as supplementary benefit.

Article 2. All workers, manual as well as non-manual, whose earnings exceed a certain figure are not covered by the scheme. In addition, certain other categories are excepted from coverage, e.g., agricultural workers who are members of the employer's family, workers engaged in the reindeer industry, seafarers in service in the Kingdom and earning above a specified amount, persons engaged in fishing, domestic work, homework, etc. Persons in receipt of retirement or old-age pensions may, however, receive unemployment insurance benefits.

Article 3. Under certain circumstances limited benefits are granted in case of partial unemployment.

Article 4. In order to receive benefits a worker must be capable and available for work and must have registered at the employment exchange as seeking employment.

Article 6. There is a qualifying period of at least 45 weeks of contributory employment

during the four years preceding the first claim. For subsequent claims the number of weeks for which benefits are payable must not exceed a third of the number of contribution weeks in the past four years, not counting the weeks during which benefit was received.

Article 7. Benefits are payable after the completion of a waiting period of six days except in case of incapacity for work or of temporary employment for a period up to 12 days, after which no waiting period is required.

Articles 8 and 9. Unemployed workers may be required to attend courses organised or supported by municipal or State authorities, or to accept suitable relief work, under certain conditions.

Article 10. Employment is regarded as suitable, even if the wage offered is lower and if conditions of work are inferior to those previously obtaining, as long as the position offered provides the worker with a reasonable income in relation to his expenses. Other disqualifications correspond to those mentioned in the Convention, such as employment lost as the result of a work stoppage due to a trade dispute, loss of employment through misconduct, etc.

Article 11. The right to receive benefit is limited to 15 weeks (90 days) in the course of 12 months and entitlement to benefit is reopened only after 15 weeks in employment involving liability for insurance during the two years prior to the making of a new claim.

Articles 12 and 13. Benefit is not dependent on a means test and is granted exclusively in the form of cash.

Article 14. The supervising authority for unemployment insurance is the Board of the Directorate of Labour, which also acts as the highest appeal tribunal in insurance matters. In addition to the Directorate and the local employment committees, there is in each county (apart from the city of Oslo) a county employment committee serving as a link between the Directorate and the local employment committees and acting, *inter alia*, as an intermediate tribunal in insurance cases. Cases which are not purely discretionary may be taken to the law courts after consideration by the Directorate of Labour. Employers and employees are represented on an equal footing on the board as well as on the various committees.

Article 15. All persons resident abroad forfeit their right to benefit; for the present, benefit is paid, however, to seamen residing in certain specified foreign ports.

Article 16. Aliens working in Norway are liable to pay insurance contributions and are entitled to the same benefits as Norwegian citizens. Under special reciprocity agreements concluded with Sweden and Denmark, the disqualifying provisions of the Act of 1938 may be waived in the case of employees who have performed work in these countries.

The report states that, although the Act of 1938 is essentially based on the same principles as the Convention, it seems to differ in some points (e.g., Articles 2, 10 and 11), thus preventing the ratification of the Convention by Norway.

Copies of the relevant legislation and regulations, as well as of the above-mentioned reciprocal agreements, are forwarded with the report.

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

Pakistan.

No legislative or administrative measures have so far been taken to give effect to the provisions of the Convention. However, in cases where railway workers are temporarily laid off because of a breakdown in machinery, they are employed on alternative jobs and consequently do not suffer a loss in wages. In East Bengal, factory workers who lose their jobs as the result of fuel or raw material shortages or because of technical difficulties receive, in many cases, a subsistence allowance consisting of a certain percentage of their wages.

In view of the predominantly agricultural character of the country and its consequent chronic underemployment and "hidden unemployment", the ratification of the Convention is not possible at present.

Under the existing Constitution, unemployment is a provincial subject though, by an amendment, it has temporarily been included in the "Federal list".

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

Sweden.

The following detailed information is given concerning the application of the various Articles of the Convention.

Unemployment insurance is regulated by the Royal Order of 15 June 1934 concerning recognised unemployment insurance funds; general unemployment relief is governed by the Royal Decree of 27 May 1949 concerning certain public measures relating to unemployment.

Article 1. The Swedish scheme consists of a voluntary insurance system, subsidised by the State, combined with a system of relief through public bodies.

Article 2. Membership of recognised unemployment insurance funds is restricted to wage-earning employees. However, self-employed persons may become members of certain funds. Members of the employer's family, children under 16 years of age and persons above a certain maximum age are also excluded from membership of these funds. Only wage-earning employees are eligible for general unemployment relief.

Article 3. Unemployment funds may prescribe in their rules that daily benefits shall

not be granted in the case of short-time work.

Article 4. Benefits or relief payments are granted only to unemployed persons who are capable of and available for work and who are registered for employment with a public employment exchange.

Article 6. Insurance benefits are not granted unless the member has paid at least one year's contributions including at least 20 weekly or five monthly contributions during the 12 months immediately preceding the period of unemployment. No conditions exist for the payment of public employment relief to Swedish citizens, but foreigners receive such relief only after one year's continuous employment in the country.

Article 7. The waiting period for unemployment benefits is six days out of a period of not more than 21 days. Unemployment relief is paid six days after an application has been made.

Article 8. Benefits and allowances are not conditional upon attendance at a training course.

Article 9. Employment on public relief works is considered suitable employment if it corresponds to the strength and qualifications of the unemployed person.

Article 10. Workers who have left their work voluntarily, have been dismissed for misconduct or have refused suitable employment, forfeit their right to benefit for a period of four weeks, and their right to unemployment relief for a period of at least four weeks. The concept of "suitable employment" is defined in detail.

Article 11. The maximum period during which benefits are payable is 156 days in the course of 12 consecutive months; the corresponding minimum period is 90 days. The majority of funds have fixed a period varying from 120 to 138 days. No similar limits are prescribed for the payment of public employment relief.

Article 12. The payment of unemployment relief is subject to a needs test.

Article 13. Under certain circumstances, insurance benefits, as well as unemployment relief, may be granted wholly or partly in kind.

Article 14. Complaints against the decisions of the unemployment funds must be lodged with courts of law.

Article 15. Benefits or relief payments are made conditional on residence in the country but there are special arrangements for unemployed seamen abroad.

Article 16. Foreigners have the same rights as nationals in respect of membership of unemployment funds. Where special agreements exist, contributions paid to a foreign unemployment fund may be credited to a member of a Swedish unemployment fund. As mentioned above (Article 6) foreigners receive unemployment relief only after one year's employment.

The unemployment funds are supervised by the Royal Employment Board (*Arbetsmarknadsstyrelsen*), through a special unemployment insurance delegation. Public unemployment relief is also supervised by the above-mentioned board.

The unemployment funds are self-governing relief associations on which employers are not represented as they do not pay contributions towards insurance. Employers' and workers' organisations participate in the administration of public employment relief through their representatives on the Royal Employment Board.

In 1935, the Government pointed out to the Riksdag that there were certain discrepancies between the Convention and Swedish legislation which seemed to prevent its ratification. A Social Welfare Committee, appointed in 1937 to carry out a revision of social welfare arrangements has, *inter alia*, presented proposals concerning legislation on compulsory unemployment insurance and social assistance. The Government's report contains a summary of those proposals, on which no action has been taken so far by the Government.

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

Turkey.

Turkish economy is primarily agricultural; labour legislation is developing along with the industrialisation of the country. For this reason, various other types of insurance—industrial accidents, occupational diseases, old age, health and maternity—have been instituted, but no unemployment insurance scheme has as yet been set up. However, under the provisions of the Labour Act, workers receive a dismissal allowance whenever the contract of work is terminated without notice. The report gives details of these allowances.

Union of South Africa.

Article 1. The scheme in force, which was put into effect by the Unemployment Insurance Act, 1946, as amended in 1949, is compulsory and provides for the payment of benefits to contributors who are involuntarily unemployed.

Article 2. The scheme covers all wage-earning and salaried workers, with the exception of certain categories, such as domestic workers, homeworkers, public employees, etc.; persons engaged in seasonal work during less than eight months of the year are also excluded, as are natives whose rate of earnings is less than £182 a year and persons employed in areas where public opinion is opposed to unemployment insurance.

Article 3. Persons working for several employers and losing their major source of income are eligible for benefits, subject to certain conditions.

Article 4. An applicant for benefits must be capable of and available for work, must be unable to obtain suitable employment and must have registered at a public employment exchange.

Article 6. The qualifying period consists of a minimum of 13 weeks of contributory payments.

Article 7. There is a waiting period of one week, but if unemployment continues into the second week the worker receives, in respect of the first week, benefits for the number of days on which he is unemployed during the second week.

Articles 8 and 9. The right to receive benefit is not made conditional upon attendance at vocational courses or upon acceptance of employment on public works.

Article 10. Employment offered is considered unsuitable if no reasonable accommodation is available, and if the post becomes vacant in consequence of a trade dispute. Workers earning less than £182 a year are expected to accept any reasonable offer of work even at a wage lower than that previously received. Those earning more than £182 a year are entitled to refuse work at a lower wage or in a different occupation for the first 13 weeks of unemployment, but thereafter they are expected to accept any reasonable offer of work.

Loss of work as a result of a trade dispute and failure to comply with any reasonable direction given to him by the relevant authority with a view to helping him to get work may disqualify a claimant from receiving benefits. Such disqualification may be for a period of up to six weeks if a worker loses employment through his own misconduct or gives it up voluntarily. Wages received in lieu of a period of notice are considered regular wages for the period in question.

Article 11. A contributor is not usually entitled to receive benefits for more than 26 weeks in any period of 52 consecutive weeks.

Articles 12 and 13. There is no means test; benefits are paid in cash.

Article 14. Questions arising out of applications for benefit are dealt with by unemployment benefit committees consisting of an equal number of employers' and employees' representatives. Appeals against the decisions of these committees may be lodged with a national unemployment insurance board, also bipartite in character, whose decision is final and binding, subject to appeal to the Supreme Court in cases where a point of law is involved.

Articles 15 and 16. A claimant is disqualified from receiving benefit while residing outside the Union. There is no distinction between foreigners and nationals in the payment of benefits.

The administration of the relevant legislation is vested in the Secretary for Labour, acting under the Minister of Labour. The Government employment exchanges and, in

certain cases, local authorities, collaborate in the administration of unemployment insurance.

The Government appends to its report a copy of the report of the Secretary for Labour for the year 1949 on the working of the Unemployment Insurance Act of 1946. This document indicates that, during the period in question, the percentage of unemployment was 2.2; the number of approved applications for benefit was 75,709 and the amount of benefits paid just over £1 million.

Ratification is not possible because of the divergencies which exist between the provisions of national law and Articles 2 and 10 of the Convention.

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

Uruguay.

There is no general system of unemployment benefits in view of the fact that no social insurance scheme has as yet been adopted. However, such benefits are paid to workers in the following branches of the economic activity: the cold-storage industry, the wool, leather and allied trades, collective transport undertakings operating in the capital and on inter-regional routes, and the tourist industry. Workers in these branches, as well as all wage-earning and salaried employees in commerce and industry who are not entitled to a retirement pension as they are under 40 years of age, receive benefit during the first year of unemployment, equal to 2 per cent. of the pension due to them after 30 years' employment in respect of each year's approved employment.

Uruguay has never been faced with an acute unemployment problem; however, a seasonal unemployment problem arises in connection with the cold-storage industry and the wool and leather trades. The report contains considerable information on the various measures taken to prevent unemployment and states that, although the Government has not hitherto adopted any general Act providing for unemployment allowances,

it has given effect to the provisions of the Convention through some legislative measures; thus, the Act No. 9196 of 11 January 1934, respecting retirement pensions, provides that wage earners over 40 years of age who have completed not less than ten years of service with the same or with several employers receive a monthly retirement pension for life which remains suspended for as long as they are occupied in a remunerative occupation, and that workers under 40 years of age who have been employed for more than ten years either with one or several undertakings are entitled to unemployment benefits for a period of one year, as mentioned above.

A proposal for an unemployment insurance scheme which was submitted to Parliament in September 1949 would, if approved, meet the requirements of the Convention.

The report adds that, although no general system of unemployment allowances exists in Uruguay, measures have been taken which on the whole are in conformity with the Convention.

Viet-Nam.

The report recalls that, in 1942, the Governor-General of Indo-China issued an Order establishing a system of allowances for unemployed workers which was, however, abolished in 1945. The text and additional particulars of the relevant provisions are given in the report which adds that, in case of necessity, the above-mentioned system would again be put into application.

However, the Government finds it impossible at present, for financial reasons, to envisage the establishment of a system of unemployment benefits and allowances; such a scheme would in any case not be consonant with the general psychology of the Viet-Nam worker. In addition, under the prevailing social structure, involuntarily unemployed workers are always able to find help within their family group, primarily through agricultural labour.

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

Unemployment Provision Recommendation, 1934 : R. 44

Argentina.

The report refers to the information supplied for Convention No. 44, which deals with the same subject.

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

Australia.

There is no scheme of compulsory insurance against unemployment in operation in Australia. The scheme is at present based on

the principle of social assistance, and unemployment benefits are paid from funds derived from taxation. There is no limit on the duration of the benefit. Partially unemployed persons are not covered. See also under Convention No. 44, Article 3. Unemployment benefits are payable to all residents of 12 months standing or who propose to remain permanently in Australia, provided they are over the age of 16 years and under the age of 60 years for females, and 65 for males. Special arrangements are only applicable for seasonal workers in respect

of whom special measures have been taken. Persons of comparatively small means who work on their own account are eligible for unemployment benefits provided the means test on income is satisfied.

The granting of unemployment benefits is not subject to any special conditions and there is no limit on the duration of the benefit. The latter is payable as from the seventh day after the claimant becomes unemployed or the seventh day after a claim is submitted, whichever is the later.

The Director-General of Social Services is the sole authority for determining whether employment offered to a claimant is "suitable".

Unemployment beneficiaries may be given vocational training at the Commonwealth's expense to enable them to learn a craft or occupation by which they may become self-supporting. The grant or continuance of benefit may be withheld if the claimant or beneficiary fails to undergo training.

Advances for fares, generally in the form of rail warrants, are made to workers who wish to proceed to other districts in order to take up employment; these have to be repaid in due course. The provisions of paragraphs 13, 14 and 15 of the Recommendation, relating to the review of the financial position of insurance funds, the creation of an emergency fund and the participation of representatives of the contributors in the administration of insurance schemes, are not applicable in Australia where unemployment benefits are paid from the National Welfare Fund, a Commonwealth Government trust fund financed in the main from consolidated revenue.

As has been stated above, all residents of 12 months' standing or who propose to reside in Australia permanently, are eligible for unemployment benefits. New Zealand nationals, in virtue of a reciprocal agreement between the Australian and New Zealand Governments, are eligible for benefits regardless of any residential conditions. A similar reciprocal scheme between the Australian and United Kingdom Governments is at present under consideration.

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

Austria.

For information on the national law and practice, reference should be made to the report on Convention No. 44.

Austrian legislation provides for a complementary assistance scheme as a measure of temporary relief, but no benefits are specified for persons who have not acquired the right to insurance benefits or unemployment relief. The unemployment insurance legislation does not contain any provisions corresponding to the requirement that persons subject to unemployment insurance or relief should be covered by insurance or assistance schemes until a certain age. However, the principle is laid down that the period during which

relief is granted is not subject to any arbitrary limit.

As regards the special arrangement stipulated in Article 4, section (c), the report states that, although the compulsory unemployment insurance scheme established in Austria covers a wide range of persons, it nevertheless excludes certain groups; no special arrangements corresponding to those suggested by the Recommendation are provided. However, the Unemployment Insurance Act stipulates that, by virtue of a Ministerial Order, certain groups of unemployed workers who are not entitled to unemployment benefit may be granted benefit when the need to do so arises owing to considerable unemployment in the occupational groups concerned.

See under Convention No. 44 for information relating to the competence of the Federal Government as regards the application of legislation on unemployment insurance, etc.

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

Belgium.

A compulsory unemployment insurance scheme has been set up within the framework of the social security scheme for workers.

The payment of benefits to members of the scheme who become unemployed is not limited in duration; in these circumstances, the question of the creation of a complementary assistance scheme does not arise. The insurance scheme covers partial unemployment.

All persons employed under a contract of employment and paying contributions to the social security scheme as members thereof may draw unemployment insurance benefits. On the other hand, only those apprentices who are bound by an ordinary contract of employment are eligible for unemployment benefits.

The beneficiaries of unemployment insurance are covered up to the age at which they are eligible for a pension. Difficulties have arisen up to now in applying unemployment insurance regulations to domestic personnel. The granting of unemployment insurance benefits to persons working on their own account is not being considered. No maximum remuneration has been established as a criterion of liability for insurance.

No qualifying period is required with regard to the granting of benefits except in the case of women and of persons who, for any reason, have not contributed to the social security scheme (particularly persons living on the frontier). For these categories of workers, the prior condition of having worked as a wage earner for 75 days is required.

No benefits are granted for one single day of unemployment in a week. However, benefits may be granted for this single day of unemployment when it is part of a period of complete unemployment lasting at least three days and of which it is the first or the last day.

The definition of suitable employment does not take into account, except on a subsidiary basis, the length of the claimant's service in a previous occupation, his chances of obtaining work in it and his vocational training and his suitability for the employment in question. As a rule, all unemployed persons drawing benefits are required to accept any suitable employment, even in an occupation other than their own, that is, any employment which they can carry out easily and without harm. However, during the first three months of unemployment, an unemployed worker may not be required to accept a job in an occupation other than his own.

In the case of loss of employment because of stoppage of work due to a trade dispute, disqualification from the right to benefits applies both to claimants who are directly concerned in the dispute and those whose unemployment is the direct consequence of a strike, provided it can be shown that the strike was declared with their consent. As a rule, disqualification from the right to benefits comes to an end when the stoppage of work ceases except in cases where it can be proved that it was due to the worker's own fault that he was unable to resume work.

Compulsory attendance of vocational education or other courses is only imposed in cases where the unemployed person may derive therefrom a moral or occupational advantage.

Unemployed persons are only compelled to accept employment on relief works if this employment is in conformity with the general criteria of suitable employment.

The report supplies detailed information regarding relief works on which unemployed persons may be engaged. The State undertakes part of the expenses of the works and the Fund for assistance to unemployed persons grants, from the unemployment budget, a subsidy of up to 50 per cent. of the wages paid to the unemployed workers engaged in the work, plus 10 per cent. of the wages to cover social charges.

Part of the funds for unemployment benefits are used for financing collective vocational training or rehabilitation centres and for the granting of bonuses, transport costs, etc., to unemployed persons who attend vocational rehabilitation courses.

The Fund for assistance to unemployed persons receives the contributions collected by the National Social Security Bureau. There are no longer any unemployment funds as such, but paying bodies (recognised workers' organisations and communal administrations) which receive from the Fund the sums of money necessary to carry out, in its name and subject to its supervision, the payment of unemployment benefits.

The financial situation and the accounts of the above-mentioned paying bodies are examined periodically by a body of specialised accountants. There is no emergency fund for particularly severe periods of unemployment.

The representatives of contributors participate in the administration of the unemployment insurance scheme.

Foreign workers and frontier workers who contribute to the social security scheme are entitled to unemployment benefits under the same conditions as national workers.

The report gives a list of the modifications of the provisions of the Recommendation which are considered necessary if these provisions are to be adopted or applied.

The Ministry of Labour and Social Welfare is responsible for the application of the legislation.

Employers' and workers' organisations collaborate in the application of the legislation by participating in the work of the board of directors of the Fund for assistance to unemployed persons as well as in the work of the claims, appeals and advisory boards.

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

Bolivia.

The authorities have already pointed out in the report on Convention No. 44 that there is no public or private system of unemployment insurance in Bolivia. In order to provide economic aid to persons who have to leave their employment for reasons beyond their control, the Decree of 24 May 1939, to promulgate the Labour Code (which became law by the Act of 8 December 1942), provides for a system of compensation for length of service and, in lieu of notice, which the employer is obliged to pay in a lump sum on the date when the employee is dismissed.

The payment of such compensation does not depend on the length of the period of unemployment but on whether the worker is unfairly dismissed, *i.e.*, whether he suffers hardship for reasons beyond his control. In order to counteract the effects of prolonged unemployment, the employer is obliged by law to give notice varying from one week to three months, according to the category and length of service of the worker, to enable him to find employment elsewhere; in the case of dismissal without notice, the employer is obliged to pay a worker the normal remuneration for the same periods, in addition to compensation amounting to one month's earnings for each year of service. Generally speaking, workers who receive compensation can always find employment elsewhere, in an occupation compatible with their capacity and qualifications, before the end of the period of compensation. It is very rare for workers to remain unemployed for a longer period, as may be seen from the fact that, in the last ten years, the Government has only had to provide assistance to two groups of less than 50 workers who could not find employment in the mines.

With the introduction in the near future of compulsory social insurance schemes, which will at first cover only the most important contingencies such as death, old age, accident and maternity, etc., it is hoped, at a later date, to extend the scope of this scheme to cover involuntary unemployment. Before this can be done, it will be necessary to make

a preliminary examination of the question. The examination will be based, as far as possible, on the standards approved by the International Labour Organisation. At present it is difficult, if not impossible, to put these standards into practice.

Bolivia, an economically undeveloped country, is situated inland and lacks the necessary conditions to enable it to compete in development with neighbouring countries. It has only recently established manufacturing industries on a small scale for the purpose of satisfying its own consumption of manufactured goods and, with the exception of mining, has not been able to exploit its great possibilities of producing raw materials. Under these conditions, it is difficult to introduce a system of unemployment insurance these and assistance as recommended.

Canada.

A compulsory insurance scheme against unemployment has been implemented by the Unemployment Insurance Act, 1940, which came into effect on 1 July 1941. An additional form of insurance benefit, at a reduced rate, is paid during the months of January, February and March to persons who have exhausted their right to ordinary benefit and who, because of the highly seasonal nature of their work, are unable to find "suitable employment" during the winter months.

Benefit is paid on a daily and weekly basis and it may be said that the scheme covers persons who are partially unemployed, as a person who is unemployed for a portion of the week only receives benefit at the daily rate.

The report supplies detailed information regarding the conditions required for the granting of benefits and specifies the various exceptions laid down by the Act. There is no age limit for coverage and entitlement to benefits.

Under Article 4 (c) concerning special arrangements, the report supplies information on the measures taken for certain categories of work-stevedoring, lumbering and logging, transportation by air, nursing other than private duty and seasonal work. Information is also given regarding special arrangements for railroad workers, piece-workers, stevedores and loggers, members of special armed forces, veterans of the second world war, etc. No provision has been made to cover persons working on their own account.

In order to qualify for benefit, an insured person must prove that contributions have been made on his behalf for at least 180 days during the two immediately preceding years and for at least 60 days during the immediately preceding year, or 45 days during the immediately preceding six months.

The maximum period during which benefits may be paid is one year less nine days. The waiting period has been fixed at eight days, but is only applied once in every 12 months, even though there may be more than one spell of unemployment. Suitable employment is decided by interpretation by the statutory authorities, subject to appeal. An insured person is disqualified from receipt of

benefit if he has lost his employment by reason of a stoppage of work due to a labour dispute, but this disqualification lasts only as long as the stoppage of work continues. In cases where the worker was not participating in, financing or directly interested in, the dispute which caused the stoppage of work, he is not disqualified.

An unemployed person must attend a course of instruction or training, as directed by the competent commission, for entry into or return to employment: failure to do this without just cause subjects him to disqualification from benefit. There is no obligation imposed on an unemployed person to accept employment on relief works.

The commission may make regulations authorising advances by way of loans towards the expenses of persons travelling to places where employment has been found for them.

The report contains information concerning the Canadian vocational training plan.

The Unemployment Insurance Advisory Committee, appointed by the Governor-in-Council, makes a report to Parliament regarding the financial condition of the fund each year, and on other occasions when it is deemed necessary.

No emergency fund has been created for periods of particularly severe unemployment.

The Unemployment Insurance Act is administered by a commission consisting of three members representing employees, employers and the Government.

No discrimination is made between national workers and nationals of any other country.

A reciprocal agreement has been drawn up and signed by the Governments of the United States and Canada for the purpose of avoiding duplicate coverage of persons employed in both countries. The agreement also facilitates the payment of claims to unemployed persons who have established benefit rights in one country and have become unemployed in the other.

The report contains information regarding the composition of the commission entrusted with the application of the Unemployment Insurance Act, together with copies of the relevant legislation.

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

Denmark.

In Denmark, unemployment insurance is voluntary and it is not possible to set up a compulsory scheme at present.

Only contributors to the voluntary unemployment insurance scheme are entitled to the benefits prescribed in the Recommendation. Other persons may draw no benefits, with the exception of benefits generally granted to needy persons.

The Government considers that persons who have not insured themselves against unemployment should not be in a more favourable position when unemployed than persons who are without an income for other reasons beyond their control; the authorities therefore consider that there is no call to

introduce a special assistance scheme for such persons.

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

Dominican Republic.

The report refers to the information supplied for Convention No. 44.

Finland.

Under the present scheme, unemployment insurance is optional. Altogether ten trade unions have set up an unemployment fund for their members and these funds have approximately 140,000 members. Under the Act of 23 March 1934 the unemployment funds receive State grants up to a maximum of 55 per cent. of the total amount paid out in benefits and 30 to 35 per cent. of the expenses of management.

The trade unions grant benefits to those of their members who can show a certificate issued by the employment service, proving that it has not been possible for them to obtain employment. The Insurance Department in the Ministry of Social Affairs pays to the unemployment funds the grants laid down in the legislation.

The legislative texts in force are appended to the report.

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

France.

For economic reasons, it has not been considered advisable to establish a compulsory unemployment insurance scheme. The existing scheme is a voluntary one and is governed by the Decree of 6 May 1939, consolidating the enactments relating to unemployment, which was subsequently repealed by section 5 of the Decree of 12 March 1951.

Unemployment insurance funds may be set up by trade unions, mutual benefit societies and any other legally constituted occupational or inter-occupational associations. These funds may receive Government subsidies subject to certain conditions.

Although there is no general unemployment insurance system in force in France, two special schemes exist which are similar to a compulsory insurance system. The first scheme covers workers in the building trade who are unemployed owing to bad weather, and the second applies to persons engaged in loading and unloading operations.

The report describes in detail the voluntary unemployment insurance scheme.

Apart from the special schemes referred to above, there is an assistance scheme for unemployed workers which is financed largely by the State through a credit known as the "National Unemployment Fund". This scheme is governed by the provisions of the Decree of 6 May 1939, the Act of 11 November 1940, the Decrees of 8 January and 27 No-

vember 1941 and the Decree of 28 April 1950.

Both totally and partially unemployed workers are covered by this assistance scheme.

Totally unemployed workers are defined as persons habitually working for an employer and receiving from him regular remuneration and not merely accessory earnings, who are no longer in his employ and cannot find work elsewhere although they are free to accept another employment and are able and willing to work. Partially unemployed workers are those who, although still bound by a contract of service with their employer, have their wage reduced owing to a temporary closing-down of the establishment in which they are employed, or a reduction in the normal working hours of the establishment, where such normal working hours are less than the statutory number.

Any person employed under a contract of service is entitled to unemployment relief; this also applies to homeworkers and apprentices who normally receive a wage corresponding to their age. Unemployment relief is payable up to 65 years of age, when the insured person may begin to draw an old-age pension. However, in certain circumstances, unemployed workers who have reached 65 years of age may continue to receive unemployment assistance.

Self-employed workers are not entitled to receive unemployment assistance from the State. However, they are free to create unemployment insurance funds which may be subsidised by the State under certain conditions. An exception is made in the case of artists who are not paid employees and who belong to the occupations grouped as graphic, plastic, dramatic and musical arts, actors and composers, as well as authors, who may be accepted under certain conditions for benefits under the employment assistance scheme.

No maximum remuneration is stipulated as a condition for the right to assistance.

In order to obtain unemployment assistance the claimant must have been in employment for at least six months (that is, 26 weeks immediately preceding the date of claim). However, this period of six months' employment may be considered as having been effected in the course of the 12 months preceding the date of claim. An exception is generally made in the case of young persons with certificates, who can qualify for unemployment assistance from the age of 17 years, if they have not been able to obtain employment during the six months following the date of registration for employment, provided that the registration was made in the year after that in which the certificate was obtained.

No waiting period is required in the case of partial unemployment. Although there is no limit to the period during which unemployment relief is payable, the Decree of 18 April 1950 stipulates that assistance will be reduced by 20 per cent. after the first 12 months and by a further 10 per cent. for each subsequent year.

In the case of partial unemployment, assistance is granted for a period established by the Ministry of Labour, taking into account the economic position of the various occupational branches.

Assistance granted to workers who are unemployed owing to bad weather is subject to special conditions; the guarantee allowance paid to workers employed in loading and unloading operations is subject to a maximum of 100 days of unemployment in every six months.

The legislation in force is in accordance with the provisions of paragraph 8 (waiting period); 9 (decisions as to whether the employment offered is suitable); 10 (disqualification from unemployment benefit of workers directly interested in a trade dispute) and 11 (obligation to attend a vocational training course).

Unemployed workers receiving benefit are not required to attend vocational training or retraining courses except so far as this will lead to an appropriate reclassification. Totally or partially unemployed persons are only employed in relief works for which they are suited by reason of their health of the employment in question.

Under the Decree of 15 July 1949, conditions were established concerning work which can be performed by unemployed persons for local authorities. Such work must be of a temporary and exceptional nature and must not interfere with the normal functioning of the employment market. In certain circumstances, local authorities which make use of unemployed persons for public utility works may receive State subsidies which are derived from credits set aside for unemployment assistance.

The following measures are adopted to facilitate the return to employment of unemployed workers: (1) Unemployed workers may be sent to vocational training centres where they continue to receive assistance throughout the period of rehabilitation, in addition to a supplementary wage; (2) If they are offered employment in a locality which is more than 50 kilometres from their residence, free transport is provided for them and their families, as well as for their furniture; in certain cases they are granted supplementary allowances.

Unemployment insurance funds are under the control of the Ministry of Labour and Social Security. Before the funds are granted State subsidies they must obtain approval for their regulations, in which certain clauses must be included. They are required to send periodic reports on their staff and their financial position, as well as any other documents which may be requested, and they must submit their accounts for auditing.

The application by employers of the Act of 21 October 1946, respecting allowances paid to workers in the building trade and in public works during periods of bad weather, is supervised by the labour inspectors and the sworn auditors of the insurance funds which collect the employers' contributions and are responsible for the operations of equalisation

and the reimbursement to the employers of allowances paid to workers.

The enforcement of the Act of 6 September 1947, introducing a guarantee allowance to workers employed in loading and unloading operations, is entrusted to the port authority or the engineer in charge of the maritime service or navigation service.

No emergency fund has been set up to surmount periods of acute unemployment, as the unemployment assistance scheme is not organised on an insurance basis. The French budgetary system does not allow credits not utilised during one financial year to be transferred to another year. However, should the unemployment situation become more serious, the budgetary credits set aside for unemployment assistance are increased, as the credits requested when the budget is drawn up are merely estimates, and the expenditure in connection with unemployment is of a compulsory nature.

Private assistance schemes are administered by the contributors' representatives, assisted in certain cases by representatives of the State and of beneficiaries.

Foreign workers who are holders of a work-book issued in any country with which France has concluded a reciprocal agreement on unemployment are entitled to assistance under the same conditions as French workers. However, since 1939 any foreigner, even if he is a national of a State with which France has not concluded any reciprocal agreement, is eligible for unemployment assistance. No bilateral agreement has been concluded concerning the payment of unemployment benefit to frontier workers. The conclusion of such agreements is contrary to the rules of the unemployment assistance scheme, which require, as one of the qualifying conditions, that the claimant shall have resided for a certain period in the commune in which unemployment assistance is paid. No allowances, therefore, can be paid to workers domiciled abroad. In the case of the private insurance schemes (workers in the building trade and workers employed in loading and unloading operations), there would be no object in such agreements, as allowances are paid to frontier workers under the same conditions as for French workers. Unemployment assistance is administered, under the direction of the Ministry of Labour, by the departmental manpower services and their local offices, with the assistance, where necessary, of the municipal authorities, which are also responsible for the enforcement of the various laws and regulations concerning unemployment. Again, the funds responsible for defraying the cost of holidays with pay, which also undertake financial operations in connection with unemployment due to bad weather conditions, are under the control of the Ministry of Labour and Social Security. The departmental labour and manpower directors are responsible, together with the auditors of these funds, for the enforcement of the relevant legislation.

The enforcement of the laws and regulations concerning guaranteed wages for workers

employed in loading and unloading operations, is undertaken by the central manpower boards of the ports under the authority of the port authority, the engineer in charge of the maritime service or the navigation service. The guarantee funds are under the control of the State.

A legal text is being prepared which provides that claims by unemployed persons may be brought before a departmental committee, including a maximum of three employer and three worker members.

A Bill has been drafted according to which an annual report must be submitted to the President of the Republic giving an account of operations in connection with total and partial unemployment and with the unemployment funds and containing all relevant statistics. A subcommittee of the national manpower committee, which includes employers' and workers' representatives, must be consulted in the drafting of the report.

Greece.

The system of compulsory unemployment insurance is in force by virtue of various Decrees and Acts promulgated in the country. The report concerning Convention No. 44 deals in detail with the system in question.

There is no complementary assistance scheme as set forth in paragraph 2 of the Recommendation. However, as from 1920, there has been a system of compensation in the case of the unjustified termination of the contract of service; this compensation may be considered as complementary assistance to unemployed persons.

In case of partial unemployment, no unemployment benefit is granted.

All wage earners or apprentices working under a contract of service are covered by the insurance scheme up to the age at which they become eligible for an old-age pension.

No maximum of remuneration has been laid down as a criterion of the right to benefit under the unemployment insurance system.

The right to benefit is conditional on compliance with the following provisions regarding the qualifying period: (a) workers in economic sectors in which activities are carried on from the beginning until the end of the year must have completed 180 normal working days in the 18 months preceding the date on which they become unemployed; (b) persons employed in seasonal occupations must have completed 75 working days during the 12 months preceding the date on which they become unemployed.

Insured persons may receive benefits from the unemployment fund for 182 working days. However, seasonal workers may draw benefits under the insurance scheme for a period of only 52 working days.

The waiting periods before benefits are paid are as follows: technical workers, five days after notification has been made to the unemployment fund; employees and domestic servants, ten days after such notification.

The employment offered to an unemployed person by the employment office must be suitable to his general training and mental and physical capacity.

Unemployed persons are not obliged to attend vocational training courses.

The Directorate of Supervision and Control of Insurance Funds is responsible for auditing the finances of funds, including unemployment funds, which come under the Ministry of Labour.

There is at present no emergency fund in the sense of the Recommendation.

Representatives of insured persons participate in the executive boards of social insurance funds.

Foreign workers who have been granted labour permits by the Ministry of Labour are entitled to receive unemployment benefits on the same terms as Greek subjects.

The question of bilateral agreements with neighbouring States does not arise.

The authority responsible for the application of the relevant legislation is the Ministry of Labour and, in particular, the Employment and Apprenticeship Directorate of the Ministry. The representatives of employers' and workers' organisations are members of the executive boards of the unemployment insurance funds.

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

Guatemala.

The principles contained in the Recommendation are not covered by the legislation concerning social security. However, the general regulations relating to protection in the case of accidents provide, in certain conditions, guarantees for unemployed workers who are injured in accidents.

The basic legislation of the Guatemalan Institute for Social Security has not set up an unemployment insurance scheme, as it is considered that other benefits, particularly those paid in the case of accidents, maternity, old age, death, etc., are more important for the country than the setting up of legislation based on the text of the Recommendation.

The report contains detailed information regarding the duties of the Institute for Social Security and adds that, although the provisions of the Recommendation have not yet been applied in the manner prescribed by the latter, they are being examined by the competent authorities. Copies of the legislation in force are appended to the report.

Iceland.

There is no unemployment insurance scheme and no relief is provided for unemployed persons except in the form of public assistance for those who, on account of unemployment or for some other reason, cannot support themselves or their dependants.

The first comprehensive Social Insurance Act, which was enacted in 1936, contained

provisions relating to unemployment insurance. This Act authorised labour organisations, subject to specific requirements, to create unemployment relief funds whose sources of revenue were to be derived from members' contributions as well as State, municipal or parochial grants.

These provisions remained in force until 1946, but as a dead letter, for no relief funds were created.

When the above Act was replaced by the Social Insurance Act of 1946, it was proposed, by another Act, to establish a State Employment Institution, which, *inter alia*, was to provide unemployment insurance; but the requisite majority for legalising the scheme could not then be obtained. The matter has subsequently been introduced into the Althing on several occasions, but so far without any definite result.

A Bill relating to unemployment insurance is at present before the legislature. The main object of this Bill is to ensure the adoption of the principles laid down in the 1936 Act, namely, the setting up of unemployment relief by labour funds by labour organisations. The Althing also has before it a motion for the nomination of a Committee to prepare legislation on unemployment insurance, the mover maintaining that such a procedure would take account of the different points of view.

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

Ireland.

The Unemployment Insurance Acts, 1920-1948, provide for a compulsory system of unemployment insurance. In addition, the Unemployment Assistance Acts, 1933-1948, provide a scheme of unemployment assistance, subject to a means test, for insured persons who have exhausted their right to benefit and for persons not covered by the compulsory unemployment insurance scheme. Unemployment assistance is on a different basis from the ordinary arrangements for the relief of destitution.

The following are classed as partially employed persons entitled to benefit: persons with two occupations who are unemployed in one of these, if the income from the second occupation does not exceed £1 per week. This class also includes workers in the building trade who are unemployed during bad weather.

The unemployment insurance scheme is compulsory for all persons employed under a contract of service or paid apprenticeship, with the exception of non-manual workers earning more than £500 a year and a few other classes of workers.

Unemployment insurance ceases to be payable when the beneficiary becomes entitled to an old-age pension.

The only class of workers to which it has been found difficult to apply the general provisions of the unemployment insurance scheme is that of self-employed persons. The latter are covered by the unemployment

assistance scheme, which is subject to a means test. In practice, it has been found that owners or beneficial occupiers of smallholdings mainly benefit from this scheme.

In order to qualify for benefit, a claimant must have paid not less than 12 contributions to the insurance fund. An insured person in respect of whom no contributions have been paid during the year preceding the date of the claim is not normally entitled to benefit until at least 12 further contributions have been paid.

Unemployment benefit is payable at the rate of one day's benefit for every unexhausted contribution standing to the credit of an insured worker, up to a maximum of 156 days' benefit in the year commencing on the date of the claim. This period of benefit has been found to be the maximum consistent with the solvency of the scheme. There is no statutory time limit to the payment of unemployment assistance.

Under both the unemployment insurance and assistance schemes a waiting period of six days must be observed in respect of each period of continuous unemployment. A period of continuous unemployment is defined as any three days of unemployment, whether consecutive or not, within a period of six days; any two such periods of unemployment separated by not more than 20 weeks is treated as one continuous period of unemployment. In determining whether an employment is considered as "suitable" employment, due regard is had to the provisions of the corresponding paragraph of the Recommendation.

Persons who are unemployed because of a trade dispute are disqualified for benefit only if they were employed in the premises where the trade dispute occurs. Disqualification ceases when the stoppage of work comes to an end or when the worker obtains employment elsewhere.

Attendance at approved courses of instruction may be made a condition for the receipt of benefit or assistance, but this condition is not being applied at present. Courses have been arranged for the rehabilitation of persons who have been unemployed for a long time. In certain cases, a part of the expenses incurred by workers travelling to another district to obtain employment is refunded. Unemployment benefit is paid out of the Unemployment Fund established under the Unemployment Insurance Acts. The position of the Fund is kept under constant review and the rates of contribution and benefit have been adjusted from time to time to meet the varying demands on the Fund.

Unemployment assistance is paid out of credits voted annually by the Dail Eireann, having regard to the future requirements of the scheme. These credits are supplemented by contributions from local authorities and a grant-in-aid from the Unemployment Fund.

An emergency fund, as suggested in the Recommendation, is not provided in Ireland, as it is not considered necessary.

The unemployment insurance scheme in Ireland is administered by the State Depart-

ment of Social Welfare; employers and workers are not, therefore, directly represented in the administration of the scheme as a whole. There is, however, provision for allowing approved associations of insured persons to provide the statutory benefits to their members and to be later reimbursed out of the general fund. This includes the reimbursement of administrative costs.

In addition, employers and workers are represented at the Court of Referees, which deals with appeals against administrative decisions. A further appeal may be made by an association of workers on behalf of one of its members.

Foreigners have the same benefit rights as nationals, provided that they have resided in Ireland during the five years immediately preceding the date of the claim.

A reciprocal arrangement exists between Northern Ireland and the Irish Republic covering persons who reside in one area and work in the other.

The administration and enforcement of the Unemployment Insurance and Unemployment Assistance Acts is vested in the Minister for Social Welfare, under the methods outlined in the report on Convention No. 44.

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

Italy.

Under paragraphs 1 and 2 of the Recommendation, the report states that extraordinary unemployment allowances may be granted, as a form of assistance, to unemployed workers who are not entitled to the ordinary unemployment insurance benefits or who have exhausted their right to benefit, in accordance with the provisions of the compulsory unemployment insurance scheme.

This system of allowances does not apply to all parts of the country, nor is it granted permanently. The Ministry of Labour and Social Welfare decides from time to time by Decree that allowances shall be granted to certain groups of workers in certain localities. It should be borne in mind that this form of assistance is on quite a different basis from the schemes of relief for destitution operated by local authorities or by charitable organisations.

In order to qualify for the extraordinary unemployment allowance, the unemployed worker must satisfy the following requirements, in addition to those stipulated in the Ministerial Decree referred to in the previous paragraph: (a) a wage-earning employee must have paid five weekly contributions and a salaried employee one monthly contribution; (b) he must have been registered for work for at least five days without having received an offer of employment; (c) he should not be in a position to attend vocational training courses or to take part in instructional work projects; (d) he should not belong to a family where two or more members are employed; (e) he should not at the time be receiving any benefit, allowance, or pension, etc.

The allowance is generally granted for a period of 90 days; it may be extended to 180 days, or for an even longer period in exceptional circumstances.

As regards paragraph 3, the report states that a system of compensation for partial unemployment has been created for the benefit of persons who, as a result of the economic crisis, cannot be employed for a working week of 40 hours. The report deals with partial unemployment in greater detail and with the method of granting allowances.

With regard to paragraph 4, the report refers to the remarks made on paragraphs 1 and 2.

With respect to the maximum wage laid down as a condition for applying the insurance scheme referred to in paragraph 5 of the Recommendation, the report states that unemployment insurance is compulsory for all wage-earning and salaried employees, with the exception of certain precisely defined categories of workers, irrespective of income.

The following qualifying period is prescribed: (1) salaried employees should have paid not less than 12 monthly contributions, and wage-earning employees not less than 52 weekly contributions, during the two years preceding the period of unemployment; (2) at least two years should have elapsed between the beginning of the insurance period and the beginning of the period of employment.

The qualifying conditions for the extraordinary unemployment allowance are as follows: (1) five weekly contributions in the case of wage-earning employees and one monthly contribution in the case of salaried employees, should have been paid to the Unemployment Insurance Fund; (2) the claimant should have been registered for at least five days with the Labour and Full Employment Office, and should not be in a position to attend vocational training courses or work on instructional labour projects.

Unemployment benefit is payable to the worker as from the eighth day following that on which he ceases to be employed.

The insured person ceases to receive benefit when he refuses suitable employment. "Suitable employment" is taken to mean employment which is compatible with the physical condition of the insured person, does not endanger his health or morals and does not present an obstacle to future re-employment in his normal occupation.

At present, there is no rule stipulating disqualification from the receipt of benefit in case of loss of employment due to a trade dispute.

Courses have been set up for the vocational training or retraining of workers who, as a result of unemployment or the war, need to re-acquire, increase or rapidly change their technical skills by adapting them to the needs of efficient production, the general requirements of the internal labour market and the possibilities of emigration. In view of the general purpose of this training and its moral and occupational value to unemployed workers, failure to attend these courses involves disqualification from unemployment benefit or allowances.

As regards paragraphs (b) and (c) of paragraph 11, the report states that instructional work projects have been organised by the Government, or under its auspices, in areas where unemployment is particularly acute. These projects are concerned with forestry, nursery gardening, reafforestation, work on tunnels, bridges, etc., and are financed out of a special fund consisting of contributions from employers, the Government and various private and public agencies. These projects are of a temporary and exceptional nature. However, workers who refuse to accept employment on these projects without giving a satisfactory reason (such as physical unsuitability, etc.) are debarred from receiving unemployment allowances.

The authority responsible for the administration of the unemployment insurance scheme as well as the various unemployment grants and allowances, collects contributions to the "Workers' Vocational Training Fund", which is used to finance the training courses and centres referred to in paragraph 11.

The administration of the compulsory unemployment insurance, as well as extraordinary unemployment allowances, is exercised by the National Social Insurance Institute and its various committees in which workers and employers are represented. The Institute is a public body with the status of a body corporate, and is placed under the control and supervision of the Ministry of Labour and Social Welfare.

Although no special emergency fund has been created, the system in force today is in a position to surmount periods of acute unemployment. A Central Commission for Unemployment and Assistance to the Unemployed has been set up by the Ministry of Labour and Social Welfare. Workers and factory managers are represented on this Commission, together with farmers, tradesmen and representatives of the various trade-union organisations.

Unemployment insurance is compulsory for all residents in Italy, irrespective of nationality. Foreigners are entitled to the same benefits as Italian workers; this includes foreigners who are nationals of States which have not ratified Convention No. 44.

The situation of unemployed persons in frontier districts has been regulated by the Italian Government through bilateral agreements concluded with Austria, France and Switzerland; some of these agreements are to be revised in future administrative agreements. The report enumerates the laws and regulations on unemployment insurance and assistance.

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

Netherlands.

See report on Convention No. 44.

New Zealand.

In New Zealand, the provision of benefits for unemployed persons is not arranged on an insurance basis. Payments to unemployed

persons are made out of the Social Security Fund which receives its revenue from the tax of 7½ per cent. on all income including salary, wages, personal and company income. A subsidy is also granted by the Government.

The legislative provisions relating to unemployment benefits are contained in the Social Security Act, 1938, as subsequently amended.

Thus, in view of the system in force, a considerable number of the provisions of the Recommendation are not applicable in New Zealand.

The report contains detailed information regarding the method of granting benefit to unemployed workers. The maximum rate of benefit granted to an unemployed worker may be reduced at the discretion of the Social Security Commission should the income of the beneficiary or his wife warrant taking such a step.

Unemployment benefits are not restricted to certain classes of workers. It is sufficient that the claimant is unemployed, is willing to undertake employment, has taken reasonable steps to obtain suitable employment and has resided continuously in New Zealand for not less than 12 months. A married woman is entitled to benefit if she can prove that her husband is unable to maintain her.

Unemployment benefit and assistance is payable to a person who is over 16 years of age and is not qualified to receive old-age benefit; this does not apply to family benefits.

All workers, including persons who work on their own account and who are of comparatively small means, may qualify for unemployment benefit, provided they satisfy the conditions stipulated by the law. In practice, the Social Security Commission has decided that benefit shall commence as from the seventh day after (a) the date on which the application for benefit is received at the district office or other authorised registered centre, or (b) the day following the date on which payment of wages, including holiday pay, ceased.

Although there is no specific legislative provision for the refusal to grant a benefit where the applicant has lost his employment by reason of a stoppage of work due to a trade dispute, one of the main qualifications for unemployment benefit is that the claimant must be capable and willing to undertake suitable employment and he must not be voluntarily unemployed. In practice, applications for unemployment benefit are refused when the worker is directly interested in the dispute or belongs to an industrial union which has involved its members in a trade dispute.

No special provision has been made to compel beneficiaries to undergo vocational training or to carry out relief work; there is no necessity for such measures, since there is no general unemployment problem in New Zealand.

Although New Zealand has experienced a shortage of manpower in recent years, difficulties due to unemployment have arisen in

isolated cases. The annual budget of the Department of Labour and Employment contains an item devoted to the promotion of employment, which can be used to assist unemployed persons to find new posts, or to pay the fare of persons who have been offered employment in another district.

As the New Zealand system is not an insurance or a contributory scheme, the question of the solvency of funds does not arise. On the other hand, since workers and employers are not required to contribute to the scheme of unemployment benefits, they do not participate in its administration.

No discrimination is made between foreign and national workers. Moreover, a reciprocal agreement has been concluded between New Zealand and Australia, whereby nationals moving between the two countries retain their rights to unemployment benefit.

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

Norway.

As regards the application by national legislation of paragraphs 1, 2, 3, 5, 6, 8, 9, 12, 15 and 16, the report refers to the information supplied in connection with Convention No. 44.

The unemployment insurance scheme is applicable not only to employees working according to an ordinary contract of service, but also to persons working under a contract of apprenticeship, in so far as they are liable for health insurance under categories 2 to 6 of the Sickness Insurance Act. Exemption from liability for unemployment insurance as laid down in the Act is limited as far as possible.

No upper age limit has been laid down as far as the right to benefit under the Unemployment Insurance Act is concerned. However, a worker who is in receipt of an old-age pension under the terms of the Old-Age Pensions Act of 16 July 1936 is not entitled to benefit. The same applies to workers in receipt of a superannuation pension from an undertaking.

No separate unemployment insurance funds have been set up for workers who do not come under the ordinary unemployment insurance. The special unemployment insurance fund for seamen in service outside the Kingdom also includes workers with an annual income above the usual income limit for liability for health insurance.

No special unemployment insurance scheme has been set up for persons of comparatively small means who work on their own account.

Unemployment insurance is based on the idea of compulsory communal saving, whereby, with the help of contributions from employees, employers and municipalities, funds are collected in good years in the unemployment insurance fund to provide benefits when unemployment occurs. The idea is for the expenses and income of the fund to balance over a long period of years. The rules for limiting the period during which benefits are granted as laid down under the Act are based on this principle.

The loss of right to benefit under the Unemployment Insurance Act is limited to the period during which a labour dispute lasts.

An unemployed person who is insured will not be instructed to attend a course for unemployed persons, unless it can be assumed that he will benefit by the vocational training and that it is probable that this training will make it easier for him to obtain work subsequently.

The labour directorate receives from the municipal insurance funds which administer the local funds of the unemployment insurance, monthly cash returns, six-monthly balances and, at the end of each year, audited accounts, showing profit and loss account as well as balance. Every six months, on the basis of the returns, the Labour Directorate works out a comprehensive survey of the economic position of the fund.

According to the Unemployment Insurance Act, 10 per cent. of the receipts of the local fund (contributions plus municipal grant) are to be paid into a national reserve fund. The national reserve fund makes grants to local unemployment funds which have insufficient means to cover expenses. The State refunds 60 per cent. of the amount paid by the national reserve fund in grants to the local funds. If the national reserve fund is exhausted, the State will take over its liabilities.

Aliens working in a Norwegian frontier district, but not resident in Norway, are not entitled to benefit. In such cases, the Crown may enter into an agreement with other countries for reciprocity in respect of the payment of benefits, but no such agreement has yet been concluded.

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

Pakistan.

See under Convention No. 44.

Sweden.

In 1935, the Riksdag agreed that, when reorganising the unemployment insurance scheme, consideration should be given to those provisions of the Recommendation which were not yet applied in Sweden.

However, the present system of relief corresponds to a voluntary State-subsidised insurance scheme combined with a system of relief organised by public bodies.

In 1937, a social welfare committee was appointed to study and investigate this question, but the State authorities have not yet taken any action on the reports and proposals submitted by the committee.

Only wage-earning employees as such may be covered by the recognised unemployment fund; as a rule, self-employed persons are excluded. However, the supervisory authority may grant exceptions in the case of specified funds. Persons employed by close relatives and persons under the age of 16 years

are also excluded from the scheme. The minimum age for eligibility for vocational training courses for beginners is 15 years.

The right to daily cash benefits from the fund is subject to the payment of at least 52 weekly or 12 monthly contributions and to the payment of at least 20 weekly or five monthly contributions during the 12 months immediately preceding the beginning of unemployment.

Foreigners are entitled to public unemployment relief provided they have been constantly employed during at least one year.

Daily cash benefits are not paid unless the insured person has been unemployed for six days during a period not exceeding 21 days, and has previously shown himself to be in need of such benefits.

The report gives detailed information as to the conditions in which the unemployment committees may refuse the payment of benefits to persons who voluntarily leave their work, have proved to be of a difficult character, lazy, intemperate, etc., or have failed to disclose circumstances which might affect the decision relating to their claim to benefits.

Persons directly involved in industrial disputes are not entitled to benefits or public unemployment relief until the disputes have been settled.

The payment of an allowance from a fund is authorised for a maximum period of 156 days in the course of 12 consecutive months. Some funds have fixed shorter periods, but in no case less than 90 days. However, there is no limit to the duration of benefits from public unemployment relief, which are paid as long as necessary. Unemployment benefits and relief granted by an unemployment committee can be paid wholly or partly in kind, if circumstances so require.

Appeals against the decisions of recognised unemployment funds may be lodged with a court of justice. The supervision of recognised unemployment funds is entrusted to the *Arbetsmarknadsstyrelsen* (General Directorate of the Labour Market). With regard to the granting of benefits to seamen, applications for work made to certain employment service offices abroad can replace an application to a Swedish office.

Contributions paid to a foreign insurance scheme can, by special agreement, be credited to members of Swedish unemployment funds. Foreigners are entitled to the same treatment as Swedish nationals.

Contributions towards travelling and removal expenses can be paid by the employment offices out of funds specially granted for this purpose. The costs of training courses for unemployed persons are paid out of special grants.

The employers' and workers' organisations, which are represented on the *Arbetsmarknadsstyrelsen* have approximately equal influence on the public unemployment relief scheme.

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

Switzerland.

In Switzerland, because of the federative structure of the country, the right to legislate is within the competence of the Confederation and the cantons. In normal times, the Confederation can legislate in a uniform manner for the whole of the country only in those matters which have been expressly set aside for it in the Federal Constitution. However, during the second world war, the Federal Council, making use of its extraordinary powers, deemed it necessary to standardise the Federal legislation with respect to assistance to unemployed persons, in order to make provision for the crisis that might follow the war.

As this standardisation proved satisfactory, the Federal legislature, by virtue of the Federal Decree of 4 April 1946, revising the Articles of the Federal Constitution concerning economic matters, introduced a provision empowering the Confederation to legislate on unemployment insurance and assistance to unemployed persons. Moreover, a supplementary provision stipulated that unemployment insurance was the responsibility of public and private joint or trade union funds. However, the cantons retain the right to establish public funds and to decree general compulsory unemployment insurance. The above-mentioned Federal Decree was submitted to a referendum on 6 July 1947 and accepted; the legislative power as regards unemployment insurance was therefore transferred on that date from the cantons to the Confederation. On the basis of this provision of the Constitution, the Federal authorities will be called upon to enact legislation regarding the application of the relevant measures. Until such legislation becomes effective, various Decrees of the Federal Council and Provisions and Orders of the Federal Department of Public Economy, governing unemployment assistance during the crisis following the war and assistance to unemployed persons in need, will remain in force.

The executive bodies for unemployment insurance are the unemployment funds, which are subdivided into three categories: public funds, trade-union funds, and joint funds, supervised by the cantons and the Confederation. The latter is the supreme controlling body. All funds are subject to annual supervision.

The cantons may grant assistance to unemployed persons in need. The Federal Department of Public Economy has set up an advisory committee, comprising representatives of employers and workers. Moreover, both employers and workers collaborate in applying the provisions in force, through the funds in which they are interested.

The Federal Council leaves the cantons free to introduce compulsory insurance for all workers or for certain categories of workers; 16 cantons have instituted compulsory unemployment insurance; four cantons have delegated to the communes the competence to institute compulsory insurance; insurance is not compulsory in five other cantons.

In order to supplement unemployment insurance, the Federal Council has instituted assistance for needy unemployed persons. The cantons are, in principle, free to decide whether, and to what extent, to introduce this assistance.

No worker may become insured before the age of 16 years and apprentices may not be insured until six months before the end of their apprenticeship.

None of the provisions of the Federal legislation in force establishes a maximum of remuneration as a condition for liability to insurance. However, workers with higher salaries are not obliged to be insured but may insure themselves voluntarily.

The qualifying period is fixed at 180 days.

During one calendar year, insured persons are entitled to 90 days of full unemployment insurance benefits. This period of benefits may be extended up to a total of 140 daily benefits, subject to the authority of the Federal Department of Public Economy.

During a calendar year, insured persons must observe a waiting period of one day, from the date of their enrolment at the public employment office.

In deciding whether employment offered to an unemployed person is "suitable", the public employment office must take account of the suggestions contained in the Recommendation.

When unemployment results from a collective trade dispute, no benefit is granted while the dispute lasts and for 30 days thereafter.

Although the legislation contains no provision concerning compulsory attendance of a course of vocational training, the procedure followed by the employment offices is largely based on the principles set forth in the Recommendation.

As regards the review of the financial position of insurance funds, the report states that the system has been so organised that it can meet very considerable fluctuations and the Federal Council has established a fund to compensate unemployment insurance funds. This fund is intended to make good the deficits of funds that have been obliged to pay out large sums to their members.

Contributors participate in the administration of trade-union or joint funds. In the case of public, cantonal and communal funds, the cantons and the communes determine to what extent contributors shall participate in their administration.

Foreigners normally domiciled in Switzerland are placed on the same footing as Swiss citizens.

Switzerland has not felt the need to conclude agreements with neighbouring States concerning frontier workers, but after the first world war it concluded an agreement with Germany embodying the principle of place of residence. Although this agreement has never been abrogated, it may well be asked whether it is still in force.

On 16 April 1950, the Federal Council submitted to the Federal Chambers draft legislation on unemployment insurance, tak-

ing account of many of the provisions of the Recommendation.

Until the Federal Council has decided to what extent the provisions of the Recommendation are in agreement with the Federal Constitution, the competent authorities state that the Decree of the Federal Council, dated 14 July 1942, governing assistance to unemployed persons during the crisis resulting from the war, is in force and applies to the whole territory of Switzerland.

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

Turkey.

In conformity with the principles set out in the Labour Code adopted in 1936, an insurance scheme covering industrial injuries, occupational diseases, old age, sickness and maternity, has been set up in Turkey. The national economy is based mainly on agriculture, which is subject to structural unemployment; industry is developing slowly. As a result it has not been possible up to now to introduce an unemployment insurance scheme for persons who are involuntarily unemployed in agriculture and industry. However, in the case of dismissal, compensation is paid to workers who are covered by the Labour Code, thus enabling them to draw their wages for a short period and to look for other employment.

The report gives detailed information concerning the termination and annulment of contracts of employment, whether by the employer or the worker.

Union of South Africa.

A system of compulsory unemployment insurance is in operation by virtue of the provisions of Act No. 53 of 1946, as amended by Act No. 41 of 1949, which also provides for the continued payment of benefits, in special circumstances, to contributors who have already received benefits for the maximum period of 26 weeks within a period of 52 consecutive weeks. Persons who are partially unemployed are protected by this same system. It has not been found necessary to make provision for persons who have not yet acquired the right to benefit.

Unemployment insurance applies to persons employed under a contract of service or apprenticeship with money payment. There are, however, numerous exceptions where special features exist making it unnecessary or impracticable to apply the scheme.

No provision has been made as to the age limit, or to any particular class of workers or persons of comparatively small means who work on their own account.

Persons in receipt of a basic wage in excess of £750 per annum are excluded from the scheme. Their remuneration is regarded as sufficiently high for them to ensure their own protection.

The qualifying period is 13 weeks. Benefits are payable for 26 weeks in any period of 52 consecutive weeks, but provision

is made for the payment of benefits for an extended period in special cases. The waiting period is seven days.

As regards suitable employment in another occupation, the report states that the provisions in the Recommendation are taken into consideration in deciding whether an offer of work is reasonable.

As to the disqualification for the receipt of benefit or allowances on the ground that a claimant has lost his employment by reason of a stoppage of work due to a trade dispute, the report adds that the Recommendation goes beyond the terms of the Convention and cannot be accepted by South Africa.

No special provisions have been made regarding the obligation to attend a course of vocational or other instruction.

The fares of persons proceeding to approved employment in other districts are paid in suitable cases.

Vocational and other training is dealt with by specific legislation, and is of a general nature not connected with unemployment insurance.

From time to time, the competent authorities make a review of the financial position of the insurance funds. The reserves of the Unemployment Insurance Fund are constantly examined for the purpose of ensuring payments during periods of particularly severe unemployment.

The local unemployment benefit committees and the National Unemployment Insurance Board, which are responsible for questions arising out of applications for benefits, are composed of equal numbers of representatives of employers and employees selected from lists submitted by organisations.

Foreigners domiciled in the Union are treated as Union nationals for the purpose of unemployment insurance, but it has not been found necessary to make any special provision for frontier workers.

The administration of the Unemployment Insurance Act is vested in the Secretary for Labour, acting under the direction and control of the Minister of Labour, assisted by the staff of the Department of Labour, including inspectors and the officials of the Government employment exchanges, and also, in certain cases, by local authorities and specially appointed agents.

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

United Kingdom.

Compulsory insurance against unemployment forms part of a general scheme of social insurance, under the National Insurance Acts, 1946, which in return for regular and compulsory contributions provides cash benefits during unemployment. The report gives detailed information regarding these benefits.

In general, every claimant may receive unemployment benefit for 180 days in a period of interruption of employment. Any person who has been insured against un-

employment for five years or more may be entitled to additional days of benefit, up to a maximum of 180 days in any one period. A claimant exhausting his standard benefit but continuing to satisfy all the other conditions may have the payment of unemployment benefit extended on the recommendation of a local tribunal, which takes no account of the claimant's financial resources. Moreover, after standard benefit has been exhausted, a claimant may again qualify for standard benefit, through payment of certain contributions made after the date of exhaustion of benefit. A claimant not entitled to the above classes of benefits may apply for a grant under the separate scheme of National Assistance. Any adult in Great Britain who is not in full-time work and whose resources are considered insufficient to maintain him and his dependants, can apply for a National Assistance grant, which ordinarily takes the form of a weekly cash allowance. This scheme makes no distinction between able-bodied unemployed persons and any other persons who are in need of financial help.

Benefits are payable not only to persons who are wholly unemployed but also to those who are partially unemployed. No benefit can be paid for an odd day of unemployment, but any two or more days of unemployment occurring within a period of six consecutive days, excluding Sundays, form a period of interruption of employment. A period of interruption of employment may include, in addition to unemployment, periods of incapacity and periods when the claimant was receiving maternity or attendance allowance, or an allowance for approved vocational training.

The majority of people living in Great Britain over school-leaving age and under pensionable age are insurable in one of the following three classes: (1) persons who work for an employer under a contract of service or who are paid apprentices; (2) persons in business on their own account and others who are working for gain and do not work under the control of an employer; (3) non-employed persons, including all those who are not in class (1) or class (2).

It is important to note that class (1) contributions can cover for all National Insurance benefits; class (2) for all except unemployment and industrial injury benefits, and class (3) for all except sickness, unemployment and industrial injury benefits and maternity allowance. Unemployment benefit is not payable, therefore, to persons who work regularly on their own account, largely because satisfactory methods of supervision cannot be applied, but they are within the scope of the National Assistance scheme for which there is no upper age limit.

Share-fishermen are insured in class (1), even if not employed under a contract of service, provided that, during the greater part of 12 months immediately before their present employment began, they had been wholly or mainly engaged in (a) share-fishing, or (b) a combination of share-fishing and other work as an employed person.

Men who on 5 July 1948 were aged 65 years or over and women who were then aged 60 years or over pay no contributions under the National Insurance Act.

There are special provisions regarding inconsiderable employments and occupations, for example, persons who are employed for under four hours a week (or eight hours in the case of domestic work), self-employed persons who normally earn less than 20 shillings per week, and persons liable to pay contributions in class (2) or (3), but whose total income does not exceed £104 per year.

Married women engaged solely in household duties, although covered by their husband's insurance, are also entitled, in certain cases, to become contributors in their own right.

In regard to seafarers, the master and members of the crew of every ship registered in Great Britain, Northern Ireland and the Isle of Man, and of all other British ships of which the owner or manager resides or has his principal place of business in any one of those countries, are insurable under the Act as employed persons (class (1)), unless the persons concerned are neither domiciled nor have a place of residence in the United Kingdom, Irish Republic or Isle of Man. They are also insurable when employed in foreign ships, provided that their contract with the shipowner was entered into in the United Kingdom and the shipowner has a place of business in the United Kingdom.

Under the National Insurance Acts, liability to insurance is not determined with reference to any maximum remuneration, and there is no limit to the duration of National Assistance.

There are two normal contribution conditions for unemployment benefit, namely: (a) to be entitled to benefit at all, a claimant must have paid at least 26 contributions as an employed person between the date of his entry into insurance and the day for which unemployment benefit is claimed; (b) to be entitled to benefit for one year at the full rate, a claimant must have had 50 class (1) contributions paid or credited in his last contribution-year before his benefit-year began.

The report explains certain points connected with the methods applied for the payment of these benefits.

Unemployment benefit is not payable for the first three days of a period of interruption of employment unless there have been at least 12 days of unemployment or incapacity within the 13 weeks beginning on the first waiting day.

For the purposes of disqualification, employment is not regarded as suitable if it is the consequence of a stoppage of work due to a trade dispute or if it is employment where the wage rate is lower or the conditions less favourable than is usual in this type of employment.

A claimant for unemployment benefit who has lost his employment because of a stoppage of work which was due to a trade dispute, is disqualified for receiving benefit so long as the stoppage of work continues, unless he

obtains employment elsewhere, under certain conditions.

The disqualification does not apply if the claimant can prove that either he or any other member of his grade or class who were employed at the premises concerned were not participating in or financing or directly interested in the trade dispute which caused the stoppage of work. However, all these restrictions cease when the stoppage of work ceases.

As was mentioned in a previous paragraph, a claimant who has exhausted his standard benefit but who continues to satisfy all the other conditions, may have the payment of unemployment benefit extended on the recommendation of a local tribunal. The local tribunal takes into account a claimant's circumstances in relation to the industrial conditions in the district where he lives, but does not enquire into his means. The rates are the same as for standard benefit. The recommendation is usually for a period of six months and is subject to review shortly before the end of the period.

A claimant having exhausted standard benefit may requalify for such benefit when 13 class (1) contributions have been paid since the date when he exhausted his right to benefit. He would then be entitled to a further period of 180 days, and may again qualify for additional days. There is no limit to the duration of National Assistance.

A claimant who refuses to undergo training for the purpose of obtaining employment or fails to do so without good cause may be disqualified for receiving benefit for a period not exceeding six weeks. The Minister of National Insurance is empowered to authorise the payment, out of the National Insurance Fund, of contributions towards expenses incurred on vocational training courses. Payments out of the National Insurance Fund may also be made, in certain circumstances, to meet part of the travelling expenses incurred by persons entitled to unemployment benefit who travel to any place for the purpose of obtaining employment.

The National Insurance Act requires the Government Actuary to report normally every five years upon the financial condition of the National Insurance scheme, and the Minister thereupon to report on the rates of benefit in relation to the circumstances of insured persons. Both reports are submitted to Parliament.

The National Insurance scheme is administered directly by the Minister of National Insurance, but representatives of contributors also participate in its administration.

There is no discrimination between British and foreign subjects on grounds of nationality in relation to unemployment benefits. The National Insurance scheme provides for making reciprocal agreements on unemployment benefit with Dominions, colonies and foreign countries. In addition, agreement has been reached between Great Britain and the Irish Republic whereby, in certain circumstances, contributions paid in one country will be transferred to the insured person's account in the other country.

The Minister of National Insurance has general administrative responsibility for the National Insurance scheme, but certain functions are carried out by the Ministry of Labour and National Service, mainly through the medium of the employment exchange service.

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

Viet-Nam.

The Decrees issued by the Governor of Cochin China and the Governor-General of Indo-China in 1942 are the only regulations covering assistance for unemployed persons.

The Government considers it to be impossible at present to set up compulsory insurance against unemployment or a complementary assistance scheme as specified in the Recommendation, since this would involve greater expense than could be borne by the country,

particularly in view of the continuation of the armed conflict in the territory since 1945.

Moreover, an institution providing for immediate and certain assistance in favour of unemployed persons would correspond neither to the average psychology of the workers of Viet-Nam nor to any real need, as has been stated in the report on Convention No. 44.

In accordance with the provisions of the above-mentioned Decrees, the responsibility for assistance to involuntarily unemployed persons is incumbent on the labour inspection services, subject to the control of the chiefs of the local administration, and the supervision of the general labour inspectorate. No provision is made in the legislative texts for intervention by employers' and workers' organisations. Copies of the two Decrees in question are appended to the report.

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

Unemployment (Young Persons) Recommendation, 1935 : R. 45

Argentina.

As all manpower has been absorbed in employment, in Argentina, the problem of juvenile unemployment is negligible.

By virtue of section 37, Part IV of the Constitution of the Republic, and of Act No. 1,420 concerning public education, primary education is compulsory and free throughout the Republic. In addition, the State fosters and promotes vocational guidance by means of institutions which direct young persons to occupations for which they are specially suited. Vocational guidance is regulated by Decree No. 14,538 of 3 June 1944, as amended by Decree No. 6,648 of 24 March 1945. For the purpose of admission to apprenticeship, preference is given to young persons who have completed their elementary education. Apprenticeship courses cover instruction in the whole of a trade or in a part only. Decree No. 6,648 also provides for the establishment of factory-schools and school-colonies.

The legislation in force is intended to preserve stability of employment and lays down the guiding principles concerning notice and dismissal. Act No. 13,591 of 11 October 1949, to set up a National Employment Service Directorate, established free placing offices throughout the country.

The supervision and direction of the employment and apprenticeship of young persons between 14 and 18 years of age is the responsibility, under State supervision, of a National Apprenticeship and Vocational Guidance Committee, including among its members the Minister of Labour and Social Welfare, the Minister of Industry and Commerce and a representative of the employers' and workers' organisations.

Australia.

The information supplied for the Recommendation No. 45 concerning unemployment among young persons is supplemented by that supplied for Convention No. 44 ensuring benefit or allowances to the involuntarily unemployed and Recommendation No. 44 concerning unemployment insurance and various forms of relief for the unemployed.

At present, Australia is experiencing an acute labour shortage, especially of young workers. Thus, on 31 December 1950, there was a total of 150 young unemployed persons (64 in the age group 16-19 years and 86 in the age group 20-24 years). The situation today is entirely different from that prevailing when the Recommendation was adopted and many of its provisions are not applicable for the moment. The data in the report should therefore be considered in the light of present circumstances.

The legislation relating to unemployment has been quoted in detail in the report on Convention No. 44. The only other legislation that should be mentioned is the (Commonwealth) Census and Statistics Act and the State Education or Public Instruction Acts.

School-leaving age and age for admission to employment. At present, the minimum school-leaving age is 16 years in Tasmania, 15 in New South Wales and the Australian capital territory and 14 in Victoria, Queensland, South Australia, Western Australia and the Northern Territory. In most States, the Minister for Education has the power to exempt pupils who are below the school-leaving age but who have achieved a certain minimum of attainment. However, legislation raising the minimum school-leaving age

to 15 years has already been passed in Victoria, South Australia and Western Australia; this legislation will come into force at some later date.

General and vocational education. There are no legal provisions requiring juveniles above the minimum school-leaving age to continue attending school until they have found suitable employment, but they are encouraged to do so. Unemployed juveniles of 16 years and over who are eligible for insurance are entitled to unemployment benefits at a rate scaled according to age, and varying for married or single applicants.

Close co-operation exists between the State Education Departments, the Department of Labour and National Service (which operates the Commonwealth Employment Service) and the Commonwealth Director-General of Social Services.

The Commonwealth Government grants family allowances for the care of children under 16 years of age and allows income-tax reductions to parents and guardians who maintain children over 16 years of age. It also awards scholarships and living allowances to students who continue their studies.

Juveniles are encouraged to attend secondary or technical schools after the minimum school-leaving age. Except at universities and other higher educational institutions, courses are free or almost free in most State schools.

No provision is made in any State for compulsory, part-time continuation courses for juveniles above school-leaving age. However, vocational continuation courses are provided for apprentices and juveniles undergoing practical training.

The Commonwealth Director-General of Social Services may insist that claimants for unemployment benefit (including juveniles) undergo a course of vocational training. However, it has not proved necessary to invoke this power in recent years because of the high level of employment. Such courses, if introduced, would consist of vocational training rather than cultural instruction, the aim being to render unemployed persons fit for re-employment.

Under the rehabilitation scheme referred to above, additional allowances are also paid for living-away-from-home costs, and for travelling expenses where necessary.

Placing and development of opportunities for normal employment. The Commonwealth Employment Service, administered by the Department of Labour and National Service, provides special facilities, both locally and centrally, for the placing of juveniles; every effort is made to place juveniles in suitable occupations as defined in paragraph 2 (2) of the Recommendation. The Commonwealth Employment Service includes a vocational guidance section, which co-operates with other bodies concerned with vocational guidance. Employers are not required to notify the Employment Service of vacancies for juveniles.

In practice, the results of the placings made are supervised and contact is maintained between placing offices and the various authorities and institutions interested in young persons. Wherever possible, arrangements are made for the occupational readjustment of young persons of 18 years of age and over.

No legislation exists compelling juveniles to transfer from one occupation or district to another, but the Commonwealth Employment Service assists those wishing to make such transfers. In recent years, the problem has not been one of industries that appear to be in permanent decline, but of meeting the increased demand for labour arising from the widespread expansion of industry.

Under technical assistance schemes, such as the Colombo Plan, opportunities for vocational training in Australia are being given, especially to nationals of South and South-East Asia. In November, 1949, Australia signed an agreement with the United States for the exchange of students, and over £A.1½ million are available for this programme.

Statistics. Unemployment statistics are compiled by the Commonwealth Bureau of Census and Statistics from reports received from trade unions and the Department of Social Services. The figures from trade unions do not show the distribution by age groups. Until October, 1950, the monthly bulletin issued by the Commonwealth Bureau of Statistics showed the number of persons receiving unemployment benefits, according to sex and age groups, including the groups 16-19 and 20-24 years, but not according to occupation. Although this bulletin has been discontinued, the Bureau still collects information on the same basis and statistics could be prepared if the necessity arose. Special enquiries into unemployment among young persons were made before the war by Federal and State authorities in New South Wales, Victoria and Queensland.

Census returns and the returns from the occupation survey of 1945 are published in a form answering to most of the points mentioned in paragraph 44 of the Recommendation. The results of the last census (1947) are not yet available. No figures are compiled in Australia showing the number of children under school-leaving age who are employed out of school hours.

The authorities concerned with the application of the provisions of the Recommendation are the Commonwealth Departments of Labour and National Service and of Social Services, the Commonwealth Bureau of Census and Statistics and the State Education and Labour Departments.

The provisions of the Recommendation concerning unemployment among young persons are regarded as appropriate for action in part by the Federal Government and in part by the State Governments.

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

Austria.

School leaving age — age for admission to employment — general and vocational education. Under German legislation (Act of 6 July 1938, as amended by the Act of 16 May 1941), which is still in operation in Austria, all children aged six years on 31 December are required to attend primary school; compulsory school attendance covers eight school years. As the school year ends in June, it follows that children are either 14 or not quite 14 years of age on the completion of their period of compulsory school attendance. In view of the fact that the admission to employment of children (*i.e.*, persons under 14 years of age) was prohibited by the Federal Act of 1 July 1948, respecting the employment of children and young persons, school children who have not reached the age of 14 years at the end of their period of compulsory school attendance are required to wait for a certain period of time before entering into apprenticeship or taking up employment. In the opinion of the Government, this is regrettable both from the social and the educational point of view.

In a Bill on public education, the Minister of Education provides that, in principle, school attendance is compulsory as from six years of age, and that the period of compulsory attendance at general educational establishments is increased to nine years. This would overcome the present difficulties, because young persons would then be able to enter into apprenticeship or take up employment immediately after completing their period of compulsory school attendance and would not be subject to a waiting period.

While juveniles who are unable to find employment on the completion of their period of compulsory school attendance are not obliged to remain at school, under the legislation, they may do so if they wish, especially if they have not completed the last school year. Those who have finished the school curriculum have the option of attending a "one-year" continuation course in a primary school.

Close co-operation is maintained between the competent placing authorities and the education authorities in all questions relating to the vocational guidance of school children and the prevention of unemployment among juveniles. Other measures are planned to enable pupils to continue attending school when they have not completed the curriculum but have reached the minimum school-leaving age. In addition, it is planned to introduce preparatory courses in vocational schools for juveniles who are not entering into an apprenticeship or taking up employment.

The definition of the term "juvenile" given in the Recommendation corresponds to the definition accepted in Austrian law and administrative practice.

No legal basis exists at present for the granting of maintenance allowances, but the above-mentioned Bill on public education, provides that such allowances, drawn from public funds, may be granted to particularly gifted school children. In Vienna, Upper Austria and Styria, unemployed juveniles

may, if they so desire, attend preparatory vocational courses organised by the "Youth at Work" (*Jugend am Werk*) association. Juveniles who have not completed the curriculum of the primary schools may do so in these courses, which are partly subsidised by the State and are given free of charge. Members of the courses are granted a maintenance allowance and pocket money.

If there is a sufficient number of entrants one-year continuation courses are organised at the secondary schools for pupils who have completed the compulsory curriculum and wish to continue attendance at school. The main object of these courses is to complete the general education of the children and to prepare them for occupational activity.

At the request of the employment offices, the education authorities have agreed to establish preparatory vocational courses in the vocational schools at some future date. However, at present, the organisation of such courses has no statutory basis and no systematic plan has been evolved. Their aim would be to complete the elementary vocational knowledge of the pupils, to provide them with general training for occupational activity and to test their vocational aptitudes. The workers' organisations have also recommended that pupils should be given an introductory course in economic and social questions and civic education.

By agreement with the education authorities, vocational guidance experts in the employment services provide juveniles with information on training facilities in secondary and vocational schools. Outstanding pupils are given an individual vocational guidance test. Moreover, the advisers in the employment service co-operate in recruiting candidates for technical and vocational schools.

Reduction of or exemption from fees is granted by general secondary and vocational schools to outstanding pupils of limited means; such pupils also receive scholarships from the education authorities and from provincial and municipal authorities.

Under Austrian law, all juveniles who receive vocational training in the form of apprenticeship are required to attend courses at a vocational school for eight hours per week.

The provisions of the Recommendation regarding the organisation of special courses for unemployed juveniles have already been given effect through the activities of the "Youth at Work" association. Attendance at these courses is, however, optional.

Under Austrian law, the right to unemployment benefit is covered by insurance. One of the conditions for acquiring the right to insurance benefit is that the unemployed persons should be willing to work. An unemployed person is deemed to be willing to work when he is ready to accept a suitable employment proposed by the employment service, or if he is prepared to undergo a further period of vocational training or vocational re-adaptation recommended by the employment service. Should he refuse to do so, he is disqualified for the right to unemployment benefit as long as

he persists in this attitude and, in any case, for a minimum period of four weeks.

There are no centres in Austria where vocational training is given to young unemployed persons between the ages of 18 and 25 years. The latter are entitled, in the same way as other classes of unemployed persons, to attend classes and lectures of an educational or vocational nature in public secondary schools or supplementary vocational courses given at the Economic Development Institute organised by the employers' and workers' associations. Where necessary, they may also attend supplementary vocational training or retraining courses organised by the employment service. The employers' and workers' associations co-operate in the organisation of supplementary vocational training courses given under the auspices of the Economic Development Institute. Through their representatives on the joint committees attached to the employment services, they can also promote the organisation of such courses by the employment services.

In the case of courses held for juveniles between the ages of 14 and 18 years, for example, the "one-year" courses, the curriculum includes both practical subjects and courses of general cultural interest.

Pupils of courses organised by the "Youth at Work" association receive pocket money and, where necessary, a grant to cover their travelling expenses. Juveniles attending vocational training and retraining courses organised by the employment offices receive unemployment benefit, provided they are eligible. If not, they receive, where necessary, a grant to cover their maintenance expenses throughout the duration of the course.

Information is also given on periods of practical training, undertaken after the completion of their theoretical studies, by doctors, pharmaceutical chemists, lawyers, nursery gardeners and hotel employees. The report adds that the pupils of technical and vocational schools are required to undergo four weeks' practical training during the summer holidays.

Recreational and social services for the young unemployed. Public authorities and workers' organisations are devoting increasing attention to the question of recreation for juveniles, without making any distinction between employed and unemployed persons. The special services for young people, attached to the provincial governments, work in co-operation with the various youth organisations in matters such as cinema and theatre shows for young people at reduced prices, the creation of a network of youth hostels, and the organisation of lectures and classes for unemployed persons in the higher public schools to which juveniles are also admitted. In addition, for the last three years, international holiday courses have been organised in summer for teachers by the Ministry of Education. Finally, as was mentioned in a previous paragraph, the "Youth at Work" association in Vienna, Linz and Graz, organises vocational training classes for juveniles between 14 and

17 years of age, who are not apprenticed or employed.

Action by trade organisations and private organisations. The public authorities co-operate in educational and social services for the young unemployed, organised by industrial associations, youth organisations and other bodies.

Special employment centres. For reasons of principle, the creation of special employment centres for the young unemployed is considered undesirable in many quarters, particularly among trade associations and youth organisations.

Special public works for unemployed young persons. The employment offices endeavour to assign unemployed juveniles to work along with adults in public works projects. However, there are no special public works projects organised for juveniles and any attempt to organise them would be doomed to failure because of technical difficulties. The trade organisations are in favour of young persons being employed in public works provided that they are paid a normal wage and that the creation of labour camps is avoided.

Placing and development of opportunities for normal employment. The organisation of the Austrian employment service takes into account to a considerable extent the provisions of the Recommendation concerning special arrangements for the placing of juveniles. A central vocational guidance service is attached to the Federal Ministry of Social Affairs. In addition, special vocational guidance services are in existence in the provincial and local employment services.

At present, employers are not bound to notify the employment offices of vacancies for juveniles, but this obligation is specified in a Federal Government Bill to regulate vocational guidance and the placing of workers and apprentices. On the other hand, the employment services are informed of all engagements of workers and apprentices which are not effected by the employment service, as the sickness funds communicate information provided by the employers in regard to application for membership of social insurance schemes.

The supervision of the results of placings effected is facilitated by the fact that applicants for employment at the employment service are issued with a form, in two parts, which contains a reply-paid letter for the employers which is nearly always answered. In this way, the employment office knows whether the applicant has been engaged. The employment offices co-operate actively with the various organisations dealing with young persons and, in particular, with the school authorities. This co-operation takes place on the national, provincial and local level, especially in regard to vocational guidance and information regarding the various occupations.

The general rehabilitation services set up by the employment service are available to young applicants for employment aged 18 years and over.

The local and provincial employment offices work in close collaboration in order to obtain a rational inter-regional distribution of applications for employment by workers and apprentices. This distribution is facilitated through the regular publication by the provincial employment services of lists describing the situation of the employment market and by announcements on the radio of vacancies and applications for employment. However, inter-regional placement is always made subject to the consent of workers and, for juveniles, to the consent of their legal representative. Apprentices for whom there are no training opportunities at their place of residence and who are transferred to another area receive a lodging allowance paid out of public funds.

The department dealing with the international exchange of trainees in Vienna organises the exchange of pupils of the higher vocational schools who go abroad in the summer for periods of practical training. Austria has concluded agreements on this matter with 12 countries.

Measures to promote re-employment by a reduction in ordinary hours of work are under consideration at present.

Statistics. Statistics on the placing of workers and apprentices are utilised by the authorities dealing with labour market questions. Applicants for employment are classified by sex, region and occupation. In addition, the vocational guidance department issues an annual statistical report in which unemployed persons are also classified according to sex, occupation and region, and which also distinguishes between juveniles who have just left school and older persons who have applied to the department for advice.

As no permanent statistics are published showing distribution by age group, half-yearly lists are established by the employment service, classifying, in three different age groups, workers and apprentices under 20 years of age who are seeking employment, under 16 years, 16 to 17 years and 18 to 19 years. Other applicants for employment are classified in the age groups 20 to 30 years, 30 to 40 years, 40 to 50 years, etc. No information on the duration of unemployment is given.

The Census Act of 5 July 1950 provides for statistical enquiries into school education, vocational training, occupations and employment. The data obtained also include information on unemployment, classified under the different headings specified in paragraph 44 of the Recommendation. No annual statistics are published concerning children of school age who are employed outside school hours. However, under the Federal Act of 1 July 1948, the employment of children and juveniles is supervised by the regional administrative authorities, the inspection services and the local and school authorities.

Appended to the report are several documents, including the texts of Bills concerning general and vocational education, as well as

regulations on the protection of juveniles and apprentices.

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

Belgium.

School-leaving age — age for admission to employment — general and vocational education. Under the Act of 19 May 1914 school attendance is compulsory for a period of eight years, from the age of 6 to 14 years. Only children who have fully complied with the school attendance regulations are entitled to a work book. In addition, by virtue of the Act of 1919, respecting the employment of women and children, the employment of children under 14 years of age is strictly forbidden and special conditions of work are laid down for juveniles under the age of 16 years. The raising of the school-leaving age has been proposed on several occasions and was the subject of a recent statement to the Senate by the Minister of Public Instruction.

Under the Royal Decree of 31 July 1935, which remained in force until 1947, the compulsory school attendance period was prolonged in the case of juveniles who had left school but were not in regular employment or in a permanent occupation. On 9 March 1947 an Order of the Regent repealed the sections dealing with the raising of the school-leaving age, on the grounds that vocational training schemes are now sufficiently developed to admit the school children referred to in those sections at the end of the compulsory attendance period.

Nevertheless, young unemployed persons under 21 years of age are bound to attend a vocational school during their period of retraining; they may leave this school to take up employment.

The Government has taken note of the definition of the term "suitable" in paragraph 2 (2) of the Recommendation.

In accordance with the Royal Decree of 9 March 1951, a Higher Technical Training Board has been set up at the Ministry of Education. It includes delegates from the most representative workers' organisations, as well as representatives of technical and agricultural education bodies. An advanced technical training board has also been created to study teaching problems in technical and vocational training.

Family allowances are continued up to 18 years of age for all juveniles who are not gainfully employed, who regularly attend full-time vocational or general educational courses, or are bound by a contract of apprenticeship recognised by the Government.

As part of the vocational retraining scheme for the unemployed, young unemployed persons are designated by an advisory board of the Fund for the maintenance of unemployed persons to attend a vocational education establishment and are directed, according to their aptitudes, to vocational and technical schools, commercial and agricultural schools and schools for decorative art, etc. The

curriculum includes subjects of cultural interest, as well as technical and practical courses.

Attendance at school beyond the normal leaving-age is left to be decided by the children and their parents, but children are encouraged to remain at school by various institutions, such as the specialised placement and vocational guidance services, the workers' and employers' organisations, etc. A large number of full-time technical training courses are held during the day (941 schools with 97,753 pupils between the ages of 14 and 20 years), which partly explains the absence of special regulations on this question.

The apprenticeship offices (*Secrétariats d'apprentissage*) constitute another form of vocational training. In 1949, they had concluded 9,626 contracts. The temporary courses for apprentices (general educational courses, technical and practical courses), organised by the Ministry of Economic Affairs and the Middle Classes, are developing rapidly; in 1948, 508 classes existed, and in 1949, 1,086. If evening classes are included, some 165,288 young people, of both sexes, between the ages of 14 and 20 years received vocational training, and 25 per cent. of the persons in this age group received some form of general and vocational education, or of vocational education alone.

In the general and technical secondary schools inspected by the State, very moderate school fees are charged. A large number of total or partial exemptions are also granted according to the circumstances. Other facilities are also available to school children, such as the loan of text-books, scholarships granted by the authorities or by private bodies, loans without security, etc.

Attendance at general and vocational continuation classes held in the evening and on Sunday morning, is also voluntary. The total number of pupils in attendance is 67,535.

Under the Order of the Regent of 26 May 1945, unemployed workers under 21 years of age may be compelled to attend full-time voluntary training courses by the joint advisory boards attached to the regional offices of the Fund for unemployed persons. The admission to these courses of unemployed juveniles under 18 years of age, is subject to certain conditions which are listed in the report. During the period 1945 to 1950, only 1,459 unemployed juveniles were designated by the joint committee to attend the vocational training courses.

Collective retraining centres are set up in any given area, if the juvenile unemployment situation warrants taking such a step. In 1949, there were 61 centres of this type, attended by 1,406 juveniles (the number of totally unemployed persons under 21 years was 17,743).

Young persons in employment may supplement their training by attending evening classes. Only rarely do the employers arrange for a supplementary practical training course to be given.

Unemployed persons following a retraining course which is interrupted as a result of

circumstances within their control, are deemed to be voluntarily unemployed. Under the Order of the Regent of 26 May 1945, refusal to attend a rehabilitation course, or abandonment thereof, is considered as equivalent to refusal or abandonment of employment. The penalties applied range between the partial and the total withdrawal of unemployment benefit.

The vocational training centres set up and administered by the Fund for unemployed persons seem to provide the best method of vocational readjustment of unemployed persons, according to the results of experiments made in Belgium. Vocational readjustment can also be obtained in a vocational training establishment. Under the pressure of economic requirements, the instruction given, which originally consisted in teaching the unemployed the first elements of an occupation, has become instruction in a specialised aspect of some trade to meet the requirements of local industry. Persons who have obtained certificates from vocational training establishments, as well as those who have acquired a certain skill in workshops and factories, attend schools and centres in which such instruction is provided. The centres are open during the winter and the length of the course varies from one to six months, according to the occupation chosen. Unemployed juveniles are free to take a residential or non-residential course. Training is given mainly in trades connected with the construction industry, the wood industry and the metal trades.

The advisory boards set up by the above-mentioned Fund, which designate unemployed persons who are to undergo retraining, are joint bodies; their members are selected from the most representative employers' and workers' organisations. These organisations are also invited to assist the committee by providing materials, tools and premises free of charge.

In addition to theoretical and practical courses on vocational subjects, unemployed persons also receive a general vocational and cultural education in the form of lectures, films, elementary instruction on the main social laws, industrial safety campaigns, etc.; a recreational programme is also arranged.

The recruitment of suitably qualified instructors has met with certain difficulties. The general practice is to select instructors from among teachers in technical or industrial schools and foremen and skilled workers in private establishments. A fee of 60 francs per hour is paid to instructors.

Unemployed persons undergoing retraining in a collective vocational training centre enjoy certain advantages, such as maintenance of unemployment benefit; reimbursement of travel expenses above a certain minimum; various bonuses; living allowance for pupils for whom it is difficult or impossible to return to their homes, etc.

Where retraining is given in a school, the Unemployment Fund reimburses travelling expenses above a certain minimum, and pays

the school fees. At the discretion of the joint committee of the fund, these advantages may be granted to unemployed persons of all ages who attend the course. In any case, unemployment benefit continues to be paid. Where retraining is individual and is undergone at the employer's establishment, the latter is invited to pay the worker a bonus for his services.

The total sum of benefits and allowances may not exceed the normal wage paid to skilled workers in the district and in the trade in which the pupil is being retrained. In the case of pupils or apprentices between 18 and 21 years of age, the total sum may not exceed the wage normally paid to unskilled workers in the district.

No measures have as yet been taken to assist young persons unable to find employment after terminating their studies in secondary, technical or high schools, to supplement their theoretical training by obtaining practical experience in industrial, commercial or other undertakings, or in public administrations.

The various measures of a vocational nature applied to young unemployed persons as part of the general scheme of vocational retraining for the unemployed, are described in Section 69 of the Order of the Regent, 26 May 1945. As was mentioned in a previous paragraph, continued attendance at school is a matter for juveniles to decide themselves, although various steps are taken to encourage them to remain at school. For juveniles who do so, various facilities are granted, such as exemption from school fees or payment of school fees by the Unemployment Fund, etc.

The vocational supervision services (*Tutelle professionnelle*) take steps to find employment opportunities for juveniles by making enquiries among employers, and endeavour to stimulate offers of vacancies.

So far, no special centres have been set up to train vocational retraining instructors, but the staff (teachers in technical schools, foremen and skilled workmen) are chosen for their technical knowledge, their experience of the trade or profession and their aptitude for teaching adults.

Recreational and social services for the young unemployed. Although there are few schemes which cater exclusively for unemployed juveniles, there are many popular schemes of a general educational character for which they are eligible. A programme of work was drafted in 1949 at Liège by representatives of organisations and of various groups (in particular, technical training staff, vocational supervision of young workers, the National Vocational Guidance Office and the National Recreation Committee). This programme includes various activities and services, such as study circles, libraries, workshop schools, etc. The Young Men's Christian Association (Y.M.C.A.) and the Young Christian Workers (J.O.C.) also offer their facilities to unemployed boys and girls, who may use their reading rooms and recreation facilities. Finally, training camps for unemployed

juveniles were organised in 1949 in Eastern Flanders.

A great many educational schemes of a popular nature have been organised for the benefit of both employed and unemployed juveniles. Several institutions, such as the Popular Education Department and the National Workers' Recreation Office, both of which were founded in 1946, have been set up by the Government and are attached to the Ministry of Public Instruction. Other important arrangements made by this Ministry include a library service, a cinematograph service, organised visits to museums, concerts, etc. Other Ministries take part in schemes for the benefit of young people, namely, the Ministry of Communications (holiday arrangements), the Ministry of Public Health and Family (grants to sports associations) and the Ministry of Labour and Social Welfare (holidays for young workers).

The provincial and local institutions and private organisations, especially youth movements, carry on numerous activities connected with education and recreation, as well as social services for employed and unemployed juveniles. The youth movements are managed by the young people themselves and are independent of arrangements for adults. The creation of adult workers' recreational institutions is left to private initiative or to that of the local or provincial authorities.

The official authorities do not participate in the organisation of social welfare centres for the young unemployed. However, various associations, such as the Y.M.C.A., the J.O.C., etc., organise hostels for employed and unemployed juveniles. Low-price restaurants operate at the different centres. In certain hostels, such as those in Schaltin and Cardijn, there are classrooms and workshops where young people can learn the elements of a trade. Hygienic conditions in these centres are satisfactory and facilities for indoor games and for sports and libraries are provided.

Special employment centres. Two special employment centres, one for girls and one for boys, have been organised by the Unemployment Fund. The main object in creating these centres is to help young people to avoid idleness and to give them the opportunity of attending general and practical training courses. The report gives a detailed description of the non-residential centre at Namur, where courses were given for a period of 13 weeks; attendance at this centre is compulsory for totally unemployed young women who are given instruction in various kinds of household and family work. Information is given under the provisions of the Recommendation referring to special employment centres.

Special public works for young unemployed. Under the Ministerial Order of 10 August 1946, and on the request of the provincial and local authorities, unemployed persons, including juveniles, who are in receipt of compensation from the Unemployment Fund may be given employment in public utility works to which

they are suited by reason of their skill and degree of vocational training.

Placing and development of opportunities for normal employment. Under the Order of the Regent of 25 October 1945, specialised placing and vocational supervision sections were created at the employment service attached to each regional office of the Unemployment Fund. Twenty-four such sections are in operation at present. The object of these services is to provide young workers with regular employment in accordance with their aptitudes. For this purpose, they maintain contact with the schools and supervise the behaviour of young persons at work, for whom they endeavour to find employment more suited to the aptitudes which they have shown. The vocational guidance services are separate bodies under the jurisdiction of the Ministry of Education, but the vocational supervision services co-operate closely with them. Thus, the files of young persons who apply for a vocational guidance test are submitted to the vocational guidance service for their comment and advice.

Employers do not notify vacancies for juveniles or engagements made without recourse to the placement service. It is the placement officer in the vocational supervision service who is responsible for inviting employers to notify situations vacant.

The results of the vocational retraining of juveniles are followed up by means of periodic sample investigations. A final enquiry is made two months before the young worker has attained 20 years of age, and on the basis of this, the vocational supervision service is able to draw up a report on the results of assistance given to young people, before sending them to the adult employment offices. Each vocational supervision service keeps a current record of placement operations and their results.

The vocational supervision services maintain close relations with all youth organisations, educational establishments and educational authorities.

Under the Order of 26 May 1945, vocational retraining courses are given to all totally unemployed persons between the ages of 14 and 65 years; the method used is that of individual or collective retraining, according to the age group. The first method is applied to totally unemployed persons aged not less than 21 years (in exceptional cases unemployed persons over 18 and under 21 years are also included) and the courses are held in vocational training establishments created or supported financially by the authorities, or else at an employer's establishment under a contract of apprenticeship. Collective retraining courses are held either in a vocational training establishment set up and subsidised by the public authorities, or in centres managed by the Unemployment Fund, and are open to totally unemployed persons between the ages of 14 and 65 years. Attendance at these courses may be made compulsory for unemployed persons under 21 years of age.

The transfer of workers is hampered by various obstacles, such as lack of information on employment opportunities and conditions in other areas, reluctance of workers to change their place of residence, and expenses connected with travelling. The placement services have been invited to examine the possibility of extending the compensation arrangements, and the Unemployment Fund has considered various steps, such as the granting of allowances in respect of travel and removal expenses.

Many organisations, especially the youth movements, make arrangements for the international exchange of young persons. In addition, a multilateral agreement has been signed by the Brussels Pact Powers (Belgium, France, Luxembourg, Netherlands, United Kingdom). This agreement provides for the exchange of trainees of either sex who are not over 30 years of age and wish to enlarge their experience of their trade. Trainee employment is authorised subject to certain conditions such as duration. Trainees are entitled to equality of treatment with nationals of the country in regard to conditions of work and safety and hygienic measures. In order to assist applicants to find employment as trainees, the contracting parties have undertaken the establishment of a central office for this purpose. The Belgian Government has also signed various bilateral agreements with France, Italy, Switzerland, etc.

The re-employment of workers by a reduction in the ordinary hours of work has met with hostility on the part of the employers, owing to the number of problems and administrative difficulties involved.

Statistics. Statistics on the unemployment of young persons, which are compiled in Belgium by the unemployment insurance institutions and the employment offices, are classified by sex, age, occupation and duration of employment. In addition, half-yearly returns are compiled of totally unemployed workers in receipt of compensation. The data compiled include the distribution by area and sex, by occupational group and sex, and by age group. Special enquiries are also made by the employment service. Finally, when the population census includes an enumeration of unemployed persons, the information obtained is classified according to age, marital status and occupation.

No statistics are available on children of school age who are employed outside school hours.

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

Bolivia.

Legislative measures putting into effect some of the provisions of the Recommendation are either embodied in the Constitution or provided for by the Labour Code of 8 December 1942.

School-leaving age — age for admission to employment — general and vocational education. Articles 154 *et seq.* of the Constitution provide for compulsory education from seven to 14 years of age and for free primary and secondary education. The State provides financial assistance for students who, owing to lack of funds, cannot continue their education and encourages education in rural districts.

Section 58 of the Labour Code forbids the employment of children under 14 years of age except as apprentices.

According to statistics compiled by the Ministry of Education, 210,329 pupils were enrolled at various schools in 1950; 187,560 of this number were attending regular courses. The number of pupils enrolled in primary schools was 105,016, in secondary schools 17,226 and in occupational schools 1,176. Nevertheless, when the census was taken, 479,888 children of school age, or nearly one-seventh of the total population of the country, were not attending school.

The shortage of school buildings has led the authorities to group more than one separate school in the same building and to shorten the school hours so that the greatest possible number of children can be taught. In addition, many children alternate their studies with work in industry or as domestic servants. There are also evening classes which allow juveniles to work during the day. Although in the principal towns most juveniles continue their education, after the school-leaving age, in universities and occupational schools, in the provinces the majority only attend primary school, subsequently devoting themselves to handicraft, agriculture or stockbreeding.

Scholarships and allowances are awarded by the national authorities, municipalities and provincial authorities to poor students who show vocational ability; in 1950, 3,190 such awards were made. Juveniles up to the age of 18 years are also exempted from the payment of school fees in certain cases; students are allowed by law to leave their work an hour early to attend classes. No special courses are provided for unemployed juveniles; the report points out that it would be premature to introduce such courses in the absence of a system of unemployment allowances.

Recreational and social services for the young unemployed. The Ministry of Labour has created a special fund and granted subsidies to trade unions for the establishment of libraries and recreational centres. By virtue of the legislation in force, industrial undertakings must maintain schools for their workers' children and provide sports grounds near the work place. For financial reasons, there is no systematic organisation of either recreational centres or social service centres for young workers and young unemployed persons, but the first steps in this direction have been taken by the building of a youth centre at La Paz, the catering for which will be undertaken by the directorate of social services for students.

Action by trade organisations and private organisations. The public authorities are prepared to support any private initiative in favour of education and social services for young unemployed persons, but trade organisations show little interest in the matter.

Special employment centres. No employment centres conforming to the provisions of the Recommendation yet exist, but the Union of Catholic Workers, sponsored by the Ministry of Social Welfare, has organised groups of young girls for sewing and other domestic work. In addition, the Directorate-General of Youth has already found domestic employment for 271 girls and 127 boys.

Special public works for unemployed young persons. As there are few unemployed young persons, no public works have been organised for them.

Placing and development of opportunities for normal employment. No national placing service has yet been organised, but the Government of Bolivia is anxious to introduce one as soon as possible and has already asked for the assistance of International Labour Office experts.

Statistics. Without any unemployment insurance or placing service, it has been impossible to assess the number of unemployed young persons. However, on the basis of workers' pay slips, statistics are being prepared, showing all young persons between 14 and 18 years of age, under the heading "minors".

Canada.

The matters dealt with in the Recommendation are within the competence of the provincial legislatures, except as regards the North West Territories and the Yukon, where they are regulated by Parliament. The question of statistics for the whole of Canada involves legislative measures which are within the competence of Parliament.

School-leaving age — age for admission to employment — general and vocational education. In areas over which the Canadian Parliament has jurisdiction in such matters, i.e., the Yukon and the North West Territories, it is impossible to implement most of the relevant provisions. In addition, because of the geographical and economic features of these areas, there is no great demand for placing and vocational training services. However, in these and in other areas, special counsellors of the national employment service are responsible for the vocational training and guidance of young persons and keep in close contact with educational authorities and employers.

Recreational and social services for the young unemployed. The recreational and social service centres mentioned in paragraphs 16 and 17 of the Recommendation are usually the responsibility of municipal authorities. No relevant information is available for the Yukon and the North West Territories.

Action by trade organisations and private organisations. No information is at present available.

Special employment centres. It has not so far been deemed necessary to establish special employment centres for unemployed persons between 18 and 24 years of age.

Special public works for unemployed young persons. It has been found unnecessary to have recourse to special public works for unemployed young persons.

Placing and development of opportunities for normal employment. The national employment service operates special employment offices for juveniles in some of the larger centres, while elsewhere there are special consulting departments for juveniles in the local placing offices. These special employment offices and consulting departments help young persons to choose and to find employment in a suitable occupation. The co-operation of employers is sought and they are requested to announce vacancies to the special employment offices for young persons; such vacancies are announced in the local employment offices and are open to juveniles with suitable qualifications.

Apprenticeship comes under provincial jurisdiction, but officials of the national employment service work closely with the provincial apprenticeship boards and with the education authorities and vocational training bodies.

No facilities exist for Government participation in any of the measures mentioned in paragraphs 41 to 43 of the Recommendation (transfer of unemployed juveniles to other districts, agreements for the international exchange of student employees, re-employment by a reduction in ordinary hours of work).

Statistics. The statistics compiled by the Unemployment Insurance Commission include regular reports which indicate the number of persons under 20 years of age, as well as those in various higher-age groups; these statistics are classified by sex. There is no provision for showing separately the number of persons who have never been in paid employment. Other statistics are compiled by the Dominion Bureau of Statistics.

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

Denmark.

Unemployment among young persons is regulated by Act No. 138 of 29 March 1947, which replaces Act No. 591 of 11 November 1940 concerning youth camps. In conformity with this Act, seven technical schools accommodating about 600 young workers have been established in rural districts. These schools are of a type intermediate between the vocational training schemes mentioned in paragraphs 11 to 13 of the Recommendation and the employment centres mentioned in paragraphs 19 to 34. The

schools, to which the public employment service sends unskilled unemployed persons between the ages of 18 and 25 years, endeavour to give a vocational training based on theoretical and practical instruction, as well as general culture and physical training. Moreover, under the provisions of the Act, the Government may subsidise advanced vocational courses for young skilled unemployed and special public works (cf. paragraph 35 of the Recommendation), but, as there has been little unemployment among young persons in recent years, the organisation of such works has been unnecessary.

Danish legislation gives effect to some of the provisions of the Recommendation. Thus, young unemployed persons and pupils who refuse to attend a course forfeit their right to unemployment benefit. No one is bound to attend courses for more than six consecutive months or, if attendance has been interrupted, for a total period of more than nine months of attendance but, in most cases, attendance of courses is voluntary (paragraphs 10 and 20). The Ministry of Labour and Social Affairs subsidises a private vocational training centre similar to the technical schools for young persons. Military training is not given at any of the above-mentioned schools (paragraph 21). All pupils undergo medical examination on arrival, and strict hygienic conditions are observed (paragraphs 22 and 23).

Working conditions in the schools are arranged to correspond as closely as possible to the conditions in private undertakings. The schools encourage the spare-time activities advocated in paragraph 30 of the Recommendation. In case of serious indiscipline, pupils may be expelled. Pupils usually form associations and their representatives may negotiate problems of common interest with the management of the school and discuss with the representative of the Ministry of Labour any question concerning school attendance (paragraph 24).

Pupils' travelling expenses and return fares to their homes at Christmas and Easter are paid out of public funds (paragraph 13). The distance between pupils' homes and the school is of no importance in a country like Denmark (paragraph 25).

The schools do not compete with workers in normal employment; the work is, as far as possible, appropriate to the age, strength, sex and occupation of the persons concerned (paragraph 26). As far as possible, work is paid at piece rates, in accordance with the ordinary agreements made between employers and workers. Exceptionally, an hourly rate, fixed by the Ministry of Labour and Social Affairs, is paid. A percentage of wages is deducted for board and lodging and, to a certain extent, for clothing. While at school, pupils do not have to pay unemployment insurance contributions, but they must be members of a sickness insurance fund, the contributions being deducted from their earnings. Part of the balance of the pupils' earnings is paid into a savings bank for them (paragraphs 27 and 28). The Ministry of

Labour and Social Affairs is itself the insurance carrier for pupils of the State technical vocational schools (paragraph 29). Pupils are employed for 36 hours a week on practical work, while a further 18 hours are devoted to instruction (especially technical instruction) and sport; they may also take part in instructive and recreational activities, lectures, recitals, games etc. (paragraph 30). The staff of schools comprises a principal, a number of persons in charge of the practical work and teachers whose salaries are paid by the Ministry of Labour and Social Affairs (paragraph 31).

A committee for the welfare of the young supervises the work of the schools and advises the competent administrative body and the Ministry (paragraph 32 (1)). The committee does not include representatives of employers' and workers' organisations, or of the public bodies mentioned in paragraph 32 (2) of the Recommendation. No women are members of the committee (paragraph 32 (3)).

There is close co-operation between the Ministry, the schools and the public employment exchanges. A list of the pupils is notified to the employment exchanges, and pupils who are offered employment which is better than temporary are obliged to leave school (paragraph 33).

Denmark has taken the following measures as regards placing and the development of opportunities for normal employment. Vocational guidance departments have been provisionally attached to eight employment offices and the Ministry of Labour and Social Affairs has drafted a Bill on vocational guidance in conformity with Recommendation 87; the Bill has not yet been submitted to the Parliament.

As juveniles under 18 years of age are not admitted as active members in the Unemployment Insurance Scheme, this age group is not included in unemployment statistics. The quarterly returns compiled by the Statistics Department, on the basis of information supplied by the employment exchanges, show the number of insured juveniles who are unemployed, classified by sex and occupation and according to the age groups 18 to 21 years and 22 to 24 years. The employment exchanges also provide the Ministry of Labour and Social Affairs with monthly returns showing the number of young people directed to the vocational schools for juveniles under the Act of 29 March 1947, respecting measures to reduce unemployment among young persons.

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

Dominican Republic.

The national legislation lays down that primary education shall be compulsory and free for all children between six and 14 years of age. As regards recreational and social services for young persons, the report states that Act No. 1,399 of 19 April 1946 makes

the social welfare authorities responsible for the construction and upkeep of gymnasiums, sports grounds and similar establishments.

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

Finland.

By virtue of the Act of 23 July 1936, respecting employment exchanges, placing offices for juveniles have been set up in the larger towns. The staff of these offices comprises persons qualified in vocational guidance, a matter to which Finland devotes special attention. The Unemployment Regulations of 7 December 1950 make special provision for the organisation of unemployment assistance to young persons.

The minimum school-leaving age is fixed at 16 years. There has been no unemployment in the last few years, and there has even been a shortage of juvenile labour in commerce and in offices.

The national legislation provides for State grants to pupils of vocational schools, in the form of allowances or loans. During the period 1945-1950, between 6,000 and 9,500 grants and between 1,600 and 3,200 loans were made per year.

At present, unemployment assistance cannot be brought entirely into line with the provisions of the Recommendation which, however, have already been largely followed; the Government does not intend to make any modifications of these provisions.

The application of the relevant legislative measures is the responsibility of the Ministry of Communications and Public Works on the national level, of the subordinate offices of the Ministry on the regional level, and of the local authorities, placing offices and local committees on the local level. Where placing offices have special departments for young persons, a committee of management and supervision is set up in each commune, consisting of representatives of employers' and workers' organisations, the education authorities and youth organisations. In addition, the representative employers' and workers' organisations co-operate with the Labour Council, whose duties, in administrative matters, are connected with those of the Ministry of Public Works.

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

France.

School-leaving age — age for admission to employment — general and vocational education. The minimum school-leaving age, and the minimum age for admission to employment are fixed at 14 years. Juveniles of 14 years of age who do not voluntarily continue attendance at school (including full-time vocational training courses), and who become apprenticed in industry and commerce, are required to follow, up to 18 years of age, a vocational course which comprises general education and vocational education. Family allowances

are paid to parents on the condition that their children attend these courses. The raising of the compulsory school-leaving age is provided for in a general educational reform Bill; for many young persons such a continuation of vocational education would mean training as skilled workers or employees.

The number of juveniles unable to find suitable employment appears to be very slight.

The curricula observed in technical training establishments, and the methods used in teaching apprentices, have the twofold purpose of promoting general culture and providing vocational training. An extensive system of vocational guidance centres operates under the control of the State Secretariat for technical training. Its object is to encourage juveniles who possess the necessary aptitude to receive more advanced training. Instruction is free in the apprenticeship centres, technical colleges, national vocational schools and secondary schools. Moreover, many scholarships are granted, especially scholarships designed to defray the expenses of boarding, maintenance and initial equipment.

Under the Act of 25 July 1919, and the Legislative Decree of 24 May 1938, compulsory vocational training courses, in accordance with the provisions of the Recommendation, are organised for young apprentices of either sex. In practice, it is possible for a small number of unemployed juveniles to attend vocational training courses. The French Government would give favourable consideration to any measure to make these courses compulsory for all juveniles who are not serving an apprenticeship.

It was decided recently that unemployed persons were eligible for admission to advanced training courses organised under certain legal provisions, for every employed person aged 18 and over. However, this measure was an experimental one adopted to meet the case of young unemployed dressmakers, and is not organised on the systematic basis suggested in the Recommendation. At the same time, the French Government is in favour of the establishment of vocational residential or non-residential training centres for unemployed persons between the ages of 18 and 25 years. These centres would be organised in co-operation with employers' and workers' organisations and the programmes would include general courses of vocational and cultural interest as well as practical subjects. In the majority of cases, such courses would train unemployed persons for trades other than those for which they had originally trained.

The Government is in favour of granting additional allowances to meet travelling or other expenses subject, however, to the condition that, in each case, the financial circumstances of the persons concerned are examined, and that the allowances are not considered separately, but in relation to those granted under paragraphs 9 and 11 of the Recommendation.

Ordinary vocational training is tending more and more to be followed by periods of work as trainees in industry and commerce

before being definitely employed. For this reason, it is the opinion of the Government that periods of work to gain practical experience, as mentioned in Paragraph 14 (a), should be undertaken as an extension of normal vocational training, and not because the person in question is unemployed. On the other hand, the French Government is in favour of any measure which will assist unemployed juveniles to attend various educational establishments for a considerable period of time.

It is the aim of the vocational guidance centres to provide young people with information as to the requirements in the various occupations; intensive efforts are being made to ensure that full information is given, this being, in the opinion of the Government, one of the most essential aspects of vocational guidance and training.

Special employment centres. In present circumstances, it has not been found necessary to establish special employment centres for unemployed persons between the ages of 18 and 24 inclusive. The policy of the employment service is that young people of 17 years of age and over should be given the same vocational training as adults in vocational training centres where the conditions correspond on all points with the provisions of the Recommendation concerning special employment centres.

Special public works for unemployed young persons. Young persons aged 17 years and over who are not eligible for admission to vocational training centres, are covered under French unemployment laws by the provisions of the Decree of 15 July 1949, establishing the conditions in which unemployed persons may be employed in various works by local authorities. However, this measure is regarded as being no more than palliative, and the French employment services are advised to direct young persons to vocational training centres.

Placement and development of opportunities for normal employment. As a rule, each departmental manpower service includes a special section dealing with the placing of juveniles, namely, the juvenile guidance and placement service. These services endeavour to place juveniles in suitable employment as defined in paragraph 2 of the Recommendation. The activities of the vocational guidance placement services are closely co-ordinated with that of the vocational guidance institutions controlled by the State Secretariat for technical training.

Employers are not required to notify vacancies, but are recommended to fill vacancies through the medium of the manpower departments.

A standing research and co-ordination committee for matters relating to the vocational training of juveniles and adults was established by a Ministerial Order of 15 April 1948. The committee is composed of representatives of the Ministry of Labour and the State Secretariat for technical training; its duties include the establishment of a classified

list of occupations and specialised trades, the submission to the Inter-Ministerial Committee on Vocational Training of a statement of manpower needs and recruits required in each occupation, and the examination of measures to be adopted to ensure the placing in suitable employment of apprentices and trainees who have received instruction in the various vocational training establishments.

The State Secretariat for technical training is represented on advisory bodies attached to the manpower department of the Ministry of Labour, and the departmental manpower committees. The representatives of the Ministry of Labour are represented in turn at meetings of the advisory vocational committees of the State Secretariat for technical training. Finally, the University Statistics Office, a body which functions under the joint auspices of the Ministry of Labour and the Ministry of National Education, is especially responsible for making analyses of vacancies, and for keeping a central file of documents relating to trades, occupations and careers.

The vocational reclassification department deals with questions relating to juveniles and adults, and especially young workers suffering from certain handicaps due to physical or mental defects.

The direction of workers to occupations which are expanding, and the transfer to districts in which such occupations are carried on, is effected in France at the local and national level by the manpower departments through a system for balancing the supply and demand for labour.

Immediately after the end of the war, the French Government endeavoured to intensify the international exchange of trainees, by revising existing agreements and concluding new ones. At present, France is signatory to 14 bilateral agreements. It is also a party to the multilateral agreement signed at Brussels in 1950, for the purpose of establishing uniform rules for the acceptance of trainees and methods of facilitating and developing trainee arrangements. The provisions of this agreement include the fixing of an annual maximum quota of trainees whose applications will be entertained whatever the situation of the labour market. However, in spite of all the efforts made, only a limited number of countries are interested in trainee exchanges. In addition, employers as a whole are somewhat reluctant to employ trainees. It would be of interest to mention this obstacle to the authorities of foreign countries, inviting them to request the trade organisations to ensure that applications should be considered in all cases, and not only in cases where the applicant happens to belong to one of the trades for which manpower is required.

Statistics. No statistics are available showing the number of employed persons under 25 years of age, who are in receipt of assistance. However, a table could be drawn up for the Department of the Seine, which contains 55 per cent. of the total of unemployed persons in receipt of assistance,

classified by sex, age (14 to 18 years and 19 to 24 years), and by occupational groups. Moreover, statistics showing the number of applicants for employment in employment exchanges, are compiled twice yearly, and showing applicants under 18 years, and from 18 to 24 years and classified separately by occupation, but not by sex.

No special enquiries have been undertaken so far, and the last population census held in 1946, did not include a special compilation of data concerning unemployed persons. Moreover no statistics are available showing the number of children of school age employed outside school hours. The Government has appended to its report two statistical tables, as well as a number of curricula from technical colleges and apprenticeship centres.

Greece.

Unemployment among young persons shows an increase in comparison with pre-war years. As a result of conditions obtaining in Greece from 1940 until recently, no basic legislation has been promulgated on this matter. However, steps have been taken to standardise the provisions governing vocational training with a view to establishing a general programme. In addition, the fees of students at vocational and technical schools have been reduced. Under Act No. 1,542 of 1950, a Vocational Training Department has also been created in the Ministry of Labour which, in addition to its other duties, is responsible for dealing with the employment of apprentices. The methods of engagement and the ratio of apprentices to skilled workers are shortly to be fixed.

A Directorate of Labour Statistics has also been set up in the Ministry of Labour which, in addition to its main duties, is to collect data concerning the work of young persons.

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

Guatemala.

The national legislation, which was enacted after the adoption of the Recommendation, does not explicitly fix 15 years as the minimum school-leaving age, but stipulates that compulsory education shall comprise six grades of primary education.

The Labour Code of 1947 fixes the age for admission to employment at 14 years, but the competent authorities may permit the employment of children under this age as apprentices, or of children who are obliged to contribute to the maintenance of the family, provided that the work involved is light and is compatible with the physical, mental and moral well-being of minors and that they receive the required compulsory education in some form or another.

Secondary education is not compulsory. In the capital and in most of the principal towns of the departments, there are public centres for secondary education, as well as special vocational training centres, with theoretical and practical courses.

The State, the municipalities and various private bodies encourage the construction of

parks, sports stadiums and sports grounds. These recreational centres are under the direct supervision of the Ministry of Education.

As the problem of unemployment among young persons is of minor importance in Guatemala, most of the provisions of the Recommendation have not yet been applied. However, the education authorities are giving close attention to the question of the technical and practical training and education of young persons. The Government will shortly supply the International Labour Office with various publications showing the extent to which some of the provisions of the Recommendation have been put into effect.

Iceland.

In Iceland school attendance is now compulsory for all children up to the age of 15 years. In certain districts, however, this limit may be either lowered or raised by one year in special cases. On completing their compulsory education, juveniles may attend State continuation schools where instruction is free. As a rule, students attend full-time courses, except during the summer holiday months, when agriculture and the fishing industry are at their busiest periods and juvenile labour is greatly in demand.

Until recently, no public action has been taken to find employment for young persons in the towns, but juvenile labour groups are being organised more and more frequently. The activities and schedules of these groups vary in accordance with the capacity of the young persons concerned. Moreover, vocational training courses are finding increasing favour with the various productive industries.

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

Ireland.

The minimum school-leaving age and the age for admission to employment are fixed at 14 years. Unemployed juveniles are not normally required to continue full-time attendance at school, but part-time attendance may be made a condition for receiving unemployment benefits. Part-time attendance at school is, however, compulsory in certain urban areas and every encouragement is given to juveniles to remain at school beyond the minimum school-leaving age. Thus, many apprentices are required to attend part-time courses and many employers encourage them to attend such courses. Evening courses open to juveniles are organised by various institutions and universities in co-operation with trade unions. A Youth Welfare Committee in Dublin, which arranges classes for persons covered by the Recommendation, is financed jointly by the Department of Education and the local Vocational Education Committee.

Voluntary juvenile advisory committees, comprising representatives of employers and workers and of religious, education and local authorities, advise on the management of local

employment offices in the interests of juveniles. They also give vocational guidance to juveniles, help them to find suitable employment and maintain contact with the public and private institutions interested in young persons. Most schools help their former pupils in choosing and obtaining suitable employment.

The exchange of trainees between Ireland and other countries is organised by the Department of Industry and Commerce. Agreements allowing for the exchange of trainees up to a maximum of 200 on each side have been concluded with the Governments of France and Switzerland.

The Department of Social Welfare compiles statistics of employment and unemployment, classified by sex and occupation, on the basis of figures supplied by the employment exchanges. The statistics are divided into two age-groups only: persons below 18 years of age and persons above this age. Persons who have never been employed are classified under a special code number. The statistics are supplemented by periodical enquiries concerning male workers registered at public employment exchanges and classified by age. In addition, the results of general censuses are analysed to obtain the data mentioned in paragraph 46 of the Recommendation. However, children under school-leaving age engaged in employment out of school hours are not included in such statistics.

Provision is not made in the national legislation for the grant of maintenance allowances during additional periods of education, nor for vocational training courses and special employment centres for unemployed persons between 18 and 25 years of age. Similarly, as the number of unemployed juveniles is relatively very small, it has not been considered necessary to apply the provisions of the Recommendation concerning practical experience in industry, recreational centres and special public works for unemployed young persons. In the period 1940-1948, however, such works were organised as the number of young unemployed warranted this measure.

The State takes no action to promote the re-employment of unemployed juveniles by a reduction in ordinary hours of work, since this is regarded as a function of employers' and workers' organisations.

The matters dealt with in the Recommendation are administered by the State Departments of Education, Social Welfare and, to a minor degree, by the Department of Industry and Commerce. Statistics are collected by the Central Statistics Office in co-operation, where appropriate, with the above-mentioned Departments. With two exceptions (concerning school attendance) the regulations are enforced by the Departments concerned. Employers' and workers' organisations co-operate to the fullest extent in the application of the provisions of the Recommendation, especially as regards apprenticeship and vocational training.

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

Italy.

School-leaving age — age for admission to employment — general and vocational education. Under Section 5 of Act No. 653 of 26 April 1934, to safeguard the employment of women and children, children under 14 years of age may not be admitted to wage-earning employment in industry, commerce, homework and in activities in workshop schools.

Admission to employment is subject to certain requirements relating to physical aptitudes (satisfaction of these requirements must be attested by a medical certificate) and to the attainment of the school-leaving age. This is fixed at 14 years, except in the case of special exemption authorised by the Ministry of Labour, subject to the completion of a certain number of years in the primary school. A Bill which is being considered at present provides that the minimum age for admission to employment should be increased to 15 years.

The vocational training of juveniles is carried out either in schools where pre-vocational training and technical instruction is given or in general vocational training courses open to workers in general, where juveniles are only admitted upon attaining 14 years of age, or finally in the form of apprenticeship. Under Royal Legislative Decree No. 1,380 of 21 June 1938 (which became Act No. 290 on 16 January 1939), ordinary vocational training courses are organised for employed workers and are held in schools, industrial or commercial undertakings or other appropriate institutions. The rapid training courses which are governed by Act No. 264 of 29 April 1949 respecting the placement and assistance of the involuntarily unemployed, are designed to train the very large group of unskilled workers and unemployed persons over 40 years of age, to improve the skill of workers who have already received the vocational training, and to retrain those who have to be directed to a new occupation.

Persons who attend these courses (the timetable of which corresponds to normal working hours), receive, in addition to the unemployment allowance to which they are entitled, a special daily allowance and are provided with a canteen at the place where the course is held.

The vocational training of apprentices is governed by special regulations laid down by Legislative Decree No. 1,906 of 21 December 1938 (which became Act No. 739 on 2 June 1939). However, a revised series of regulations on apprenticeship are being drawn up at present, based on the Italian Constitution of 1948 and taking into account the provisions of international Recommendations dealing with this question.

Action of trade organisations or private organisations. Under the law at present ample provision is made for action by trade organisations as well as recreational, cultural and charitable associations, and every encouragement is given to their activities.

Special employment centres — special public works for young unemployed persons. In accordance with the Act of 29 April 1949

referred to in a previous paragraph, re-afforestation sites and public works projects have been set up to give employment to unemployed workers in agriculture and the building industry. With the same purpose in view the Italian National Partisans' Association has organised instructional work centres with workshops providing opportunities for paid employment in various trades. The various schemes are supervised by the authorities to guard against any possibility of abuse in the matter of wages. Persons who work in these centres are insured against industrial accidents.

Placement and the development of opportunities for normal employment. In Italian legislation (Articles 2,130-2,134 of the Civil Code, Act No. 264 of 29 April 1949 respecting vocational training and the Royal Legislative Decree No. 1,906 of 21 September 1938 concerning apprenticeship) the problem of juvenile unemployment is considered to be closely linked to the problem of vocational training. The regulations dealing with the placement of apprentices specify that they must be engaged by the competent employment offices and that the employers are also bound to engage apprentices through the medium of these offices. The employers are entitled to mention by name the apprentices they wish to engage in the case of certain occupations and specialisations listed in the relevant law.

In placing juveniles, preference should be given to persons who have obtained a certificate from a technical school or a secondary vocational school and, where qualifications are equal, priority is given to war orphans and children belonging to large families.

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

Netherlands.

School-leaving age is regulated by the Act of 1900 concerning compulsory education, as amended by the Act of 4 August 1947. Under this Act, compulsory education comprises, as from 1 January 1950, eight years of study, of which six are in primary school and two in one of the day continuation schools (ordinary primary, secondary or higher continuation school, or technical or agricultural primary school). Depending on whether the child has started school at seven or eight years of age, school-leaving age is 14 or 15 years, except for pupils who have not completed their six years of primary education by that age.

The minimum age for admission to employment was fixed at 14 years by the Labour Act of 1919. Juveniles under 18 years of age must have a work permit issued by the municipal authorities. The labour inspectorate is responsible for enforcing the provisions of the Acts referred to above.

Close co-operation is being established between education authorities and the regional branches of the national employment service, special departments of which are responsible for placing young persons between 14 and 19 years of age. About 60 per cent. of all

children continue their education after the age of 14 years; the remainder find employment after completing their compulsory education. Exemption from school fees is widely granted and the financial situation of the parents is taken into consideration in this connection.

Since the end of the second world war, there has been no unemployment among juveniles; on the contrary, there has been a shortage of such workers. Hence, the Netherlands Government has not yet had to apply the special measures against juvenile unemployment mentioned in the Recommendation (courses and special employment centres for young unemployed, arrangement of spare-time activities, special public works, etc.).

A short time ago, an Inter-Ministerial Committee made an enquiry into the possibilities of development for Netherlands youth but its report has not yet been published.

The Government reports that the measures advocated in the Recommendation for the placing of juveniles are already in force in the Netherlands.

Unemployment statistics comprise the following age groups: 14 to 18 years, 19 to 24 years, 25 to 39 years, 40 to 49 years, and 50 years and over.

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

New Zealand.

Owing to the situation in the employment market, which has been characterised by extreme labour shortages since the termination of the second world war, the Government has had some difficulty in furnishing a detailed report on the application of the Recommendation concerning employment among young persons. For example, on 31 May 1951 the number of persons registered as unemployed was 74, while the number of employment vacancies notified by employers was 21,267. In view of these facts, the report has been restricted to a detailed account of the law and practice implementing those provisions of the Recommendation which it is possible to apply at present.

The New Zealand Government is in favour of a policy of full employment. In fact, the present policy of the Government is to reduce the current labour shortage and to maintain full employment rather than to provide assistance to unemployed persons. Under the Employment Act of 1945, the National Employment Service is responsible for promoting and maintaining full employment. If unemployment among young persons should one day become a national problem, the provisions of the Recommendation will be taken into account when measures to deal with the situation are being formulated.

School-leaving age and age for admission to employment. The minimum school-leaving age is fixed at 15 years, under Section 10 of the Education Amendment Act, 1920. The minimum age for admission to employment is fixed generally at 15 years by the Educa-

tion (School Age) Regulations, 1943, which provide, subject to certain exceptions, that children of school age may not be employed during school hours or at any other time if such employment would prevent or interfere with their attendance at school.

General and vocational education. No legal provisions are in force, whereby juveniles over school age who are unable to find suitable employment are required to continue full-time attendance at school, but children were encouraged to do so during the economic depression. Education in New Zealand is free, in both primary and post-primary schools; it is free also in universities, subject to the passing of an entrance examination.

The Government has taken note of the definition of the term "juvenile" given in paragraph 3.

Family benefits, consisting of child maintenance and education allowances, are payable in respect of every child under 16 years of age. In addition, Section 66 of the Social Security Act, 1938, provides that the Social Security Commission may grant benefit in respect of children over 16 years of age, such benefit to expire not later than the end of the year in which the child attains the age of 18 years. The Commission is also empowered to authorise the granting of family benefit in respect of any child of 16 years or over who is unable to earn a living, owing to some physical or mental defect.

No special measure has been adopted in New Zealand in regard to the curriculum for children who remain at school after the statutory leaving age. However, all education contains some vocational elements, and technical education which includes specific occupational training, is available free of charge. No measure has been adopted whereby juveniles are required to attend continuation courses up to 18 years of age, even in the case of unemployed juveniles, and there is no provision for the organisation of Vocational Training Centres.

Recreational and social services for the young unemployed. The introduction of special recreational measures for young unemployed persons may be regarded as unnecessary in New Zealand. Under the Physical Welfare and Recreation Act of 1937, a well-organised system was set up a number of years ago (encouragement of sport, establishment of centres of social activities, etc.): Physical welfare officers, attached to the Internal Affairs Department, initiate and assist sports and recreational projects and provide recreational facilities for children and young workers. Grants are also made to local authorities and voluntary organisations for the purpose of constructing swimming baths, organising holiday camps and providing playing fields.

Action by trade organisations and private organisations. During the years of economic depression, the Government co-operated closely with voluntary associations for the assistance of the young unemployed. On the other hand, no necessity has arisen for the

provision of educational services for young unemployed by trade organisations or associations.

Special employment centres. The organisation of such centres has not been found necessary. Vocational guidance centres operate for the placement of young persons, but they are not faced with unemployment problems.

Special public works for unemployed young persons. No public works projects of this kind have been found necessary.

Placing and development of opportunities for normal employment. The Government of New Zealand refers to the "Employment Service Handbook" which has already been forwarded to the International Labour Office. This document explains that the vocational guidance centres of the Department of Education, which work in close co-operation with the National Employment Service and the school authorities, are responsible for the vocational guidance and placement of juveniles. The staff of these centres includes women officials. A member of the staff is designated in each secondary school to ask the children whether they wish to remain at school or to enter employment, and a file is made which is forwarded to the vocational guidance centres. In towns where no such centres exist, a vocational guidance officer makes periodic visits to schools and interviews pupils who are about to complete their studies. In addition, the vocational guidance centres keep a list of vacancies for juveniles which are communicated to them by the employers, and obtain information from the National Employment Service on the general situation of the employment market. Finally, the regional officials of the National Employment Service hold monthly meetings with representatives of the staff of the regional vocational guidance centres to discuss problems relating to the vocational guidance and placement of juveniles.

Agreements on the exchange of trainees have been concluded with the Government of the United States.

A scheme also exists for the exchange of school teachers between New Zealand and the United Kingdom, and to a limited extent, between New Zealand and Australia. In addition, New Zealand participates in the U.N.E.S.C.O. Fellowship Scheme, as well as in the Technical Assistance Programme established in Colombo in January 1950 by the Conference of Commonwealth Countries (scholarships, training facilities, etc., for students from countries participating in the Scheme).

In the present circumstances, the re-employment of young workers through a reduction in ordinary hours of work is not necessary.

Statistics. In the statistics compiled by the Department of Labour and Employment, figures are not included showing the extent of unemployment among persons under 25 years of age. Statistics are separated into the following three age groups: (i) juveniles, i.e., persons under 21 years; (ii) adults from 21 to 59 years; (iii) persons aged 60 or over. Figures are classified according to sex, age and occupation. Persons who have never been in paid employment are classified separately, according to the occupation for which they have been trained and also that in which they have applied for employment.

In recent years, special enquiries concerning unemployment have been unnecessary. The Research Division of the Department of Labour and Employment has lately made enquiries dealing with juvenile employment matters. In addition, monthly reports on the local employment situation are submitted to the Central Office by the district officers of the Department of Labour. The data given in these reports include the numbers, characteristics and placement prospects of unemployed persons in certain occupational groups, placements of special interest, supply shortages and other factors influencing local employment, etc.

The general census returns also contain information concerning unemployment, which is analysed so as to show the distribution of unemployment according to sex, age and occupation. Returns showing the number of children employed in factories are compiled and classified according to sex, age group and industry. As a consequence of administrative action, the volume of such employment has become practically nil. As regards other types of employment, administrative instructions to teachers result in cases of employment of school children being reported on investigation under various laws and regulations relating to education and child welfare.

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

Norway.

School-leaving age — age for admission to employment — general and vocational education. Primary education is compulsory. The minimum school-leaving age is at present 14 years but, in certain districts, compulsory continuation schools have been established in conformity with the Act of 8 June 1946. Moreover, the Royal Commission for the Co-ordination of the Education System has recommended that compulsory continuation school attendance be introduced as from the year 1960-61 for all young persons who do not continue their studies in other schools. If this suggestion is adopted, full effect will be given to the provisions of paragraph 1 of the Recommendation.

As the placing service and unemployment insurance come under the same authority—the Directorate of Labour—there is close collaboration between these two bodies. The same close collaboration also exists centrally, regionally and, to some extent, locally, between the placing authorities and the authorities dealing with vocational training. Efforts are also being made to establish co-operation between education authorities and

the placing service, especially as regards vocational guidance. Information concerning the organisation of the placing service and the representation of employers and workers in the Labour Directorate and its subordinate bodies has already been given in the annual reports for 1945-1949, submitted on the Convention (No. 2) concerning unemployment under Article 22 of the Constitution.

Primary and continued education and, in certain districts, secondary education are free.

Continuation schools aim at general education, but a fairly large proportion of the lessons are devoted to vocational training, except in the case of shorter courses. Evening apprenticeship classes are free. In other technical schools, fees are paid by the local authorities.

At the request of the Labour Directorate, compulsory courses for unemployed juveniles have been organised for young seamen, both to remedy unemployment and to increase the supply of labour for the merchant marine.

Under the Unemployment Insurance Act of 24 June 1938, an unemployed person loses his claim to insurance benefits if he refuses, without adequate grounds, to follow courses organised for unemployed persons by local or national authorities.

Vocational training in Norway is regulated by the Act of 1 March 1940, concerning vocational schools for handicrafts and industry. Each county has a vocational training committee, which includes representatives of the employers and workers. The boards of governors of vocational training schools are composed according to the same principle. These schools give courses of general education. Special courses are also given and encouraged by State grants.

Since the war, there has been no evidence of unemployment among juveniles who have completed technical studies. By means of vocational guidance and information courses in the last year at school, young persons have been diverted from overcrowded occupations.

Recreational and social services for the young unemployed. In recent years, there has been very little unemployment among young people, and their spare time has not, therefore, constituted a problem. Hence, it has not been necessary to establish centres for recreational and social services for the young unemployed. A special youth and athletics bureau has been set up in the Ministry of Education. This bureau deals, in particular, with young persons' spare-time activities and collaborates with athletic and youth organisations and local Government youth committees.

Action by trade organisations and private organisations. Up to the present, educational and other social services for the young unemployed, organised by trade unions and other associations, have not received assistance from the Labour Directorate.

Special employment centres. It has not yet been necessary to organise special employment centres for the young unemployed.

Special public works for unemployed young persons. No special public works for unemployed young persons are organised. The age distribution of the working population indicates that possible unemployment would affect higher age groups in the first instance. So far, no special measures have been envisaged for providing work for young persons in periods of unemployment. Should the situation change, however, steps will be taken in advance.

Placing and development of opportunities for normal employment. Norwegian legislation contains no provision for special arrangements, within the framework of the placing service, for placing young persons. However, Section 1 of the Employment Act lays down that the Labour Directorate shall keep a close watch on the employment and vocational guidance of all workers, including young persons. Section 5 of the same Act lays down that, in so far as circumstances permit, the public employment service shall provide vocational guidance to young persons when they choose an occupation. A number of larger employment offices have special departments for young people, separate from the vocational guidance service or combined with it. Moreover, in smaller towns, the local authorities have recourse, for vocational guidance, to qualified men and women who can also undertake the placing of young persons where necessary.

Section 12 of the above-mentioned Act obliges employers in those branches of employment where the workers are compulsorily insured against unemployment to notify all vacancies to the employment services. This allows the authorities to demand the notification to the employment service of vacancies for young persons under 18 years of age. As there has been a general labour shortage in Norway since the war, no special effort has been made to apply this provision.

Under the terms of the Act of 14 July 1950, regarding apprentices in handicraft industry, commerce and office work, the local employment service must keep a register on the basis of apprenticeship contracts and reports from the apprenticeship committees, and must ensure that apprenticeship contracts are concluded. The employment offices work closely with the apprenticeship committees and are represented on them.

For employment purposes, young persons over 18 years of age are treated on the same footing as adult applicants. In conformity with Section 5 of the Employment Act referred to above, the vocational guidance services provided by the employment service are available for young persons looking for employment, as well as for older workers who wish to change their occupation.

Measures have been taken in Norway, and will probably continue to be taken in future, to transfer labour from districts where there is unemployment to those where there is a labour shortage. These measures have not been specially directed towards helping young people, but there is nothing to prevent the

latter from taking advantage of them. Under the present conditions of the labour market, however, the question is not really relevant.

The authorities have reached agreement with the authorities of other countries on the exchange of student employees. The exchange of agricultural and forestry trainees between the Scandinavian countries may be mentioned as an example; an agreement is also planned between Norway and France and Norway and the Netherlands on the exchange of student employees.

Statistics. In the years following the war, there has been little unemployment in Norway, apart from some seasonal unemployment in the north, and it has therefore not been found necessary to compile statistics, through the employment service, concerning unemployment amongst young people. Meanwhile, it is planned to collect detailed statistics at regular intervals in order to make clear the structure of unemployment; these statistics will probably show the age distribution of unemployed persons, as required by the Recommendation. Statistics are at present kept showing sex, age and occupation, but they only concern certain periods and include less than half the total number of unemployed persons.

Special censuses have been made by the employment service in northern Norway. The data compiled relate to the information mentioned under paragraph 44 of the Recommendation and show the duration of unemployment at regular intervals. The general census does not contain data on unemployment. However, a summary report was prepared on the basis of the general census of 1930.

In virtue of the Workers' Protection Act of 19 June 1936 and the legislation on compulsory education, the number of school children employed outside school hours must be considered very limited. The enquiry recommended in paragraph 47 has therefore been deemed unnecessary.

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

Pakistan.

No legislative or administrative measures have yet been taken to give effect to the provisions of the Recommendation.

Free education is provided up to the age of 10 years; it is to be made compulsory and will be extended to the age of 13 years.

At 10 years of age, children are admitted to secondary schools and, later, to a university. A technical high school has recently been opened, but it is not a vocational training school.

At all levels of education, scholarships or exemption from the payment of fees can be awarded to students; in addition, the Government awards scholarships to students to enable them to continue higher education overseas. The Government also proposes to open a polytechnic school for the training of

supervisory personnel and industrial workers. At present, there are no facilities in Pakistan for practical training after the completion of secondary education or for securing employment after practical training. However, efforts are being made to supply such facilities for graduates of engineering colleges and, subsequently, for graduates of technical schools.

None of the special measures mentioned in the Recommendation regarding the placing of juveniles are taken in Pakistan; however, an official is responsible for interrogating all applicants for employment. The Government maintains a public employment service, with headquarters at Karachi and 25 local and four regional offices, which collects information on available employment.

The compilation of statistics on unemployed young persons and the technical organisation of measures to combat juvenile unemployment are in the earliest stage of development in Pakistan and it is not possible to implement the majority of the provisions of the Recommendation.

The Constitution of Pakistan is in the making. At present, unemployment is a provincial matter, but it has been brought temporarily under the Federal Government.

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

Sweden.

When submitting to the Riksdag in 1936 a Bill which dealt in part with the subject matter of the Recommendation concerning unemployment among young persons, the competent Minister pointed out that several of the suggestions made in the Recommendation had already been carried out in Sweden. Assistance to unemployed juveniles had been given in the form of courses of various kinds: Government employment centres established by the National Unemployment Commission, employment centres organised by local relief institutions with the aid of Government grants obtained through the Unemployment Commission, reserve works for young persons, and work colonies set up on a limited scale by local authorities and associations with a view to providing vocational training, mainly in agricultural work. In addition, special offices for juveniles had been set up within the public employment service. The Minister declared that those provisions of the Recommendation which were not already applied in Sweden would be taken into consideration in drafting any future scheme to combat unemployment among young persons. However, in the opinion of the Minister, which was endorsed by Parliament, the adoption of special measures did not appear to be necessary.

The position of national law and practice in regard to the matters dealt with in the Recommendation is as follows:

School-leaving age — age for admission to employment — general and vocational education.

Under the Swedish Public Elementary Education Act, full-time attendance at school is compulsory between the ages of seven and 14 years. However, if a pupil has not then reached the standard required for the leaving certificate, he is obliged to attend school until the end of the school year in the calendar year in which he attains 15 years of age. According to the principles adopted by the Riksdag in 1950 for the further development of the Swedish school system, steps will be taken to introduce compulsory school attendance for a period of nine years. At present, this system is carried on as an experiment in a number of school districts in different parts of the country.

Under the Workers' Protection Act of 3 January 1949, a "young person" (that is, a person who has not attained 18 years of age), may not be employed unless he has reached 14 years of age, or will reach that age in the course of the calendar year, and unless he has completed the elementary school course. In order to be employed in certain types of work, for example, in handicrafts and industry, construction or work in a mine, quarry, etc., a juvenile must have attained the age of 15 years, or must attain this age during the course of the same calendar year. However, exemptions may be authorised for certain types of light work (errands, carrying of messages, etc.); the employment of juveniles is prohibited in laborious and dangerous operations.

School children who have completed the seven-year course of elementary education are bound to attend a part-time continuation course, a school providing general education, or a vocational school up to the age of 18 years. This form of attendance will be replaced when compulsory full-time attendance is increased to eight years.

Education is provided free of charge in preparatory, elementary and continuation schools. This also applies to other State or municipal schools. Exemptions from, or reductions of, school fees are generally granted to pupils of small means, and scholarships are granted in the majority of schools.

Under Royal Decree No. 278 of 27 May 1949, concerning official action to combat unemployment, assistance may take the form of "reserve" projects, organised by the State and communes, work on archives, and of pecuniary assistance. Special measures could be adopted to combat unemployment among young persons, as was the case during the 'thirties. Forms of assistance other than the normal ones could be granted, if this becomes necessary. As there is no unemployment problem in Sweden at present, it has not been considered necessary to adopt any special measures for this purpose.

The steps taken to combat juvenile unemployment, which became necessary as a result of the crisis in the 'thirties, within the framework of the general unemployment assistance scheme, consisted mainly of three forms: courses of various kinds, voluntary service and "reserved" works for juveniles. At present, the special vocational training

courses for unemployed persons are governed by the regulations adopted in 1945, while voluntary service or special work projects for juveniles have been discontinued.

Unemployment relief for young persons is granted in the form best suited to their age. Before they are granted cash benefits or assigned to "reserved" works, the possibility is considered of placing them in a vocational training institution, preferably in one of the ordinary training institutions. If necessary, special training courses are arranged. The right to benefit from approved unemployment funds or from the public assistance scheme is not subject to any condition as to attendance at training courses.

Recreational and social services for unemployed young persons. Various measures have been adopted to give young persons the opportunity for healthy recreation. Such activities are mainly organised by the large youth organisations, and by private or communal associations. Grants have been provided out of public funds and a Government advisory committee is concerned with grants to recreational centres. At present, an enquiry is being conducted by Government experts into the possibility of organising collective residential districts, and into the premises used by young people for recreational purposes.

Special employment centres. During the 'thirties, voluntary service centres were organised by the Government or local authorities with the object of providing employment for unemployed juveniles, so as to maintain or increase their capacity for work, and to prepare them for future employment. The voluntary service included work designed to develop the physical capacities of young persons, as well as general educational and vocational courses, and systematic exercises in gymnastics and sports. On the whole, these centres are in accordance with the principles laid down in the Recommendation as regards special employment centres.

Special public work for unemployed young persons. In the 'thirties, the special relief activities for the young unemployed, organised or subsidised by the Government, took the form of so-called "reserved" works for juveniles between 16 and 21 years of age. These works were combined with courses of instruction and were based essentially on voluntary service. Their aim was to maintain and increase the capacity for and willingness to work of unemployed juveniles and to give them an opportunity of earning their living.

Placing and development of opportunities for normal employment. The principles underlying the activities of the juvenile employment offices within the general framework of the public employment service, correspond closely to the provisions of the Recommendation. However, registration at an employment office is not compulsory; fuller information on this subject is given in the reports on the application of Convention No. 88, and Recommendation No. 83, concerning the organisation of the employment service.

Statistics. In the statistics regarding unemployment assistance, provided or subsidised by the State, the age group 16-25 years is classified separately. The enquiries into unemployment in general which were made in the 'thirties included a survey of unemployment among young persons. However, no regular statistics are compiled which would enable a classification to be made corresponding to the standards laid down in the Recommendation. At present, a revision of labour-market statistics, including data on unemployment, is being undertaken by special Government experts.

No modification of the provisions of the Recommendation is proposed at present by the Swedish Government. The application of the provisions of the Recommendation is mainly entrusted to the National Employment Service (*Arbetsmarknadsstyrelsen*).

The administration of unemployment assistance is mainly within the competence of the public authorities although, as a general rule, employers' and workers' organisations co-operate in so far as they are represented in national and local organisations.

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

Switzerland.

The provisions of the Recommendation concerning unemployment among young persons are not applicable to present-day conditions; the information supplied relates to action taken to mitigate the effects of the crisis resulting from the first world war, or which could be taken in case of unemployment produced by a fresh crisis.

School-leaving age and age for admission to employment. Under the Federal Constitution elementary education is free and compulsory in State schools. With a few exceptions the statutory school-leaving age is fixed by the cantonal authorities at 15 or even 16 years. The Federal Act of 24 June 1938 fixes the minimum age for admission to employment at 15 years. However, under Section 5 of this Act (enclosed with the report), it is permissible to employ children aged 13 years as errand boys or to perform certain light accessory duties in commerce. By virtue of Section 6 of the same Act, the cantons are authorised to establish higher minimum ages for juveniles employed in certain trades, especially in hotels, restaurants and theatres.

General and vocational education. The majority of the provisions contained in paragraphs 2 to 15 of the Recommendation are implemented under the Federal Act of 26 June 1930, respecting vocational training, and the Order of 28 May 1940, concerning action to restore the equilibrium of the employment market and to facilitate the vocational retraining of unemployed workers. Thus, maintenance grants are paid to apprentices and pupils of vocational schools whose families belong to the lower-income group; juveniles subject to the Act respecting vocational training are bound to attend continuous

courses which provide general and vocational training; opportunities are provided to follow courses of further education organised by the cantons for persons who are not required to attend the compulsory courses. Many advanced training courses are available to juveniles in vocational schools and in the arts and crafts schools.

Under the Order of the Federal Council of 14 July 1942, respecting unemployment assistance, an unemployed person who does not regularly attend the courses to which he has been assigned may be disqualified for right to benefit.

Under the above-mentioned Order of 28 May 1940, workshop centres or vocational labour camps were set up during the economic crisis. In these camps, unemployed juveniles could undergo vocational retraining, especially for trades which suffered from a shortage of manpower. The syllabus included practical courses, vocational instruction and general culture. Young people attending these centres were granted special allowances, including travelling allowances. The Swiss Technical Labour Service was extremely active during the period of economic crisis. Courses were also held for young employees in commerce, banking, insurance and various public bodies.

Recreational and social services for the young unemployed. The organisation of spare-time activities and of recreational and educational centres for unemployed juveniles is largely in the hands of private institutions.

Action by trade organisations and private organisations. The public authorities pay grants to assist the various schemes for unemployed juveniles.

Special employment centres. During the period of economic crisis, various institutions endeavoured to provide employment for unemployed juveniles in public works projects. Recreational workshops were opened in towns with the co-operation of the authorities and the employers' and workers' organisations. Finally, the Voluntary Labour Service was very active in finding work for unemployed juveniles in projects such as clearing alpine pastures, correction of water courses, etc. Juveniles working in these camps were given board and lodging, working clothes, pocket money, etc., and their travel expenses were refunded. An effort was made to stimulate the team spirit among the young workers.

Special public works for unemployed young persons. The Swiss Technical Labour Service was instructed by the authorities to draw up various schemes such as drainage plans for urban districts and plans for historic monuments.

Placing and development of opportunities for normal employment. The existing institutions are generally in a position to deal satisfactorily with unemployed juveniles, in consultation with the Vocational Guidance Offices. It is thus unnecessary to set up special institutions for this purpose in Switzerland.

In regard to the international exchange of trainees, Switzerland has already concluded agreements with Belgium, Denmark, France,

Ireland, Luxembourg, the Netherlands, Spain and Sweden. It is planned to conclude other agreements.

Statistics. Since 1926, the Federal Office for Industry, Arts, Crafts and Labour compiles quarterly returns on the age of unemployed persons supplied by the employment officers. The results are published by the Federal Parliament of Public Economy, and show the number of unemployed persons under 20 years of age, by sex and occupation. In addition, unemployed persons between the ages of 20 and 29 years are divided into two groups, 20-25 and 25-29 years. Further data relating to unemployed persons under 20 years, classified according to occupation for each age group (under 16 years, 17 years, etc.), were compiled in 1936 and 1937. Unemployed persons who are not yet gainfully employed were not treated separately but, should a fresh unemployment crisis arise, this distinction could easily be made and special enquiries into the duration of unemployment among young persons could be instituted. The number of unemployed juveniles has considerably decreased since the beginning of the second world war. According to the statistics compiled by the Federal Office for Industry, Arts, Crafts and Labour, it was estimated that at the end of 1936, 2,338 persons under 20 years of age were seeking employment at the employment offices (1,774 men and 564 women). At the end of July 1939, their number had decreased to 769 and at the end of July 1946 had dropped to 13. At the end of July 1950, there were 72 unemployed persons (37 young men and 35 young women). At the end of July 1936, unemployed young men represented 2 per cent. of the total number of wage earners and young women 0.6 per cent. This proportion was reduced to zero by the end of July 1950 for young persons of both sexes.

In the census of 1941, unemployed persons were also classified according to age. The results of the census of 1950 will provide further interesting details on unemployment among young persons.

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

Turkey.

In view of the fact that unemployment insurance does not yet exist in Turkey, it has not been possible to give effect to the provisions of the Recommendation by legislation or any other means.

Compulsory primary education is free and lasts for five years. In establishments governed by the Labour Code, *i.e.*, in industry and commerce, the age of admission to employment is 12 years. The Government offers various facilities and financial assistance to young persons who wish to attend secondary or university courses after the end of their primary education. In addition, the State supplies board, lodging, clothing and books to successful candidates in competitive examinations for secondary and higher education.

So that young persons may obtain the necessary instruction to enable them to find employment easily, technical and occupational education is given a large place in the activities of the Ministry of Education, in which a Directorate of Technical Education has been set up; in 1942, the post of Under-Secretary of State responsible for the application of a more extensive programme in this domain was also created. This programme provides, in particular, for the foundation of technical and vocational schools of all standards, to provide training for technicians for industry, public works, commerce and the national economy, on the one hand, and to supply juveniles with general, occupational and practical education on the other. It also allows for the establishment of technical and vocational schools where adults of all ages can develop their knowledge and experience outside working hours.

Union of South Africa.

The measures in force regarding compulsory education and minimum age for admission to employment apply solely to Europeans, except in Natal Province where they also apply to coloured children.

The minimum school-leaving age is under the jurisdiction of the provincial administrations and is 16 years in the Transvaal, 15 in Natal, 16 in the Orange Free State, and 16 in Cape Province.

The continuation of general cultural education up to the time when juveniles find suitable employment has proved impossible in the Union of South Africa, principally because of the shortage of accommodation. The definition of "juvenile", namely a person under 18 years of age, as laid down in the Registration for Employment Act of 5 June 1945, coincides with that given in the Recommendation.

Occupational training is provided by technical schools; the Welfare and Education Authorities encourage juveniles with the necessary aptitudes to attend such schools. Provision is made for exemption from fees.

The legislation concerning compulsory education does not require juveniles to continue their studies up to 18 years of age. Financial considerations preclude such a measure, even in the case of unemployed juveniles. On the other hand, young persons bound by a contract of apprenticeship are required to attend vocational courses.

For several years, young persons have encountered no difficulty in finding employment and the measures previously adopted for the vocational training of unemployed juveniles have been abolished. Unemployed young persons are admitted to juvenile clubs conducted by juvenile affairs boards, whose specially trained staff run the clubs. In times of unemployment, the clubs offer unemployed juveniles the recreational facilities mentioned in the Recommendation. The number of young unemployed in any one province of the Union does not justify the establishment of social service centres, but the Department of

Social Welfare subsidises hostels at the larger industrial centres where poorly-paid workers can obtain board and lodging at low cost. In periods of unemployment, the public authority customarily assists clubs for the young unemployed.

There are no special employment centres for the young unemployed in the Union of South Africa, where circumstances do not justify the establishment of such centres. Similarly, the organisation of special public works is not justified. The measures contemplated by the Recommendation for placing are met in full by the employment exchanges conducted by the juvenile affairs boards.

The international exchange of student employees would be extremely difficult, principally for geographical and financial reasons. The necessity to encourage the re-employment of young persons by a reduction in working hours has largely disappeared.

Juvenile employment exchanges deal with persons up to the age of 18 years; statistics prepared by these exchanges concern only such persons and are classified according to sex, age and occupation. In general, it is impossible to comply with the provisions of the Recommendation calling for the preparation of annual returns of children under school-leaving age who engage in employment. In South Africa no child may enter regular employment without special authorisation and the number so exempted is limited.

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

United Kingdom.

Great Britain.

School-leaving age—age for admission to employment—general and vocational education. Both in England and Scotland, the minimum age for leaving school was raised from 14 to 15 years on 1 April 1947, under the Education Act, 1944 and the Education (Scotland) Act, 1946. These Acts also provide for raising the minimum age to 16 years as soon as practicable.

Under the law at present, no child can be required to continue at school beyond the statutory leaving age. However, the Government encourages children to remain at school by providing various secondary courses and by paying allowances in certain cases. The number of children over school age who are unable to find employment within a reasonable time after leaving school is not such as would justify the adoption of the measures suggested in paragraph 2 (1) of the Recommendation.

Under Section 81 of the Act of 1944, local education authorities in England and Wales have power to defray certain expenses incurred by school children, including the purchase of school clothing and travelling expenses. These allowances may also be paid to children over the age of compulsory school attendance. Educational maintenance allowances may also be paid in respect of children who remain at school beyond the age of 15 years and whose

parents are of small means. Similar provision is made in Scotland, where scholarships and allowances are granted subject to certain conditions, under the Education Act of 1946.

The compulsory education given in schools is general education designed to fit the children for entering into the working world, and not to train them for a particular occupation. The practice is to defer vocational training until the pupil leaves the secondary school and proceeds to some form of further education. The bulk of vocational training is given in institutions of further education, maintained by local authorities in the form of part-time courses, especially evening courses. This further education is not at present compulsory. However, the Education Act 1944, provides for the compulsory part-time education of young persons (persons over compulsory school age, who have not attained the age of 18 years) and who are not in full-time attendance at school; this education is to be introduced at a future date to be appointed by the Minister of Education. It will take the form of further education, including practical, vocational and physical education.

Similar measures have been adopted for Scotland, in accordance with the Education Act of 1946, which are applicable especially to young persons under 18 years of age who are unemployed, partially or intermittently employed, but their coming into operation has been postponed until such time as is considered practicable.

Under the National Insurance Act of 1946, unemployed persons, including juveniles, are disqualified for receiving unemployment benefit for a period after six weeks if, without good cause, they have refused or failed to avail themselves of a reasonable opportunity of receiving training for the purpose of becoming or keeping fit for entry into or return to regular employment. Appeals against any such decision may be made to a local tribunal or to a National Insurance Commissioner. In any case, the amount of unemployment among juveniles is too slight at present to warrant the application of this measure.

The question of special grants for unemployed juveniles comes under the jurisdiction of the National Assistance Board, but at present does not arise in practice.

Under the Employment and Training Act of 1948, the Minister of Labour and National Service is empowered to provide courses of vocational training for persons, whether employed or unemployed, who are above the compulsory school-leaving age.

Training is given in special Government Centres, in technical colleges and, with State financial assistance, in employers' own workshops. In the case of industries suffering from shortages of skilled manpower, a number of vocational training courses are available for persons over the age of 18 years to be trained for skilled work with prospects of regular employment. The Government training centres are non-residential, but trainees who have to travel from a distance are found suitable lodgings. The programme of training at these centres is drawn up in consultation

with employers' and workers' organisations, who also advise on the placing of trainees.

Vocational training is supplemented, where necessary, by courses of general education. The teaching staff is chosen from men and women, whether unemployed or not, who possess the qualifications required for instruction in each trade.

Trainees at these centres are paid maintenance allowances which are higher than the unemployment insurance benefit rate, and receive help towards travelling expenses above a certain minimum. Vocational guidance and information on careers is available through the Youth Employment Service to all young people, whether in employment or not, up to the age of 18 years and beyond that age if still at school.

Recreational and social services for the young unemployed. Education authorities have responsibility for providing adequate facilities for informal further education and for recreation and physical training, such as youth centres and clubs, community centres, playing fields, etc., which are available to employed and unemployed persons alike.

Action by trade and private organisations. The public authorities advise and assist trade and other organisations in connection with the educational and social services which they organise.

Special employment centres. Owing to the condition of full employment in Great Britain, it has not been necessary to establish special employment centres, as distinct from training centres. Such unemployment as does exist mainly affects the older age groups and the disabled.

Special public works for unemployed young persons. The establishment of public works projects of this type is considered to be unnecessary in present conditions.

Placing and development of opportunities for normal employment. The Youth Employment Service provides special local arrangements for juveniles. Towards the end of their school career, juveniles are interviewed individually by the youth employment officer, and on the basis of information obtained in regard to their health, ability, etc. the employment office is enabled to place them in an employment for which they are qualified.

Employers are not legally bound to notify vacancies, but they are encouraged to do so. In the same way, they are not obliged to report engagements of juveniles made without recourse to the employment service. However, as National Insurance Cards are issued to all young people up to the age of 18 years, the employment service is informed of engagements in the majority of cases. A systematic review is made of the progress of young people placed in employment and, where necessary, they are put in touch with institutions providing for further education or spare-time activities. The aim of these measures is to assist juveniles to overcome difficulties encountered during the first months of employment.

The youth employment service maintains close contact with local education authorities. At the national level, the Ministry of Education and the Scottish Education Department are represented on the Central Youth Employment Executive. Finally, the education authorities, teachers, employers, workers and scholars interested in the welfare of young people are all represented on the National Youth Employment Council, which was appointed under the Act, to advise the Minister on matters such as the functioning of local education authorities and youth employment committees.

Statistics. Statistics are published monthly showing the numbers of unemployed juveniles under 18 years of age. The figures are analysed so as to show the duration of unemployment. An analysis by industries is also made but is not published.

The competent authority for ensuring the application of the provisions of the Recommendation is the Ministry of Labour and National Service, except in the case of vocational training for agriculture, which is the responsibility of the Ministry of Agriculture and Fisheries and the Department of Agriculture for Scotland. Technical colleges and employers responsible for vocational training under vocational training schemes are expected to conform to the syllabuses of training drawn up by the Ministry of Labour and National Service in consultation with employers' and workers' organisations in the industries concerned.

In the case of most occupations, the various features of the training courses (such as the number of persons to be trained, syllabus of training, etc.) are embodied in formal agreements between the Ministry of Labour and National Service and the appropriate employers' and workers' organisations. Various advisory committees also concern themselves with the problems of vocational training and placement of trainees.

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

Northern Ireland.

The Education Act (Northern Ireland), 1947 fixed the minimum school-leaving age at 15 years but, in view of lack of accommodation and scarcity of teaching staff, it has not so far been possible to implement this provision and the minimum school-leaving age remains at 14 years for the time being. Full-time attendance at school is not compulsory after the school-leaving age, but it is encouraged in both technical intermediate schools (where no fees are paid) and in grammar schools by the award of scholarships in appropriate cases.

In recent years, the number of unemployed juveniles have not been such as to warrant the organisation of special training centres so that it has been necessary to enforce the withdrawal of unemployment benefit as provided for in the relevant law. In the same way, the

number of unemployed persons between the ages of 18 and 25 years have not warranted the creation of special training centres.

Travelling expenses are usually granted to young people attending the ordinary vocational training centres. It has not been possible so far to enable young persons who cannot find work after terminating their secondary or technical studies, to obtain practical experience in industrial undertakings or in public administrations, or to enable them to remain at school.

A Youth Committee for Northern Ireland has been established under the Youth Welfare Act (Northern Ireland), 1944. Its functions, in collaboration with the Ministry of Education, include such matters as the review of facilities for physical training and recreation for juveniles in the various localities, the encouragement of the promotion of sport and recreation schemes by organising refresher courses for instructors, and to advise the Ministry of Education, education authorities and other bodies and persons interested in youth welfare, physical training and recreation. On the recommendation of the youth committee, grants are paid by the Ministry of Education to the various youth clubs and organisations.

The number of unemployed juveniles would not at present warrant the creation of special employment centres for juveniles. For the same reason, the organisation of public works is unnecessary.

The Northern Ireland employment service provides facilities for placing juveniles in suitable employment. About half the juvenile population with which the employment exchanges are concerned come within the Belfast local office area. This is the only area in which a separate juvenile employment exchange has been set up to deal with all matters affecting employment in co-operation with the vocational guidance service of the Belfast local education authority. It has not been possible to have separate vocational guidance departments in other districts, but officers dealing with the placing of juveniles give vocational guidance as required.

The policy of the employment service is to rely on the voluntary co-operation of employers in the matter of notifying vacancies. There is no automatic follow-up in Northern Ireland of the results of placings made, but close relations are maintained with the local education authorities which provide vocational guidance services. In the schemes of financial assistance provided under the Employment and Training Act (Northern Ireland), 1950, to assist workers to transfer to employment away from their homes, provision is made for assisting juveniles who wish to transfer, subject to the consent of their parents.

Arrangements exist in Northern Ireland for the international exchange of student employees which is facilitated under the Safeguarding of Employment Act (Northern Ireland), 1947. No steps have been taken to promote re-employment by a reduction in the hours of work.

The statistics of unemployment among young persons below the age of 18 show the distribution by sex and the duration of unemployment. The provisions of the Recommendation regarding information on unemployment in general census returns are not applicable in Northern Ireland and no statistics showing the number of children employed outside school hours are compiled.

United States.

School attendance is regulated by State legislation, while the minimum age for admission to employment is a matter for both Federal and State legislation. The Fair Labor Standards Act of 25 June 1938 is the most important Federal law governing child labour. The responsibility for regulating the employment of children is largely borne by the States, which also operate the schools, with the assistance of the local authorities. The Federal Government provides financial aid to the States, administers grants for vocational education and provides services of various kinds connected with education.

Recreational services are considered to be partly a matter for State and partly for Federal action. Both the Federal and State Governments provide facilities for recreation and social activities, although voluntary organisations have traditionally played an important role in this matter; the report gives a list of these organisations.

If special employment centres and public works projects for young unemployed workers are to be established in the future, Congress will have to define its policy in regard to the degree of Federal and State participation. The works projects for young people which were conducted by the National Youth Administration and the Civilian Conservation Corps prior to 1943 were organised directly by the Federal Government.

Public employment offices are conducted by the States, but the Federal Government establishes broad policies for financial aid to the States and provides services, mainly of a technical nature. Under the Wagner-Peyser Act (1933), the Federal Government was authorised to provide grants to the States for the operation of an effective system of employment services. It also provides teaching materials (manuals, etc.), inspects the curricula and encourages their development.

The collection of statistics on unemployment from general census returns is the responsibility of the Federal Government. The various States provide figures on unemployment derived from the records of claims for unemployment benefit and from the records of application for work at the public employment services.

Since a great number of measures which are relevant to the provisions of the Recommendation are a matter for State and Federal Governments working in co-operation, all such measures have been discussed in relation to each provision of the Recommendation, and wherever possible State and Federal law and practice have been treated separately.

In a general statement, the Government points out that action which tends to reduce or alleviate unemployment among young persons forms an integral part of the general employment education and welfare programme for young people, and the official policy is to avoid treating the unemployed as a class separate and distinct from the employed. As changes in the size and composition of the group of young unemployed persons are constantly recurring, the most appropriate method of dealing with unemployment is within the general programme of employment and welfare for young persons.

Although the 'forties was a period of improved employment opportunities, unemployment among young workers is still a recurrent problem. The volume of unemployment is greater among young persons than among other workers, mainly because their vocational training is inadequate or incomplete. The objective therefore should be the improvement of this situation rather than a reduction of unemployment by direct methods.

In the past decade, programmes designed to meet the special needs of youth have been drawn up and put into effect by various agencies of the Federal Government in co-operation with the States and non-governmental organisations. Thus, should the unemployment problem again assume sizable dimensions, a whole series of measures could be applied. The report summarises the action taken in recent years for the benefit of children and juveniles by a number of official bodies, in particular, by the Bureau of Labor Standards of the Department of Labor.

During the depression of the 'thirties, unemployment was recognised as a problem calling for Federal action, and in fact the Federal Government took the lead in various activities for promoting employment and the general welfare of workers, and drafted legislation providing for the institution of various national unemployment relief schemes. Under the Constitutional system, many of these schemes take the form of financial aid and the formulation of standards to guide the action of the States and local authorities in the application of youth programmes. It is only through the combined action of the States and the Federal Government, with the support of voluntary organisations, that these programmes can be fully implemented.

School attendance. School attendance is compulsory in the United States. In general, the minimum school-leaving age is higher than that prescribed by the Recommendation, as is shown by the Federal and State legislation on the minimum age for admission to employment and the State legislation on compulsory school attendance. Thus, in five States school attendance is required up to 18 years; in five others, the school-leaving age is 18 years and in the remaining 38 States, as well as the District of Columbia and the three Territories, the school-leaving age is 16 years. However, in all States the law stipulates exemption in the case of sickness and physical or mental incapacity, for example,

or where the children wish to commence employment. In the latter case, children are only exempted from school attendance if they have reached a certain age, generally 14 years, or if they have attained a certain grade. Under some laws, children must satisfy both these two conditions to be excused from further school attendance. The report gives a brief account of the practice in various States and observes that, owing to the progress in legislation, such exemptions are becoming gradually more infrequent and more and more children are attending school up to the age of 16 years or over.

Age for admission to employment under federal law. Under the Fair Labor Standards Act of 1938, the minimum age for employment during school hours is 16 years. These provisions, which apply generally to minors employed in commerce or in establishments producing goods for interstate or foreign trade, were extended in 1949 to cover employees in transport, communications and agriculture.

Rules applied in the various States. In 23 States and in the three Territories the minimum age for employment during school hours is 16 years, with exceptions in the case of certain types of work. In two other States (California and Texas), the minimum age is 15 years. The minimum age is 14 years in Alaska, the District of Columbia and all the remaining 24 States except Wyoming. In the latter State, the law does not specify any minimum age for employment, but the employment of children required to attend school is prohibited during school hours.

Notable progress has been made in the past decade, which is all the more remarkable when it is considered that during the war more juveniles had to be employed owing to labour shortages. Through the combined effects of legislation on school attendance and the minimum age of admission to employment, the standards recommended by the International Labour Organisation are equalled or exceeded in 29 States and three Territories, and are approximately equalled in two other States. These 31 States contain a little over 81 per cent. of the population of the United States.

General and vocational education. In 21 States, the law requires children who have left school for employment to attend continuation schools. In three other States (Indiana, Kentucky and Louisiana), the local authorities also are empowered to require such attendance. Compulsory attendance at continuation schools is extended to 16, 17 or 18 years, according to the various States. Employed children are generally required to attend continuation classes from four to eight hours a week, while in some other States children who are temporarily unemployed must attend continuation school for 20 hours a week. In Wisconsin full-time attendance is required for such children. However, with the more general establishment of a 16-year minimum age for employment during school

hours and the reduction in the number of exemptions, full-time attendance is more frequent and less emphasis needs to be placed on continuation classes.

The system of maintenance allowances to parents upon the birth of a child or during periods of school attendance has not been developed in the United States. However, the United States has nonetheless complied with the provisions of the Recommendation through its programme of aid to dependent children. An amendment (1939) to the Social Security Act (1935) concerning aid to dependent children was directed towards enabling children to continue in school up to 18 years of age, through monthly allowances derived from Federal and State funds. Assistance of this kind is granted in all States except Nevada. A total of 1,659,665 children benefited from this school aid in June 1950. The report mentions various other legal provisions adopted by the Federal Government and the States, whereby allowances are granted to enable young persons to stay in school after the normal leaving age, especially in the case of children whose parents are unemployed or of young workers during periods of involuntary unemployment. The method of calculating the allowances varies from one State to another.

Apart from the obligation to attend continuation classes as described above, no legal provisions have been adopted in the United States whereby children of school-leaving age are required to attend school if they are unemployed. They are, however, encouraged to do so. The Office of Education of the Federal Security Agency has adopted various measures directed towards reducing to a minimum the number of children leaving school before completing their secondary school studies; one of these measures is the adjustment of school fees.

For young people who take up employment after leaving school, many opportunities are available to attend free evening classes. A combined movement was initiated in 1947 by the competent State authorities to improve the curricula in schools in order to adapt them to the social and vocational needs of young people.

Continuation schools and vocational training courses have a twofold aim: that of fitting young people for their vocation and that of providing useful activities for those unable to find work in periods of industrial depression.

In the United States, vocational training was carried out up to 1943 in conjunction with the projects organised by the National Youth Administration. Young workers were selected with a view to employment in industrial operations for which trained workers were especially required. In addition, State vocational education schemes, subsidised from Federal funds, continued to prepare young people for employment in trade, industry and agriculture. There is a tendency to raise the age for admission to vocational training schemes in order to meet the requirements of employers as regards age and degree

of training. Throughout the country, vocational schools and courses tend to enrol pupils at a minimum age of 16 to 18 years, and sometimes require graduation from high school. Such schools often use vocational guidance and selection methods so that pupils may be directed to courses adapted to their interests, aptitudes and abilities.

There is no law in the United States whereby unemployed juveniles are required to attend special centres, with the exception of the continuation courses mentioned above. In the same way, unemployment benefit is not refused on the grounds of failure to attend school, as it is the general belief that the aims of school education are best obtained if young people continue to attend school on a voluntary rather than a compulsory basis.

From 1935 to 1943, the National Youth Administration, with the co-operation of local school authorities, conducted a student-aid scheme designed to enable juveniles with inadequate funds to stay at school. The present need for greater opportunities for higher public education is generally recognised. There are now approximately 350 public or community colleges, with over 350,000 pupils. Other communities are also considering the extension of their educational system. In 1950, 50 per cent. of young persons between 18 and 24 years of age were enrolled in secondary, technical or higher schools. Various schools and universities grant scholarships or accept students at reduced fees.

No special measures have been adopted in the United States to train a qualified staff to work with young unemployed persons, on the assumption that persons who are trained for youth work in general are competent to deal with both employed and unemployed persons.

Recreational and social services for the young unemployed. The development of recreational and social services especially adapted to the young unemployed has not been considered necessary in the past decade. In conformity with paragraph 16 (2) of the Recommendation, measures taken to improve recreational and social service facilities for young persons have not taken into account their employment situation. These facilities are also available to young persons attending school; should the need arise, they could be adapted to meet the case of unemployed persons. Measures in connection with recreational and social services for the young have been taken by the Federal, State and local authorities. For example, the Federal Government provides public parks for recreational purposes and advises various States and local authorities on the organisation of recreational centres for children and juveniles. The report gives a list of activities in connection with recreation, culture, and social services for the young, undertaken by the States, local authorities and voluntary organisations. The Federal Government makes available grants within the public assistance programmes. Such services increased considerably during the 'forties, although they are insufficiently developed in many regions.

Action by trade organisations and private organisations. It is the general practice in the United States for public authorities to give advice to non-governmental groups and organisations on the development of services for young people.

Special employment centres. The continuation of special employment centres for unemployed youth was considered inappropriate, as employment conditions improved in the 'forties. Legislation was introduced in Congress to establish a permanent programme similar to that adopted in the Civilian Conservation Corps, although no action has yet been taken to give effect to this legislation. The above-named organisation was disbanded in 1943.

Certain of the resident training centres established under the National Youth Administration for unemployed young persons from rural areas and communities, were also in the nature of special employment centres as prescribed in the Recommendation. The precautions recommended to avoid abuses were applied in these centres and the conditions of work and spirit of co-operation prevailing there corresponded to the provisions of the Recommendation under this heading. The pupils helped to maintain the centres by means of their own earnings, and were supervised by persons who endeavoured to apply their own living and working experience under suitable living and working conditions.

Special public works for unemployed young persons. The part-time employment provided for young persons between 18 and 25 years of age under the National Youth Administration, continued until that agency was dissolved in 1943; the programme of the Civilian Conservation Corps corresponded to the provisions of this section of the Recommendation. The members of the latter organisation were young people and were engaged in the conservation and development of the natural public resources of the country, work which, to a large extent would not otherwise have been undertaken and which did not compete with private industry.

Placing and development of opportunities for normal employment. Some 1,800 public employment offices provide employment for young persons as part of the general placement programme, but special arrangements are also made for young persons. Many of these offices work in co-operation with the local school boards. The employment services in many States conduct a series of tests, and give advice to high school pupils in their final year who are about to enter the labour market. A recent survey of 21 States showed that, in 1951, local employment offices worked in co-operation with 1,517 local high schools. These advice services are also available to pupils who have already left school.

Placing arrangements for young persons are closely linked to the advice programme. A trained adviser is provided in each local office; placements are made on the basis of

general principles of vocational guidance and, in most cases, on the specific interests and aptitudes of the applicant.

The notification of vacancies to the local placement service by employers is made as a matter of voluntary co-operation. Generally speaking, when an applicant obtains employment, the fact is communicated to the office both by the employer and the applicant himself. The employment office staff also visit establishments, in order to ascertain the conditions of work and the employment possibilities and keep in constant contact with employers to obtain jobs for young persons. The notification of placements made without recourse to the local placement service is also on a voluntary basis. According to State law, young persons between 14 and 15 years of age, or between 14 and 18 years, as the case may be, are required to obtain a certificate which they present to the employer and which is renewed every time they change their employment. This system corresponds to the provision of the Recommendation whereby notifications of employment should be communicated to a central public office.

In the placing of apprentices, the local offices of the employment service work in conjunction with the Bureau of Apprenticeship and the State Apprenticeship Council. The staff of the Federal, State and local employment services work in close co-operation with the vocational guidance services and with various government agencies such as the Office of Vocational Rehabilitation. Follow-up studies are undertaken by some local employment offices and a large number of schools. The national State and local employment services maintain close working relationships with the school authorities. An agreement was concluded in 1950 to establish a basis for co-operation in the interests of juveniles who have recently left school.

The employment service has an advice department to assist young persons in the choice of a profession and in occupational readjustments. In many cases, advisers keep in close touch with those whom they have placed and, when they have been provided with a temporary job, their cards are kept in an active file until they are found more suitable employment. In addition, the Bureau of Labor Standards of the Department of Labor, in co-operation with other government agencies, encourages local communities in their efforts to assist children in obtaining satisfactory employment after leaving school.

Owing to the prosperous economic conditions over the last ten years, measures for the transfer of workers have not been particularly necessary. Before the war in Korea, the Federal Government took certain measures to assign government contracts to areas where there was a shortage of work. Juveniles, as well as other workers, benefited by this provision. The mobility of American workers may also make it less necessary to effect such transfers. Thus, large numbers

of young people leave the country to settle in the towns and villages, particularly those between the ages of 15 and 30 years.

Although there is no general scheme for the international exchange of young trainees, the Federal Government operating through the State Department has a system of international exchange of professional and other workers to study abroad and enlarge their experience and skill.

Statistics. Since the public employment services and the unemployment compensation system only cover part of the labour force, comprehensive figures on unemployment are not available from the administrative records of these systems. However, the national employment office can obtain data from local employment offices, relating to applicants for employment, grouped by age, sex and occupation.

From time to time, an analysis is made of the files in the National Office in order to obtain further information about unemployment. A study published in 1950, covered 160 areas, and contained interesting data on the number of applicants for employment under 18, from 18 to 19 and from 20 to 24 years of age, grouped according to sex. In the same way, a survey was conducted by the Bureau of Labor Standards of the Department of Labor concerning young people not attending school in Louisville, Kentucky, which represents a considerable contribution to the study of various aspects of unemployment among young persons.

The U.S. Bureau of the Census also collects comprehensive statistics on unemployment in the United States. Since 1940, monthly reports on unemployment are issued, in which unemployed workers are listed according to age. Since January 1947, unemployed workers under 25 years of age are divided into the following groups: 14 to 15 years, 15 to 17, 18 to 19 and 20 to 24 years. In a period of mass unemployment, should it become necessary to obtain more detailed information on young unemployed persons, it would be possible to collect additional facts relating to the duration of unemployment, the distribution by occupations and the geographical distribution.

Since 1946, the Bureau of the Census has issued annual estimates showing the distribution of young persons by enrolment in schools and by employment status. These data, compiled according to sex and age (including various age groups between 14 and 24 years),

indicate the number of school children employed outside of school hours as well as the number of children of school age who are employed and not enrolled in schools. The 1950 figures show for the first time the distribution by broad occupational groups of these special age groups. Another survey made in 1950 shows the number of weeks worked during the course of the year and whether this work was performed on a full-time or part-time basis.

The Government lists the various Federal agencies and other bodies responsible for enforcing the different laws and regulations which give effect to the provisions of the Recommendation, and also provides a list and a brief analysis of the documents attached to the report.

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

Viet-Nam.

It has not yet been possible to introduce compulsory education. Efforts in this direction are contemplated, but it is unlikely that anything will be achieved in the immediate future because of the state of war in the country.

The objectives of paragraph 5 of the Recommendation, namely the granting of maintenance allowances to parents during additional periods of education, have been partially achieved, thanks to the family allowances paid by employers to wage earners for each child under 16 years of age (Sections 2 and 8 of the Decree of 18 February 1948, issued by the President of the Provisional Government of Southern Viet-Nam). These provisions cover French and other European wage earners, as well as Indo-Chinese, Chinese and other Asiatics. If the child is apprenticed, the allowance is paid until he is 17 years of age and if he continues his studies, until he is 20 years of age.

The labour inspectorate is responsible, under the authority of the Regional Governors and the control of the General Labour Inspectorate, for supervising the system of family allowances, which was worked out in collaboration with representatives of the trade organisations.

The continuance of the war makes it impossible, for the moment, to apply all the other provisions of the Recommendation.

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

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Argentina.

The Five-Year Plan (1947-1951) drawn up by the executive authority provides, in particular, for the organisation of large-scale public works throughout the country. As a result, a large number of workers have been engaged either directly by the State or through concessionaries.

The body entrusted with the co-ordination of the various stages of the governmental plan and with their control is the Inter-Ministerial Economic Council, set up in 1948, and bearing the name, since 1951, of the National Planning Council. This Council is called upon to ensure the regular development of the works provided for in the governmental plan.

Bodies subordinate to the State and the tenderers or contractors officially entrusted with the carrying out of public works, must recruit the necessary labour through the services of the national placement register or through agencies attached to the latter.

Austria.

No legislative measures have been taken in Austria with regard to the carrying out of public works on the basis of a plan. On 25 July 1950, the Federal Government set up a Committee of Ministers entrusted with the examination and adoption of measures for preventing and combating unemployment. This Committee is also responsible for the distribution of federal public works, due account being taken of the situation of the labour market. In order to prepare and carry out the decisions of this Committee, an inter-ministerial committee of reporters has been set up and attached to the Federal Ministry of Social Security.

With a view to decreasing seasonal unemployment in the building industry during the winter 1950-1951, the Committee of Ministers established a programme of public works, financed by means of federal credits and the Marshall Aid funds.

According to the Austrian Constitution, this Committee is only authorised to control directly those public works which are to be financed by federal funds. With regard to the works financed by the provinces (*Länder*) and the communes, the Committee of Ministers can do no more than request the provincial Governments to take account of the situation of the labour market, in the same way as the Federal Government. Similarly, the provincial Governments can only request the communal authorities to act in the same manner.

The Committee of Ministers ensures the co-ordination of measures taken by the various services.

In view of budgetary difficulties, it is not possible to set up a reserve for public works or to carry forward unexpended credits from one year to another.

An Order of 14 March 1950 lays down that all Federal services, and, by Order of the Governor, the provincial services, must apply to the employment agencies for any labour required for public works.

The Government does not consider that any modifications should be made in the provisions of the Recommendation.

The Federal Minister for Social Security presides over the committees mentioned above. The Ministry collaborates with the employers' and workers' organisations, whose representatives are consulted.

In some provinces, committees have been set up, on the initiative of the Federal Government, to take measures to remedy unemployment and to ensure full employment; employers' and workers' organisations are represented on these committees. In this field, the measures applied by the provinces correspond to the instructions given by the Committee of Ministers.

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

Belgium.

The Government expresses its complete agreement with the Recommendation and states that the principles enunciated therein have been taken into consideration, to some extent, in laying down the policy of the Department of Public Works.

Nevertheless, it should be noted that, while it is desirable to increase the volume of public works in periods of depression, up to the present the budgetary credits have followed the same trend as business in general. The sole remedy for this situation lies in the establishment of a fund for large-scale public works, which would make it possible to regulate the degree of execution of specific programmes, more or less inversely to the economic situation.

As the budgetary credits at present available are not sufficient to finance the rapid execution of the re-equipment and modernisation of the basic industries, it would appear advisable, during periods of depression, not to encourage the execution of lavish public works yielding only a low profit, but rather to encourage the execution of the above-mentioned works.

The Road Administration of the Ministry of Public Works has formulated a plan for road work in various stages. This programme might well be used as a means of reducing economic fluctuations as far as possible by providing maximum employment in periods of depression and restricting demand for manpower when trade is flourishing. But road works, apart from the essential part they can play in the stabilising of employment, are also essential to the economic structure of the country and are in themselves useful. The Government feels that this point of view is not given due weight in the text of the Recommendation and the Road Administration feels that the point should be emphasised for, apart, from its importance as a factor of the policy of full employment, the modernisation of the road network means that industry can get its supplies, and move its products with minimum difficulty; in addition, supplies and prices are stabilised.

While the Road and Waterways Administration is able to plan a programme of definite public works which will lend itself to the timing suggested in the Recommendation, the national organisation of public works cannot be so adapted, as regards building, which primarily has to respond to needs which are often unforeseeable for more or less long periods in advance. The Administration considers that the suggestions made in the Recommendation are irreconcilable with the task which it has to carry out.

In 1948, the various local authorities (including church-building, drainage and reclamation syndicates) were asked to adopt a five-year programme covering war damage repairs and new works. There are various other

projects ready for execution by these authorities in order to increase the volume of public works normally undertaken by them. These projects could be put in hand without undue delay in so far as funds are available or could be obtained within a reasonable period. In addition, there is another series of projects ready for introduction when the opportunity occurs.

The carrying out of these two series of projects would suffice amply to stimulate economic activity in a period of depression. It must be borne in mind, however, that the volume of public works is limited, not only by the financial resources available to the local authorities, but also by the fact that the production of construction materials is also limited.

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

Bolivia.

The estimates of the national budget relating to public works take into account the economic necessities and the decisions of the National Congress. Unused credits for the carrying out of these works or unexpended balances, are automatically returned to the public funds and may neither be placed in reserve for periods of depression nor employed in the course of the following period unless a special decision to this effect has been given by Congress. Particular attention is given to works which would entail an increase in production and in the demand for consumer goods and thus stimulate the economic development of regions which could be industrialised.

The centralisation of information relating to public works is entrusted to the Ministry of Public Works and Communications. The carrying out of public works programmes is subject neither to the availability of labour nor to the economic position, but only to the resources made available by the budget. In fact, the country has not so far been faced by serious unemployment.

When the execution of certain works is financed by means of taxation, loans at relatively low rates of interest may also be obtained from banks. However, in view of the loans already granted, it is difficult, if not impossible, at present to obtain further credit for public works. Nevertheless, a loan has been obtained from the Bank of Imports and Exports for two autonomous State companies, entrusted with the carrying out of public works of major economic importance and with the development of the natural resources of the country.

Workers of various categories are recruited without discrimination as to nationality, age or sex, in so far as this is compatible with the various works.

As public employment agencies have not so far been established (though this measure is being considered), workers employed on public works are recruited directly.

Foreign workers may be employed in public works under the same conditions and, in the

majority of cases, under conditions much more favourable than those of national workers.

Workers employed by the State in public works enjoy all the advantages laid down in the Labour Code. As a rule, the wage rates correspond to those paid for similar work in the undertakings of the district or region. The Government has been obliged to take general measures to readjust wages to the purchasing power of money, since the latter is subject to frequent fluctuations. The conclusion of collective agreements is not yet widespread, but workers' trade unions have been organised in certain public works undertakings and their claims have brought about periodic readjustments of wages by means of agreements or governmental measures.

Canada.

Canada's economic situation during the post-war years has been characterised by rapid economic expansion and continued prosperity. On the whole, the problem of maintaining economic stability up to the middle of 1950 was largely one of controlling inflation and avoiding excessive investment; since the Korean war, however, the Government has set up a programme of military preparations and defence which, over the past year, has diverted public and private investment from normal channels.

The Government has modified its programme of expenditure and has postponed the execution of numerous projects approved by Parliament. Thus, numerous projects for Federal improvements to wharves and harbours, etc., will not be developed this year and will be held in reserve until the international situation has improved. On the other hand, certain projects essential to the security of the Continent are becoming more urgent.

The Government has taken steps to restrain inflation. These measures have a limiting effect on investment, both public and private, and include, particularly, the balancing of the budget, and the restriction of credit, especially consumer credit which was the subject of Regulations issued in November 1950 and made stricter in March and April 1951. Government loans for housing and farm improvements have likewise been reduced; various measures have been taken to limit overdrafts by banks. These measures have the objective of giving preference to projects connected with the defence programme and essential production undertakings.

In addition, the Government has recently announced a fiscal policy, under which the right to charge depreciation on all capital assets acquired after 10 April 1951 will be deferred for four years. The Government has also introduced commodity controls which restrict the use of a long list of raw materials so that essential construction can be given preference.

The report contains statistics relating to the amount of investments.

The Federal policy is to ensure greater supplies of raw materials and labour for

defence construction. An appeal has been made to the provincial and municipal authorities to follow a like policy within their sphere of action.

It appears from the texts appended to the report that the Employment Service, established throughout the country by the 1940 Unemployment Insurance Act, may be used by public works contractors for the recruitment of their labour. The Unemployment Insurance Commission can also grant loans to enable workers to move to localities where they have found employment through the intermediary of an employment office.

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

Denmark.

Part I. In order to remedy the fluctuations in the labour market, plans of reserved works have been prepared. These are either works to be carried out by the State itself or with the assistance of State subsidies.

In order to encourage communes to have plans ready for execution, it has been decided that, in the case of works financed in part by employment funds, an advance on subsidies may be granted.

The duties which, according to the Recommendation, should be attributed to the national co-ordinating body, are distributed amongst various services. The Ministry of Labour and Social Affairs draws up and keeps up to date a list of the public works and of works financed by the public authorities. It encourages the preparation of long-term plans concerning such works. The Committee for Public Investment, consisting of officials drawn from various Ministries and acting under the auspices of the Ministerial Committee for Economy and Supply, considers the total amount of expenditure necessary for public construction works and makes recommendations regarding possible changes in these works.

Part II. The provisions contained in this Part of the Recommendation have been applied in the country for a long time. National budgets, and subsequently annual economic surveys, have been established during recent years and a three-year programme is at present being prepared.

Part III. Manpower for construction work financed in whole or in part out of public funds, must be supplied through the public employment service. Special conditions providing for the existence of a fairly high level of unemployment have been established with regard to the employment of workers on relief works. Moreover, subsidies have been granted for measures relating to special categories of workers (unskilled women workers, musicians, office workers, etc.). Other measures have been approved with regard to the rehabilitation of handicapped persons.

Part IV. The provisions of the Recommendation concerning conditions of recruit-

ment and employment have been applied for some time. Wage rates and conditions of work in public works are identical to those existing for ordinary wage earners, as remuneration is made at piece rates as far as possible. A special committee including representatives of employers has been set up in order to deal with questions relating to the rates for piece work and for hourly wages.

Dominican Republic.

The national legislation contains no provisions relating to the questions covered by the Recommendation.

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

Finland.

In accordance with a decision of the Council of State of 17 May 1945 and with the directives of 7 December 1950, the State is responsible for measures to prevent or remedy unemployment. The communes are responsible, in part, for these measures. When unemployment exceeds a level at which action is required by the communes, the State participates in the organisation of the additional work involved and in the expenses necessary for the placement of unemployed workers.

The Decree of 29 July 1949 contains provisions for the organisation of special work in State administrative services to give employment to intellectual unemployed persons.

It has not been considered necessary to make any modifications to the provisions of the Recommendation with a view to their adoption or application.

The Ministry of Communications and Public Works ensures the application of the above-mentioned measures. On the local level, the competent authorities are the employment offices and agents, subordinate to the Ministry, together with the labour councils of the communes.

The central employers' and workers' organisations participate in the application of the above-mentioned measures, through the manpower council which co-operates with the Ministry of Communications and Public Works. In addition, there is in each commune a labour board which ensures the carrying out of the obligations incumbent on the commune with regard to the prevention and lessening of unemployment. These boards consist of an equal number of employers' and workers' representatives.

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

France.

The Government has always favoured the establishment of programmes to adapt the economic potential of the country to present and future needs. This policy has regularly been followed, especially as regards seaports ;

it has also been applied in the preparation of projects for the adaptation and planning of road systems and of inland waterways, for which a programme was drawn up in 1946.

However, for the last few years, the credits granted for public works have not made it possible to draw up a long-term construction programme.

Greece.

Unemployment is a permanent phenomenon in Greece: the remedy lies in the reconstruction of the economy of the country and is not dependent on a policy of public works related to economic fluctuations. Nevertheless, the possible increase in the number of employed persons should be taken into consideration when planning any public works programme. Financial factors also have to be considered.

The setting up of programmes of public works includes works carried out by both the central authorities and the local authorities, and the programmes are financed wholly or in part by reconstruction loans or by the Treasury.

The Ministry of Co-ordination set up in 1945 exercises the functions envisaged in the Recommendation; it puts in hand and supervises reconstruction projects and generally co-ordinates the economic policy of the country.

The country's policy of granting loans is co-ordinated with the execution of public works by the Currency Committee established in 1946.

The employers' and workers' representatives participate in the Production Council, which gives its opinion on matters concerning economic projects. An effort has been made to evaluate the available manpower of the country and particularly that of the mountainous districts.

Persons employed in these reconstruction projects are mainly victims of the rebellion or local workers between 15 and 65 years of age, and, preferably, breadwinners having children under 15 years.

In 1950, the number of persons employed on the "relief works" programmes was approximately 27,000. These programmes combine the idea of relief with that of employment; for this reason, wages are lower than those which are generally in force, so that there is always a motive to seek other employment.

The recruiting of workers is carried out through the employment offices which are under the Ministry of Labour. Such offices operate only in 22 of the most important towns of the country.

Foreigners are allowed to work under the same conditions as nationals, provided they have obtained a labour permit.

The wage rates for public works are the customary rates for the employment market. The execution of the most important public works is given out by tender to contractors who employ workers under the same conditions as those ruling in private enterprise. As pointed out above, the wages of persons

working under the "relief works" programmes are lower, but they constitute rather a form of allowance.

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

Guatemala.

With the exception of a plan for the building of public primary schools and hospitals, the Government has not carried out any public works within the framework of a special programme. The building work has been accelerated because of the urgent need for schools and hospitals.

The suggestions contained in Part II of the Recommendation have been duly examined and complied with, particularly by banks and by the special boards entrusted with questions relating to construction.

The recruiting of workers is carried out directly, although there is an employment service; the wage rates paid to workers employed in public works is equal or, in many cases, superior to that paid to workers employed by private persons.

Iceland.

No public measures have been taken strictly speaking with regard to national or municipal planning to meet the fluctuations in the labour market. No capital has been set aside for works to be undertaken in times of depression. However, in years of prosperity an effort is made to invest capital in means of production which would result in an increase in employment. Thus, during the war, a period during which the national income increased greatly, part of this income was invested in trawlers, fishing boats and other productive undertakings, such as the building of factories.

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

Italy.

Because of the results of the war, the public authorities are endeavouring to speed up public works of construction and reconstruction as much as possible, not only to promote the employment of labour but also to meet the country's needs.

Public works are co-ordinated on a national scale by the Inter-Ministerial Committee for reconstruction, to which will shortly be added a Ministerial Committee for the co-ordination of Government department orders and supplies. These bodies, together with the administrative departments concerned, lay down basic criteria for the financial planning of public works.

In order to combat unemployment, construction works have been given priority, because they are especially calculated to create a demand in many allied trades (manufacture of building materials) and to satisfy the needs of the working classes and raise their standard of living.

Special attention is drawn to the "Plan for the development of employment opportunities by the construction of working-class houses"; the Plan was introduced by Act No. 43 of 28 February 1949, which is designed to remedy the serious depression and widespread unemployment resulting from the war and a large increase in population.

The timing of works carried out according to the Plan is determined by the projects submitted to the "planning committee", which decides what sums are to be granted and when the work is to start and finish in each locality. The projects are accelerated in regions with a higher level of unemployment, and efforts are made to intensify work wherever there is a slowing down of private construction.

The works so far carried out have provided 20 million working-days with a maximum daily manpower of 100,000 in summer. The Plan provides for a total of 100 million working-days. This employment of labour does not constitute competition with the needs of private building, but supplements private initiative.

Representatives of employers' and workers' organisations are included in the bodies responsible for directing the Plan.

To finance the Plan, the Act provides for contributions by the State, by workers and by employers, and for other sources of income. Detailed information on the subject is given in an appendix to the report.

The Plan provides employment for unskilled, as well as skilled workers. The drawing up of the projects and the direction of the work have entailed the engagement of many members of the liberal professions also.

The suggestions contained in the Recommendation cannot be followed to the letter, especially in the case of certain activities essentially dependent on economic factors. However, the national law and practice are based in broad outline on the principles of the Recommendation.

Workers for public works are recruited exclusively through free public employment exchanges; foreign workers are employed under the same conditions as nationals, provided they have obtained residence and working permits.

The Government, which has initiated the procedure for the ratification of the Convention (No. 94) concerning labour clauses in public contracts, points out that public employment offices, when filling the labour requirements of undertakings to which public contracts have been awarded, are obliged to ensure that the conditions offered to workers conform to the provisions of collective agreements.

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

Netherlands.

The report gives an account of the organisation of measures to prevent unemployment,

which was originally the responsibility of the municipalities, but was taken up by the Government also as from 1930. Since 1934, credits have been voted for the purpose of increasing the manpower employed in the building industry. These credits were accorded in the form of loans and the works carried out by contractors. In view of the sacrifices accepted by the community in this connection, the wages paid for these works were, with the agreement of the trade unions, lower than those paid under collective agreements. This difference disappeared later on account of the fall in the general wage level. As these projects were prepared within the framework of a public works policy, the utilisation of the credits voted was very slow, with the exception of work on main roads. The funds thus used rose from 339,750 florins in 1934 to 34,366,000 florins in 1939.

In 1939, the employment service was taken over by the State, following the creation of a National Service for the promotion of employment. The wage paid was fixed at 90 per cent. of that of unskilled workers in the building trade and manufacturing industries. After the interruption caused by the war and the occupation of the country, the Service was resumed in 1944 and, immediately after the liberation of the Netherlands, the functions of the Service, which was officially termed "Service for the Execution of Public Works" were fixed by Ministerial Decree and specified in the Royal Decree of 20 October 1948. Public works cannot be undertaken by this Service unless they (1) offer a maximum amount of employment; (2) are appropriate for the employment of unskilled labour; (3) are useful and reasonable in cost in relation to output, and (4) are of a nature which allows of their termination at any given time. The regulation of wages for these works is adapted to the collective agreements in force. The projects were either carried out directly by the State, in which case the wage rates must be approved by the above-mentioned Service or were given out to contract, the wage rates then being at the discretion of the contractor. Workers not accustomed to this type of labour receive an allowance during their training period.

The workers are allocated by the National Employment Office. If they refuse the work offered to them, they are excluded from unemployment allowances and are granted municipal assistance.

At the outset, the object of the employment service was rather to combat temporary unemployment than to achieve full employment as such.

However, for some time past, the Government has followed an energetic employment policy with a view to safeguarding the welfare of the population. Although the general employment situation does not give rise to any anxiety at the moment, there are signs of local unemployment which at times assume the character of regional structural unemployment to a degree which calls for vigorous remedial measures. Consequently, a number of development projects have been put in hand

for the areas affected ; each of these projects constitutes a general plan of public works covering building, road and waterway construction, etc.

As unemployment is somewhat limited in proportions at the moment and economic and budgetary considerations call for the utmost prudence, the capital investment in public works at present is also somewhat limited. All public works which involve an expenditure of more than 100,000 florins have to be authorised by the Ministry of Reconstruction and Housing. The carrying out of public works is limited by the budget. The policy followed is in accordance with a building plan, drawn up by the Minister for Reconstruction and Housing, approved by the Council of Ministers and laid before the States General. In addition, a recently created Investment Commission examines the investments of the above-mentioned body from a financial and budgetary standpoint. Subsidies may be granted by the State to offset any drop in the trade curve due to the restriction of investments.

Contrary to the measures usually taken to combat structural unemployment, the Government has in mind the fact that, in case of a future depression, the deficits would have to be financed by an increase in the public debt and the creation of additional money. Further, the Government has paid great attention to building up a sufficient reserve of public works projects which, in case of necessity, could be put into immediate execution to replace the absence of investments by private undertakings, in order to maintain the level of investment as a whole, and thereby, that of the national income. The preparation of such projects is entrusted in the first instance to the Government departments which are normally responsible for carrying out public works themselves or for subsidising the execution of such works by local authorities. In addition, one of the new functions of the National Service for the Execution of Public Works is to ensure that the municipalities have a sufficient number of works ready to be put in hand.

In order to combat unemployment by means of public works, the Government intends, as far as possible, to promote the execution of normal works through normal channels and under normal conditions. If necessary, it will be stipulated that workers must be recruited through the regional offices of the National Employment Office and, if necessary, the use of machinery will be replaced by manual labour.

Finally, a special clause has been included in the budget to provide for eventual unemployment ; this clause will furnish the resources required in the event of unforeseen unemployment, in cases where the normal allocations in the budget are not sufficient to cover the necessary expenditure. These funds can also be used for the preparation of additional public works projects to be held in reserve.

On 7 March 1949, the Government created an Interdepartmental Employment Commission to advise it on the general lines of the employment policy. The Commission uses

primarily the projects prepared by the Central Planning Bureau, in conjunction with the National Statistical Office. Once Government approval has been given, the projects are carried out on the responsibility of the competent Minister ; the employment bureau, which is under the Commission, is entrusted with co-ordinating the execution of the projects. A Board for the Co-ordination of Public Works, which is also subordinate to the Commission, has been set up to advise on the co-ordination of the technical planning and execution of public works. This Board is responsible for ensuring the existence of a sufficient reserve of public works. It publishes a review of the data furnished by each Government department and other bodies concerning their own plans for public works. In each province there is a provincial employment commission which is responsible for promoting the employment policy within its scope of action and for giving advice on local employment problems. In this way, the Government endeavours to ensure that, in case of need, the necessary measures can be taken without delay, either for the country as a whole, or for certain occupations or groups of occupations, or for certain regions or localities. It will therefore be possible to take all possible measures on the national level to maintain full employment under normal conditions of work at as satisfactory a level as possible. Nevertheless, in the event of a period of depression, steps will also be required on an international scale in order to avoid a permanent and considerable disequilibrium in the balance of payments. Only close international co-operation would make it possible to achieve the two objectives of economic policy, namely, full employment and the balance of payments.

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

Norway.

Part I. The Act of 27 June 1947 ensures the application in principle of the provisions of the Recommendation. The report supplies the text of the first section of this Act, according to which the labour directorate must keep a close watch on the development of employment in the country, strive to achieve a steady and adequate level of employment and advise the Ministry in matters relating to employment and unemployment. It must, in particular, collect information regarding employment, unemployment and possibilities of employment, seek to establish the causes of fluctuations in employment and produce surveys of employment and unemployment at regular intervals. The directorate must also encourage the preparation by Government agencies, counties and communes of such detailed plans for public works as can be put into operation at short notice to the extent required in the various parts of the country. It must also endeavour to obtain the fullest possible information concerning private kinds of work where their execution

has a bearing on the level of employment. The labour directorate arranges for useful works to be undertaken in times of unemployment, and for works to be postponed in times of manpower shortage where they can be deferred without great detriment. It submits proposals as to means of preventing or remedying unemployment and directs the employment and vocational guidance service so as to provide suitable employment and suitable workers for all vacancies.

Similar duties are entrusted to the bodies which are subordinate to the labour directorate. The extent to which the workers and employers are represented, in the administration of the public employment service, on the board of the labour directorate and its subsidiary bodies is described in the annual reports supplied for Convention No. 2, which has been ratified by Norway.

Each year, the national budget outlines a plan for public investments, in which are to be found directives for the equalisation of seasonal fluctuations in employment by means of public works. During recent years, there has been a shortage of labour and efforts have been made to restrict investments. Various measures have been taken to this effect; they provide, in particular, for the control of labour employed by communes in construction work. Public construction plans are held in reserve in order to provide employment opportunities in case of need until readjustments have been made in the economic policy. Reference is made in this respect to the report on Recommendation No. 73.

The report emphasises that the duties entrusted to the labour directorate correspond to those laid down in paragraph 3 of the Recommendation. The directorate has entrusted Government agencies, county and local authorities with the task of drawing up plans for works which can be put into effect at short notice in times of unemployment. At the end of 1949, the estimated expenditure of the investment reserve amounted altogether to 2,500 million kroner, apportioned to 1,140 national, 1,335 municipal and county and 25 semi-public and private projects. The combined labour requirements for these projects are estimated at 125,000 men in summer and 67,000 men in winter.

Part II. As there has been very little unemployment during recent years, the capital of the unemployment insurance fund is at present considerable. Under the Act of 13 December 1946, part of the local funds (75 million kroner in 1947) are transferred to the county funds for public works. Every year, special grants are allocated to the labour directorate in the ordinary budget for projects designed to promote employment. Additional sums may be granted by Parliament in case of need. In each case, it is decided whether these credits should be covered by means of taxation or of borrowing.

The labour directorate participates in the drawing up of the general lines of economic policy.

Part III. In the projects to remedy unemployment, preference is given to local (immobile) labour, while mobile labour is generally advised to seek work in those districts where it is obtainable.

Part IV. In the case of projects carried out with a view to preventing unemployment, labour is engaged through the employment service.

Apart from Danish and Swedish nationals, foreign labour plays a small part in Norway.

Wage rates for labour on public work are paid according to collective agreements.

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

Pakistan.

In view of the low standard of industrialisation and of the underemployment in the country, most of the provisions of the Recommendation cannot be implemented at present. Nevertheless, the principles of the Recommendation relating to the planning of public works are kept in mind when drafting policies concerning this subject.

The Constitution of Pakistan is at present being drafted. The subject of planning is at present on the Federal list.

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

Sweden.

The measures taken during recent years with a view to establishing a suitable timing for industry have been effective for private undertakings, as well as for public works. Thus, the building and construction industry was regulated in order that the level of investment might be maintained within the limits of available resources. The measures adopted have enabled the industry to extend the building season. Consequently it has been possible to restrict the demand for labour in this branch and to make labour available for other activities.

A special committee of experts, established in 1949, is at present studying the possibilities of maintaining an effective investment policy, with a view to restricting economic fluctuations, although not regulating in detail the building industry.

The methods employed for controlling investments include a restrictive credit policy, an increase in the rate of interest and limited borrowing.

Municipal or private undertakings receiving State subsidies or loans are required to adapt the volume of their investments to certain regulations. Moreover, the State controls municipal loans. Various other measures have been taken with regard to companies in order to restrict credit.

During recent years, special plans have been established at certain intervals, under the auspices of the National Employment Board, for the setting up of a reserve of public

works, communal works and State-subsidised works, which would be carried out in periods of unemployment. This reserve (known as the public investment reserve) concerns works which are normally carried out by means of public investment. The plans established provide for the possibility of doubling the normal public investment in any one year. The works considered are of such a nature that they could be carried out in the course of the following two or three years, whatever the situation of the employment market. The plans in question consist of urgent and productive works. The last proposal concerning the public investment reserve, drawn up on 9 February 1951, concerns works, the total cost of which would amount to 1,900 million crowns, corresponding to 28 million days of work. In addition to the public investments reserve and in order to meet the possibility of unemployment, the plans provide for the constitution of an unskilled works reserve, consisting of less urgent works which require the employment neither of important materials nor of skilled labour.

The building regulations apply both to works undertaken by the State and to works undertaken by municipalities and private individuals.

The co-ordinating authority is the State Employment Board, which keeps a register of the plans which must be made effective in order to prevent unemployment. Credit is granted for the preparation of plans. The State Employment Board follows the development of the labour market and drafts annual reports in which it establishes estimates for the following year. Thus, the necessary steps can be taken when the employment situation is likely to become difficult. The State Employment Board is responsible for the distribution of grants and subsidies for public works carried out in order to give work to unemployed persons. It directs the State reserve works and supervises municipal works.

A budget, known as the "Preparation" budget, is established every year for works intended to prevent unemployment. In 1950-1951 this budget, which was established on the basis of the draft for the investment reserve, included grants amounting to 1,220 million crowns. The Government was authorised where necessary, to carry out works, the total cost of which would not exceed 150 million crowns. Companies may be exempt from taxation on part of the annual benefits, which is placed in reserve for the constitution of an investment fund. These funds are controlled by the State Employment Board.

Special measures have not been taken, within the framework of works for unemployed persons, with regard to special categories of persons, such as young workers, women and non-manual workers.

Building permits are only granted on the condition that the labour is recruited through public employment offices.

As from 1 October 1950, and regardless of any reciprocity condition, foreign workers

who have been gainfully employed in Sweden during at least one year are eligible for unemployment assistance and may be employed in public works. Exceptions may be granted in cases where the persons concerned do not satisfy the conditions required. As a rule, political refugees are not subject to this condition.

Wage rates in public works are the same as the rates recognised in the labour market by the collective agreements in force.

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

Switzerland.

Part I. The award in good time of public works and orders is considered in Switzerland to be one of the best ways of maintaining a satisfactory level of employment. The Confederation has requested its administrative services and the cantons, in view of the possibility of a depression in the post-war period to establish a programme of public works extending over several years; the cantons have been asked to see that the communes take similar measures.

The Confederation only has fairly limited means of influencing the timing of economic activity in general because of the principle of the freedom of trade and industry, guaranteed by the Constitution, and because of the federal structure of the country.

The Federal Council has taken various measures for the reduction of expenditure on federal administration in order to diminish the risks which might result from an over-expansion of the post-war economy.

Apart from the suppression or reduction of federal subsidies, the only method by which the Federal Council may encourage the cantons, and through them the municipalities, to adopt an attitude in conformity with economic necessities, consists in forwarding appeals to the cantonal Governments or in convening their representatives for an examination of the existing problems.

In order to decide how far the Confederation, the cantons, the communes, the transport undertakings and private electricity works would be able to fight against unemployment by means of construction works, the delegate for the possibilities of employment has been carrying out regular enquiries since 1941 which make it possible to keep constantly up to date the "multi-annual programme of public works". This programme includes all construction projects made by the public authorities which are known at the time of the enquiry and the execution of which is planned for the following years. This programme, however, does not constitute a catalogue of works to be carried out solely in the case of a depression.

In 1949 for the first time the enquiry also covered the size and type of orders which might be given by public administrative services and undertakings, if the need were felt, to activities other than the building industry. In periods of depression the increase

of the volume of public works must compensate the decrease in the orders given by the private undertakings and must maintain a sufficient degree of employment in the building industry. On the other hand, the public authorities must ensure, by means of the carrying out of various works, employment for unemployed persons in other branches, should a serious depression develop and should all other means of obtaining work for the unemployed persons be exhausted.

The co-ordinating body referred to in paragraph 3 of the Recommendation exists in Switzerland. There is a delegate of the Federal Council for possibilities of employment who was appointed in 1941. His duties are to establish, in collaboration with the cantons and private economy, a plan to remedy unemployment, to report manpower reserves in various branches and to co-ordinate measures which appear necessary for the stabilisation of employment. The carrying out of these measures with regard to the building industry is entrusted mainly to the Federal central organisation for possibilities of employment. Moreover, the majority of the large cantons have set up special services to deal with unemployment. The delegate intervenes in important matters only with the approval of the chief of the Federal Department for Public Economy to whom he is directly attached.

Part II. All the competent bodies are today unanimous in recognising that the State must restrict its expenditure in periods of prosperity in order that it may be in a position to increase the volume of its works and orders when prosperity diminishes.

In view of the financial reform to be made by the Confederation, the Federal Council proposed the constitution of a reserve of credits. The Federal Chambers preferred to allocate the amounts in question to the redemption of State loans. At present the Confederation may devote to the creation of possibilities of employment approximately 400 million francs. This sum comes partly from resources still available amongst credits formerly granted and partly from two reserves built up by means of taxation on war profits and anticipated taxation. If the need should be felt, the Confederation will have recourse to the issue of loans. The State could also, in special circumstances, utilise temporarily for the financing of possibilities of employment certain taxes which would normally have served for the redemption of debts. As a general rule the necessary amounts will not be withdrawn from circulation, as would be the case were they raised by means of new taxes; they should, rather, be added to the usual expenditure by means of the issue of loans.

The report then states that the Confederation follows in a large measure the principles laid down by the Recommendation with regard to the financing of public works. The financing of the public works of cantons and communes comes entirely within the authority of these collectivities. However, the Federal

Council makes every effort to encourage the latter to adopt the methods which are applied on the federal level. One of the chief duties of the delegate for possibilities of employment consists in presenting to the central authority opinions or proposals on all questions relating to the policy aiming at the prevention or lessening of economic fluctuations. In this respect the delegate carries out the duties laid down in paragraph 5, subparagraphs (a), (b) and (d) of the Recommendation. In case of need he would also be asked to try to co-ordinate the policy of the various public authorities (sub-paragraph (c)) although it is understood, of course, that the cantons and communes are free not to follow the practice which would be suggested.

Part III. The authorities do not in practice have the possibility of applying the principles relating to the timing of the carrying out of public works, to works in which it would be possible to employ certain specified categories of workers such as young persons, women and non-manual workers. The carrying out of public works, however, offers possibilities of employment for a certain number of non-manual workers such as technicians, architects, engineers, etc.

Part IV. The conditions governing the allocation of public works, whether carried out by the Confederation, cantons or communes, provide generally for the recruitment of workers through public employment agencies (cantonal labour offices).

Foreign workers who are authorised to live in the country may be employed on public works under the same conditions as national workers subject to reciprocal treatment.

The wage rates of workers employed on public works is fixed by means of collective labour agreements. Although this wage rate may vary in town and country districts, it always ensures for the workers a suitable and fair standard of living.

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

Turkey.

It has not been possible to give effect to the provisions of the Recommendation. The building of roads, harbours, bridges, aerodromes and dams is carried out within the framework of the National Organisation of Public Works. However, it is not possible at the present time to establish special funds and reserves with a view to planning public works, particularly during periods of crisis and unemployment.

Union of South Africa.

The Recommendation was accepted in 1938 and, in accordance with its provisions, a National Co-ordinating Body was established. The activities of this body, however, were suspended during the recent war and it has

not been possible to resuscitate it in view of the present international situation.

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

United Kingdom.

Great Britain.

Only a relatively small proportion of public capital expenditure in the sphere covered by the Recommendation is undertaken by the Central Government, as most of such expenditure falls within the province of the local authorities and nationalised undertakings. A White Paper was published in 1944 on employment policy; this declared that the policy of the Government would be directed, when the occasion arose, to correcting the sympathetic movement between private and public expenditure, which both used to fall in times of slump and rise in times of boom, so that public investment would at least be maintained when private investment had begun to fall. It should be remembered, however, that a large part of public capital expenditure, *e.g.*, housing, schools and hospitals, is dictated by urgent public needs, and projects such as the erection of power stations cannot normally be postponed in order to provide a reserve of economic activity against the onset of depression. Conversely, the Government is not in a position to compel local authorities substantially to accelerate their capital expenditure.

In the White Paper referred to above, it was proposed that local authorities should be required to submit annually to the appropriate Government Department their programme of capital expenditure. The programmes were then to be co-ordinated by an interdepartmental body, to take account of the prospective employment situation. As required by this situation, loans or grants could be made to the local authorities or, on the contrary, their sanction could be suspended.

The Co-ordinating Committee regulating the flow of capital investment is the Investment Programmes Committee, which deals with private as well as public capital expenditure. The policy of the Investment Committee forms part of the general plan set out in the "Economic Survey". This publication, usually an annual one, gives a picture of the economic situation of the country, both factual and estimated; when it has been approved by Ministers, the policy laid down is binding upon the Government Departments and the various undertakings for which they are responsible. In this way, effect is given to the principle enunciated in paragraph 2 of the Recommendation.

At the present time, there is virtually full employment in Great Britain and all the indications are that this situation will persist for a considerable time to come. Under these circumstances, it does not appear necessary to implement any of the special provisions under which the volume of public expenditure

should be controlled to even out the curves of unemployment. The organising bodies have been appointed, but so far the Committee mentioned has been compelled to curb rather than encourage expenditure, in order to prevent inflation. Where pockets of unemployment have arisen, relaxations from the general condition of stringency have been authorised to enable some capital works to be undertaken in areas where little alternative employment is available.

The employment situation in each town is reviewed at monthly intervals and, where unemployment is comparatively heavy, arrangements are made to modify restrictions, such as in the allocation of raw materials.

With regard to the recruitment of labour for public works, Government Departments work in close co-operation with the employment exchange services of the Ministry of Labour and National Service.

Paragraph 9 of the Recommendation is covered by the Fair Wages Resolution of the House of Commons. This Resolution provides for the insertion of a fair wages clause in all Central Government contracts, under which the contractor is required to pay rates of wages and observe hours and conditions of labour not less favourable than those established for the trade or industry in the district where the work is carried out by machinery of negotiation or arbitration.

In the absence of any rates of wages, hours or conditions of labour so established, the contractor must pay rates and observe hours and conditions not less favourable than the general level of wages and conditions of labour applied under similar circumstances. Although the Resolution has not been applied compulsorily to the contracts of local authorities, they were recommended by the Government to adopt a similar policy, and it may be assumed that the standing orders of the majority of the local authorities in Great Britain now provide for the inclusion of a similar clause in their contracts.

Northern Ireland.

In Northern Ireland, the programme of capital works both public and private is reviewed annually by the Government Departments at the time of the preparation of the Capital Investment Programme for the United Kingdom as a whole. In present circumstances, this programme is governed by various other factors, in addition to the desirability of planning public works with a view to the prevention of an increase in unemployment. Some of these considerations are the needs of the population as regards housing, schools, hospitals, water supplies and sewerage schemes, the need to increase exports, the use of materials in short supply in defence works and the need to increase the supplies of electricity for the industrial programme and rural electrification.

The report gives information regarding the housing programme, which is financed by a State subsidy, the local rates and loans. The need for absorbing as much unskilled

labour as possible has been recognised and is being attained by the use, for a part of the work, of new construction methods.

Information is also given on the carrying out of a long-term programme of hospital building, financed by the State, and also a programme of school building.

The water supply and sewerage schemes submitted by the authorities since the end of the war involve an expenditure of £10½ million, including Government grants to the extent of £4½ million.

The report points out that the recruitment of workers and the conditions of employment conform to Part IV of the Recommendation.

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

United States.

The policy and the responsibility of the Federal Government to co-ordinate and utilise all its facilities to promote maximum employment, production and purchasing power is set forth in the Employment Act of 1946. The Federal Government has given the closest attention to the part which public works can play in the maintenance of full employment.

During the 'thirties, the Federal Government provided for advance planning of public works, first by the Employment Stabilisation Act of 1931, then through the National Resources Planning Board established in 1939. When this Board was abolished in 1943, Federal agencies were directed to submit reports on long-range advance programmes of public works to the Bureau of the Budget. With a view to preparing for the switchover from war to peace conditions, the War Mobilisation Act of 1944 authorised Federal loans or advances to State and local governments to aid in advance planning of public works. This policy was interrupted in June 1947, but was resumed in October 1949. As a result of the Korean crisis, further advances to State and local governments were suspended in October 1950 except when the projects involved related to defence or essential civilian requirements. In addition to this large programme of financial assistance for the accumulation of a reserve of planned public works projects, the Federal Government also encouraged the planning and construction of non-Federal public works through grants-in-aid for specific types of projects such as main road construction, air ports, hospitals, housing and schools.

During the war, only a very reduced number of public works which had no bearing on defence were undertaken. This is due, on the one hand, to the desire to give priority to essential military needs and, on the other, to the desire to accumulate a reserve of projects which could be put in hand in case a depression followed the war. Under present conditions, public works of a civilian character have again been seriously limited in order that building materials might be reserved for essential

defence projects and also to decrease the inflationary pressures and build up a reserve for the period following the present exceptional circumstances.

Since the end of the second world war, the National Resources Board has been instructed to co-operate in the co-ordination of public works of a non-Federal character and has been the central co-ordinating agency for Federal projects.

As regards the financing of public works, the Federal Government does not build up reserve funds, during periods of prosperity, which are earmarked for the execution of programmes of public works in times of depression. Federal expenditure on public works does not differ from other budgetary items. The financial policy of the State and local governments is generally based on local conditions and there is no regulation which provides that they must be co-ordinated with the Federal financial policy, except where they are subsidised, as in the case of main road building, airports, hospitals, housing and schools.

In the legislation of the United States, so far no consideration has been given to works projects which would furnish greater employment opportunities for special classes of workers, such as young workers, women, and non-manual workers, than those provided by construction or basic construction materials industries.

Under the Wagner-Peyser Act of 1933, the Employment Service co-operated in the establishment, maintenance and co-ordination of systems of public employment in the different States to which Federal subsidies had been granted. Public works contractors may use the facilities of the public employment offices to obtain employees, but they are not required to do their recruiting through them.

Foreign workers who are authorised to reside in the United States are acceptable for employment on public works projects on the same conditions as nationals.

Wage rates on Federal public works projects are determined according to the provisions of the Davis-Bacon Act of 1931. This Act provides that the Secretary of Labor shall determine the hourly rates prevailing in the immediate neighbourhood of the construction site for each occupation and that these rates must be the minimum for the various classes of labourers and mechanics.

The law and practice in the United States complies substantially with the provisions of the Recommendation.

Legislation makes no formal provision for consultation with employers' and workers' organisations, but it is the usual practice for these organisations to be consulted, and heard at Congressional hearings, in regard to any legislation relating to public works.

State and local governments in general tend to construct public works as they are needed and when there is public support for expenditures for particular projects. Thus, most of the recent Federal legislation has been inspired by the desire to furnish financial assistance which will encourage State and local governments to plan in advance public

works projects which could be undertaken to combat unemployment.

Viet-Nam.

The Decree of 4 April 1951 entrusts the Ministry for Planning and Reconstruction with the study, in co-operation with the Departments concerned, and with the co-ordination of all programmes directly concerned with bringing the productivity of work to a higher level and ensuring full employment. In view of the fact that armed hostilities are still continuing in the country, the present period is one of depression in the sphere of all civil activities, including public works. The actual carrying out of works meets with many difficulties. However, studies have been made for the execution of programmes as soon as circumstances permit.

In particular, it is hoped to proceed with the rebuilding and modernisation of roads and railways, thus stimulating the heavy extraction industries and industries of transformation which, as yet, play only a small part in the national economy.

While the Ministry for Planning and Reconstruction is the national co-ordinating body, the Ministry of Public Works is responsible for the technical preparation and carrying out of works.

The credit set aside for public works comes partly from the national budget and partly from regional budgets. A special budget, representing the exchange value of American economic assistance to Viet-Nam, subsidises public works carried out in the spirit of this assistance.

The measures advocated in subparagraphs (a) to (d) of paragraph 4 of the Recommen-

dation are taken into consideration as far as possible.

In view of the special responsibilities of the Ministry for Planning and Reconstruction and the Ministry for Public Works, the co-ordination between the credit policy and the public works policy is incumbent upon the Government and is discussed by the Council of Ministers.

The employment of female labour in public works has not so far been general, except with regard to works against flooding. However, it is possible that such labour may be employed in the future when it is required in connection with reconstruction work. The same applies with regard to young persons and other categories of workers.

It is not impossible that the labour necessary for public works may be recruited through public employment agencies. However, these agencies work in the towns only, whilst the labour for public works is raised principally in the country during the slack agricultural season.

Foreign workers authorised to reside in the country are not excluded from public works.

Labour employed in public works is never paid at a lower rate than the minimum wage fixed for industrial, mining and commercial undertakings.

The Government considers it impossible to apply the Recommendation more fully before hostilities have ceased.

Up to the present, employers and workers have not been called upon to co-operate in this field. The Government hopes that the evolution of the situation will make such collaboration possible.

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

Public Works (National Planning) Recommendation, 1944: R. 73

Argentina.

Under the Government plan (for the development of the natural resources of the country) covering the years 1947-1951, a number of large-scale public works were contemplated with a view to providing employment during periods of depression. The elaboration and co-ordination of this plan will be in the hands of the interministerial co-ordination board, known as the National Planning Board (Decrees Nos. 2,827 of 1948, and 5,291 of 1941). All the projects drawn up by the various Ministries and by the provincial authorities will be centralised by the above-mentioned Board so as to ensure greater efficiency in the execution of public works.

In virtue of Decree No. 9,083 of 1949, the Board will also be responsible for the elaboration and general co-ordination of the Government plans and will supervise the execution of these plans.

As regards the employment situation, the report states that Act No. 13,591 of 1949 establishes a National Employment Service Directorate for the whole of the country under the Ministry of Labour and Social Security. The main functions of the Directorate are to regulate and co-ordinate labour supply and demand and to give advice as to the appropriate times for carrying out or initiating public works projects.

Australia.

The Government suggests that its report on this Recommendation should be read in conjunction with its report on Recommendation No. 51.

With the setting up in July 1943 of the National Works Council (comprising one representative of each State Government, with the Prime Minister as chairman), a National

Works Reserve was created and comprises all future public works which, as far as practicable, are being planned in advance for implementation as and when required. The National Works Reserve was created to counter an incipient depression if it developed, and has been kept up to date year by year by the deletion of works or parts of works which have been commenced, and the addition of new works.

Each year, the Australian Loan Council reviews the extent of works to be implemented out of loan funds, according to the state of the national economy and the position as regards materials and plant, etc.

As full employment has prevailed in the Commonwealth since the inception of the National Works Reserve, only the most urgent development works have been implemented. Because of current inflationary conditions, the Loan Council, which co-ordinates the borrowing programmes required for the implementation of these works, has decided to reduce various programmes which have been put forward. In deciding on the Loan Works Programme for each year, the Council takes into consideration the state of the labour market, by regions, in each State and area and in industries and occupations.

In view of the state of full employment referred to above, there is no necessity at present to consider the framing of schemes by local authorities, as provided for in paragraph 4 of the Recommendation. All soldiers on active service during the last war were satisfactorily absorbed in the national economy.

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

Austria.

Long-term development programmes which can be executed according to the employment situation in different parts of the country have not as yet been formulated.

Under the Federal Government Order of 29 July 1950, an Interministerial Committee was appointed to deal with unemployment problems; this Committee is also responsible for the rational execution and timing of public works programmes. It has instructed the Minister of Social Affairs to ensure the application of the general instructions issued by the Committee.

The Interministerial Committee has specified that the provincial offices of the Federal Government should elaborate building projects which can rapidly be put into operation in areas where seasonal unemployment is severe.

In various Federal provinces, the provincial committees for the reduction of unemployment and the maintenance of full employment take measures to ensure the rapid allocation of public works projects.

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

Belgium.

The Government is in complete agreement with the principles of the Recommendation which, to a certain extent, were taken into account when establishing rules for the functioning of the Public Works Department. However, while it is considered essential to increase the volume of public works during periods of excessive depression, up to the present the amounts set aside in the budget for this purpose have been conditioned by the economic situation.

The Roadways Department of the Ministry of Public Works has elaborated a long-term programme to be carried out in several stages so as to reduce the fluctuations of the labour market. In addition, the Building Department has prepared a five-year plan for reconstruction (war damages) and new works, and has under consideration various other projects which will be put in hand as soon as the necessary finances and materials are available.

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

Bolivia.

As was pointed out in the report on the Recommendation (No. 51) concerning the national planning of public works (1937), owing to the limited funds assigned to public works projects, it has not been possible (nor is it likely to be so in the near future) to elaborate a long-term development programme or to accumulate funds to be used for the execution of works in accordance with the employment situation.

From 1945 onwards, the intensive organisation of public and private construction works and the intensified production of strategic raw materials produced a growing demand for labour (chiefly in mining undertakings), which was met by rural workers.

However, no problems of unemployment arose when the economic situation changed, since the workers concerned quickly found employment under national public works projects or returned to their normal rural occupations.

Generally speaking, when planning the execution of national public works, the possibility of utilising local manpower and particular skills is taken into account. Financial aid from the State for local public works is granted on the basis of previously approved plans.

Canada.

The report is identical with that supplied for Recommendation No. 51.

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

Denmark.

For information relating to the long-term development programme, the Government refers to its report on Recommendation No. 51.

The volume of work is (apart from technical considerations) adjusted to the employment situation in the particular area of the country, as it is a general rule that public works are executed by workers recruited through the public employment service.

Public works on the reserve list can only be authorised by special permission of the Ministry of Labour and Social Affairs and, in some cases, by the Committee for Public Investments and the Ministers' Committee for Economy and Supply.

The Employment Committee of the Ministry of Labour and Social Affairs, which acts in an advisory capacity to the Minister as regards employment questions, is made up of representatives of the authorities, employers and workers. In January 1950 a Labour Market Committee was appointed by the Government to deal, among other matters, with the question of examining the measures to be taken to overcome unemployment in distressed areas.

Dominican Republic.

As a result of the great progress made in the economic development of the country during the past 20 years the Government has put into operation throughout the country a vast programme of public works, which has necessitated the utilisation of all the available manpower.

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

Finland.

The Government states that, in the period of transition from war to peace, the principles enumerated in this Recommendation were applied.

In making its plans for the organisation of employment opportunities during the period of transition from war to peace the Government applied the principles laid down in Recommendation No. 51 and, in addition, took the measures referred to in its report on Recommendation No. 71. In principle, therefore, Recommendation No. 73 has been applied.

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

France.

The policy of the Government has always been in favour of programmes (such as those carried out in connection with maritime ports and inland waterways) designed to adapt the economy of the country to future as well as to prevailing conditions.

However, as no credits have been granted for public works for a number of years, it is not possible at present to envisage a long-term development programme.

Nevertheless, as soon as the necessary credits are available, the appropriate authorities will give due consideration to the ques-

tion of timing public works in accordance with the employment situation, on the lines laid down in the Recommendation.

Greece.

As stated in the report on Recommendation No. 51, the public works programme forms part of the general reconstruction programme drawn up by the competent services of the Ministry of Co-ordination. The development of this programme depends on monetary factors and on the trend of unemployment, etc.

A Circular issued by the Ministry of Social Welfare in 1951 gives priority to works requiring a shorter period for their execution. Public works in various parts of the country are carried out through the "Welfare Labour" programme in order to provide employment.

Generally speaking, the legislation provides that the number of persons employed on public works shall depend on the working conditions and the place in which such works are carried out.

Other Circulars issued by the Ministry of Social Welfare in 1949 and 1951 stipulate that due consideration must be given to the existing demand for labour (which is greater in certain seasons as regards agricultural and seasonal occupations), the number of unemployed persons in each district and the public works projects drawn up by local authorities and approved every three months.

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

Iceland.

No long-term planning has been undertaken with a view to meeting the varying conditions of the labour market. However, the constant policy of the Government is to regulate, in so far as this is practicable, the activities of State and municipal undertakings in such a way as to prevent or relieve unemployment in different parts of the country.

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

Ireland.

The report states that, in the main, the measures contemplated by the Recommendation are inappropriate in the case of Ireland. For historical and other reasons, the country has suffered from under-investment in both agriculture and industry.

With a view to finding a solution for the endemic problem of under-investment and underemployment, the State has undertaken an extensive programme of capital development. The programme embraces items such as land rehabilitation, arterial drainage, development of power resources, afforestation, mineral development, housing, hospitals and health services, improvement of roads

and harbours and extension of telephone systems.

This programme is essentially a long-term one, but until the problem of under-investment is solved there would be no possibility of timing investments to reduce industrial fluctuations. However, as such fluctuations occur mainly in agriculture (employment in industry showing considerable stability), certain parts of the capital programme of drainage and road works are timed to coincide with a period of seasonal unemployment.

It is of interest to note that, at the close of the war, local authorities were asked to prepare plans for major road works from which a selection could be made in the event of large-scale post-war unemployment arising.

There is a special Employment Schemes Office, whose principal function is to co-ordinate such plans for public works as are specially intended to relieve unemployment. The schemes are selected chiefly with a view to employing unskilled labour and, while it cannot be said that the volume of public works is expanded or reduced in the sense intended by the Recommendation to meet fluctuating unemployment positions, they produce more or less the same effect. The great bulk of the programme is carried out during the winter months, when unemployment is at its maximum.

Unskilled workers employed on works financed from central funds must be recruited through the employment exchanges; up to the present, preference is given to those with service in the defence forces.

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

Italy.

The principles of the Recommendation have been partly applied by a series of legal measures (enumerated in the report) which made it possible to carry out a large number of public works under the auspices of both the Government and local authorities; these measures contributed to the general work of reconstruction and helped to solve the problem of unemployment.

As regards the rules governing the allocation of public works projects and of supplies as well as considerations of a general nature, reference is made to the report on Recommendation No. 51.

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

Netherlands.

The report gives an account of measures to combat unemployment, carried out by the Government as from 1930.

On 22 August 1944, the Government of the Netherlands in London created the National Service for the Execution of Public Works. The attributions of this service were fixed by a Ministerial Order and by the Royal Decree of 20 October 1948.

In the post-war period, the Government has been confronted with the problem of curbing inflationary tendencies and has, therefore, established limitations on the size of various public works programmes. Public works must conform to certain requirements before they can be undertaken; they must, for instance, offer a maximum amount of employment or be appropriate for the employment of unskilled labour, etc.

Although the general employment situation does not give rise to any preoccupations, local and structural unemployment has occurred; and a number of development plans (building, roads, etc.) have been put in hand for the areas affected to remedy this situation.

Apart from the preparation of an economic policy for periods of depression, the Government thinks it advisable to have ready a reserve of public works which could be carried out immediately in cases of urgency. The preparation of such plans is encouraged by the competent Government authorities, and a special item in the national budget ensures the necessary resources in case of unforeseen unemployment.

On 7 March 1949, the Government created an interdepartmental Employment Commission to advise it on the general lines of employment policy. This Commission used the projects prepared by the Central Planning Office in collaboration with the National Statistical Office. Once Government approval has been given, the projects are carried out on the responsibility of the competent Minister and the employment office charged with the co-ordination of their execution. A Council for the Co-ordination of Public Works has been set up to advise on the co-ordination of the technical planning and execution of public works: this Council ensures that an adequate reserve of public works is maintained to meet emergencies.

The object of all these measures is to ensure that, in case of need, the necessary steps can be taken without delay, whether for the country as a whole, for certain occupations or groups of occupations or for certain regions of localities, to maintain full employment under normal conditions of work.

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

New Zealand.

Immediately after the war, all works of any significance were scheduled on a regional basis. In each case, a detailed report was prepared and the question of priority was taken into consideration. The shortage of highly-skilled personnel has prevented the keeping up to date of schedules relating to the priority of work, but they still represent a valuable reservoir from which works could be selected if necessary.

The timing of works so as to limit the demand for labour at a time when there is already full employment is a question that has not arisen in the country.

In preparing the annual programmes of work for 1945-1946 and 1946-1947, considerable attention was given to the employment situation in each of the 25 regions.

The question of timing public works on the basis of the particular types of skill available does not arise for the very good reason that skilled tradesmen of any type are scarce.

The extent of financial support given to local authorities for works proposals varies over a wide range, depending not only on the type of work but also on local factors, and therefore it is not considered practicable to specify rates of subsidy far in advance of the commencement of work. There is, however, ample precedent to enable local authorities to estimate the financial aid they can expect from the central Government.

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

Norway.

Reference is made to the report on Recommendation No. 51, relating to the planning of public works, in particular, under the Provisional Act of 27 June 1947, respecting the employment of labour on building and construction work.

In spite of full employment in the year following the war, seasonal unemployment occurred in some parts of the country. In order to remedy this situation, annual grants were authorised in the State budget, to be used by the labour directorate in launching extraordinary projects. Special grants have been allocated for road construction work. Regional planning has been started in certain economically backward areas. One purpose of this planning is to have a plan drawn up in co-operation with public, central and local bodies and with the private organisations concerned.

In the planning of public works, consideration is given to the importance of securing jobs for skilled workers in times of depression.

The State gives considerable support to the measures promoted by local and county authorities and privately to remedy unemployment. At the same time, local and county authorities, as well as the State, are responsible for initiating plans in order to maintain full employment before the financial basis for carrying out such plans has been established.

As the country had no large armed forces during the war, the absorption of demobilised persons in industry has presented no problem.

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

Pakistan.

On account of the existing state of industrialisation and employment in the country, it is not possible, at present, to implement most of the provisions of the Recommendation. Nevertheless, the principles enunciated therein, as regards the planning of public works,

are kept in view for eventual application when policies are drafted on this matter.

The Constitution of Pakistan is in the making; the subject of planning is at present under Federal jurisdiction.

Copies of the report will be communicated to the representative employers' and workers' organisations.

Sweden.

For information regarding the position of the national law and practice, the Government refers to its report on Recommendation No. 51, and adds that the State Employment Board is entrusted with the enforcement of the relevant provisions.

As stated in the report on Recommendation No. 51, the measures taken during recent years with a view to establishing a suitable timing between industrial activity and the employment situation have been effective in private undertakings, as well as public works. Moreover, suitable building and construction projects have been included, for all parts of the country, in the special plans for the setting up of a reserve of public, communal and State subsidised works, to be carried out, as required, to prevent unemployment.

The measures to be taken in the case of certain industries or districts particularly exposed to unemployment will depend on whether the change in the economic situation is of a structural or a momentary nature. Under these measures, endeavours are made to find jobs, through the employment service, in the areas in question; if it is impossible to find employment in the open market, advanced emergency works are arranged; in order to facilitate the transfer of manpower from one locality to another, the employment service may contribute towards travelling and removal costs.

The manpower released from military service in 1945 has been absorbed by the employment market.

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

Switzerland.

The Government refers to its report on Recommendation No. 51 for information relating to certain aspects of the subject matter of Recommendation No. 73.

A works programme covering several years and the ordering of supplies are part of the general plan to combat unemployment, which covers opportunities for employment in all sectors of the national economy. This plan has been prepared in pursuance of an Order of the Federal Council of 29 July 1942 and relates to ordinary and extraordinary works and supply orders of the Confederation, cantons, municipalities, etc. The above-mentioned Order lays down that the plan must be drawn up for a long period, and constantly adapted to meet changing conditions. Furthermore, due consideration must be given to the requirements of the labour

market and to the occupation, physical capacity and domicile of the workers concerned. In this way, the Confederation endeavours to regulate opportunities for employment in specific fields, so as to be able to maintain a satisfactory level of employment.

A special provision of the Order of 29 July 1942 stipulates that "in periods in which practically all manpower is occupied, public works which are not of an urgent nature and subsidised private works must be postponed". However, owing to the political structure of the country, it is somewhat difficult to apply this principle in full.

See under Recommendation No. 51 for information relating to the measures adopted in order to prevent the premature execution of programmes.

The cantons and the municipalities are mainly responsible for the adoption of the necessary measures during periods of regional and local employment fluctuations and seasonal unemployment. However, in urgent cases, the Federal Council may authorise the execution of works within the limits of available credits set aside for this purpose.

The question of placing unskilled workers is given careful consideration by the public authorities, which organise vocational training courses. Efforts have also been made to adapt unemployed workers to occupations in which there is a shortage of manpower.

To enable the cantons to plan works and order supplies in the event of economic depression, the Government has indicated in the Federal Order of 29 July 1942 the minimum rates of Federal subsidies allocated to each canton. In virtue of another Order of the Federal Council of 12 September 1947, cantons in receipt of Federal aid are obliged to provide in their budgets a sum at least equal to that requested from the Confederation.

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

Turkey.

For the same reasons as those given in the reports supplied on Recommendations Nos. 44, 45, 71 and on Convention No. 44, the Government cannot give effect, by legislative or other action, to the provisions laid down in this Recommendation. However, certain long-term projects (construction of roads, dams, harbours, bridges, etc.), have been put into operation and will absorb a number of unemployed persons.

Union of South Africa.

The Government accepts the principle of preparing a long-term programme of public works. Certain steps for the implementation of this principle have already been taken by the setting up of the Social and Economic Planning Council which, at the request of the Government, is at present studying measures for a correlated programme of public works, as well as major provincial and municipal projects.

The Union Government agrees in general that special attention should be paid to the importance of timing the execution of works and the ordering of supplies, and, as far as this is practicable, will endeavour to maintain equilibrium in the labour market, taking into consideration the employment needs and the particular types of skill available, not only in the whole country but also in each area.

It should be understood, however, that considerations other than the demand for labour in a particular area are also important in planning works of a national character.

The Government has called the attention of local authorities and of other public bodies to the desirability of timing programmes for post-war development works. Normally, local authorities raise funds on their own resources in respect of projects within their competence, but the central Government provides certain facilities (loans, etc.) from central funds, in order to ensure housing and to provide employment.

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

United Kingdom.

Great Britain.

In 1944, the Government issued a White Paper (Cmd. 6,527) which laid down the principles to be followed on the cessation of hostilities to ensure a condition of full employment.

The subjects referred to in the Recommendation were dealt with, *inter alia*, in the above-mentioned White Paper.

Only a relatively small proportion of public capital is spent directly by the central Government, as most of such expenditure falls within the sphere of local authorities and nationalised undertakings. The White Paper declared that the policy of the Government would be directed, when necessary, to correcting the movement between public and private expenditure so that public investment would at least be maintained when private investment had begun to fall.

It should be remembered, however, that a large part of public capital expenditure, e.g., housing, schools and hospitals, is dictated by urgent public needs; projects such as the erection of power stations cannot normally be postponed in order to provide a reserve of economic activity for periods of depression.

In the White Paper referred to above, it was proposed that local authorities should be required to submit annually their programme of capital expenditure. These programmes were to be assembled by a co-ordinating body, under Ministers, to be adjusted upwards or downwards in the light of the latest information on the prospective employment position. The co-ordinating committee regulates the flow of capital investment in the Investment Programmes Committee. Under present circumstances this Committee deals with private as well as public capital expenditure. It meets under

the direction of the Chancellor of the Exchequer and is composed of representatives of the Central Economic Planning Staff and of representatives from other Government Departments; its policy forms part of the general plan set out in the *Economic Survey* which is published as a White Paper and prepared, usually, on a yearly basis.

At the present time there is virtually full employment in Great Britain; in the light of present circumstances, this situation will continue to exist for a considerable time to come. Accordingly, it is unnecessary to implement any of the special provisions under which the volume of public expenditure should be controlled to level the excess of unemployment.

Where, however, unemployment has arisen, relaxations from the general condition of stringency have been authorised, so that the effects of unemployment might be mitigated in certain areas. The employment situation in each town is reviewed at monthly intervals and, where unemployment is severe, arrangements are made for the modification of any restrictions that may be imposed (allocation of raw materials, etc.).

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

Northern Ireland.

The programme of works, both public and private, is the subject of an annual review by Government Departments at the time of the preparation of the capital investment programme for the United Kingdom as a whole. In present economic circumstances, the programme is governed by various important factors, in addition to the desirability of planning public works with a view to the provision of additional employment; these factors are, for instance, housing, provision of hospitals, water and electricity supplies, the need to increase exports, etc.

There is an important post-war housing programme and the duty of directing it devolves on the Ministry of Health and Social Welfare. In this housing programme, the need for absorbing as much unskilled labour as possible was recognised. The Northern Ireland Hospital Authorities and the Northern Ireland Tubercular Authorities have a plan of proposed building works for several years in advance. The building of schools which, in the main, is undertaken by a Social Education Authority was considered of paramount importance by the Education

Act, 1947, and subject only to the limitations imposed by the capital investment programme.

United States.

The provisions of the Recommendation are regarded by the Federal Government as appropriate under its constitutional system in part for Federal action and in part for action by the States.

Reference is made to the report on Recommendation No. 51, which includes a complete list of Federal legislation covering the advance planning and timing of Federal, State and local public works, as well as information relating to the employment situation.

Representatives of State and local governments usually take the initiative in keeping themselves informed on Federal-aid legislation affecting their localities. During the period of increasing unemployment in 1949, construction workers were fully employed.

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

Viet-Nam.

There is no specific legislation concerning the subject matter of the Recommendation.

A long-term development and reconstruction programme for public works has been drafted by the Government. This programme, which was submitted to the Colombo Conference in February 1951, forms part of the General Plan for the development of Southern and South-East Asia, in particular, as regards public works.

There does not appear to be any necessity for modifying the provisions of the Recommendation; the guiding principles laid down in paragraphs 2, 3 and 4 of the Recommendation will be taken into consideration as soon as circumstances make it possible to put the above-mentioned Plan into operation.

The authorities responsible for putting the programme into operation are the Ministry of Planning and Reconstruction, in conjunction with the Ministry of Public Works, Transport and Telecommunications.

Up to the present, employers' and workers' organisations have not been called upon to collaborate in the matters in question. It is hoped that their collaboration will be possible when the situation has improved.

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

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Argentina.

As the country was not directly affected by the two world wars, the national legislation has not dealt specifically with the situation provided for in the various provisions of the Recommendation. The only legislation

which can be cited is Act No. 13,591 of 11 October 1949, to establish the National Employment Service Directorate. This Act aims at "providing all workers with opportunities of employment throughout the country".

The employment of disabled persons has been the object of various studies by the

above-mentioned Directorate. It is hoped, as the result of these studies, that positive standards will be formulated in accordance with the principles of the Recommendation.

Australia.

Employment of women. The provisions of this Part of the Recommendation are dealt with, in particular, by Commonwealth and State legislation relating to the establishment of various industrial arbitral tribunals (in this connection the Government refers to its report under Article 22 of the Constitution, concerning the creation of Minimum Wage-Fixing Machinery Convention, 1928), and State legislation regulating conditions of employment of women. Australian practice generally conforms to the provisions of this Part of the Recommendation.

Any discrimination against the employment of women which may have existed prior to 1939 was broken down considerably by the need to utilise the country's labour resources and by the acute labour shortage which prevailed during the last world war.

Generally speaking, women now have equality of employment opportunity with men, except as regards certain occupations for which they are not physically suitable. The report refers to various higher Government posts which have been thrown open to women.

The principal authorities for the fixing of wage rates are the various Commonwealth and State arbitration authorities. However, during the war and immediate post-war periods, the Commonwealth Government played an active part in fixing wages by means of special machinery and administrative measures. With the exception of the Defence (Transitional Provisions) Act, 1946-1950, the various Acts and regulations promulgated in this respect have now been repealed.

As regards wage rates for women workers, the report states that Commonwealth action tended towards greater equality with rates for male workers. However, in practice, the normal wage-fixing authorities, who are at present concerned with women's wages, have been considerably influenced by developments during the war and immediate post-war periods.

The report gives detailed information regarding the two elements (basic wage and margin for skill) which comprise wages for men and women workers. The basic wage is adjusted at regular intervals in accordance with fluctuations in the cost of living. The margin for skill for women workers varies considerably and, in a number of cases, it is the same as for men doing the same class of work. Information is also given showing the position as regards the jurisdiction of the Commonwealth and various States in this matter.

Examinations of job content take place through the arbitration machinery, with which employers and workers are associated, especially in relation to the fixing of the marginal component of wages.

In recent years, action has been taken to raise the status of, and improve conditions of work in, industries and occupations in which

large numbers of women have traditionally been employed.

The authorities responsible for matters relating to the employment of women are the Commonwealth Department of Labour and National Service, the State Labour Departments, and the Commonwealth and State Tribunals directly concerned with industrial arbitration.

Employment of disabled workers. The provisions of this Part of the Recommendation are covered by the Social Services Consolidation Act, 1947-1950, the Re-establishment and Employment Act, 1945, and the Australian Soldiers' Repatriation Act, 1920-1950, and also by Commonwealth and State Workmen's Compensation Schemes.

Australian practice is generally in accordance with paragraphs 39 to 41 of the Recommendation (criterion for the training and employment of disabled workers; close collaboration between medical and vocational rehabilitation and placement services and special vocational guidance for the disabled).

Disabled persons receiving training under the Commonwealth Government's Rehabilitation Scheme are, as far as possible, trained with able-bodied workers, under the same conditions but not with the same pay. Such persons are granted allowances by the Department of Social Service, as distinct from the remuneration paid by industrial establishments.

Australian practice is also in conformity with paragraph 42 (2) and (3) (training continued to the point which enables a disabled person to take up employment as an efficient worker in his training trade and the retraining of disabled workers in their former or related occupations).

Australian employers with suitable training facilities are encouraged to train a reasonable proportion of disabled workers.

Specialised training centres, with appropriate medical supervision for disabled persons, have not been developed.

As the result of wide publicity and other means, many employers are induced to employ disabled persons. The only provision which compels them to employ any quota of such persons is the Re-establishment and Employment Act of 1945, which is applicable to certain categories of disabled ex-service-men. However, in view of the fact that the specialised Commonwealth Employment Service offices for physically handicapped persons have been able to deal with the problem by the selective placing of disabled workers with the co-operation of employers, it has not been necessary to make use of this legislative provision.

The provisions of the Recommendation as regards preference to disabled workers in certain particularly suitable occupations are frequently applied in practice, especially in Government or semi-Government establishments but, in view of the policy of the selective placing of physically handicapped workers in jobs which are limited to their physical capacities, the measures advocated in the Recommendation have not been adopted.

There are no general legislative measures which make any discrimination against disabled workers, except as regards industries handling food. However, in co-operation with employers' and workers' organisations, constant efforts are made to overcome prejudices against the employment of disabled workers. In recent years, liability in respect of workmen's compensation has been considerably increased by the Commonwealth and by all States, but no distinction is made between able-bodied and disabled workers.

There are a limited number of establishments which provide useful work for certain categories of disabled workers (blind, deaf and dumb and tubercular persons); the production of these workers is frequently sold competitively and is sometimes subsidised by the Government or the institutions concerned. The Government has not yet set up "sheltered" workplaces to the extent to which this has been done in certain other countries. Rehabilitation centres for special categories of disabled workers and ex-servicemen have been established.

The Employment Service has carried out and continues to carry out a considerable amount of research work in regard to activities which are likely to be suitable for particular forms of disablement, although the prevailing policy is to place a disabled person in employment where his particular disability will not be a handicap. The size and allocation of the disabled population is fairly well known and an assessment of its employability is carried on continuously.

The authorities responsible for matters relating to disabled persons are the Commonwealth Departments of Labour and National Service, Social Services and Health and the Repatriation Commission, the State Departments of Labour and Health, and the Commonwealth and State authorities concerned with workmen's compensation.

The provisions of the Recommendation are regarded as appropriate for action partly by the Federal Government and partly by the State Governments.

Copies of the report have been communicated to the representative employer's and worker's organisations.

Austria.

Employment of women. The redistribution of women in the peacetime economy of the country was carried out on a basis of complete equality with men. Although Austrian labour laws do not expressly stipulate that women are to be placed on the same footing as men with respect to wages and other conditions of work, in practice women are not placed in an inferior position. Uniform conditions of work are laid down without distinction of sex; any distinctions which exist are due to differences in the type of work performed. The report enumerates various collective agreements (concluded in 1948 and 1949) which specify that the contractual wage rates shall apply without distinction of age or sex for the same type of work. Some agreements concluded

in 1948 stipulate that the same wages shall be paid to men and women for the performance of certain jobs in specific trades and industries. Where different wages apply to men and women in other occupations, this is due to the fact that the output of women in certain jobs is inferior in some respects or the work is of a lighter nature than that performed by men.

No modifications of the relevant provisions of the Recommendation are proposed, as the latter has been superseded in its main features by the Convention (No. 100) concerning equal remuneration for men and women workers for work of equal value.

The authority responsible for enforcement is determined according to the subject matter and the administrative district concerned. The competent authorities include in the scope of their activities the rights of women and their technical and medical protection. The labour inspectorate is responsible for supervising the application of protective social legislation and of the wage rates stipulated in collective agreements.

The employers' and workers' organisations co-operate with the appropriate Ministerial department or section concerned. In the sphere of private economy, wages and other conditions of work are regulated by means of collective agreements on the basis of free negotiation between employers' and workers' organisations. The parties to these agreements observe the principle of equality between men and women for work of equal value. According to the Austrian Federal Constitution, the Federal Government is the competent legislative authority; it ensures the enforcement of labour legislation and provisions relating to the protection of employed persons. As regards agriculture and forestry, the report adds that, while the Federal Government is competent to adopt general laws, the passing and application of detailed measures to implement these laws is entrusted to the provincial Governments.

Employment of disabled workers. In virtue of the War Victims' Maintenance Act of 14 July 1949, war-disabled persons who, as a result of injuries, are unable to continue their previous training or follow their own or some other occupation which is suited to their qualifications and ability, are entitled to free vocational training for the purpose of refreshing or increasing their technical skill.

The Disabled Persons' Employment Act of 25 July 1946 provides that preference for employment may only be claimed by persons who are capable of working. Further, disabled persons who are entitled to free vocational training must undergo the necessary training before they can claim preference for employment. In the case of disabled persons who are not covered by the last-named Act, the capacity for work is a necessary condition for vocational training and placing in employment; the cause of disability is not taken into account.

The War Victims' Maintenance Act lays down that the advice of medical experts must

be obtained by the provincial disabled persons offices in all cases where the granting of claims for vocational training depends upon the reply to certain questions of a medical nature; other physically handicapped persons not covered by the Act are dealt with by the labour offices, where medical, as well as vocational rehabilitation and placement services, are available. The decision to grant an application for vocational training lies with the provincial disabled persons offices and is based on the advice of the labour office. This procedure ensures close collaboration between the offices responsible for vocational training and the labour offices, which are responsible for placing disabled persons in employment.

Both the provincial disabled persons offices and the provincial and local labour offices have joint committees (comprising employers' and workers' representatives) which have been set up to deal with questions relating to the care of disabled persons, in particular, as regards vocational training and placing in employment.

Under the Disabled Persons' Employment Act, labour offices are responsible for giving suitable guidance to disabled persons and for directing them to appropriate employment in keeping with their physical disabilities. Vocational guidance for other physically handicapped persons is also available at labour offices. There is, therefore, every guarantee that the working capacity of the disabled person is assessed accurately so as to place him in appropriate employment.

Wherever possible, war-disabled persons and other physically handicapped persons receive training in company with able-bodied workers.

Provincial disabled persons offices are specially instructed only to train disabled persons for those occupations in which they can be employed as fully efficient workers after completing their course of training.

As far as possible, disabled persons who are unable to work in their normal trade are given other training in a related trade so that the right use is made of their special capacities.

There are no legal provisions which oblige employers with suitable training facilities to provide training for a certain proportion of disabled workers. An effort is made to persuade employers who possess training workshops for apprentices to accept disabled persons; this facilitates the finding of suitable employment for the persons concerned.

There is no longer any necessity to set up special training centres for disabled persons, as the number of such persons who require vocational training has decreased considerably since the end of the war. Moreover, all the instruction required is provided through existing arrangements.

The Disabled Persons' Employment Act fixes the proportion of disabled persons to be employed by all employers (with the exception of the Federal, provincial and local authorities). Under this Act, disabled persons are defined as all persons, including the blind, whose employability is reduced by at least 50 per cent. as the result of an industrial accident or of injuries to their health. This

legislation and a supplementary Act contain special provisions under which workers who are slightly injured are placed on the same footing as regards employment opportunities as other categories of more seriously disabled persons. The labour offices are responsible for finding suitable employment for persons not covered by the above-mentioned Act.

The Federal Minister of Social Welfare is empowered to direct that certain vacancies which are especially suitable for the employment of disabled workers should be reserved for such persons or for groups of disabled persons.

The above-mentioned Act contains provisions relating to the protection, wages, etc., of disabled persons; due account is taken of the state of health of such persons in relation to the type of industry concerned. Adequate measures for the protection of other physically handicapped persons are contained in the ordinary labour laws.

Special centres for the employment of disabled workers who cannot be made fit for normal employment are not provided for in Austrian legislation. The creation of centres of this nature would be within the competence of the public welfare authorities and would come within the jurisdiction of the provincial Governments.

Labour offices are required to draw up monthly statistics of the number of persons subject to the Disabled Persons' Employment Act who have been registered for employment, the number of vacancies available and the number of placings effected each month.

Statistical data are appended to the report showing the monthly position in this respect for 1950. No statistical analysis is made of other physically handicapped persons.

The principles of the Recommendation as regards the vocational guidance of disabled persons are observed in Austria; consequently, no modification of the provisions of the Recommendation appears to be necessary.

In view of the fact that, under the Austrian Constitution, the care of war-disabled persons is the responsibility of the Federal Government, the regulations in force apply to the whole of the federal territory and no provincial laws have been passed on the subject.

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

Belgium.

Employment of women. Figures (based on the population census) are given showing the employment of women in wage-earning occupations during the period 1930-1949. These figures show that, by 1949, the total number of employed women (608,000) had reached the 1930 level and that the redistribution of women in the economy of the country had been effected. On 31 December 1949, there were approximately 414,000 women workers covered by social security legislation. There has been no increase in the volume of female labour.

In industry and commerce as a whole, 20 per cent. of the total number of workers is made up of women. This proportion, which is practically the same as that which existed before the war, is nevertheless higher in certain special branches of activities (e.g., 50 per cent. of the total labour force in the textile industry, and 70 per cent. in the clothing industry). The report gives statistical data showing the position in this respect during the period 1945-1949.

Although complete equality of opportunity for employment does not yet exist for various occupations, considerable progress has been made in this direction, particularly under the Acts of 21 February 1948 and 1 March 1950.

While there are no specialised employment offices for women, the Studies and Employment Department for Women (under the fund for the maintenance of unemployed persons) deals with all questions relating to the placing of women in employment and conducts operations in regional offices. This Department is called upon to follow up any special methods of work which it might be advisable to promote for the placing of women and the training of special staff in this connection. The Government is also examining methods for improving the conditions of work and status of women employed in domestic service and for bringing such women within the scope of the social security system.

The problem of the principle of equal pay for private employees who have been carrying out work analogous to that performed by persons in public administrative departments, is being examined by the Joint Committee for Employees.

The principle of equal pay for men and women is established for all employees in public services and bodies (the State, provinces and communes) but this is not the case as regards the majority of other categories of workers. In industry and commerce this is mainly due to the fact that a considerable number of women are occupied in subordinate occupations for which wages are lower.

With a view to establishing objective standards which will facilitate the comparative analysis of job content as regards occupations which are totally dissimilar, the General Technical Committee (set up under the Order of 28 February 1947) is undertaking a complete classification of various occupations irrespective of the sex of the workers. This Committee comprises representatives from the Ministry of Labour and Economic Affairs, technical advisers and representatives of heads of undertakings and workers. Four joint sub-committees have been set up for certain industries.

Employment of disabled persons. Experience has shown that the vocational training and employment of handicapped and disabled persons is possible only within the limits of a restricted range of trades acquired in various specialised institutions.

The Ministry of Labour is at present taking steps to encourage employers to retrain

disabled persons, taking into account their actual capacities and the number of suitable posts available for them after rehabilitation.

There is no specialised service on the national level for the vocational rehabilitation and employment of handicapped and disabled persons. At the regional level, certain provinces (e.g., Liège) have set up institutions with the object of ensuring the vocational retraining of disabled persons. Such institutions, as well as various schools for disabled, blind, deaf and dumb persons, have a specialised medical service and vocational guidance and social services which encourage both the methods for the training and placing of retrained disabled persons.

Special vocational guidance services are not in general use in the country as, in some quarters, it is considered that if the vocational guidance of disabled persons is to be based on certain specific elements, there is no justification for the setting up of special services. However, some special centres have been set up in the province of Liège.

To a great extent, handicapped and disabled persons (mainly those suffering from slight physical drawbacks) are afforded vocational retraining in company with able-bodied workers and under the same conditions as the latter. The rehabilitation of more seriously handicapped persons is generally assured either by an employer who accepts responsibility for the apprenticeship of the person concerned, or by a specialised school.

The social service attached to the Ministry of Labour Department for Handicapped and Disabled Persons always encourages disabled persons who are being retrained to continue, to the required extent, their vocational rehabilitation in their former trade. At the same time, there are no legal provisions or regulations which ensure effective steps in this respect. It frequently happens that handicapped persons give up their vocational training before it is completely finished.

Experience has also shown that workers who become disabled are generally re-engaged by their former employers once they are again capable of work. However, in a number of cases employers have given disabled persons work which, although based on their former rate of pay, no longer bears any relation to their former occupational status. Certain big undertakings have taken steps themselves to ensure the rehabilitation of workers who have been disabled in the course of their work. Such cases are, however, exceptional and it is clear that every endeavour must be made to encourage employers to afford the required vocational training and to employ disabled persons in occupations corresponding to their previous qualifications.

Special vocational training centres (operating under the system of schools and technical institutions) exist for certain categories of disabled and handicapped persons (crippled, disabled, tubercular, mentally deficient, deaf, dumb and blind persons). These institutions are subject to medical inspection by the competent services of the Ministry of Public Health.

It is generally considered that the question of special measures to ensure equality of employment constitutes an essential aspect of the problem of the rehabilitation and redistribution of disabled workers, for rehabilitation which does not ultimately lead to employment is useless and, moreover, involves unnecessary expense; from the disabled person's point of view it represents a failure which often has psychological repercussions.

In Belgium, as the result of current practice, certain occupations (lift attendants, messengers, etc.) have become occupations which are reserved for physically handicapped persons. It does not seem opportune to give legal force to this practice, which would result in emphasising the privileged nature of such occupations.

In order to arrive at an understanding between workers' and employers' organisations as regards the retraining of disabled persons, the Ministry of Labour intends to give wide publicity to information relating to the problem and, in particular, to draw attention to the conclusions arrived at from statistics compiled in other countries as regards output, industrial accident risks, etc. of disabled persons. These conclusions seem to indicate that, provided a disabled worker is sufficiently well-trained, his output may be equal to or higher than that of an able-bodied worker, and that the time lost by him as the result of industrial accidents is no higher.

There are special work centres and workshops for seriously disabled persons. However because of the heavy financial difficulties experienced by such centres, the question is being examined with a view to authorising the Department of Labour and Social Welfare to grant the necessary subsidies out of the 1951 budget. The Committee for allowances to crippled and disabled persons is at present examining measures for the institution of special workshops and centres.

An enquiry is being conducted on the basis of which it would be possible to form an opinion regarding the different disabilities, the number and location of crippled and disabled persons. It is probable that this enquiry will be extended progressively to cover all categories of disabled persons.

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

Bolivia.

As the country did not take an active part in the last world war, its activities were concentrated on the production of essential raw materials; practically all the manpower supply was employed in work of this nature, in particular, in mining undertakings. There were no important unemployment problems in the post-war period; workers who were discharged from employment were placed gradually in industrial and building activities. Compensation was paid to workers who were discharged from employment in mining and rubber undertakings.

Under the legislation in force, women employed in various posts of a temporary nature were not faced with unemployment, but were placed in permanent employment, according to their experience, skill and qualifications. For such women, the provisions of section 3, among others, of the Labour Code of 1939 were not applied. This section of the Code fixes the percentage of women to be employed in undertakings or establishments.

The Labour Code not only provides that women enjoy the same conditions as men but that they shall be given preferential treatment as regards hours of work. In practice, when women are employed with men in undertakings where a 48-hour week is customary, they are paid overtime, at the rate of 100 per cent. of their wages, for the eight hours worked in excess of the 40-hour week laid down for women and young persons in the Labour Code. However, women are largely employed in specific activities which are not competitive as regards the employment of men.

Persons disabled as a result of the Chaco campaign and in receipt of life pensions are given preference for employment on works undertaken by the State. Since the suppression of the National Institute for the Readaptation and Rehabilitation of Disabled Persons, no other central body has been established for the vocational guidance of partially disabled persons. However, the Government intends, with the co-operation of groups of employers, to promote the vocational training of disabled persons in company with able-bodied workers; if it is not possible to achieve this on a voluntary basis, the system will be made compulsory.

The National Institute for Blind, Deaf and Dumb Persons has organised special centres with a view to training for suitable work persons who display special aptitudes.

Canada.

Employment of women. The following information is given regarding the redistribution of women workers in Canada in the post-war period.

For women who had served in the armed forces, there was extensive Government planning which resulted in the enactment in 1942, 1945 and 1946 of considerable veterans' legislation applicable to both men and women and relating to living allowances for veterans taking approved training courses, allowances to veterans unable to find suitable employment and the compulsory reinstatement of women who had joined the armed forces, under conditions no less favourable than those which would have been applicable to them had they remained in employment. Women who were released from civilian employment at the end of the war were offered facilities by the National Employment Service to find new jobs.

Equal facilities for men and women applicants for employment are provided by the Service. The latter does not direct women

to employment which does not meet the minimum standards of wages and working conditions established by the legislation and regulations in force in various provinces.

In 1951, the Ontario Legislature promulgated an Act requiring women to receive equal pay with men if they do the same work in the same establishment. This principle is recognised in some collective agreements and by the Federal Government in respect of its own employees.

In the comparatively sparsely settled areas of the Yukon and the North West Territories, women are under no disadvantage in the employment field because of their sex. The inhabitants of these territories are engaged mostly in the primary industries and the type of work to be performed is not likely to lend itself to any conflict between the sexes in the way of competition for employment.

The Employment Service maintains a Women's Division which is responsible for studying women's employment problems in relation to industries in which such employment predominates.

Employment of disabled workers. In addition to the work done by the rehabilitation services available to disabled veterans and the placement facilities provided by the National Employment Service for handicapped workers, a considerable amount of work for the rehabilitation and retraining of workers injured in industrial accidents is done under the Provincial Workmen's Compensation Acts. All these Acts provide for rehabilitation services and, in the main industrial provinces, progressive convalescent and training centres have been established. Under the Blind Workmen's Compensation Acts in several provinces, the Government pays all or part of the compensation awarded to blind persons injured in approved employment.

In the Yukon and North West Territories, institutional training for the disabled is economically impracticable. However, the National Employment Service offices operate "special placement" sections which are responsible for the rehabilitation and employment of disabled workers. The policy of these sections is to stress the faculties, skills and employable assets of the disabled person rather than any limitations resulting from his disability. Moreover, the special placement sections work closely with other Government departments concerned, with welfare agencies, educational authorities and employers with a view to meeting the special needs of unemployed disabled persons. In other areas where institutional training in provincial or private establishments is available, the Employment Service maintains close contact with the provincial authorities and private schools. Government financial aid is available for the setting up and maintenance of training establishments. In certain circumstances, unemployment insurance benefits are payable to unemployed persons, whether disabled or not, during the

period of training. Special placement officers attached to the local offices of the National Employment Service keep in touch with employers and arrange employment and on-the-job training for disabled workers. This matter receives constant attention at higher levels.

A national conference on rehabilitation (sponsored by the Federal Ministers of National Health and Welfare, Veterans' Affairs and Labour) took place in February 1951. The purpose of the conference was to bring together the Government and voluntary agencies engaged in rehabilitation work and to develop a co-ordinated programme which would make use of Federal, provincial and voluntary services.

The relevant provisions of the Recommendation may be given effect to by the Canadian Parliament alone in the Yukon and North West Territories and in particular undertakings over which Parliament has exclusive legislative authority as regards the demobilisation of the armed forces and the operation of the Employment Service; otherwise these provisions may be given effect to by the provincial legislatures alone or in co-operation with Parliament.

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

Denmark.

Employment of women. The redistribution of women workers in civilian employment does not constitute a post-war problem in Denmark, where there was no mobilisation of women for employment.

The report refers to the following information supplied by the Government in its letter of 16 March 1951 regarding Danish legislation in respect of the remuneration of men and women workers.

The principle of equal remuneration has been applied to civil servants and other State employees. However, the remuneration of workers employed by the State and bound by the collective agreements in respect of their trades is fixed in conformity with the principles applying to corresponding workers in private occupations. Without making a radical departure from the principles applied up to the present in fixing wages, the legislative authority would not be able to take action to establish the principle of equal remuneration for men and women workers for work of equal value. The implementation by the Government of a general policy of establishing wages on the basis of an objective appraisal of the work done is out of the question.

The report adds that conditions in Denmark do not appear to warrant further investigation for the purpose of establishing precise and objective standards for determining job content, irrespective of the sex of the workers, as a basis for laying down wage rates; the employers' and workers' organisations have not been consulted in this respect.

Employment of disabled persons. The employment service takes measures to find employment for disabled persons. Several employment offices have set up special departments for this purpose.

At present, vocational guidance offices have been established on an experimental basis only in connection with a few employment offices. So far, the employment offices have been able to arrange for the vocational retraining of workers to a limited extent only.

Measures for the vocational guidance of disabled persons are under consideration.

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

Dominican Republic.

Because of their subject matter the measures laid down in the Recommendation cannot be applied in the country.

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

Finland.

Regulations regarding guarantees for the economic and social situation and the employment of demobilised persons were laid down in various Decisions of the Council of Ministers during the period 1943-1945. These regulations, which were applied during the transition period, have given effect to the principles contained in the Recommendation and deal with waiting benefits to demobilised persons, benefits to demobilised persons attending accelerated vocational rehabilitation courses, criteria for the employment of and assistance for university studies as regards ex-servicemen, fortification workers, women engaged in national defence work and similar categories of demobilised persons.

No modification of the provisions of the Recommendation has been found necessary for adapting or applying these provisions.

The Ministry of Communications and Public Works, the local and regional employment offices and agents of the Ministry and communal committees are responsible for the enforcement of the provisions of the Recommendation.

The central organisations of the employment market, the Finnish Confederation of Employers' Organisations and the Confederation of Finnish Trade Unions, through the Manpower Board of the Ministry of Public Works, co-operate in dealing with the questions concerned.

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

France.

Employment of women. In virtue of the Order of 30 July 1946, the principle of equal pay for equal work for men and women was included within the framework of wage

regulations. Since the promulgation of the Act of 11 February 1950 (to re-establish the system of free discussion of wages), this question comes within the scope of collective agreements. In practice, collective agreements and arrangements for minimum time-wages provide different rates of pay for men and women only in those branches of activities where such rates correspond to work which by tradition is performed either by men or women. The minimum guaranteed national wage for the inter-occupational category is the same for all workers, irrespective of their sex. The Act of 11 February 1950 lays down that collective agreements covered by the "extension" procedure must contain amongst other things, provisions relating to the application of the principle of "equal pay for equal work" to women and young persons. The relevant regulations and collective agreements only fix minimum wages and may not prohibit employers from granting higher wages to men in individual cases. However enquiries regarding real wages show that inequalities between the wages of workers of both sexes are gradually disappearing. The question of establishing standards to be used as a basis for determining wage rates also comes within the framework of collective agreements and arrangements regarding wages. The role of the State ceases once these standards ensure the minimum wages maintained in force provisionally by the Act of 1950 or when the minimum guaranteed wage for employees is higher than the above-mentioned minima.

Measures to improve conditions of work in occupations in which women are traditionally employed are also within the scope of collective agreements. In this connection, the report gives examples of agreements relating to certain occupations.

Employment of disabled persons. The following detailed information is given as regards the national law and practice concerning the criterion for the training and employment of disabled workers.

At the outset, special measures covered by the legislation found expression as a complement of the compensation system for certain categories of disabled persons, in the first place for war veterans.

The National Office for Ex-Servicemen and War Veterans is responsible for providing vocational training or rehabilitation, either in its own schools or by placing the persons concerned under its supervision in private establishments or with employers.

Legislation enacted in 1924 and 1930 provides for the compulsory employment of a certain percentage of disabled ex-servicemen in reserved occupations and for the rehabilitation of persons disabled in the course of their work. The compensation payable to the latter may not be reduced by reason of their new occupation. While the schools maintained by the National Office for Ex-Servicemen endeavour to ensure the placing of disabled persons after rehabilitation, there is no legislative provision which compels employers to engage such persons.

Under the legislation enacted during the period 1945-1950, the industrial accidents compensation scheme was incorporated in the social security system and has both improved and extended the opportunities for rehabilitation of persons disabled in the course of their work. This legislation has resulted in appropriate and comprehensive measures to provide for the vocational training or rehabilitation of any disabled person who, by reason of his invalidity, is unable to take up work immediately or to resume his former occupation.

The legislation ensures co-ordination between the various competent establishments and authorities as regards the interests of disabled persons. The Interministerial Committee (set up under the Order of 17 May 1948) is the body responsible for co-ordinating and developing training operations for disabled persons.

In order to differentiate between rehabilitation and re-employment, strictly speaking, (*i.e.*, placing disabled persons in workplaces), the manpower service of the Ministry of Labour and Social Security has prepared a Bill which is now before the National Assembly. This Bill provides for the compulsory employment of a maximum proportion of one handicapped person in every 10 wage-earning employees; the exact percentage for each branch of industry or each department is fixed by prefectorial order, on the recommendation of a committee consisting of representatives of the administrative departments, employers and wage-earning employees.

In spite of its complex nature, the legislation establishes the basis for the application of the principles of the Recommendation. In practice, these principles are only applied fully to those categories of disabled persons who have been protected for a considerable time. Extensive efforts are being made fully to implement the more recent legislative measures. In this connection, the procedure by which approved private occupational rehabilitation establishments are authorised to admit persons covered by the social security system will have far-reaching results. Such establishments must comply with the conditions laid down in the regulations and must be approved by the competent administrative authority or general technical committees. An Order of 10 March 1950 lays down the detailed conditions relating to vocational rehabilitation establishments and their approval by committees.

Committees (16) set up at the headquarters of each regional social security directorate are responsible for giving their opinion on requests for the approval of private rehabilitation establishments or on plans for the setting up of such establishments by social security funds. These committees, under the chairmanship of the regional director of social security, are comprised of competent officials from the labour and manpower service, the Departments of Public Health and Technical Instruction, representatives of social security bodies (including one doctor) and a doctor

or technical rehabilitation expert appointed by the Ministry of Labour and Social Security. In the majority of districts, committees have been constituted and have started their work. Their activities are followed closely by the administrative authorities.

The implementation of the procedure laid down for approved rehabilitation establishments will ensure a survey of the rehabilitation methods taken as the result of private initiative, the improvement and the utilisation of such methods in favour of disabled persons and the drawing up of a comprehensive and rational plan which will soon ensure closer liaison between the various services and bodies concerned with rehabilitation programmes.

French legislation implies that the vocational guidance of disabled persons shall be based on individual and complete surveys which make it possible to assess their capacity for work. In view of the fact that, in practice, rehabilitation has been considered rather as the privilege of a small number of persons, and that this privilege was linked up with the idea of "protected" work or "reserved occupations", many vocational rehabilitation establishments confine their activities to a limited number of trades which have come to be considered as traditionally suitable for disabled persons. It will be necessary to disseminate more complete information in order to overcome the prejudices of the employers and the disabled persons themselves regarding certain occupations or trades.

The legislation (relating to social security, the readaptation of seriously disabled, blind and tubercular persons) enacted during the period 1945-1950 is fully in accordance with the provisions of the Recommendation as regards close collaboration between medical services for the disabled and vocational rehabilitation and placement services. In practice (as regards victims of industrial accidents, persons covered by social insurance and disabled persons, in particular), close collaboration is assured during the various stages of rehabilitation. There is constant liaison between the competent bodies under the Ministry of Public Health and the manpower service of the Ministry of Labour and Social Security.

The activities of social security bodies and services concerned with the vocational training and placing in employment of disabled persons are co-ordinated by means of regional and local agreements. Appropriate technical retraining is given to workers suffering from a chronic complaint, such as tuberculosis, and handicapped and war-disabled persons who have completed the required treatment.

Detailed information is given regarding the methods adopted for the vocational rehabilitation of sick and injured persons, their medical supervision in hospitals, sanatoria, etc., their general and technical instruction and gradual preparation for rehabilitation. Special centres have been or are in course of being set up in the country and progress is being made in various directions.

Vocational guidance is governed by a psycho-technical examination; 15 psycho-

technical selection centres (under the direct control of the Ministry of Labour and Social Security and approved by the Ministry of Public Health and Population) are actually functioning in the principal cities.

In certain manpower centres, special services known as "vocational re-employment centres" have been set up. The social security funds co-operate to protect the interests of the persons concerned and in some cities the funds have set up vocational guidance and selection services. On the basis of a medical examination and, if necessary, rehabilitation, these centres direct handicapped, infirm and chronically ill persons to occupations in keeping with their physical capacities. Under the legislation, the decision to place the disabled (insured persons, or victims of industrial accidents) in private vocational readaptation establishments, rests with a committee appointed by the board of management of the competent service. Due account is taken of the results of medical and psycho-technical examinations, the trade chosen by the person in question and the number of vacancies in rehabilitation establishments.

Until recently, the vocational rehabilitation of persons disabled in the course of their work was carried out in the 11 schools of the National Office for Ex-Servicemen and War Veterans. Social security legislation now provides for the placing of the above-mentioned persons in the vocational rehabilitation centres of the manpower services.

In conformity with the principles of the Recommendation, the national law and practice aim, as far as possible, at placing disabled persons among able-bodied workers; certain conditions (in particular, the age limit) required of the latter are waived in the case of disabled persons. Modern methods and training are constantly adapted to the situation of the labour market.

Under the legislation, social security bodies may place insured persons (sick and injured) in private vocational training or rehabilitation establishments approved by the Ministry of Labour and Social Security or with employers. During the period of readaptation and vocational rehabilitation, such persons are granted the daily benefits, allowances and pensions provided for by the legislation. Supplementary benefits are also payable on the basis of the minimum wage for the occupation in which such workers have been trained.

The report gives details of the provisions of the legislation relating to the placing of insured persons in employment by social security bodies.

Social security legislation is designed to restore the disabled person's working capacity and to protect him against economic and social drawbacks resulting from the loss or reduction of this capacity. The legislation does not limit the period of rehabilitation, which varies according to the occupation in which instruction is given; the person concerned is always given training which enables him to carry out the normal duties connected with a trade. His ability to do so is determined by an examination; the vocational

training certificates issued by the Ministry of Labour, the curricula and qualifications required make no distinction between physically handicapped and able-bodied persons.

Social security bodies which are responsible for rehabilitating disabled persons may also place them with employers. In such cases, individual readaptation or rehabilitation contracts are drawn up in conditions (payment of part of the wages by the employer and supplementary benefits by the National Office of Ex-Servicemen) likely to encourage employers. Adequate guarantees are given to employers in the form of the preliminary medical and psycho-technical examinations to determine the aptitude for work of the persons concerned. Moreover, a qualifying period is laid down during which the contract may be terminated by either party. In order to encourage the rehabilitation of physically handicapped persons and war veterans, some approved vocational rehabilitation centres (under the Decree of 9 November 1946) are granted subsidies by the Ministry of Labour.

In various localities, special approved private rehabilitation schools and centres have been set up by social security bodies for sick and disabled persons and war veterans who require strict medical supervision. Training is also given in special workshops, industrial, commercial and agricultural undertakings or at the home of the person concerned.

Some employers, in particular in big undertakings, take steps themselves to re-adapt disabled persons so that they are able to take up their former occupation, or to employ them in suitable work. The Act of 26 April 1924 fixes the percentage of disabled persons and war veterans to be employed by commercial and industrial establishments, as well as the method of calculating the average wage. The Act of 30 January 1923 respecting reserved occupations (as amended and supplemented in 1946 and 1950) complies in part with the provisions of the Recommendation as regards the preference to be given to seriously disabled workers and war victims. Lists of suitable employments in public administrative departments and subsidised industrial or commercial establishments are indicated in special notices. The prevailing tendency is to emphasise the principle of employing disabled persons as far as possible in normal occupations in company with able-bodied persons.

Special work centres are provided for in the legislation to enable isolated disabled persons capable of engaging in wage-earning employment to meet family and social difficulties. The Bill already referred to authorises the Ministry of Labour to fix, for certain individual trades and activities, a higher proportion of posts reserved for handicapped persons in cases where the proportion of 10 per cent. would not ensure the re-employment of all persons covered by the legislation. Until this legislation comes into force no obligations are laid upon the employer, except in the case of war-disabled persons.

At present, it is evident that the reluctance of some employers to re-engage disabled persons is based on the fear of insufficient output,

a high rate of absenteeism and an increased frequency of industrial accidents. Through their social assistants, the social security bodies are endeavouring to overcome these fears of the employers.

At a recent meeting of the Interministerial Committee for the vocational readaptation of war veterans, disabled and physically handicapped persons, attention was drawn to the necessity for strengthening propaganda on the required lines by joint action between the organisations for the sick and the services and bodies concerned. Effective co-ordination between the technical services for the prevention of accidents and the industrial health officers will eradicate employers' prejudices as regards the accident risks of disabled persons.

There are a number of special employment centres for handicapped and blind persons who cannot carry out a trade in normal conditions.

The University Statistical Bureau is making a survey with a view to assembling information regarding occupations particularly suited to different types of disabilities, the number of disabled persons, their geographical distribution and fitness for work. The Psycho-technical Studies and Research Centre assembles information concerning the trades suited to different types of disabilities. Studies are compiled annually by the National Office of Ex-Servicemen and War Veterans showing the number of war disabled, their disabilities and the progress made by them during rehabilitation.

The Ministry of Labour and Social Security, inasmuch as it is concerned with manpower problems and the application of social security legislation, is responsible for the application of measures relating to the physical re-adaptation, retraining and vocational rehabilitation of handicapped persons (responsibility for part of this task is shared with the Ministry of Public Health and Population). The Ministry of Labour and Social Security is also responsible for approving private vocational readaptation, rehabilitation and training establishments and for drawing up the required programmes and the conditions to be observed in such establishments. Advisory committees at the national and regional levels assist the Ministry in planning rehabilitation and in keeping it permanently adapted to economic necessities; the social security bodies represented on these committees deal with the application of the plans to individual cases. The final decision in such cases rests with a committee appointed by the managing board and comprising representatives of employers' and workers' organisations.

Greece.

The war and the various disturbances to which the country was subjected during the period 1940-1949 delayed the work of reconstruction.

It was not possible to take legislative measures with regard to equality of treatment for men and women. However, the employment of women has been greatly developed;

at present, the number of employed women amounts to 35 per cent. of the total number of workers.

Legislation was enacted in 1942, 1948 and 1949 laying down measures for the protection of persons disabled in military service and those serving with the armed forces. Disabled persons who have served with the armed forces at any time from 1940 onwards are placed in suitable employment, according to the nature of their disabilities. Disabled soldiers are given preference for employment over all other persons.

Rehabilitation centres have been established where disabled persons are trained in various occupations.

The Government is in agreement with the provisions of the Recommendation, but, owing to serious financial difficulties, it is unable fully to implement them at present. It is expected that progress with reconstruction and improvement of the economic situation will make it possible to take legislative measures on the lines indicated in the Recommendation. The main difficulty lies in the practical application of legislative measures.

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

Guatemala.

Owing to the fact that the Republic has not suffered from the effects of the last world war, there has been no change in the structure of the employment market.

Iceland.

Employment of women. Women enjoy complete equality with men in all matters of work and training. It is generally admitted that the same remuneration should be paid for work of equal value, whether performed by men or women. In the civil service, no differentiation is made between men and women.

Employment of disabled workers. So far, no public measures have been adopted for the vocational training of disabled persons. A recent Act (No. 51 of 1951) supplements the Social Security Act and provides that the social security institution shall conduct an enquiry into the working capacity of disabled persons who are capable of maintaining themselves, wholly or partially, if provided with an occupation which is suited to their condition. The institution is also entrusted with making proposals likely to ensure the maximum utilisation of the working capacity of such persons. In formulating these proposals, the institution works in collaboration with social insurance committees, as well as with municipal and parochial bodies. It is anticipated that these enquiries will be concluded in the near future.

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

Ireland.

No detailed report appears to be called for, as conditions in Ireland did not warrant the implementation of the provisions of the Recommendation.

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

Italy.

Employment of women. The Constitution of the Republic (section 57) lays down that all working women shall have the same rights and, for equal work, the same remuneration as male workers. This is in conformity with the principle established in section 3 of the Constitution which specifies that all citizens enjoy the same social rights and are equal before the law, irrespective of their sex. A summary of the provisions of other legislative texts relating to the employment of women is given below.

Act No. 264 of 29 April 1949 contains certain provisions relating to the placing in employment of, and assistance to, involuntarily unemployed persons, which apply equally to persons of either sex. Consequently in cases where, for reasons of a technical or occupational nature, it is immaterial whether men or women are employed, the question of the sex of the worker is not taken into consideration. On the other hand, if it is generally admitted that, for technical reasons and because of tradition, it is preferable to employ women and young persons in undertakings belonging to the same sector of production in a specified region, the employment offices must comply with the requests made by employers in this respect.

Legislative Decree No. 1,222 of 3 October 1947 (respecting the compulsory employment by private undertakings of persons suffering from a specific reduction of their working capacity) applies equally to men and women. Women who are disabled as the result of the war or in the course of employment are included (on the same footing as men in this category) in the special quota of workers to be employed according to the proportion fixed by this Decree. Public administrative departments and private undertakings are obliged to give preference to widows and orphans (including war orphans) as regards reintegration and placing in employment.

Employment of disabled workers. The problem of the criteria to be used for the employment of various categories of disabled persons during the transition from war to peace after the second world war was the subject of specific legislation enacted during the period 1945-1950. This legislation relates to the placement in employment of persons who have completed treatment in a curative establishment for tubercular diseases, the employment of disabled persons, war veterans and civilians disabled as the result of war, and the extension to persons disabled in the course of their work of the regulations relating to disabled persons.

The various legislative measures referred to above have been established on more or less uniform criteria and can be considered adequately to cover and to ensure the implementation of paragraph 39 of the Recommendation (the criterion for the training and employment of disabled workers should be their employability, whatever the disability).

Rehabilitation courses for war veterans and disabled persons are generally given with the assistance of specialised officials under the supervision of medical practitioners (specialists). Where the latter are of the opinion that the persons in question are capable of attending the normal courses for adult workers they are admitted to these courses under the same conditions, etc., as able-bodied workers. Before being admitted to rehabilitation courses disabled persons and war veterans must follow appropriate treatment which will enable them to fulfil the normal duties and tasks connected with their occupation. Where necessary they are provided with the requisite surgical appliances, psychotherapeutic treatment, etc.

The principles and suggestions contained in the Recommendation as regards the vocational training of disabled persons have not been the subject of specific legislation. The report enumerates various legislative measures (relating to the vocational rehabilitation of workers in general) which are applied to disabled persons. Act No. 290 of 16 January 1939 provides for the setting up of training and refresher courses for employed persons by schools, commercial undertakings and other suitable institutions. Another Act of 29 April 1949 provides for accelerated vocational training courses for large groups of unemployed unskilled workers and for refresher courses for skilled workers and the rehabilitation of workers so as to fit them for new occupations. The placement in employment of demobilised and assimilated persons and accelerated vocational training courses for necessitous workers (with financial assistance from the Ministry of Labour) was the subject of legislation in 1945 and 1946.

Before being admitted to any of the above-mentioned courses disabled persons and war veterans must prove that they possess the physical aptitudes required for the performance of the trade in question.

In all cases, an attempt is made to place disabled persons during the period of vocational rehabilitation in conditions which approximate as closely as possible to the conditions applying to the able-bodied workers in whose company they will eventually be employed.

As far as possible, in individual cases, effect is always given to the principles of the Recommendation as regards the retraining of disabled workers in their former or related occupation where their previous qualifications would be useful.

The vocational rehabilitation of tubercular persons is provided for in a Legislative Decree of 15 April 1948, which lays down that all curative establishments or sanatoria for the treatment of tuberculosis and in which more than 200 persons are treated must organise vocational rehabilitation centres for

persons likely to be cured, so that on leaving the establishment the latter may be directed to work which is in keeping with their state of health.

Vocational guidance and selection centres are utilised to establish the working capacity of all disabled persons, as well as the type of employment for which such persons are best suited. Agreements were concluded recently between the Ministry of Labour and Social Welfare and the National Association for the Prevention of Accidents with a view to utilising the vocational guidance centres of the latter for the purpose of selecting persons for vocational guidance courses. The vocational training of disabled persons is also entrusted to special organisations, according to the origin of the disability of the person concerned (e.g., military service or industrial accident).

Employers are obliged to engage a fixed proportion of disabled workers in relation to the number of able-bodied workers employed by them.

No discrimination is made between able-bodied and disabled workers as regards work-places, working timetables and wages.

Information is collected with regard to the number of disabled persons, their location and employability.

The competent authorities for questions relating to the employment of war veterans and disabled persons are the Ministry of Labour and Social Welfare and its district offices, the National Society for War Veterans and its provincial committees, the provincial committees for the employment of persons disabled in the course of their work and the provincial committees for the placement in employment of persons who have completed curative treatment in establishments for tubercular diseases.

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

Luxembourg.

The subject matter of the Recommendation is covered by Grand-Ducal Orders, promulgated on 30 January and 26 February 1945, respecting the right of certain categories of workers to reinstatement in their former occupations and the setting up of an office for the employment and vocational rehabilitation of victims of industrial accidents and war-disabled persons.

The provisions of the above-mentioned legislation are still in force and are extended to all manual and intellectual workers of both sexes.

In virtue of a Grand-Ducal Order of 30 December 1944, respecting the fixing of minimum wages, the Government has endeavoured to reduce traditional differences between wages for men and women.

The Government refers to a pamphlet issued by the Ministry of Labour (and appended to the report) which reproduces and comments on the above-mentioned Grand-Ducal Orders of 26 February and 31 January 1945.

The Order of 26 February 1945 provides for the setting up of an office for the placing in employment and the vocational rehabilitation of victims of industrial accidents and war-disabled persons. Section 2 of this Order lays down that all posts which are subject to supervision by the Labour and Mines Inspection Service and which can be filled by persons disabled in the course of their work or as the result of war must be reserved for the latter, on the recommendation of the chief engineer of the Labour and Mines Inspection Service. Priority for posts in an undertaking is always given to persons who have incurred industrial accidents in the undertaking.

All disabled persons who wish to be considered as candidates for posts subject to control by the Labour and Mines Inspection Service or to undertake vocational rehabilitation courses are required to register with the national labour office. Such persons are issued with registration cards on which are entered, *inter alia*, particulars of the accident, nature of the disability, degree of incapacity, state of health, vocational training (section 4).

The office for the placing in employment and rehabilitation of disabled persons is responsible for the decision as to the necessity of vocational rehabilitation, as well as for any reduction in the period of rehabilitation and the time limit for end-of-training examinations (section 5). In the comments on this section of the Order, it is stated that disabled persons may request admission to vocational training or rehabilitation courses in order to acquire skill in a trade, to resume their former occupation or to take up another in keeping with their age, experience and qualifications. Moreover, as far as possible, training courses are subject to a certain amount of medical control.

Under the Grand-Ducal Order of 31 January 1945, the labour contracts of persons who were deported, interned or imprisoned or who served with the allied forces, etc., were suspended and employers were obliged to reinstate them in their former posts.

A second pamphlet, appended to the report, contains information showing the general position as regards employment and unemployment in the post-war period.

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

Netherlands.

Employment of women. There are no legal provisions which discriminate between men and women as regards the principle of complete equality of opportunity for employment on the basis of individual skill and experience. As a result of the acute shortage of female labour, especially in the years immediately following the war, women workers were easily redistributed in the peacetime economy of the country.

The principle of equal pay for equal work for men and women is not applied in general. Equal remuneration for workers of both

sexes exists only for certain categories (e.g., public officials, teachers, etc.); it is possible that in some industries the wages of both men and women are the same for equal work.

Because of the present position as regards the different occupational categories, there is no reason for applying the principles of the Recommendation relating to action to raise the relative status of industries in which large numbers of women have traditionally been employed.

Employment of disabled workers. The principles laid down in the Recommendation are applied in general.

In virtue of the Act of 1 January 1948, respecting the placing in employment of disabled workers, each employer who employs more than 20 workers is obliged to engage at least one disabled person out of every 50 or more employees. All disabled persons in employment are covered by the normal regulations laid down in social legislation.

As disabled persons have facilities at the various schools and institutes set up for the purpose, where they are able to follow instruction in the trades suited to them, they are eligible for placing in employment on the same basis as all other workers.

Although employers are not obliged to give preference to any particular category of disabled persons, the regional offices of the employment service press for the placing of seriously disabled persons.

Workshops are being set up at present for workers who are disabled to such an extent that, in present circumstances, they cannot play any useful part in production.

By means of a special method, a comparison is made between an analysis of the aptitudes and qualifications of the persons concerned and an occupational analysis of the requirements and conditions of the work in question.

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

New Zealand.

Employment of women. There is no lack of opportunity for men or women to find suitable employment. It is not expected that there will be any tendency for preferential treatment of one sex to prejudice the employment opportunities of the other.

The status of women in the community is governed by social legislation on a broad basis. New Zealand has consistently held the view that wage rates are but one component of the various factors connected with the employment of women and that it is more important to achieve balanced progress in all these factors than to concentrate disproportionate attention on any one. The elimination or reduction of margins in wage rates between men and women workers is gradually being effected in alignment with other economic and social factors. No action has been or is being taken to disturb this process by State intervention in the ordinary machinery of wage negotiations.

The working conditions and methods of placement relating to the employment of women are governed by the same statutes, inspection activities and employment service facilities as those relating to men.

Employment of disabled persons. The criterion laid down in the Recommendation for the training and employment of disabled workers on the basis of their employability is recognised in New Zealand, subject to certain preferences in respect of disabled ex-servicemen.

Medical rehabilitation is a feature of hospital treatment and steps are being taken to develop continuity between medical rehabilitation and vocational training according to available facilities. Co-operation between medical services and services responsible for the vocational guidance, training, placement and resettlement in employment of disabled workers is a special feature of the rehabilitation programme for ex-servicemen.

Vocational guidance is available to disabled persons free of charge through the vocational guidance centres of the Education Department; the National Employment Service refers cases to these centres as necessary. The Rehabilitation Department is responsible for the vocational guidance of ex-servicemen and, where necessary, makes use of the services offered by the vocational guidance centres. Free vocational training in various types of occupations is provided by the Institute for the Blind. In addition, "follow-up" activities are continued after discharge from the training centre. The Disabled Servicemen's Re-establishment League, in co-operation with and on behalf of the Rehabilitation Board, deals with the training, employment and placing of disabled ex-servicemen. The vocational guidance centres, the National Employment Service, and the Institute for the Blind deal with both civilians and servicemen.

Measures for the employment and training of disabled workers are provided for by the Disabled Servicemen's Re-establishment League, the vocational training schemes of the Rehabilitation Department, the Institute for the Blind and the League for the Hard of Hearing, the subsidy scheme and the general placement work of the Department of Labour and Employment. These various measures ensure training centres for the instruction of ex-servicemen in suitable trades, and continuous employment for ex-trainees whose disabilities prevent them from taking their place in private industry; vocational training facilities for and the direction of ex-servicemen (who are unable to resume their pre-war occupations) to trades or occupational training of the type most suited to their particular disablement; special training for blind and deaf persons. The Employment Act of 1945 provides that the Department of Labour and Employment shall assist persons who require occupational adjustment or training or other assistance to enable them to continue or resume full-time employment. The Department grants subsidies to local bodies or private employers

during the training or retraining periods. Where necessary, authority exists for the making of loans or grants to cover the cost of tools, etc., according to circumstances connected with individual cases. The district officers of the Labour and Employment Department have instructions to make special efforts on behalf of disabled persons. These officers undertake extensive enquiry work and give sympathetic attention to the placing of persons concerned in employment which is suitable and useful and is within their capabilities or adaptability. Each year, approximately 200 semi-employable persons in the severely handicapped or severely disabled category are placed in employment by the Department. The latter maintains liaison with the hospitals wards in order to place appropriate cases of hospitalised disabled workers in employment.

The Government is considering additional measures for the occupational rehabilitation of persons who qualify for invalidity pensions, as well as workers injured in industrial accidents. Consultations have taken place between the State Department concerned and the hospital boards. The Workers' Compensation Amendment Act, 1950, provides that the workers' compensation board shall make arrangements with any persons who have appropriate facilities for workers suffering from serious permanent physical injury to take advantage of vocational training and industrial rehabilitation courses, and facilities in connection with employment or work under special conditions, and co-operating with any Government Departments and other bodies or persons for these purposes. Under the vocational training schemes of the Rehabilitation Department, private employers give training to disabled ex-servicemen in company with able-bodied workers. Training supplied by the Disabled Ex-Servicemen's Re-establishment League at its training centres is also given in company with other disabled persons. Under the subsidy scheme of the Department of Labour and Employment, disabled civilians are employed alongside able-bodied workers.

Under the various schemes mentioned above, the training of disabled persons is continued to the point where they are able to take up employment in trades or occupations in which they have been trained.

Wherever practicable, disabled persons are trained in their former or related occupations.

The Government has not adopted the policy of inducing employers with suitable facilities to train a reasonable proportion of disabled workers.

The only specialised training centres which provide appropriate medical supervision for disabled persons are those operated by the Disabled Servicemen's Re-establishment League. In view of the shortage of labour, equality of employment opportunity exists for disabled workers. Apart from the policy of the Labour and Employment Department to subsidise the employment of disabled workers in appropriate cases, no special measures have been necessary to induce

employers to engage a reasonable quota of disabled workers.

The present labour shortage makes it unnecessary to adopt the policy laid down in the Recommendations as regards the preference of seriously disabled workers over all other workers.

Under present conditions, there is no employment discrimination against disabled workers. Apart from the power of the Government to limit rates of compensation premiums generally, there are no statutory provisions limiting increased liability in respect of workmen's compensation. Because of the acute labour shortage, it appears unlikely that employers will take such possibilities into consideration.

The Employment Service has already collected a considerable amount of information regarding the occupations particularly suited to different disabilities; a more complete assemblage is being undertaken. No comprehensive statistics have been compiled showing the size and location and employability of the disabled population, but information regarding the numbers employable is obtained through administrative liaison arrangements between the Social Security Department and the Labour and Employment Department.

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

Norway.

Employment of women. As there has been a marked shortage of women workers since the war, it is not anticipated that there will be any difficulty in finding suitable employment for women in the future.

In virtue of the Employment Act of 27 June 1947, the employment service is bound "to provide suitable employment and suitable workers for all". Consequently, applicants are referred to vacant posts on the basis of their qualifications and not their sex.

In a number of occupations, the wage rates for women stipulated in collective agreements are lower than those for men. A public committee has been appointed to study, among other things, equal pay for men and women workers for equal work.

Employment of disabled workers. Questions relating to the employment of disabled persons have been for some time, and are still being, examined. The machinery required for dealing with this question is being built up gradually. A number of the principles dealt with in this part of the Recommendation are under consideration and it is not possible to say to what extent they are likely to be applied.

As the problem of disabled persons is of smaller dimensions in Norway than in certain other countries, it has not been necessary to take measures of the kind which have been necessitated elsewhere.

In general, Norway recognises the principles of the Recommendation as regards: the crite-

rion for the training and employment of disabled workers; collaboration between medical services and the vocational retraining and placement services; specialised vocational guidance and the training of disabled workers in company with able-bodied workers and in suitable occupations; specialised training centres with appropriate medical supervision for disabled persons, etc.

In a number of districts, special posts have been created in the employment service for officials who are entrusted with the vocational guidance and placing of disabled workers. In Oslo, a central institution (the rehabilitation centre) maintains close collaboration with medical and other experts as regards the rehabilitation of disabled persons for the whole country.

The special employment service which is being built up for disabled persons aims at placing disabled persons in jobs in which the working conditions and wages are in keeping with the work in question. There is no legislation on this matter; questions relating to wages are outside the competence of the employment service.

The question of the compulsory employment of a fixed quota of disabled workers or preference for such workers in certain occupations was considered in conjunction with problems connected with the employment of disabled persons, but it is not considered necessary to take measures of this nature at present.

There are a few special production centres for the disabled and it is anticipated that a practical solution of this question will be found in the future.

One of the ordinary duties of the special employment service is to compile information in regard to the occupations particularly suited to different disabilities and the size, location and employability of the disabled population.

For information relating to the administrative structure of the employment service, the workers' and employers' representatives on the board of the Labour Directorate and its subsidiary bodies, the Government refers to its previous reports on Convention No. 2 respecting employment.

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

Pakistan.

Employment of women. Because of special social and religious conditions prevailing in the country women are not employed in any appreciable numbers.

Wage rates based on job content are not in force. It is not possible to conduct investigations, in co-operation with employers' and workers' organisations, for the purpose of establishing precise standards as a basis for determining wage rates.

The general policy of the Government is to raise the relative status of, and conditions of work in, industries in which women have traditionally been employed, in conformity

with the principles of the Recommendation.

Employment of disabled workers. No provision exists for giving special treatment to disabled workers.

Under the existing Constitution, "employment" is a provincial subject, although by an amendment to the Constitution it has temporarily been included in the Federal List.

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

Sweden.

Employment of disabled workers. The question of the vocational training and employment of disabled persons has not been covered by any special legislation. Training of disabled persons is carried out by the National Pensions and State Employment Boards.

The main features of the principles in force as regards the training activities of the National Pensions Board, as laid down in Government Resolution of 20 June 1947, are summarised below.

If the Board considers that a person who is entitled to a national pension under the Act of 29 June 1946 (respecting the national pensions system) is suffering from, or is likely to incur, a permanent reduction of his working capacity or is permanently unable to work, it is authorised to give the person concerned (unless other arrangements can be made) suitable treatment, care or training. A medical examination is required in order to ascertain that it will be possible to prevent or overcome completely or partially the reduction or loss of working capacity.

Persons under 16 years of age or persons who, for other reasons, are not entitled to a national pension and who incur a permanent reduction or loss of working capacity are also eligible for the above-mentioned treatment, care or training, provided the National Pensions Board is satisfied that special reasons exist.

When an application has been made to the Pensions Board, a special medical examination is generally arranged for the purpose of ascertaining whether or not the applicant is capable of maintaining himself during the period of vocational training. A detailed examination is also conducted by the chairman of the Pensions Committee (often in consultation with the competent county employment committee) concerning the choice of occupation or trade and the possibility of training. As far as possible, disabled persons are trained with private employees or at training institutions in their home district. A written contract is generally concluded in the case of training with a private employer.

Crippled persons are generally trained by the special training schools of the Institute for Cripples, where they are under constant medical control.

In its capacity of central authority for the Rehabilitation of Disabled Persons, the State Employment Board is authorised (under Government Resolutions) to provide for the training or placement in employment of per-

sons disabled in military or equivalent service. On the basis of information received from the Industrial Enquiries Insurance Office, the local rehabilitation bodies (the county employment offices) make reports on the conditions of work and income of disabled persons. In cases where it is not possible to effect placement in employment, the committees suggest certain measures in the form of training, continued training or retraining, financial assistance, etc.

By Government Resolution of 30 June 1948, the State Employment Board is authorised to provide, for other disabled persons, vocational training, continued training or retraining by means of training courses for the unemployed, under the supervision of the Vocational Training Board, and also by special courses arranged by the latter. Training is given in consultation with the State Employment Board.

To a relatively considerable extent (particularly in the case of handicraft training), disabled persons are trained with private employers through the intermediary of the National Pensions and State Employment Boards.

Employment operations for disabled persons as well as enquiries concerning the training of such persons are entrusted to special officials of the county employment offices. Medical practitioners, who are consulted on these matters, are attached to the Boards and also participate in decisions as regards the vocational training of disabled persons.

The State Employment Board has made special arrangements with certain industrial undertakings regarding the employment of disabled persons on an experimental basis. Such persons are eligible for public grants during the trial period. All county councils afford communal rehabilitation facilities in the form of assistance for establishment in a trade, training for work, etc.

Intensive propaganda to encourage employers to employ disabled persons is carried out both centrally by the State Employment Board and locally by the county employment offices. The Riksdag has placed an annual grant at the disposal of the Board for the purpose of propaganda on the employment of disabled persons.

In view of the present situation of the employment market, the Government has decided against the adoption of legislation regarding the quota of disabled workers to be employed by employers.

Employers' and workers' organisations are represented on the governing body of the State Employment Board and, as a rule, also on the managing boards of the training, workshops and work centres established by the communes and county councils.

To a great extent, disabled persons who cannot be placed in or retrained for general employment are employed in training workshops or work centres organised by the county councils and communes or, in some semi-sheltered employment, in special departments of industrial undertakings.

Figures are given showing the number of persons who completed training at the expense

of the National Pensions Board in 1948, the number of war-disabled persons who were granted rehabilitation facilities and vocational training by the State Employment Board during the period June 1945 to 1 January 1951 and the number of persons who were given vocational training by the Board from November 1948 to 31 December 1950.

The report contains detailed information showing the contributions of the National Pensions Board, the State Employment Board and county councils towards the cost of the treatment, care and training of war-disabled and other disabled persons, as well as State subsidies to cover the employment of disabled persons who cannot be placed in or retrained for the general employment market.

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

Switzerland.

A report on the subject matter of the Recommendation does not appear to be called for, in view of the fact that the majority of the proposals contained therein apply in particular to States whose economy has been seriously affected by the war.

The necessary measures to cope with the transition from war to peace have already been taken.

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

Turkey.

As the country was not directly involved in the last world war, it has not been confronted with problems connected with the transition from war to peace and is not called upon to implement the provisions of the Recommendation, either by legislative or other measures.

Union of South Africa.

Employment of women. Machinery for the redistribution of women workers in the economy of the country during the transition from war to peace is provided for in the Soldiers' and War Workers' Employment Act of 1944. The measures contained in this Act played an important part in the resettlement and reabsorption of women into ordinary civilian occupations. The majority of workers have been returned to civilian employment, but a small number of persons are still receiving benefits under the Act.

In view of the financial and economic implications involved, particularly in the light of the composition of the population of the Union, it is not possible at present to apply the principles of the Recommendation as regards the placing of women in employment on a basis of equality with men and the establishment of wage rates irrespective of sex.

The industrial laws permit of differences in pay to workers of different sexes; such differences are a common feature in collective

agreements freely negotiated between workers and employers in industries in which men and women are employed.

Employment of disabled workers. The policy in the Union is in accordance with the Recommendation as regards the criterion for the training and employment of disabled workers.

While it is appreciated that the closest collaboration should exist between medical services for the disabled and vocational rehabilitation and placement services, the organisation of the competent State departments has not permitted the maximum degree of collaboration up to the present. However, with the co-operation of medical officers the required collaboration is being achieved in increasing measure.

Specialised vocational guidance is being developed and is already given with success in centres where disabled persons are being trained in occupations best suited to their capabilities and in which they can be absorbed in the open labour market.

As far as possible, steps are being taken to carry out the measures contained in the Recommendation as regards the training of disabled workers in company with able-bodied workers, the training and retraining of disabled persons so as to ensure their placing in suitable employment and the encouragement of employers with suitable training facilities to train a reasonable proportion of disabled workers.

An increasing number of specialised training centres with medical supervision are being provided for those disabled persons who require such special training.

Measures are being taken to ensure equality of employment opportunity for disabled workers on the basis of their working capacity. Employers are persuaded by publicity and personal canvassing to employ a reasonable quota of such workers. So far, however, the Union has not considered it necessary to make the employment of a quota of disabled persons legally compulsory.

Constant efforts are made to persuade the employers to give preference to disabled persons in certain suitable occupations.

Continued efforts are made by the Department of Labour and by the organisations interested in disabled persons to overcome employment discrimination against such workers. Where necessary, employers' and workers' organisations are consulted. All State departments have been requested to give sympathetic consideration to the employment of disabled persons wherever possible. Provision exists in the Workmen's Compensation Act for the arrangement of decreased liability in the case of disabled workers; however, it has not been found necessary to invoke the use of this provision.

Various sheltered employment projects are in operation for workers who cannot compete in the open labour market.

A special section of the employment service has been established to deal with handicapped persons.

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

United Kingdom.

Great Britain.

Employment of women. The Government vocational training schemes have played an important part in the redistribution of women workers in the economy of the country. Training under the current schemes (for ex-regular members of the armed forces, the resettlement of disabled persons and the transfer of unskilled and redundant workers to important industries suffering from shortages of skilled labour) is open to women under the same conditions of eligibility as for men and in any occupation in which there is a reasonable opportunity for employment after training.

Certain occupations (e.g., the building industry) do not employ women workers on a large scale; women are not trained for these occupations under the Government training schemes as there would be no prospect of finding employment for them on completion of their training.

Employers' and workers' organisations are consulted in the drawing up of training schemes for individual crafts under the Government vocational training schemes. As a rule, in these discussions the decision is taken whether the employment practice of the industry concerned makes it necessary or expedient to confine training facilities either to men or women.

The Government accepts, as regards its own employees, the principles of the Recommendation concerning the establishment of wage rates without regard to sex and is in accord with the general principle that there should be no difference in payment to men and women for the same work. However, in present circumstances, the Government has not been able to implement this principle in view of the consequence to the national economy.

In order to raise the status of domestic employment and to improve the conditions of work in this occupation, the Government established in 1946 the National Institute of Houseworkers (a non-profit-making company managed by a board of directors appointed by the Ministry of Labour and National Service). The Institute has laid down a national standard of skill and efficiency and has devised a comprehensive plan for the training of workers to this standard.

The Government vocational training schemes are administered by the Ministry of Labour and National Service, except in the case of training for agriculture. The training of domestic workers is administered by the National Institute of Houseworkers, assisted by an advisory council.

Employment of disabled workers. The decision as to whether or not a special form of training (under the Government vocational training schemes) should be offered to an individual worker is based on his capacity for work.

The relevant information concerning disabled persons is collected from the medical services by the disablement rehabilitation officers of the Ministry of Labour and National Service.

Under the Disabled Persons (Employment) Act of 1944, the Minister of Labour and National Service is authorised to provide training facilities for disabled persons over 16 years of age who require training to enable them to undertake employment suited to their age, experience and qualifications. In order to select an appropriate training trade, each disabled person is advised by a specialised disablement resettlement officer. A preliminary medical examination is conducted in order to ensure that the particular form of training chosen is medically suitable. Where the vocational guidance of a disabled person presents special difficulties, he can be referred to an industrial rehabilitation unit, at which the services of rehabilitation experts are available.

Disabled persons trained under Government schemes work in the same classes and cover the same syllabus as able-bodied workers, unless the severity of their disability makes this impracticable. Under the Disabled Persons (Employment) Act, disabled workers are placed in ordinary employment at the ordinary rates of pay and conditions of employment.

The Government schemes of training for each trade provide that, at the conclusion of the full training period, disabled persons should be recognised as skilled workers in the trade in which they have been trained.

The choice of a training trade is voluntary; applicants for training in a particular trade are never rejected on the grounds of former experience in another type of industry or occupation. In their own interests, however, they are advised to apply for trades of which they already have some knowledge.

Employers collaborate in the provision of training facilities and, for some particular trades, training is provided entirely by employers in their own workshops. The Minister of Labour is also empowered to authorise other persons, including employers, to provide training facilities on his behalf for disabled persons.

Employers of 20 or more workers are required to employ a quota, at present 3 per cent. (in Northern Ireland 2½ per cent.) of disabled workers.

Special training centres have been provided for persons who, because of the nature of their disabilities, are unable to avail themselves of ordinary training facilities. For severely disabled persons, there are five residential training centres in operation, four of which are under the control of voluntary organisations and receive financial and technical assistance from the Ministry of Labour and National Service; the fifth centre is operated by the Ministry itself.

Extensive publicity is employed to bring the Act to the notice of employers and to encourage generally the employment of disabled persons. The disablement resettlement officers of the Ministry persuade local em-

ployers to engage a reasonable proportion of disabled workers with or without a trade.

The above-mentioned Act provides for the designation by the Ministry of Labour and National Service of certain classes of employment (e.g., car-park and passenger electric-lift attendants) which appear to offer a specially suitable opportunity for the employment of disabled persons. In order to provide employment for seriously disabled persons who are unlikely to become fit for normal employment, a special organisation has been set up under the provisions of the Act. Sheltered workshops are also run by local authorities and voluntary organisations to provide employment for seriously disabled persons, including the blind.

Employers' and workers' organisations co-operate with the Ministry of Labour and National Service in the framing of the syllabus of training and normally agree that their members recognise Government trainees as skilled workers; they also collaborate in the selection of persons for suitable training and the placing of such persons in employment after training.

There is no evidence of discrimination against disabled workers. The National Insurance (Industrial Injuries) Act of 1946 replaces the former workmen's compensation scheme and provides for compulsory insurance against personal injury caused by accidents arising out of and in the course of insurable employment and against certain diseases due to the nature of employment.

Ten special factories have been constructed in South Wales and rented to industrialists who have undertaken to employ 50 per cent. of miners disabled as the result of silicosis and pneumoconiosis.

In finding suitable employment for disabled persons, disablement resettlement officers are assisted by a specially prepared description of occupations and of the physical requirements and environmental conditions.

The Ministry of Labour and National Service is the principal authority entrusted with the training and placing in employment of disabled persons. The Ministry works in collaboration with the Ministries of Health and Pensions, the Department of Health, the Ministry of Education and the Education Department in Scotland.

Northern Ireland.

Employment of women. No special steps were necessary to absorb women leaving the forces or war work into the industries and occupations in which they have been traditionally employed. In some of these industries and occupations, there is a scarcity of suitable female labour.

Wage rates in general have remained a matter for collective bargaining between employers and workers. The basis for establishing wage rates is regarded as within the scope of agreements between the two sides of industry.

In recent years, in domestic service and nursing (two of the occupations in which

women have been traditionally employed) there has been a marked improvement in the status of women as regards conditions of employment and remuneration. In the industrial field, women are employed in key industries. In this connection, factory inspectors report continued progress in the provision of adequate measures for health, safety and welfare and in the improvement of working conditions, including the introduction of modern methods of personnel management and training.

Employment of disabled workers. The criterion for the training and employment of disabled workers (adopted under the Disabled Persons (Employment) Act (Northern Ireland), 1945) is the employability of the worker, regardless of the origin of the disability.

Information regarding workers suffering from disabilities is submitted by the medical services to the placing officers attached to the local offices of the Ministry of Labour and National Insurance; where necessary, in individual cases, consultation takes place between the parties concerned.

At each office of the Ministry of Labour and National Insurance, an officer specialises in the placing of disabled persons with a view to assessing working capacity and selecting appropriate employment.

Under the above-mentioned Act, the Ministry is empowered to provide training for disabled persons. Training may be arranged under other legislation if this is in the interests of the disabled person.

A central advisory council has been constituted to advise the Ministry in regard to the training and employment of disabled persons. In addition to representatives of other interested parties, the council includes equal representatives of employers and workers. District advisory committees have been set up to deal with local problems.

Wherever possible, training is provided in company with able-bodied workers, under the same conditions and with the same pay; more often, it is found in the interests of the disabled person to provide an initial course of intensified training; where necessary, the latter is followed by continued training with an employer under normal working conditions and with pay related to that of able-bodied workers.

Training is designed to produce an efficient worker and, as far as is practicable, is related to the person's aptitude and experience and to experience in a previous occupation.

Employers with suitable training facilities are encouraged to train disabled workers.

In appropriate cases, specialised training centres with suitable medical provision are used for training disabled persons.

The Disabled Persons (Employment) Act (Northern Ireland), 1945, makes specific provision for employers of 20 or more workers to employ a quota of persons registered under the Act as suffering from a substantial disability. Compliance with this provision is ensured by regular visits from officers of the Ministry of Labour and National Insurance.

The above Act also provides for the designation of employments which are specially suitable for disabled persons and limits recruitment for these occupations to disabled persons. Regular visits by officers of the Ministry ensure compliance with this provision.

The officers of the Ministry draw the special attention of employers to the necessity of overcoming any employment discrimination against disabled persons which is not related to their ability or job performance. Where necessary, the co-operation of employers' and workers' organisations is solicited in order to overcome any obstacles. The Ministry is not aware of any serious difficulty arising out of increased liability for workmen's compensation.

The Ministry is empowered under the above-mentioned Act to provide facilities for the employment under non-competitive conditions of workers who cannot be made fit for ordinary employment.

Information is obtained at regular intervals in regard to the size, location and employability of the disabled population. Placing officers are aware of the different occupations particularly suited to different disabilities.

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

United States.

Employment of women. Women workers who were laid off after the cessation of hostilities generally experienced difficulty in receiving jobs comparable to those previously held by them. The United States Employment Service (with its affiliated State services), which provides a nation-wide service on a non-discriminatory basis for the placement and referral of workers, assisted many women in securing work when war industries were shut down. Women veterans seeking work on their release from the armed forces were given the same treatment as men veterans as regards preference over civilian applicants. Women discharged from war work were free to choose their own fields of employment subject, *inter alia*, to the availability of posts and their individual skills.

In order to meet the steadily increasing demand for civilian workers, women are performing many of the same jobs as men and the pay is based on the skill and not on the sex of the worker. Women have the right generally, without substantial legal restrictions, to enter any field of productive work, except in certain occupations or places believed to be hazardous or injurious to health and safety; there is no legal quota system regarding the employment of women.

The report contains detailed information regarding the opportunities of women for training, employment, upgrading and promotion. Although employment in the United States increased greatly during the last half of 1950, no large-scale training programmes were initiated for women. However there are many instances where employers and the public schools co-operate in developing training

programmes for women workers.* A survey made by the Women's Bureau in 1948 indicates a trend on the part of management towards the recognition of women workers on merit and for their promotion based on qualifications. The traditional attitude of many employers towards the employment of women, accompanied by the belief that they did not constitute a permanent element in the labour market, handicapped the advancement of women. However, in many companies, this tendency has been gradually overcome by the advancement of some women to higher posts.

During the second world war, considerable progress was made in applying the principle of equal pay for women (this principle was given considerable prominence by the War Labor Board and the National Recovery Administration during and after the first world war). The National War Labor Board ordered equal pay in disputes affecting thousands of women workers and permitted the voluntary equalisation of rates of pay by employers. In 1942, the National Association of Manufacturers advocated the principle of equal pay for equal work; the policy in industrial relations is developing in this direction. The United States strongly supports the concept of making the duties of the job and the skill required for it the basis for equal pay. There are at present no Federal equal pay laws applicable to private employment. However, equal pay Bills covering workers in interstate commerce were introduced in various sessions of Congress from 1945 onwards. Some of these Bills have been referred to the appropriate committees for consideration. During and following the second world war, ten States and Alaska (in addition to Michigan and Montana which have had equal pay laws since 1919) enacted equal pay legislation applicable to private employment. In recent years, equal pay laws have also been proposed by other State legislatures and women's organisations and trade unions have pressed for their enactment. The principle of equal pay has received considerable voluntary support, in particular, by the two major trade unions and by many international unions in certain fields. The Federal Government has long recognised the validity of the principle of the rate for the job, irrespective of sex, with regard to its own employment practices. In 1942 and 1943, the Navy and War Departments issued directives establishing the principle of equal pay for equal work for men and women employed in their offices and installations. The practice of equal pay is generally observed in about half the States, by a number of municipal and local governments and in the schools of the country.

The Government is responsible for investigations for the purpose of establishing standards for determining job content as a basis for wage rates. However, no extensive investigations have been made on which such rates may be based. Job evaluation systems are developed primarily through the co-operative efforts of management and trade unions in private industry. The function of State administrators is rather the inspection

and development of general standards for the purpose of job comparisons. The trade unions have shown great interest in the field of job evaluation as a basis for wage rates, and provisions for job evaluation are included by many employers and unions in their collective agreements. Considerable work has also been done in this field by the National War Labor Board and other Government agencies and departments.

Since 1945, there have been many legislative changes which have definitely raised the relative status of industries and occupations in which large numbers of women have traditionally been employed. The most important of these changes have been in the amendments to the Social Security and Fair Labor Standards Acts, under which women workers have benefited substantially. In this connection, the report gives detailed information concerning benefits to women workers in the field of old-age and survivors' insurance, pensions, minimum wages, hours of work, holidays with pay, health and safety, maternity protection, disability insurance and unemployment compensation. The status of industries and occupations in which large numbers of women have been employed has also been raised by non-legislative approaches to the problems involved, in particular, as regards household workers; various social organisations and community groups have initiated standards to attract new workers to this occupation.

Employment of disabled workers. The United States is in complete agreement with this part of the Recommendation. In public employment office procedures, the major criterion for the employment of a handicapped worker is his ability to engage in competitive work. He is referred to the rehabilitation or another agency, which provides services to fit him for employment. The Public Employment Office determines employability by evaluating the disabled worker's training, experience, aptitude, etc. By means of special placement techniques, disabled workers are placed in jobs suitable to their qualifications and physical abilities. Under the Vocational Rehabilitation Act, the physical condition and job potentialities of the individual are evaluated thoroughly and, where necessary, medical or other treatment is provided.

The legislative basis for collaboration between the various agencies providing employment services and those responsible for rehabilitation is established under the Wagner-Peyser Act, which requires that the State Employment Office shall include in its plan of operation a statement concerning its relationships with the State Rehabilitation Agency (including the Agency for the Blind). This requirement is laid down in agreements between the United States Employment Service, the Office of Vocational Rehabilitation and the Federal Security Agency and their respective affiliated services and agencies. State agreements follow the principles laid down in the Federal Agreement. The effect of legislation, regulations and co-operative agreements at local levels is to ensure the referral of cases, the exchange of information and the

demarcation of functions between the agencies concerned. These functions are defined more specifically in amendments made in 1950 to the above-mentioned Act. The collaboration of rehabilitation and employment services in the case of veterans is called for under Public Law No. 16. The employment service has no direct responsibilities for collaboration with medical services; however, the State rehabilitation agencies co-operate closely with the medical profession generally and with various other public and voluntary medical agencies. The regulations in force require each rehabilitation agency to employ one or more medical administrative consultants, who are primarily responsible for maintaining the desired co-operation with medical and welfare agencies.

In most local employment offices, counselling services are available for disabled persons who are confronted with problems of vocational choice or adjustment. Where appropriate, aptitude and performance tests are given. The rehabilitation agency provides vocational guidance services, together with complete medical evaluation, in order to assess the capacities and potentialities of handicapped persons.

With the assistance of the State rehabilitation agencies, disabled persons in general are provided training facilities in the same schools as able-bodied persons. Training facilities and courses, which are selected on the basis of current labour market trends as reported by the employment service and other bodies, include on-the-job and other specialised methods which permit a disabled person to return to his former job, or to take up a new one in keeping with his state of health. Working agreements with the Workmen's Compensation Agency and other agencies provide for the retraining of disabled workers in their former occupations.

In order to encourage the acceptance of disabled persons as useful and productive workers in suitable jobs, extensive publicity and educational campaigns are conducted by the employment service system, the rehabilitation agencies and various special committees. The methods employed include the press, radio, various publications and activities sponsored by civic organisations, all of which emphasise the ability of the disabled.

While no compulsory quota system for disabled persons is provided by law, regulation or practice, employers are induced by the methods referred to above to employ such persons.

Under the Servicemen's Readjustment Act of 1944, which provides for the setting up of a veterans' advisory and placement service, preference for jobs is given by the service only to qualified disabled veterans who have priority over other veterans. The employment service consults employers with a view to finding suitable jobs for qualified disabled persons (both civilians and veterans) who are hard to place in employment. Disabled veterans are also given preference in employment by the Federal Government and by some State and local governments. Under the Selective Service Act of 1948, private employers are required to re-employ qualified

disabled veterans who left their employ to enter military service.

Efforts are made (by the publicity already mentioned) to overcome prejudices and discriminations against the employment of disabled persons. Conferences are also held periodically for this purpose and technical assistance is given to employers in analysing job requirements.

In many communities, voluntary groups maintain workshops (including special shops for the blind) where severely disabled persons can be employed under sheltered conditions. In some of these workshops, emphasis is placed on disabled persons in the older age group.

In some States, programmes have been established to promote the employment at home of persons too seriously disabled for employment even in sheltered workshops and of those who live too far away from such shops. Although the productive rate of the persons in question is low and the wages are proportionately less, no exploitation of these workers is permitted.

Research and experience in the placement of disabled persons indicate that lists of jobs suitable to different disabilities have limited value and do not provide the widest possible range of job opportunities. Consequently, the employment service has abandoned the use of such lists and has developed the method of selective placement for handicapped persons. The monthly reports on the activities of local employment offices provide an estimate of the size and location of the disabled population. These offices also conduct periodical examinations of applications on file and interviews where necessary in order to determine the employability of registered handicapped workers. In addition, the United States Employment Service requires local employment offices to conduct surveys of disabled persons available and qualified for competitive work, classified according to occupation and type of disability. There are no provisions for taking a periodical census of all disabled persons. However, gross estimates have been obtained from national census data.

The provisions of paragraphs 36-44 of the Recommendation are regarded by the United States as appropriate under its constitutional system in part for Federal action and in part for action by the constituent States. Since the programmes in the United States which give effect to the principles set forth in the above-mentioned paragraphs are conducted as Federal-State programmes on a co-operative basis, the relevant provisions of the Recommendation are not considered for separate treatment.

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

Viet-Nam.

In view of the fact that the country has been a theatre of war since 1945, it is not yet in a position to apply measures relating to the organisation of the employment service in the period of transition from war to peace.

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

Employment Service Convention, 1948 : C. 88¹

Argentina.

A National Employment Service Directorate attached to the Ministry of Labour and Welfare was established by virtue of Act No. 13,951 of 29 September 1949.

This Directorate renders service to workers and employers free of charge throughout the entire territory of the Republic.

The employment service is administered by a director, assisted by an industrial council composed of three workers' representatives and three employers' representatives designated by the Executive on the advice of the most representative trade organisations.

The National Employment Service Directorate regulates and co-ordinates supply and requirements of labour, ensures stability of employment, promotes the creation and maintenance of employment opportunities and pays unemployment benefit.

Act No. 13,951 prohibits the creation of private employment agencies conducted for profit. Private non-profit-making agencies cannot function without obtaining previous permission from the Directorate.

Austria.

Employment service organisation in Austria is regulated by two German laws of 16 July 1927 and 5 November 1935, which were introduced after the occupation of Austria and kept in force by an Austrian law of 1 May 1945.

Two Bills relating to employment service organisation, the placement of workers and vocational guidance, have been prepared by the Government and submitted to the Legislature, but have not yet been adopted.

There is a free public employment service. Representatives of employers and workers co-operate in ensuring the best possible organisation of the employment market.

The employment service consists of a national system of employment offices, under the Federal Ministry of Social Security.

Regional and local committees are in existence: they are composed of equal numbers of employers' and workers' representatives, the members being nominated by representative organisations of each group. No standing national committee exists at present, but the Bill which is at present under consideration envisages the establishment of such a committee.

Advisory committees are consulted on basic questions relating to the placement of workers,

vocational guidance and placement of apprentices.

Employers are subject to certain obligations in regard to the employment of disabled persons.

The employment service is available for use by all employers and workers without distinction.

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

Belgium.

The Belgian employment service is a free public service. With a view to achieving and maintaining full employment, the service studies the problems discussed by the manpower committees created within the framework of the Benelux arrangements, the Brussels Treaty, the Organisation for European Economic Co-operation, the Economic Commission for Europe and the International Labour Organisation, maintains contact with public and private agencies concerned and promotes the utilisation and distribution of manpower to meet national economic requirements.

The employment service comprises a network of employment offices, under the control of the Fund for the maintenance of unemployed persons, a semi-public institution attached to the Ministry of Labour and Social Welfare. The Fund works in close co-operation with the Employment Directorate at the same Ministry.

There are in Belgium 26 regional employment offices, 44 local offices and 360 offices operated on a part-time basis together with travelling offices. The Director-General of the Unemployment Fund organises and modifies the network of unemployment offices after consultation with the board of directors of the Fund. Advisory bodies have been set up at the national, regional and local level, as well as for certain industries or groups of workers (young workers, foreign workers, Italian workers in Belgium, frontier workers). The employers' and workers' organisations, which are represented on all advisory boards dealing with employment questions, are constantly consulted on all problems of employment and placement.

The activities of the employment service consist particularly of the registration of vacancies and applications for employment, the correlation of applications and vacancies, *i.e.*, the actual operation of placing, and the local, regional, national and international clearance of vacancies and applications for employment. The occupational mobility of workers is facilitated through the vocational retraining schemes for unemployed persons and the vocational supervision of juveniles. The employment service also helps to promote geographical mobility by exerting an influence

¹ This Convention came into force on 10 August 1950; 10 ratifications were registered up to 31 December 1950. 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 35th Session of the Conference (*Summary Reports on of Ratified Conventions*).

on the transport and housing policy. The movement of workers from one country to another is encouraged by means of bilateral agreements and through the system for the international clearance of vacancies and applications for employment within the framework of the Benelux arrangements and the Brussels Treaty. The dissemination of information on the situation in the employment market to public authorities, employers' and workers' organisations and to the general public is organised on a satisfactory basis. The departments dealing with placing and unemployment insurance work in close collaboration within the system organised under the Unemployment Fund.

In addition, the employment service co-operates in the work of various institutions dealing with questions of economic and social organisation.

As regards the application of Article 7 of the Convention, steps have been taken to organise, on a special basis, operations relating to the recruitment and placing of workers in certain industries and occupations. In order to deal with the case of disabled persons, Belgian regulations provide for individual and collective retraining courses, organised under the auspices of the Unemployment Fund in every case where it is considered that the person concerned would be unlikely to obtain employment without such retraining.

At the end of 1945, the Ministry of Labour set up juvenile placement and vocational supervision (*tutelle professionnelle*) departments which are at present attached to the 26 regional employment offices. These departments work in co-operation with the vocational guidance offices under the Ministry of Public Instruction, and with the apprenticeship offices (*secrétariats d'apprentissage*) created by the Ministry of Economic Affairs and the Middle Classes. The object of these departments is to assist young people to obtain steady employment and to follow up their progress at work.

The staff of the employment service is composed of the staff of the employment directorate of the Ministry of Labour and Social Welfare, who have the status of public officials and the staff of the Fund for unemployed persons, who are practically independent of any change of Government or improper external influence. In both cases, recruitment takes place by means of a competition, according to the normal recruitment regulations for civil servants. The results of the competitions are considered by a jury. The training of the staff of the Fund for unemployed persons is in the hands of the department dealing with the recruitment of experts in placing technique. Administrative training is given by the central headquarters of the Fund, while the regional offices are responsible for the practical training of their agents and the agents of the local offices. Training includes instructions and informative documents as well as lectures, sometimes accompanied by cinematographic films. The employment

directorate also distributes instructions and informative documents for the training of its staff. All necessary steps are taken to encourage the voluntary use of the employment service by employers and workers; such steps include the use of the press, radio, posters, cinema, exhibits at industrial and commercial fairs, lectures and propaganda bulletins. The placing department maintains contact with various official or government-subsidised agencies in order to obtain information on vacancies and to encourage unemployed persons to enter for competitions and examinations held for the recruitment of the staff of the various agencies mentioned here. The employment service also endeavours to establish the closest possible contact with employers' and workers' organisations, both at the national and the regional level.

Recourse to the employment service is not compulsory, except for undertakings conducting operations financed or subsidised by the Ministry of Public Works. The undertakings are required to inform the regional office of the nature of the work to be performed, the number and category of workers to be employed at the workplace and the number required over and above the normal staff of the undertaking.

Private non-profit-making employment offices, approved by the Ministry of Labour and Social Welfare, receive Government subsidies in respect of their placement operations and are also provided free of charge with certain placement documents used by the regional offices. They are subject to permanent control in regard to the placements effected, cases of refusal to work which they have recorded, vacancies by employers which they have been unable to fill and the examination of documents required for the purpose of placement.

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

Bolivia.

On 8 December 1942, a Supreme Decree was issued to transform into an Act the Decree of 24 May 1939 under which the recruitment of workers by private agencies was prohibited, and the right of recruitment was reserved to the State, which was to organise a free employment service. In 1945, under Supreme Decree No. 288 of 4 April 1945, official employment offices were set up but were subsequently abolished. The recruitment of workers is at present conducted directly by the employers or through their representatives.

The above-mentioned Decree No. 288 embodies most of the measures provided for in the Convention. The General Labour Inspectorate is responsible for ensuring the application of this Decree.

No interest has been shown either by the employers' or the workers' organisations in the application of the Convention.

In spite of the manifest interest of the Government in establishing an employment service, the ratification of the Convention has been delayed for the following reasons: (a) lack of resources required for its organisation, maintenance and development; (b) lack of qualified staff; and (c) preference given to the development of other services, such as the Labour Relations Service.

It should also be noted that unemployment in Bolivia is of a temporary nature and does not assume serious proportions.

Denmark.

The employment service is administered by public employment offices, by the approved unemployment funds and by local employment committees set up in areas where there is no public employment office (all rural communes and most provincial towns).

Advisory committees of representatives of employers and workers are attached to the employment service; the field of activities of these committees, however, as regards questions of general employment policy, has hitherto been more limited than the provision of the Convention seems to require.

Employment information is collected on a wide basis by the employment offices, and is analysed in the central department. The employment service facilitates occupational mobility through its efforts to transfer unemployed persons from occupations with a surplus of manpower to occupations with a manpower shortage. However, the extent to which the employment offices can assist applicants for employment to obtain vocational guidance or vocational training or retraining is somewhat limited.

Vocational guidance departments have for the time being been established only in a few employment offices; on an experimental basis however, legislation providing for a general vocational guidance system is being prepared.

There is no specialisation by occupations or by industries but several employment offices have special departments for disabled persons.

Only in the public employment offices is the staff composed of public officials. The employment operations of the unemployment funds and the local employment committees are entrusted to the nominated representatives of the funds and to the members of the committees who are appointed under specified legal provisions from among persons who have been resident in a commune for at least four years.

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

Dominican Republic.

No employment service exists in the Dominican Republic.

The State Department of Labour keeps a "register of unemployed persons" in accordance with Act No. 640 of 23 June 1944. Under Act No. 1,075 of 4 January 1946, this

register must contain particulars of the "name, identity card, nationality, residence, and specialised occupation of each available worker with a view to replacing the regular staff of undertakings authorised to extend the normal hours of work" by persons entered in the register.

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

Finland.

The organisation of the employment service is regulated by an Act of 23 July 1936, and by Decrees of the same date. In accordance with the legislation, each commune must set up its own employment office or appoint an employment agent if the Council of Ministers deems it necessary. Authorisations to carry on placement operations may also be granted to private associations. Communes may also set up employment offices on their own initiative.

Since 1941, the employment service has been placed under the central supervision of the Ministry of Communications and Public Works which was also made responsible for manpower questions. The State defrays up to 40-50 per cent. of the expenditures incurred by the communes for their employment offices or agents.

The network of employment offices includes eleven regional manpower offices, which direct the activities of 24 local offices (17 communal and seven State employment offices) and of 60 employment agents. The Decree of 2 November 1945 provides for the co-ordination of the employment offices throughout the country.

Advisory committees, including employers' and workers' representatives, exist both centrally and locally.

Special departments for the placement of seamen, unemployed professional workers and other special groups, and for the placement and vocational guidance of juveniles, may be set up in the employment offices.

A Bill to bring the whole employment service under the responsibility of the State was submitted to Parliament in the latter half of 1951.

The organisation of the service is at present based on provisional regulations and a complete application of the Convention will not be possible until a single organisation, under State control, has been created.

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

France.

The Decree of 20 April 1948 provided for a manpower service in each Department.

The requirements of Articles 1-6 of the Convention are being strictly applied. Advisory committees, consisting of equal numbers of representatives of employers and workers co-operate with the specialised subcommittees of the employment service.

There are specialised sections for professional workers, managerial staff and technicians.

In every centre where the need exists, separate facilities have been provided for the vocational guidance and placing of juveniles. These facilities include preliminary medical examinations before placings are effected.

Articles 9-11 are applied.

The co-operation of workers' and employers' organisations is also provided for in the above-mentioned Decree of 20 April 1948; this co-operation is achieved by means of advisory bodies attached to the manpower services.

In 1950, the Ministry of Labour and Social Security adopted further measures to ensure compliance with and to give effect to the provisions of the Convention in the national law and practice. Ratification procedure is in an advanced stage and the corresponding Bill has been approved by the Council of State.

Greece.

Act No. 5,288 and Compulsory Act of 10 June 1935, relate to the organisation of the employment market; a Legislative Decree of 1935 deals with the establishment of advisory councils at employment offices; Compulsory Act No. 560 of 1945 concerns the organisation of the Ministry of Labour; Act No. 118 of 1945, Legislative Decree of 8 May 1946 and Legislative Decree No. 1,255 of 31 October 1949 are concerned with unemployment insurance of salaried employees.

The Ministry of Labour is responsible for regulating employment matters. It co-operates with other public services and with the two central employers' and workers' organisations, with a view to the best possible organisation of the employment market.

The employment service consists of a national system of employment offices under the direction of the Ministry of Labour.

A network of employment offices in 22 towns is in existence. Provision has been made for the establishment of further employment offices in other towns.

Advisory committees, consisting of equal numbers of employers and workers, function at each employment office. These committees, by maintaining close relations with local organisations of employers and workers, assist the employment service in finding employment for workers.

The employment service registers applicants for employment and assists with vocational guidance and vocational training. It assists unemployed persons to move to areas with greater opportunities for productive employment, and makes arrangements for the admission of foreigners to the country in order to find employment.

Each local office maintains a list of undertakings functioning within its area. It publishes periodical information on employment and unemployment, both in its own and in other local office areas, either through the press or by means of readily accessible notices. It submits to the Ministry of Labour

six-monthly reports covering the employment market situation in its area and the reasons for fluctuations in the number of vacancies and of persons seeking employment.

The employment service organises and supervises unemployment insurance, and arranges relief works for unemployed persons.

The employment of disabled persons demobilised from the armed forces is compulsory.

The vocational guidance of juveniles is still in an early stage of development. Regulations exist regarding the methods of employment of apprentices and the ratio of apprentices to skilled workers.

The staff of the employment service is composed of public officials whose status and conditions of service are such that they are independent of any change of Government.

All workers taken on by any undertaking must be engaged through the employment offices and must be given a contract.

The functioning of private employment agencies is prohibited.

The Greek Government will submit the Convention to Parliament for ratification as soon as possible.

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

Guatemala.

Section 277 of the Labour Code of April 1947, requires the Administrative Labour Department to organise statistical and placing services.

In 1950, an employment section was established in accordance with the provisions of the Code; all unemployed persons are required to apply to the section and all employers are free to do so. Under a Government Order of 29 August 1950, all employers in Guatemala City are bound to apply to the placing section whenever they require foreign workers, with certain exceptions.

A placing section exists at the office of each department Governor; the Governor of each department normally reports to the Administrative Labour Department.

In the capital, the workers' organisations have co-operated with the employment service. In the departments, other special systems for engaging workers are in force.

The text of this Convention is at present under consideration by the National Legislative Congress.

There are a great many obstacles to the application of the principles of Convention No. 88, especially owing to the system for the recruitment of workers in agriculture which is the principal activity of the country. Agricultural employers engage the workers they require for the harvest period either directly or through other persons. Another difficulty is the high percentage of illiteracy among the working classes which makes it difficult for them to receive the instructions issued by the Government.

Although there are considerable difficulties in the way of applying the Convention, it is

possible that they may be overcome thanks to the technical assistance which the Government of Guatemala intends to request.

Iceland.

A free public employment service has been established under the Act of 15 March 1951. Each commune is empowered to decide whether it is appropriate to establish a labour exchange, and is responsible for defraying the expenses involved. Each exchange is managed by five persons, two of whom are selected by the employers' and workers' organisations.

The principal object of the service is to assist those who are seeking work. In the same way, the service conducts enquiries into the situation of the employment market in order to assist communes in the registration of unemployed persons. Contact is also maintained with employers' organisations and other public institutions in order to keep them informed as to the number of unemployed persons and the unemployment situation.

The Ministry of Social Affairs is responsible for supervising the employment services and for determining the rules for co-operation between the services; the rules of operation of each service must be previously submitted to the Ministry for approval.

Under existing legislation, only one local office has been established, but it is hoped that other offices will be set up in urban districts if unemployment, which is very slight at the moment, assumes sizable proportions.

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

Ireland.

A free public employment service, consisting of a national system of employment agencies and branch employment offices, under the control of the Department of Social Welfare, is maintained and operated by the State.

Branch employment offices are conveniently located for workers and employers and are sufficient in number to meet the needs of all areas. Their organisation is subject to review from time to time at the discretion of the Ministry of Social Welfare.

In general, there is no direct co-operation of employers and workers in the organisation and operation of the employment service, representatives of employers and workers being consulted only when their advice is requested by the Minister.

However, juvenile advisory committees, which include representatives of employers, workers, education authorities and other interested persons, have been set up in the principal centres to advise on the application of the employment facilities to juveniles.

The employment service registers applicants for employment, takes note of their occupational qualifications, and submits them

to suitable employment. The service collects information about available employment.

Where necessary, the employment service facilitates the movement of workers from one area to another, and deals with, to a lesser extent, the movement of workers between Ireland and foreign countries.

Employment statistics and other data are collected at intervals, and, where necessary, are made available to the public.

The employment service co-operates in the administration of unemployment insurance and assistance.

Juveniles are registered in a special register.

The employment service observes strict neutrality in its dealings with employers and workers. It is staffed mainly by public officials. However, officers in charge of branch employment offices are not obliged to give full-time service. They supply their own premises and, subject to approval of the Minister for Social Welfare, employ their own staff.

A systematic canvass of employers is carried out, with a view to bringing the advantages of the employment service to their notice. Use of the employment service facilities by employers and workers is on a voluntary basis.

The few private employment agencies which exist in Ireland deal mainly with domestic workers. While such agencies are not encouraged, no action is taken to discourage their establishment.

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

Italy.

Royal Decree No. 1,003 of 28 March 1929 and Royal Legislative Decree No. 1,934 of 21 December 1938 relate to the State regulation of the labour market. Legislative Decree No. 381 of April 1948 relates to the organisation and functions of employment exchanges. Act No. 264 of 29 April 1949 deals with the organisation of the employment service.

Italy possesses a free public employment service, which co-operates with other public, semi-public and private bodies in order to achieve the best possible organisation of the employment market. The Ministry of Labour and Social Welfare, as the central authority, is responsible for ensuring the functioning of the employment service.

The employment service consists of regional offices, provincial offices and sub-offices, communal placing agencies and local agencies. The network of local offices is flexible.

Advisory committees already in existence or in process of being constituted include national, provincial and communal employment committees. These committees consist of an equal number of employers' and workers' representatives, chosen from the most important sectors of production.

The provisions of Article 5 are observed.

The requirements of Article 6 (a) are applied, special attention being devoted to the selection of candidates for vocational training.

The employment service facilitates occupational mobility by selecting unemployed workers to participate in vocational training and retraining courses. Geographical mobility is encouraged where appropriate, and many permanent engagements in areas away from the workers' homes have been effected. Some restrictions have been placed on the movement of agricultural workers who leave the land without any valid reason to go into industrial centres. Temporary transfers of workers (which include the mass seasonal migrations of rice-workers and other agricultural workers), are facilitated by the provision of special transport arrangements, the reduction of travel formalities, and the organisation of numerous welfare measures.

The provisions of Article 6 (c) are applied.

Close co-operation is maintained with the organisations concerned with the administration of unemployment insurance and assistance, including trade unions. All claims for unemployment benefit or assistance must be accompanied by a declaration from the local office certifying that the necessary conditions for benefit have been fulfilled.

Co-operation between the Ministry of Labour and Social Insurance and a number of other public and private bodies exists at national, provincial and communal levels.

Special facilities are provided for various types of seasonal workers in agriculture, for disabled persons, and workers in hotels, the catering trade, entertainment undertakings and in the bakery industry.

Special measures have been taken in regard to apprentices.

The staff of the employment service is composed of public officials whose status is such that they are independent of all changes of government and external influences. They are assured of stability of employment.

According to the interpretation given by the International Labour Office to the Italian Government on the provisions of Article 10 (regarding the compulsory or voluntary use of the employment service), the divergence between the requirements of this Article and Italian legislation is not sufficient to preclude ratification.

Measures have been taken to obtain the ratification of the Convention.

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

Luxembourg.

The Grand-Ducal Order of 30 June 1945 relates to the creation of a national labour office.

Luxembourg has a free public employment service. The co-operation of public and private bodies is enlisted when required.

The employment service consists of a system of employment offices, the expenditure for which is shared between the State and the local authorities. These employment offices work under the direction of the national labour office.

Three representatives of employers and three of workers, each nominated by representative organisations, meet under the chairmanship of the Minister. Their responsibility is to co-operate in the organisation and operation of the employment service.

Special attention is devoted to the organisation of vocational guidance for young persons.

The employment service has sole jurisdiction over the recruitment of workers from abroad, with the exception of agricultural workers, who are recruited in collaboration with the Ministry of Agriculture.

Constant supervision is maintained over the fluctuations in the employment market and a statistical service has been organised.

The employment service is responsible for the implementation of legislation in regard to unemployment relief allowances.

The national labour office is responsible for the placing of disabled persons and for the supervision of juvenile employment.

All workers, except managerial staff and civil servants, are obliged to register with the employment service. Similarly, all vacancies other than for the above-mentioned persons must be notified to the service.

The Government has arranged for the Convention to be discussed by the legislature with a view to obtaining its ratification at a later date.

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

Pakistan.

Pakistan provides a free public employment service, with offices scattered all over the country. Although, in the existing underdeveloped economic conditions, no definition of full employment has so far been evolved, the industrial policy of the country is designed to achieve the best possible utilisation of its resources, including those of manpower.

The employment service consists of a national system of employment offices, under the direction of the Director-General of Manpower and Employment in the Ministry of Labour.

The employment offices are divided into three categories, varying according to the stage of industrial development and the volume of work (regional employment exchange, employment exchange and employment bureau). The organisation was reviewed just after the Partition and towards the end of 1950, the latter review being the result of the establishment of new industries; administrative provision exists for similar revision wherever the need arises.

Regional and local advisory committees, consisting of representatives of the Government, employers and workers, exist, or are being constituted in nearly all employment office areas. Owing, however, to the low level of industrial development and various other internal difficulties, no national advisory committee exists at present. The

suggestions and recommendations of the local and regional advisory committees are given due consideration by the Government.

The provisions of Article 5 are observed.

The provisions of Article 6 are followed, with the exception that there are no facilities for the temporary transfer of workers from one area to another.

Technical officers have been appointed at employment exchanges to deal with skilled workers. No special facilities exist for dealing with particular categories of workers, such as disabled persons.

No special arrangements for juveniles exist.

Although the staff of the employment service is independent of changes of Government and improper external influences, they are at present employed on a purely temporary basis. The question of putting the organisation on a permanent footing is, however, under consideration by the Government.

The staff is recruited with sole regard to their qualifications for performance of their duties. Officials are recruited by the Pakistan Public Service Commission in accordance with advice given by the Directorate-General of Manpower and Employment.

No facilities exist for the training of the staff in the employment service organisation, but most of the present managerial staff were trained in India (before the Partition). One officer has received training in the Ministry of Labour and National Service, United Kingdom, and two other officers will shortly be sent to the United Kingdom for training in employment exchange work.

The provisions of Article 10 are observed.

There is no knowledge of the existence of private employment agencies.

The Government is considering the question of the ratification of the Convention.

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

Switzerland.

A free public employment service is in existence and maintains close co-operation with other public and private bodies in order to ensure the best possible organisation of the employment market.

The employment service consists of a national system of employment offices under the direction of the Federal Office of Industry, Arts and Crafts, and Labour.

The system comprises a network of local offices; regional offices are maintained in the larger cantons. The number of local offices is kept under constant review by the cantons so that the number corresponds with requirements.

In the majority of cantons, there are advisory committees, consisting of equal numbers of employers and workers. New legislation provides for the establishment of a Federal joint advisory committee, with equal numbers of employers and workers, and in which the cantons will be equally represented. It will be left to the cantons to decide whether

or not they should have committees of their own. The committees co-operate in the organisation and operation of the employment service and in the development of its policy.

The provisions of Articles 6 (a) are applied.

Whenever it is difficult to place a worker in his normal occupation or in his home area, he is encouraged to change his occupation or to move to some other area, either temporarily or permanently. Where necessary, allowances are granted to facilitate mobility.

The employment service organises the movement of foreign workers for seasonal employment.

Placing and unemployment figures are published regularly in *La vie économique*.

The employment service is responsible for ensuring that conditions for the receipt of unemployment benefit are satisfied before such benefit can be paid.

Collaboration with private bodies takes place in regard to social planning.

There is some specialisation in the larger offices, including separate sections for women. Particular attention is paid to the needs of disabled persons, and co-operation with private bodies is maintained in this respect.

The placing of juveniles is operated in close collaboration with vocational guidance offices.

The main points of Article 9 are observed.

The employment service, by its policy of neutrality towards employers and workers, and by its efforts to give satisfaction to both parties, encourages the full use of its facilities.

The provisions of Article 11 are applied.

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

Union of South Africa.

The principles advocated in the Convention and a system of national employment service organisation are, with the exception of Articles 4 and 5 (advisory committees), in operation in the Union for European, Coloured and Asiatic persons; in respect of Natives the employment service is developing along similar lines.

The Government does not favour the compulsory establishment of advisory committees (Article 4), but wishes this form of co-operation to be voluntary and to be called into being only when there is shown to be a need for it.

The Government considers that compliance with Article 5 would involve an unreasonable amount of interference by the proposed committee in the State administration of the employment service.

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

Uruguay.

Under Act No. 9,196, Chapter IV, a national register of employment and labour exchanges was created for the purpose of co-ordinating

labour supply and demand. For certain special reasons, this Act has not been applied, but under the many other Acts and Decrees (which are given in detail in the report on Convention No. 2, under Article 22 of the Constitution of the International Labour Organisation), registers of labour exchanges have been set up for various occupational categories which comprise the majority of workers in the country. Parliament is considering a Bill to institute a compulsory unemployment insurance scheme which will cover the entire active population.

Although the provisions of Convention No. 88 are fully applied, the Convention cannot be ratified owing to the compulsory clause regarding the stability of employment of the staff of the employment service, which is contrary to the principles of the Constitution of Uruguay.

Viet-Nam.

In pursuance of a decree of the Governor-General of Indo-China, dated 15 September 1942, a free public employment office has been established in both North and South Viet-Nam. Each of these offices is directly responsible to the Regional Inspector of

Labour and Social Security (who in turn is under the authority of the Regional Governor) and subject to the technical control of the Inspector-General of Labour and Social Security. The main purpose of these offices was to facilitate the re-entry into civilian life of personnel demobilised from the armed forces. Once this objective was achieved, the two offices remained in existence and an office was later established in Central Viet-Nam. Although the Decree of 15 September 1942 provides that the use of the service could be made compulsory in certain areas, controls have been gradually relaxed, and the use of the service is now voluntary. The Government states that, owing to the disturbed situation which has existed in Viet-Nam for some time, conditions have not been conducive to a wide utilisation of the service by employers and workers. The existing service is only in its very early stages of development. Separate registers of applicants and vacancies are maintained. Certain local chambers of commerce co-operate with the service in matters relating to placing. Private employment agencies are placed under the control of public employment offices.

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

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Argentina.

See under Convention No. 88.

Australia.

In addition to the information summarised below, the report refers to the report on Convention No. 88.

Sections 47, 48 and 49 of the (Commonwealth) Re-establishment and Employment Act, 1945, provide for the establishment and operation of the Commonwealth employment service.

General organisation. The Commonwealth employment service, which forms part of the Department of Labour and National Service, consists of a central headquarters, regional offices in the capital cities of each of the States, 124 district and branch employment offices, and 274 agencies.

National administrative instructions, supplemented, as necessary, by circular memoranda from either the central or regional headquarters, are issued from the central headquarters. The latter also formulates minimum national standards for staffing, accommodation, etc., for the application of which the regional directors are responsible, and ensures that the financial provisions are adequate for the efficient running of the employment service. The Department of Labour and National Service makes adequate

financial provision, under the control of a Department of the Treasury, to operate the employment service at the standard desired by the Commonwealth Government. Employment offices submit periodical statistical returns and reports on the employment situation, relations with outside organisations, staff training, and other activities to the central and regional headquarters; regional directors report to the central headquarters each month on employment service operations in their regions. Regional headquarters inspectors conduct regular inspection of employment offices; a senior inspector, who is attached to the central headquarters, supervises the inspection of employment offices throughout the Commonwealth. Conferences of regional directors and specialist regional officers (including inspectors) are held from time to time at central headquarters; conferences of district and branch employment officers are also held from time to time at regional headquarters.

The planning and research branch of the Commonwealth employment service co-operates with private institutions and other Government departments by undertaking studies of special employment problems in which they are interested.

Special employment offices, located in each of the regional headquarters, deal with juveniles, disabled persons, professional and executive workers, and rural workers. There

are also separate employment offices which specialise in building and metal industry workers and in certain classes of waterside workers. One employment office in the capital cities of each Australian State, except Tasmania, deals exclusively with women; in addition, wherever the number of female applicants warrants it, women staff are employed.

Employment market information. Employment offices submit periodically to the regional and central headquarters details of current and prospective vacancies by occupations, industries, and areas, and of current numbers of registered applicants for employment analysed according to sex, occupation, industry, and youth or adult status.

Owing to the shortage of labour during recent years, no special investigations into the causes of unemployment have been needed, but its incidence is kept under constant review. The employment service is preparing surveys of professions and skilled trades, which are designed to assist in the employment counselling of youths, and issues a special bulletin on the placement of the disabled. Systematic regularisation of employment is only necessary at present with regard to waterfront and waterside workers; a special legislative authority controls the employment of most of these workers; those not covered by the board are dealt with in specialised offices of the Commonwealth employment service. Vocational guidance sections are established at regional headquarters. The employment service maintains a continuous study of the factors affecting the level and character of employment. It is also working on the preparation of a manual of occupational description and, so far, 7,000 occupations have been surveyed and described.

The information mentioned above is collected by the planning and research branch and the vocational guidance branch of the employment service, most of whose staff have received university training in economics and psychology. Wherever possible, the assistance of employers' and workers' organisations is obtained.

The methods used for the collection and analysis of the information are, in the main, those outlined in paragraph 8 of the Recommendation.

Manpower budget. The employment service prepares an annual review of the manpower situation for the Australian Loan Council, which determines the volume of public investment in Australia.

Referral of workers. Strict neutrality is observed in cases where a labour dispute is involved. Applicants, who are unemployed because of a labour dispute, are referred to other employment, but the prospective employer is informed that the applicant is disengaged owing to an industrial dispute. Applicants for employment are notified of the existence of an industrial dispute, but can be referred to establishments concerned in

such a dispute if they wish. Workers are not referred to employment in respect of which wages or conditions of work fall below legal requirements. The employment service does not itself discriminate against workers on grounds of race, colour, sex or belief, but, where employers have imposed such discriminations, applicants who would not be suitable on account of such discriminations are not referred.

Applicants for employment are provided with all relevant information regarding the jobs to which they are referred.

Mobility of labour. Lists of vacancies in a region are circulated amongst employment offices in that region and neighbouring offices in adjacent regions. General information regarding living conditions and availability of housing accommodation is supplied when requested.

Owing to the small amount of unemployment in Australia, there has been little need latterly to encourage occupational or geographical mobility. Where applicants require assistance to travel to employment, fares are advanced, subject generally to repayment.

The employment service has defined the conditions which must be satisfied for work to be regarded as suitable when it involves a change of residence or occupation. The service must certify that no suitable employment is available before unemployment benefit is payable.

The employment service assists the Commonwealth reconstruction training scheme by advising on the possibilities of absorbing manpower, by seeking out employers willing to provide on-the-job training, and by the placing of trained workers. It also assists the State authorities in their administration of apprenticeship by undertaking continuous studies in this connection.

Miscellaneous provisions. The employment service co-operates, wherever possible, with other public and private bodies concerned with employment problems, including the Ministry of National Development in regard to the distribution of industry and the public works authorities on labour availability. By means of its annual review of the manpower situation, it assists the appropriate authorities in determining the desirable level of public works programmes. In regard to migration, it has responsibilities in connection with the assessment of desirable absorptive levels of migrants, and with their selection and placement. It is consulted on labour matters from time to time by various organisations.

Continuous efforts are made to encourage the full use by employers and workers, of the employment service facilities including press, radio and film advertising campaigns, the canvassing of employers by letter, telephone or personal calls, and liaison with organisations interested in the labour field.

Workers applying for unemployment benefit are required to register with the employment service. Persons completing training courses are not required to register with the employment service, but often do so in practice.

Persons entering employment for the first time are encouraged to use the employment service, and prospective school-leavers are notified of its facilities. Employers, including public and semi-public enterprises, are encouraged to notify their vacancies to the employment service.

Every effort is made to obviate the need for private employment agencies, except for those operated in connection with universities, professional institutions and ex-servicemen's bodies, etc., with which liaison is maintained.

International co-operation among employment services. Information on the employment situation, employment service operations, etc., is exchanged with other countries, including Brazil, Canada, India, New Zealand, Pakistan, the Union of South Africa and the United Kingdom. Copies of forms, procedures, etc., are exchanged with other countries. Because of the distances involved, conferences with representatives of employment services of other countries are not usually practicable. Officers of the Commonwealth employment service, however, visit other countries from time to time to study matters concerning employment services. An "exchange of officers" arrangement operates between the Australian and British employment services.

Satisfactory facilities are provided to assist the absorption of immigrants into Australia. Australian experts are made available to other countries under the Commonwealth technical assistance scheme for South and South-East Asia, the United Nations Expanded Programme of Technical Assistance, and other similar schemes.

It has not been found necessary to modify significantly any of the provisions of the Recommendation for their adoption or application.

The provisions of the Recommendation are regarded as appropriate for Federal action.

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

Austria.

General organisation. The employment service consists of a network of provincial (*Länder*) and local employment offices placed under the direction of the Ministry for Social Affairs.

All questions concerning the staffing of employment agencies fall within the scope of the Minister for Social Affairs and the service is financed through the budget of this Ministry. Reports must be submitted regularly to the Ministry by all levels of the employment service. Periodical conferences are held between the Ministry and employment offices and also amongst the offices.

Joint committees composed of representatives of employers and workers are attached to the regional and local employment offices.

Employment offices are organised according to the occupational or economic structure of

the districts which they serve. As a rule, there are separate employment offices for employees and agricultural workers and, in Vienna, each of the 12 agencies is specialised in a certain field. The placement of juveniles is ensured by the vocational guidance services and the placement of disabled persons is frequently carried out by specialised agencies. As a rule, women applicants are dealt with at separate counters.

Employment market information. Information concerning labour requirements and supply is obtained through employment offices and vocational guidance offices; since the use of the employment service is not compulsory, the information supplied by it is not complete and is supplemented by information furnished by employers' and workers' organisations, private research institutes and school authorities.

Manpower budget. The drawing up of a manpower budget is being considered but has not yet proved possible because of the lack of necessary information.

Referral of workers. Strict neutrality is observed by the employment service, as there are legislative provisions prohibiting the referral of workers to an undertaking where there is a dispute. Workers are not referred to employment where the conditions of work, in particular the wages, are below those fixed by collective agreements. There is no discrimination on grounds of race, colour, sex or religion.

The employment service supplies detailed information to applicants for employment regarding their occupation from a general economic standpoint, together with information on the conditions of work in the jobs to which they are referred.

Mobility of labour. In spite of obstacles to the mobility of labour, the chief of which is the housing shortage, applicants for employment are given information on the conditions of the labour market in other districts and occupations.

Assistance to cover travelling and other expenses is paid out of the unemployment insurance funds.

Co-operation with the unemployment insurance authorities is well established.

The employment service is giving more and more attention to supplementary vocational training problems and to vocational rehabilitation courses for unemployed persons. Such courses are organised by the provincial (*Länder*) employment agencies themselves or by these agencies in collaboration with the employers' and workers' organisations concerned.

Miscellaneous provisions. The employment service co-operates closely with other bodies, such as public works undertakings, sickness insurance authorities, school authorities and parish youth services.

The voluntary use of the employment service is encouraged by the good services rendered to employers and employment

seekers and by methods of publicity, such as press, radio, booklets, etc.

Non-fee-charging employment agencies are only authorised for some occupations, and fee-charging employment agencies exist only in respect of artistes.

International co-operation among employment services. The employment service only co-operates with other national services through the International Labour Office. As regards the movement of workers, the only practical results achieved so far occurred where other States supplied precise information as to their needs in manpower; the activities of the competent authorities have been limited because of the occupation of the country and the work effected by the International Refugee Organisation, and because of the fact that all unemployed persons were able to find work in Austria. However, the present position of the labour market led the Government to ask the International Labour Office for technical assistance in the form of a field office for migration in Vienna. For the various reasons enumerated above, no migration agreements have yet been concluded with other States.

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

Belgium.

General organisation. In addition to the information summarised below, the report refers to information contained in the report on Convention No. 88.

The Fund for the maintenance of unemployed persons publishes a monthly report containing a summary of the activity of all offices. The relationship between headquarters, regional offices and local offices is in accordance with the standards of the Recommendation. Employment service staff are recruited through schools, professional bodies, youth organisations, and by means of press and wireless advertisements, in accordance with minimum national standards; a staff-training programme is designed to secure an improvement in the general level of the work. The employment service is financed by means of contributions from employers and workers; where these contributions are insufficient, the State makes up the difference. The National Inspection Service headquarters is responsible for the inspection of regional and local offices. Conferences are arranged for experienced staff from time to time.

Employers and workers are represented on the Committee of the Fund for the Maintenance of Unemployed Persons, the national committee concerned with the placing and vocational guidance of young workers, and on local advisory committees. Equal numbers of employers and workers are also represented on advisory committees for particular industries and problems.

Separate employment offices have been created for particular industries and occupations. Apart, however, from the existence of one regional office in Brussels which deals only

with women, no special arrangements are in force for the placing of women. Youth placement and guidance services are provided at the regional offices. Provision is made for the rehabilitation of disabled persons.

Employment market information. The Ministry of Labour and Social Insurance calculates future manpower needs in the different branches of economic activity on the basis of production information supplied by the Ministry of Economic Affairs. Full details of current and prospective labour supply are obtained through the different social security organisations, in conjunction with the employment offices and through statistics supplied by the Institute of Statistics. The Fund for the maintenance of unemployed persons publishes a monthly report in which it states the volume of unemployment during the month and analyses its relation to the general economic situation.

Monthly reviews of the economic situation from the point of view of unemployment are made and studies have been published on the placing of juveniles; both the employment service and the vocational guidance service have made studies on vocational guidance in relation to placement. Analyses of occupations in which there is a shortage of labour are published. Studies are made of particular questions, such as seasonal immigration, vocational retraining, seasonal variations, etc.

The above information is collected in accordance with Paragraph 7 of the Recommendation.

Special organisations and committees assist in compiling this information. Co-operation is also maintained with labour inspection and unemployment insurance and assistance services, though not on a systematic basis. Weekly unemployment statistics and a monthly report on unemployment, placings and other questions bearing on the employment market are furnished. As far as possible, the employment service carries out investigations into particular questions.

Manpower budget. The employment service, in drawing up a manpower budget for 1951, has made use of information supplied by the census of 31 December 1947 and of statistics compiled by the different social security organisations, as well as of studies on the probable evolution of Belgian production carried out by the Ministry of Economic Affairs. The manpower budget covers the anticipated volume and distribution of the labour supply and demand, subdivided by age group, sex and occupation. The form of the budget is, however, still in the experimental stage, and improvements are expected in the light of experience.

Referral of workers. Employment is not offered to workers in an establishment where there is a labour dispute affecting such employment. Employment in which wages or conditions of work fall below the standard fixed by law, regulations or collective agreements is not considered as suitable. The employment service does not discriminate against applicants on grounds of race, colour, sex or belief.

Applicants for employment are furnished with all relevant information about the employment to which they are referred.

Mobility of labour. On the whole, the distribution of manpower takes place normally, but special measures have been taken with regard to certain industries. However, the main problem is not one of the geographical distribution of manpower but of distribution between the various grades.

Detailed information about employment opportunities and working conditions in other occupations and areas is supplied. In order to remove obstacles to geographical transfers, the employment service endeavours to provide workers with transport and accommodation facilities. In addition, it is hoped that the service will soon be able to pay allowances of various kinds to workers who leave their home area in order to take up work in an area where there is a shortage of labour.

The conditions which must be satisfied for an employment to be regarded as suitable have been defined and cover the following points: physical and vocational capacities, wages, place of work and tools and special clothing.

Collective retraining courses are held at special centres managed by the Fund for the maintenance of unemployed persons. These courses are open to all unemployed persons between the ages of 14 and 65 years, but special provision is made for young persons; the latter are obliged to satisfy certain conditions. Individual retraining, with an employer or at a trade school, is open only to unemployed persons of over 21 years of age. Vocational training is to a large extent in private hands, but the Ministry of Labour is represented on a technical training committee. With regard to the conclusion of apprenticeship agreements, the report states that close relations are maintained between the Youth Placement and Guidance Section and the Ministry of Economic Affairs.

Miscellaneous provisions. The employment service co-operates with a number of other bodies concerned with employment problems. It participates in the study of measures designed to promote employment and increased production, and in the examination of all problems concerned with labour mobility.

The efforts to encourage the full voluntary use of employment service information and facilities by employers and workers include close co-operation with other Government departments and with employers' and workers' organisations at all levels. Leaflets, etc., are distributed to these organisations, which are asked to disseminate the information to as large an extent as possible.

Workers applying for unemployment allowances must be registered for work with the employment service. Workers who complete vocational training courses are not obliged to register for work unless they wish to avail themselves of unemployment allowances.

Schools and youth organisations are supplied with information designed to assist them in giving advice on careers.

Only employers engaged on State contracts are required to notify the employment service of vacancies for employment. There is, however, a tendency among employers to use the employment service only when other channels have failed to produce results.

Although fee-charging private employment agencies are in principle forbidden by law, special licences have been granted to enable agencies concerned with the placing of agricultural workers, domestic workers, and certain workers in the entertainments profession to continue their activities, subject to certain conditions. Non-fee-charging private employment agencies are permitted to operate, subject to the control of the Fund for the maintenance of unemployed persons and receive subsidies in proportion to the number of placings.

Belgium engages in a systematic exchange of information on the employment service as it is one of the Benelux countries and is a signatory of the Brussels Treaty. Among the special problems concerning the employment service which have been, or are in process of being, discussed are a common system of occupational classification and a common manpower budget for the Benelux countries. The five signatory powers of the Brussels Treaty send monthly lists of vacancies to one another, with the aim of providing for an interchange of workers between the countries concerned. Individual agreements relating to migration have been made with other countries, including France, Holland, Italy, Luxembourg and Switzerland.

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

Bolivia.

For reasons of an economic nature and owing to the shortage of qualified and competent staff, the National Employment Service was abolished and workers are now engaged directly by employers. However, when the employment services are re-established with the assistance of the expert whose visit is being arranged with the International Labour Office, every attempt will be made to comply faithfully with the recommended standards as far as circumstances permit.

Canada.

Order-in-Council No. P.C. 5,392 of 23 November 1948 states that the provisions of the Recommendation can be given effect to by Parliament or pursuant to authority conferred by Parliament. The Federal Government considers that the operation of a Federal employment service is a necessary ancillary endeavour of an unemployment insurance scheme. Since the Constitution of Canada was amended in 1940 by an Act of the Imperial Parliament, to grant the Federal Government exclusive jurisdiction of unemployment insurance, the employment services are considered to be under the jurisdiction of the Federal Government.

Since the commencement of operations of the National Employment Service, all the provinces with the exception of Quebec have closed their employment offices and their staffs have been taken over by the Federal Employment Offices. The Province of Quebec still maintains a few employment offices in some of the cities in which the Unemployment Insurance Commission has also offices. The Unemployment Insurance Act was amended in 1948 to give power to the Commission "for regulating, prohibiting and licensing, any employment service carried on or operated by or on behalf of any person or agency other than the Government of Canada or the Government of a Province". Effect is given to all the provisions of the Recommendation under the Unemployment Insurance Act, 1940.

General organisation. The National Employment Service comprises the head office of the Unemployment Insurance Commission, five regional offices and upwards of 200 local offices.

Administrative and operational instructions on a national level are issued by the head office. The staffing and material requirements of the service are based on general standards applied as closely as possible to the local needs of the service. All the administrative expenses of the National Employment Service are borne by the Government of Canada on the basis of an annual estimate of expenditures submitted by the Minister of Labour and approved by Parliament. Regulations call for the submission, by subordinate bodies, of a series of statistical, narrative and special reports which are consolidated at regional offices and head office. The Unemployment Insurance Commission maintains a staff of inspectors at head office and regional levels, which constantly inspects and reports upon the operation of the employment service. Periodical meetings of National Employment Service officers at all levels are a standard practice.

Three groups of employment advisory committees, the National Employment Committee, regional employment committees and local employment committees, operate under the Unemployment Insurance Act. Members include representatives of organised labour, employers and other interested groups. These committees study and advise on matters concerning employment at national, regional and local levels.

The National Employment Service organisation includes divisions responsible for servicing the needs of special classes and groups of workers. Its staff at head and regional offices also includes specialists whose duties are not only related to these classes and groups of workers, but also to certain industries. Separate divisions deal with executive and professional workers, veterans of the two world wars, handicapped workers, aged persons, juveniles and persons taking up employment for the first time. Separate offices are provided where the volume or other conditions justify such a measure. At

the head office and at regional offices, there is an adviser on women's employment, and separate offices or divisions are provided for women in the larger communities.

Employment market information. The statistical and narrative reports are submitted regularly and cover the whole field of employment operations. These reports include particulars of both male and female unemployed workers, of employment opportunities, turn-over within industry and of the extent to which the National Employment Service contributes towards the manpower needs of specified employments and industries. The narrative reports provide labour-market information on a wide scale; matters having an important and urgent bearing on employment conditions are reported as they arise. Separate statistical and narrative reports are submitted on special classes of workers such as professional workers, handicapped persons, juveniles and ex-servicemen.

A special division was created for the purpose of analysing and reporting on all angles of the statistical and narrative reports received from the field. Its personnel are specialists in this class of work and its duties include the development and maintenance of a job-analysis programme, all trade questions and the study and trial of new employment techniques. The division works in close co-operation with the Department of Labour and other departments or organisations in any way related to this work. The special placements division is constantly studying the employment problem of handicapped workers and youth and the methods of taking care of their particular needs. In this respect, the division collaborates closely with Government departments and organisations, such as the National Institute for the Blind.

Manpower budget. The National Employment service collects and provides statistics of employment and reports on employment conditions throughout the country upon which policies designed to achieve maximum employment are formulated. Close liaison is maintained with the economics and research branch of the Department of Labour, through which much of the information is furnished to the Government and the public. The National Employment Service is represented on the recently organised National Advisory Committee on Manpower which has been set up by the Government to study and advise on the manpower needs and resources of the country.

Referral of workers. When referring workers to employment affected by a strike or lockout, employment officers are required by the regulations to inform the worker in question that a strike or lockout exists. The regulations also require employment officers to refuse to refer workers to an employer who is not prepared to correct any conditions which do not conform to the minimum wages or working conditions specifically required by statute or regulations. Discrimination for or against applicants on the grounds of race, religion,

political affiliation or personal relationship is forbidden. It is the practice to obtain the employer's consent to refer a worker of either sex, wherever practicable.

Before referring an applicant to employment, the employment officer is required to describe the employment fully and without bias.

Mobility of labour. The National Employment Service occasionally pays the transportation costs of workers moving from specified areas of low employment to other parts of the country. The National Employment Service also facilitates the movement of workers by advancing transportation costs. The orders under which workers are moved contain information regarding housing conditions in the area to which workers are going. In addition, a series on local office area descriptions is being issued to all offices. These descriptions provide full information regarding, housing, educational, recreational and transport facilities in the area, as well as information regarding the prevailing economic conditions. Special arrangements between the Government of Canada and the provincial governments are made in each area for the seasonal employment of farm workers.

Employment officers notify the insurance officers of the Unemployment Insurance Commission of the availability of suitable employment for benefit claimants.

Employment officers are required to arrange or encourage training for suitable applicants. Under certain circumstances, unemployed persons may draw unemployment insurance benefits while undergoing training.

Miscellaneous provisions. The National Employment Service co-operates closely with other Government departments, provincial governments, municipal governments, industry, labour and various organisations concerned with employment problems. It co-operates, in particular, in matters relating to veterans, the handling of immigrants, the provision of workers for new industries, the creation of employment at seasonal periods of unemployment, the counselling and placement of university and other students, the seasonal employment of agricultural workers, and the rehabilitation and welfare of handicapped persons and new workers.

Public relations officials of the National Employment Service are responsible for supplying the public with full information regarding the operations of the service and for encouraging its use by employers and workers alike to the fullest possible extent. From time to time, films are produced dealing with various phases of the work of the National Employment Service. Radio broadcasts and other types of advertising are carried out on a national level. These are supplemented by talks given weekly to interested groups by local office managers and other officials. Local employment offices work closely with local educational authorities in the vocational guidance of youth. Special arrangements are made for employment officers to address graduating classes and to provide

individual counselling and guidance as required. Public relations officers at local levels work on a regular schedule of visits to employers, and employment service officials at higher levels maintain close liaison with employers' and workers' organisations.

International co-operation among employment services. The National Employment Service operates a clearance service with the British Isles and, in addition, works with other departments in securing employment for workers from other countries and in securing workers from other countries to meet the needs of employers in Canada who are looking for skilled or unskilled workers.

The relevant legislation is administered by a commission appointed by the Governor-in-Council consisting of a chief commissioner and two commissioners, appointed respectively after consultation with representatives of employers and labour. This commission reports annually to Parliament and administers both the Unemployment Insurance Scheme and the National Employment Service for the whole of the country. It deals with general policy, formulates procedure, determines questions regarding the scope of the Act and has the power to make regulations which, on being approved by the Governor-in-Council, have the force of law. Administration is broken down to regional and local authorities which are responsible to the commission.

Both employers' and employees' organisations are represented on the Unemployment Insurance Commission, which administers the Act and, on local, regional and national employment committees which advise and assist the commission in carrying out the measures provided for by the employment service.

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

Denmark.

Reference is made, on certain points, to the report submitted on Convention No. 88; the following information is given regarding discrepancies between the national legislation and practice and the provisions of the Recommendation.

General organisation. Special studies on employment problems are being undertaken to a certain extent by the Ministry of Labour and Social Welfare in co-operation with the employment offices and the groups concerned; the activities of the employment service in this field are limited.

With regard to paragraph 4 (b) of the Recommendation, the report states that separate employment offices have special departments for the placing of disabled persons.

Employment market information. The special studies referred to in paragraph 6 of the Recommendation are carried out by one large employment office only.

Referral of workers. The employment service maintains strict neutrality on all questions relating to wages; consequently employment offices cannot refuse to refer workers to employment where wages are below the usual standard.

Mobility of labour. The provisions of the Recommendation regarding the activities of the employment service in vocational training programmes have been applied to a certain extent, for example, in household work.

Miscellaneous provisions. The employment service has only a small representation on public and private bodies concerned with employment problems. No use is made of films and radio to encourage the use of the employment service.

All persons receiving unemployment benefits are listed as unemployed in the employment service register, but persons completing vocational training courses are not required to register in the employment offices.

Efforts are made to contact young persons leaving school, but only by those employment offices which have vocational guidance sections; a Bill establishing general vocational guidance for juveniles as a part of employment office activities is being considered, together with measures regarding disabled persons.

International co-operation among employment services. Agreements have been concluded with Sweden and Norway by which the employment service is made responsible for the transfer of manpower. Up to the present, assistance has not been requested from the International Labour Office in connection with vocational training of workers and foremen.

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

Dominican Republic.

See under Convention No. 88.

Finland.

The Act concerning placement was promulgated on 23 July 1936, together with two Decrees concerning the coming into force of the Act and concerning placings effected by nursing associations. The Act requires communes to set up employment exchanges or to appoint an employment agent should the Council of Ministers consider this necessary. An association may also be authorised to carry out placement activities. Public placement activities are carried out on a communal basis. Special sections may be set up in the employment exchanges to deal with the placing of seamen, the placing and vocational guidance of young persons, the placing of intellectual workers and all other special groups. The State subsidises the communes as a rule to the extent of 40 to 50 per cent. of the expenses connected with their employment exchanges or agents.

Questions relating to placement are entrusted to the Ministry of Communications and Public Works in virtue of the Act of 17 January 1941 concerning the temporary organisation of the administration of certain labour questions, further extended by the Act of 5 January 1950. On the basis of these Acts and a Decree issued thereunder, a fairly extensive network of placement offices has been set up provisionally.

An Act concerning the transfer of all placement activities to the State was to be submitted to Parliament in autumn of 1951.

For further information, the Government refer to the report on Convention No. 88.

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

France.

During the year 1950, the Ministry of Labour and Social Security continued to promote measures for the application of the national law and practice with a view to bringing into effect the provisions of the Recommendation. These measures are carried out within the framework of the reorganisation of the manpower services which was begun in 1948.

General organisation. The provisions of the Recommendation regarding general organisation are strictly applied. The unification and co-ordination of the employment service, which is a public service, are ensured mainly by means of Ministerial instructions and circulars. A basic instruction established the structure of these services on the departmental level (distinction between specialised administrative services and technical placement services), on the local level (local offices, etc.), defined the relationship between these services and the labour inspection services, and laid down the minimum requirements as regards accommodation and the rules concerning the constitution and working of their advisory bodies (departmental committees and joint committees). Detailed instructions are issued in respect of the working of the specialised administrative services and of the technical placement services. Supplementary directives are issued to cover more limited fields.

Periodical reports are submitted by the lower to the higher authorities; in particular, a report is submitted annually to the central administrative body by each departmental manpower service. The inspection of the employment services is ensured both on the departmental and on the regional level, by means of tours of inspection carried out by officials attached to the central administrative body. In addition, on the regional level, periodical conferences are held among the inspection staff to discuss general problems related to employment.

Special efforts were made in 1950 with regard to the organisation of the technical inspection of the services, the organisation of training periods for the staff of manpower

services in Paris, and the placement of juveniles, mentally deficient persons, technicians, professional workers and executive staff.

Employment market information. The provisions of the Recommendation regarding the collection of employment market information, continuous or special studies on certain problems, the staff employed and the methods used for the collection and analysis of such information, are strictly applied.

Manpower budget. A national manpower budget is drawn up by the National Manpower Committee which meets every three months.

Referral of workers. The provisions of the Recommendation concerning the conditions to be observed by the employment services in referring workers to employment and the information to be supplied to applicants for employment are applied.

Mobility of labour. The employment services are pursuing their efforts to improve the system for balancing labour demand and supply between the various departmental manpower services.

Miscellaneous provisions. Apart from the legislation and regulations requiring workers in search of a job and employers in need of labour to apply to the employment service, a serious effort has been made with propaganda to encourage workers and employers to apply voluntarily to the employment service for information and facilities. Agreements have been concluded with various regional broadcasting stations regarding the periodic broadcasting of communiqués concerning vacancies which have not been filled. In addition talks are given on the organisation of the employment service and its uses. Agreements have also been reached with national and regional daily papers concerning the free publication of unfilled vacancies, and of notices drawn up by the manpower services. Finally the work of the employment service is publicised by means of visits made by the heads of manpower services to employers, industrial organisations and employers' and workers' organisations.

International co-operation among employment services. Co-operation between French and foreign employment services is carried out in accordance with the relevant provisions of the Recommendation and with the assistance of the International Labour Office.

Greece.

The provisions of the Recommendation are applied under the following legislation: Act No. 5,288 of 1931, Emergency Act of 10 June 1935, Legislative Decree of 1935, Emergency Decree of 1935, Emergency Act No. 560 of 1945, and Act No. 118 of 1945.

General organisation. The employment service is administered by the Ministry of Labour through the "Employment and Unemployment Directorate". Employment offices operate in 23 important towns of the country.

The Directorate issues instructions regularly to the employment offices. The employment offices' staff, consisting of public officials, is governed by relevant legislation, both as regards wages and status. Reports on the functioning of the offices are regularly submitted by the employment service to the Ministry of Labour. Regular control is exercised over these offices by specially appointed officials of the Ministry of Labour.

Representatives of management and labour co-operate with the Ministry on matters concerning employment, and have equal representation on the advisory councils of the employment offices.

Employment market. The Ministry of Labour, through the Employment and Unemployment Directorate, as well as through the employment offices, collects information on the general situation of the labour market. To this end, the employment service co-operates with the Labour Inspection Service and surveys are made on each occasion.

Manpower budget. Efforts are being made by the employment service to present a clear picture of the employment market and particularly of the supply and demand of manpower,

Referral of workers. The employment service remains neutral in cases where there is a need for labour because of a strike in an undertaking. Unemployed persons are not placed in jobs by the employment service in cases where the wages are lower than those fixed by legislation, collective agreements or custom. In placing unemployed workers, the employment service makes no discrimination with regard to race, colour, sex or creed.

Relevant information about jobs to which applicants are referred is always given by the employment service should it be requested.

Mobility of labour. Where requested the employment service always gives information regarding employment and living conditions in other occupations and areas.

Miscellaneous provisions. The employment service co-operates with other public bodies with regard to employment problems. Efforts are being made to ensure that workers and employers make full use of employment offices.

Unemployed persons are required to register with the employment office concerned before they are entitled to unemployment benefits.

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

Guatemala.

See under Convention No. 88.

Iceland.

See under Convention No. 88.

Ireland.

In addition to the information summarised under the Employment Service Convention

(No. 88), the report supplies the following information concerning the provisions of the Recommendation :

Manpower budget. No particular need has been felt for a manpower budget in Ireland.

Mobility of labour. The Employment Service has been found capable of dealing satisfactorily with all problems of labour mobility.

International co-operation among employment services. No particular need has been felt for special measures concerning co-operation with the employment services of other countries. However, some co-operation is effected with the employment services of Great Britain in order to deal with the movement of workers to that country.

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

Italy.

General organisation. The permanent employment service consists of a central headquarters, local offices, and regional offices situated in the capital of each region. The service was created in accordance with the provisions of Act No. 264 of 29 April 1949 and Legislative Decree No. 381 of 14 April 1948.

In order to promote the development of the employment service and to ensure a unified and co-ordinated national administration, steps have been taken to provide for the issue of national administrative instructions or regional instructions, according to rules laid down by the central headquarters. In addition, the legal status of the staff and organisation of the offices are fixed by the Legislative Decree of 1948. The financing of the service is provided for in the budget of the Ministry of Labour and Social Welfare ; the local agencies send periodic reports to the Ministry concerning their organisation, operations and other matters. Special inspection services have been set up at the regional labour offices for the purpose of co-ordinating the action of the various local offices and of assisting them through technical consultations. Finally, frequent meetings are held by office chiefs and officials in charge of special departments for the purpose of instructing officials in current matters affecting operations and organisation or of inviting their opinion on important questions.

Co-operation between employers and workers is ensured through a central committee and through the provincial and local committees set up under the Act of 1949.

Special offices have been set up to deal with the placement of particular categories of workers. In addition, steps are being taken to set up offices or make special arrangements to deal with persons employed in certain branches of industry or occupations. Certain arrangements have been made with regard to juveniles, and measures have been taken in respect of the compulsory employment of war veterans or disabled or invalid workers in private undertakings and with regard to the

placement of workers discharged from establishments which provide clinical treatment for tuberculosis. The laws in force permit employers to choose freely among technicians or intellectual workers applying for employment ; supervisory staff may be engaged without reference to the employment offices. The employment of women and girls is regulated according to the normal standards and no special offices exist for this purpose.

Employment market information. Paragraph 19 of the Recommendation concerning training or retraining courses and the placing in employment of persons who have completed such courses is applied by virtue of the Act of 1949. In this connection the report gives detailed information regarding vocational training and guidance.

Mobility of labour. Reference is made to the report supplied with regard to Convention No. 88.

Miscellaneous provisions. The provisions contained in this Part of the Recommendation, with the exception of paragraph 20, to which effect is given only in a very general way, are applied in Italy under the present system for the compulsory use of the employment service. The right to attend courses for the unemployed is conditional on being officially registered for employment, and workers having completed such courses have priority with regard to placing in employment. All persons wishing to engage workers are compelled to make a request to the appropriate employment office. Provision is made for penalties in the case of employers who engage workers without having recourse to employment offices and for all persons or bodies who act as agencies in contravention of the provisions of the national legislation.

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

Luxembourg.

The practice of the National Labour Office is in conformity with the guiding principles of the Recommendation. In this connection, the Government refers to the report on Convention No. 88, concerning the organisation of the employment service, and adds the following information concerning international co-operation among employment services (paragraph 27).

The National Labour Office is in constant touch with foreign employment services, particularly with those of neighbouring countries or of countries of emigration capable of making up the shortage of local manpower. International co-operation in this field is particularly active within the framework of the Benelux Union and the Treaty of Brussels and is beginning to develop within the wider framework of the Council of Europe. The country is represented in all the relevant international committees by the Government Commissioner of the National Labour Office ; the latter is also entrusted with all matters relating to the International Labour Office.

International co-operation is favoured by the fact that the Government Commissioner also presides over the permanent social committee dealing with international problems, which includes employers' and workers' representatives.

From the point of view of the engagement and employment of workers, Belgian nationals have the same treatment as local workers; this system will shortly be extended to all nationals of the Benelux countries. However, workers from other countries must have an authorisation to work which is freely granted except in cases where the applicant does not possess the necessary health requirements. The exchange of workers living in the frontier region is favoured by arrangements existing between Luxembourg and Belgium and France and this system is to be further extended.

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

Netherlands.

On the whole the principles contained in the Recommendation are applied in the Netherlands.

With regard to paragraph 12 (b) concerning the referral of workers to employment in respect of which the wages or conditions are below a certain standard, the report states that the arrangements in force in the country concerning wages and conditions of work have been declared compulsory by law, thus ensuring the effective application of this provision. The practice followed is in accordance with the terms of paragraph 12 (c), concerning discrimination against applicants for employment on grounds of race, colour, sex or belief; the Government is willing to consider whether the definition contained in the Recommendation should be incorporated in the Bill respecting regulations for the employment service.

As regards any of the provisions of the Recommendation which have not yet been covered by Netherlands legislation, the Government is considering taking these into consideration when drafting the above-mentioned Bill.

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

New Zealand.

General organisation. The national employment service has its head office in the Department of Labour and Employment, of which it is an integral part. There are local offices in 25 districts. The establishment of regional offices has not been found necessary, although the offices at Auckland, Wellington, Christchurch and Dunedin, act as regional clearing houses in respect of vacancies and applicants for employment.

Uniformity in procedure and policy is maintained primarily by the issue of standing orders and circular memoranda from the head

office. The standing orders lay down the general policy and detail the standard procedures to be adopted under the various headings required. Circular memoranda are used to convey advice and information on matters of current importance, as well as to convey amendments to standing orders and to cover other points. Minimum national standards concerning the staffing and material arrangements of the employment service exist as a part of the general Government policy in maintaining the efficiency of the civil service. The same general principles regarding premises, lay-out and equipment, are adopted in large and small offices. Expenditure on all activities of the employment service is subject to an annual appropriation by Parliament and the requested moneys are provided from the consolidated fund. At the end of each month, all district offices are required to submit to the head office a report on recent activities, together with statistical returns. The head office staff establishment provides for a departmental inspector whose main duty it is to make regular inspections of district offices to ensure that standing orders are being correctly interpreted and followed. Visits to district offices are also made from time to time by other members of the head office staff. Where circumstances warrant, some or all district officers and superintendents may be called to a conference at head office.

Employment advisory committees, both national and local, have been set up in a number of the more essential industries. Employers and workers are equally represented and meeting are chaired by an officer of the employment service. The committees meet if and when the need arises.

In general, the numbers of workers in specific industries and occupations applying for assistance do not warrant specialised arrangements to the extent of separate organisational sub-divisions. Nevertheless, the service takes special steps to recruit labour for particular industries, whenever circumstances warrant. The occupational guidance and placement of juveniles is the primary function of the vocational guidance centres of the Education Department, whose activities are linked with the employment service. The district vocational guidance centres maintain contact with employers of juvenile labour. In each centre, there is a register of vacancies available for juveniles. District officers of the national employment service have instructions to make special efforts on behalf of disabled persons and up to 200 such persons are placed each year; subsidies are paid to the employer in certain cases. There is no great demand at present for special arrangements for the placement of technicians, professional workers, salaried employees and executive staff. When placing women, consideration is always given to such factors as their occupational skill and physical capacity.

Employment market information. Under the Employment Act of 1945, the Department of Labour and Employment is required to make surveys and forecasts of the classes of

employment required from time to time or available or likely to be required or available, whether in industry or otherwise.

The research division of the Department of Labour and Employment has a wide range of interests and the field of employment information research is well developed. Continuous studies are carried out on the employment and unemployment trends in the past and their relationship to other economic factors. The results of many of these studies appear in the publications of the Department. Apart from these continuous studies, other more specialised factors receive the attention of the research division.

Basic employment information is collected by trained staff in the district offices. Statistical compilation of this material is carried out in the central office by a statistical section. Further studies on employment questions are carried out by the research division, which comprises officers with research qualifications and experience who specialise to some degree in particular fields. Close collaboration is maintained by the service with management and workers' representatives and the usefulness of employment information and the desirability of continuing to collect such information have been endorsed by the two major federations of employers' organisations.

Manpower budget. Twice a year, the employment service makes an estimate of the distribution of the labour force, by broad industrial groups. Estimates are also made to show the anticipated changes in the distribution of the labour force projected one year ahead. While not a manpower budget in the usual sense of the term, this method is considered adequate for the present purposes of the country.

Referral of workers. As a matter of broad general policy, the national employment service does not normally refer applicants to an establishment where there is a strike or a lock-out affecting the same categories of labour; where workers on strike or affected by a strike or lock-out register for employment, the service refers them to suitable vacancies outside the field affected by the strike or lock-out. Exceptions to this general rule might arise in special circumstances. The question of referring workers to employment in respect of which conditions of work fall below the standard defined by law does not arise because of the almost universal coverage of conditions through arbitral awards or collective agreements, and because of the statutory protection of conditions. In referring workers to employment, the employment service does not discriminate against applicants on the grounds of race, colour, sex or belief.

A practice is made of providing applicants with all the information they require concerning the jobs to which they are referred.

Mobility of labour. A major cause of movement of labour in the country arises from the fluctuations in employment in seasonal industries involving some 12,000 workers.

Considerable attention has been devoted to the problems of labour shortages in particular areas or industries and to measures designed to facilitate relief of such shortages. Thus, surveys have been made of particular labour requirements, followed up where appropriate by studies of possible recruitment and training measures and of accommodation.

Applicants for employment are given all available information likely to be of assistance. If the most suitable vacancies are in another locality, the information given may include data relating to fares, train and bus departures and arrivals and details of available accommodation.

The service provides for assistance to workers proceeding to distant employment by granting loans, paying fares, making grants to cover the cost of removal of furniture for married persons and assistance in locating accommodation.

The normal procedure is for the Social Security Department not to approve payment of unemployment benefit unless the applicant has first registered with the national employment service, and unless, in the opinion of the latter, suitable employment is not available.

Where necessary, the employment service has assisted in establishing and developing training programmes and in placing in employment persons who have completed such programmes. As regards apprenticeship training, the report states that close co-operation is assured between the employment service and the administrative body responsible for the supervision of apprenticeship training. The employment service co-operates closely with the rehabilitation department.

Miscellaneous provisions. In addition to being represented on a variety of committees concerned with specialised employment problems, the Labour and Employment Department is continually receiving requests for information and advice on projects related to employment matters. The employment service maintains up-to-date information in respect of every town or city with a population of over 1,000 inhabitants. This information covers the numbers of persons employed and the numbers and size of undertakings in local industries. Liaison is maintained between the employment service and the Ministry of Works on the question of the availability of labour for State development projects contemplated by the latter Department. The research division of the Department of Labour and Employment has made some studies, for example, concerning trends in farm employment, with particular emphasis on the effects of mechanisation; further studies are in progress. There is very close collaboration as regards the administration of the migration policy and the employment service policy, since both are administered by the same Department. The Department of Labour and Employment at times recommends the need for locating accommodation in the vicinity of particular industrial undertakings. The Department of Labour co-operates on an administrative basis with

the various State Departments or local authorities concerned with the provision of social amenities. In planning the improvement of areas, the industries and activities carried out or likely to be carried out in these areas must necessarily be taken into account.

The establishment of the national employment service on its present basis in 1946 was accompanied by considerable publicity aimed at making the facilities of the service known to both workers and employers and their various organisations. This publicity took such forms as radio or press statements, newspaper advertisements and the despatch of pamphlets to employers; following the initial publicity, there have been press statements from time to time. Various aspects of the employment service have been publicised at various times in the publications of the Department. One of the important duties of field officers when visiting employers is to enquire as to any employment difficulties and to offer the assistance of the Department wherever practicable.

Enrolment with the employment service is a pre-requisite for qualification for social security unemployment benefit.

All pupils about to leave school are encouraged, wherever possible, to visit their local vocational guidance centre, which effects juvenile placements. In towns with no centre, the vocational guidance officer interviews all intending school-leavers.

Notification of vacancies is required in the case of all employers covered by the half-yearly surveys. Apart from this, there is no compulsory notification, but more than 50 per cent. of employers make a regular practice of notifying vacancies.

The employment service facilities offered by the national employment service have a substantially complete coverage and the number of private servants' registry offices in existence has shown a steady decline from 110 in 1937 to 13 at the present time.

There is a continual exchange of legislative material and of publications on employment service policy and methods with other countries. Technical conferences on employment service questions have not so far proved necessary, except as regards questions connected with migration discussions. The immigration of workers into the country is under the direction of the Immigration Division of the Department of Labour and Employment. The national employment service, which is another division of the same Department, collects information relating to vacancies which cannot be filled nationally. Immigration on a planned basis, following the cessation of hostilities, was developed first with the United Kingdom; the Government has also co-operated with the International Refugee Organisation and the Netherlands.

The National Employment Service operates under a Cabinet Minister, designated the Minister of Employment for the purpose, and a Director of Employment, who is a public servant appointed and employed by the Public Service Commission.

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

Norway.

Full effect has been given to all the provisions of the Recommendation, which are applied under the Act of 24 June 1938, concerning unemployment insurance and, the Act of 27 June 1947, respecting measures to promote employment.

General organisation. The Government refers to the reports for the periods 1945-1946 on the Unemployment Convention (No. 2) and for the period 1946-1947 on the Placing of Seamen Convention, 1920. As the central agency for the employment service, the Labour Directorate has extensive powers; it issues instructions to the subordinate labour exchanges in the form of circulars. A uniform technique for the exchange of labour has been established for all manpower offices, and minimum requirements with regard to equipment have been laid down. It has not been possible to formulate minimum requirements for personnel because of the large variations in the size of offices and office staff. However, the Act of 27 June 1947 lays down detailed provisions concerning the staffing of employment offices according to local needs.

The necessary expenses for the Labour Directorate, the county employment offices and the seamen's offices are borne by the State, but Parliament may determine in respect of a given year, that an amount not exceeding half of the expenses incurred by the State for the local employment services, may be charged to the National Reserve Fund for unemployment insurance. The local employment offices are required to send monthly reports to the higher authorities. The Labour Directorate conducts a systematic inspection of the local employment offices, which are also inspected regularly by local officials. Annual national conferences are held by the Labour Directorate for the heads of the county employment offices; regional meetings are also held at regular intervals for the instruction of the heads of the local employment offices; annual training courses for young officials are arranged by the Labour Directorate. Members of the inspection staff are generally present at these courses and meetings.

The employment service co-operates with the representatives of the employers and workers and with bodies set up to study special employment problems.

The majority of the employment offices are comparatively small and it has been difficult to develop much specialisation, although separate sections for men and women have been established in some offices. The larger offices have special departments, particularly in Oslo, where considerable specialisation has been developed. Some employment offices have sections dealing, *inter alia*, with juveniles, disabled persons, some trades and certain categories of professional workers.

Employment market information. The majority of the provisions laid down in this Part of the Recommendation are applied under the Employment Act which provides that the Labour Directorate, county and local employment committees must collect information concerning employment, unemployment and employment opportunities, investigate the causes of changes in the employment situation and produce surveys of employment and unemployment at regular intervals. In addition, a number of more specialised enquiries have been made on some of these subjects. The provisions of the Recommendation concerning the staff responsible for the collection of information and the methods to be used, correspond in some cases to those practised in Norway.

Manpower budget. A manpower budget is prepared every year in connection with the national budget. This work is done by the Labour Directorate, in co-operation with the other authorities responsible for the drawing up of the national budget. Special information concerning employment and the demand for labour is also collected from other sources, such as the county employment offices. The manpower budgets give, as far as possible, detailed information concerning manpower in the various industries and trades, based on the supply and demand of labour.

Referral of workers. This question is covered by the Employment Act, which lays down that the employment service shall be neutral and impartial. However, paragraph 12 (b) of the Recommendation, which provides that the employment service should not refer workers to employment where conditions are below a certain standard, has not been applied. The employment service is not bound by law to supply applicants with all information concerning the jobs to which they are referred, but the employment service gives as much objective information as possible to both parties.

Mobility of labour. On the whole, the provisions of the Recommendation regarding mobility of labour are applied. Information is collected through the employment service concerning employment opportunities, and working conditions in other occupations and districts. Reviews of the labour situation are published weekly and distributed to all employment offices. In cases where extraordinary measures have been necessary, effect has been given to the provisions of the Recommendation concerning information to be supplied in order to eliminate objections of workers to changing their occupation or residence and regarding financial assistance which may be given to workers involved in geographical transfers. An insured worker loses the right to unemployment assistance if he refuses an offer of employment which the local employment committee considers to be suitable for him. The employment service co-operates closely with the authorities responsible for vocational training, and is represented on central and local bodies for vocational training.

Miscellaneous provisions. The Labour Directorate has a special office which is engaged directly in co-operation with public and private bodies concerned with employment problems and is represented on other bodies. The regional and local branches of the service also make independent investigations in this connection or co-operate with the special bodies concerned. The provisions of the Recommendation concerning the use to be made of employment service information and facilities are to a certain extent applied. All persons applying for employment assistance are required to register with the employment service, but there is no other compulsory registration. The latter does not appear to be necessary in Norway, but all able-bodied persons of working age may be required to register with the employment service, should this be necessary because of the reconstruction of the country or in the national interest. Contact between pupils attending vocational schools or courses, and the employment service is maintained by means of a special employment service system. Juveniles and all persons entering employment for the first time are encouraged to register for employment, and to attend for an employment interview. The Employment Act contains provisions to the effect that employers should be encouraged to notify the service of vacancies. However, in view of the present circumstances, no action, as a rule, has been taken against employers who have sometimes failed to notify such vacancies. Private employment agencies are prohibited under the Employment Act. Exceptions can be made, however, in the case of training establishments or of charitable societies. Efforts have been made to replace the former private employment agencies in a satisfactory manner by the institution of special departments in the employment service, for example, in the case of professional workers.

International co-operation among the employment services. This provision of the Recommendation has already been brought into effect among the Northern countries. At present, the provision of the Recommendation regarding the facilitating of international movements of workers does not appear to be relevant for Norway.

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

Pakistan.

General organisation. A free public employment service is maintained, comprising the central headquarters at Karachi, four regional offices and 25 local offices. The unification and co-ordination of the national administration is ensured by the issue of national administrative instructions, by the formulation of minimum national standards concerning the staffing and material arrangements of the employment offices, by adequate financing of the service by the Central and provincial Governments, by periodical reports

from lower to higher administrative units, by the national inspection of regional and local offices and by periodical conferences among central, regional and local offices. Tripartite advisory committees have been set up for each regional and local office. The regional exchanges each have a separate women's section and separate sections exist in all the exchanges for skilled and unskilled workers; no arrangements exist at present for the other provisions of paragraph 4 of the Recommendation.

Employment market information. There is no machinery for the collection of information relating to labour requirements and supply, but the employment service makes continuous study of the aspects of the organisation of the employment market enumerated in paragraph 6 and is contemplating special studies on these questions in the near future. The points dealt with in paragraphs 7 and 8, regarding the collection and analysis of information, do not arise.

Manpower budget. In view of the level of economic development in the country, the need has not yet been felt for a manpower budget. It would, however, be advisable to budget manpower in certain categories, since, on the one hand, there is a large unskilled labour force and, on the other, a shortage of suitably trained technicians in certain fields.

Referral of workers. Strict neutrality is observed in cases where employment is available as the result of a lock-out or strike which is not declared illegal under the Industrial Disputes Act, 1926. The employment service does not refer workers to employment in respect of which the wages and conditions of work fall below the prevailing practice. No discrimination is made against applicants on the ground of race, colour, sex or belief. The employment service collects information in respect of the jobs which are notified and makes it available to applicants.

No arrangements are made regarding the points relating to mobility of labour.

Miscellaneous provisions. The employment service co-operates with other public and private bodies concerned with employment problems. Every local and regional employment office is provided with an advisory committee on which workers, employers and the Government are represented. As a result of a recent reduction in the financing of the service, publicity has been curtailed and is now effected through the press information department of the Central Government. There are no unified Government schemes for unemployment benefit or allowances, but persons completing courses of vocational and technical training in the Central Government centres are required to register for employment with the employment service. By means of correspondence and personal contact by the staff of the employment service, employers are encouraged to notify vacancies to the employment exchanges. As far as the Government is aware, there are no private employment agencies in the country.

International co-operation among the employment services. The Government makes every effort to supply all information requested by the International Labour Office. The employment service facilitates the international movement of workers, as far as possible, although the field of work is limited.

No information regarding the Federal distribution of powers is necessary as the employment service organisation is controlled by the Central Government and the provincial units are responsible only for a part of the financing of the service.

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

Sweden.

The report, which refers to the report supplied under Article 22 of the Constitution, on Convention No. 88, adds that the provisions of the Recommendation are covered by the Royal Notification of 30 December 1947, respecting the public placing service, by the Royal Instructions for the State Employment Board of 17 June 1948, the Royal Instructions for county employment committees of 17 June 1948 and by the various provisions of the instructions concerning unemployment insurance and assistance to unemployed persons. These last Instructions, on the whole, imply that claimants must register for employment with the employment service and that unemployment benefits can only be paid in cases where suitable work cannot be offered.

The fact that the Employment Service Convention, 1948, has been ratified by this country shows that the provisions of the Recommendation correspond on the whole to the regulations governing the Swedish employment service.

It is not deemed necessary to consider a revision of the provisions of the Recommendation. However, some of its paragraphs refer to duties for which authorities other than the employment service are principally responsible; these include the drawing up of a manpower budget which, however, is drafted with the co-operation of the employment service, thus minimising the divergence between the national practice and the provisions of the Recommendation. In 1949, the Riksdag approved a declaration of the Minister of Social Affairs proposing that due account should be taken of the provisions of the Recommendation when the authorities were examining the future development of the public placing service.

The application of the relevant legislation is entrusted to the State Employment Board. Both employers' and workers' organisations are represented on this Board and on the county employment committees. Employers' and workers' organisations are also consulted and co-operate on questions relating to the immigration of foreign labour in large numbers.

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

Switzerland.

The provisions of the Recommendation could, in part, be included in the Federal and cantonal executive regulations which will be issued after the coming into force of the Federal Act on the employment service. Some of these provisions are already applied. However, a certain number of the clauses of the Recommendation are only applicable in the larger labour offices and others are not applicable in Switzerland, at least for the present, or could not be fully applied.

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

Turkey.

The administration of the placement service, which was set up in 1946 under Act No. 4,837, is in conformity with the provisions of Convention No. 88; thus, the more important provisions of the Recommendation are applied. Since some of the principles contained in the Recommendation go beyond the scope of the national legislation, it is not possible at present to give effect to the Recommendation by a National Act or by any other measures.

Union of South Africa.

The Government is in agreement with the detailed provisions contained in the Recommendation, with the exception of paragraph 12 (a) concerning the strict neutrality to be observed in the case of employment available in an establishment where there is a labour dispute affecting such employment. The Government will aim at giving effect to the provisions of the Recommendation, with the said exception.

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

United Kingdom.

The provisions of the Recommendation are, with a slight reservation under paragraph 12, fully implemented under the Labour Exchanges Act, 1909 and the Employment and Training Act, 1948.

General organisation. The exchanges are organised in territorial divisions, supervised by controllers who are responsible for the executive control of the local offices in the area. These offices are the executive offices dealing with the public on all aspects of the work of the Ministry of Labour and National Service and consist of employment exchanges and branch employment offices. Within each region, local offices are grouped together geographically to form district offices which are in a manner outside the main headquarters—regional office—local office hierarchy.

Instructions are issued by the central instructions branch of the Ministry which is responsible, in collaboration with the policy branches, not only for formulating and issuing all instructional circulars and memoranda to local offices, but also for advising on standard

procedures to be used in all local offices. No pains are spared to ensure that the staffing and material arrangements in the employment offices attain the highest possible standard. Permanent staff is appointed through the allocation of successful candidates from competitive examinations and interviews. The staffing review to determine the staff requirements of each local office, according to common standards, is carried out by the regional inspectorate. The standards of the needs of the local offices are applied as far as possible when new exchanges are erected or when the comprehensive reconstruction of existing offices is undertaken, but owing to the need to restrict capital expenditure a considerable number of years is likely to elapse before all offices reach the standards now adopted. The cost of the employment service is borne by the State and no fees are charged to the public. The service is not financed separately but shares in the general arrangements for the financing of the services with the Ministry of Labour. The periodical reports from lower to higher administrative levels are prepared for headquarters as and when the need arises. The regional office programmes and inspection measures are planned to provide for a general examination of every local office in the region once every two years. A conference of regional controllers is held at headquarters once a month, under the chairmanship of the Permanent Secretary. In addition, controllers are consulted collectively and individually on proposed instructions and changes in procedures. Most controllers hold an informal meeting of their senior officers, following the monthly conference, in order to pass on information and to discuss proposed changes in policy.

The Ministry is assisted in its work by several advisory committees, mainly composed of employers' and workers' representatives, which may study any general or special employment problem appropriate to their functions. The committees specifically connected with the Ministry may be grouped under two heads, national and local; detailed information on their composition and function is given in the report. The National Joint Advisory Council was set up in 1939 and its function is to advise on matters in which employers and workers have a common interest and to provide for closer consultation between the Government and organised industry. The Women's Consultative Committee was appointed in 1941 and reconstituted on a peacetime basis in 1945; it advises the Minister on matters of employment policy affecting women. A total of 380 local employment committees were set up under the provisions of the Labour Exchanges Act, 1909, to bring the employment exchanges into close touch with employers and workers in their area and to secure the full benefit of local knowledge on employment matters. The functions of these committees are purely advisory and they are generally recognised as the main general advisory bodies attached to the employment exchanges as an integral part of the local machinery of the Ministry. In addition there are committees for special industries and services, set up at

both national and regional levels, to advise on the recruitment of labour in various industries.

The employment service does not at present favour the establishment of separate specialist offices. Such offices are in existence for various trades and are supplementary to the normal machinery of the employment exchange service. The special arrangements for the placement of young persons are implemented through local youth employment offices, whether provided for by the local educational authority or the employment exchange. The work on behalf of disabled persons is based on the Disabled Persons (Employment) Act, 1942. The purpose of the Act is to make further and better provision for enabling persons handicapped by disablement to secure employment or work on their own account. The appointments service of the Ministry is at the disposal of persons seeking professional, senior executive, technical and scientific posts and of employers trying to fill vacancies of this kind. It neither has nor seeks a monopoly of vacancies and is careful not to encroach on the province of certain professional bodies which have long-standing placing arrangements. In addition, the technical and scientific register follows fairly closely the procedure of the appointments offices, except that it operates on a nation-wide basis and that, as it deals with highly specialised registrants, it is staffed mainly by professionally qualified officers. Continuous efforts have been and are being made to improve the methods of the national employment service in placing workers of either sex in employment on the basis of suitability.

Employment market information. The system of insurance cards provides fundamental statistical data of the total number of gainfully occupied population, the industries and services in which they work and their broad geographical distribution. The number of persons registered as unemployed at local offices is counted on one day in each month and classified according to industry, sex, regional and local areas, broad age groups and duration of employment. Monthly estimates of the numbers employed in certain industries are drawn up on the basis of monthly returns obtained from employers in a large number of industries and of information supplied by Government departments or public bodies. Some indication of the state of labour supply and demand in different industries is given by the unemployment figures and by the local count of the number of vacancies filled by employment exchanges and still outstanding.

All the studies referred to in paragraph 6 of the Recommendation are made. Those concerning the causes and incidence of unemployment, the placement of particular groups of applicants, factors affecting employment, the regularisation of employment and vocational guidance in relation to placement, are carried out by the Ministry or by the Ministry in conjunction with other Ministries directly concerned or with the economic section of

the Cabinet departments as appropriate. In conjunction with the statistics department, the manpower statistics and insurance branch has a continuing responsibility for interpreting statistical material and supplying the detailed information on the nature and distribution of the national manpower resources. The branch conducts many *ad hoc* studies, usually concerned with specific manpower problems in certain industries or particular aspects of the employment exchange service. Research work undertaken on a regional basis is mainly concerned with the problems and planning of the distribution of industry. The employment service of the Ministry co-operates with research workers in the universities and elsewhere. It is represented on the Interdepartmental Committee on Social and Economic Research and on the Committee on Research into Industrial Location. Studies of industries and occupations are published by headquarters, on the basis of a series of surveys of industries and occupations carried out to a common plan at regional offices. Other studies cover research in placement techniques, mobility of labour, disablement resettlement and industrial rehabilitation. Other aspects of the organisation of the employment market are studied in detail as the occasion arises. The collection of employment market information devolves mainly on the trained staff of the employment service. Other official bodies and workers' organisations are consulted where necessary.

The methods used for the collection and analysis of information include all the provisions specified in the Recommendation, as found practicable and appropriate.

Manpower budget. The Ministry of Labour and National Service draws up an annual national manpower budget in conjunction with other public authorities, such as the economic planning staff of all departments. Statistical manpower surveys were initiated during the war and have been continued for the purpose of dealing with reconstruction problems. Detailed material concerning the anticipated volume and distribution of the labour supply and demand is, of course, included in the economic survey.

Referral of workers. It is the policy of the Government that no person should be disqualified or otherwise prejudiced in seeking employment on account of his refusal to accept employment found for him through an exchange if the ground of his refusal is that a trade dispute which affects his trade exists or that the wages offered are lower than those current in the trade in the district where the employment is found. Thus, paragraph 12 (a) of the Recommendation is implemented; however, with regard to vacancies where wages or conditions are below the prevailing practice, the Government is satisfied that it would be administratively impracticable to ensure that submissions are not made in such cases and that the existing rule that a worker shall not be prejudiced by refusing to accept such vacancies is adequate. The employment service in no way discriminates

against applicants on any grounds whatever.

The employment service is instructed to provide applicants with all the information about jobs to which they are referred.

Mobility of labour. The employment service collects and disseminates all information concerning employment opportunities and working conditions in other occupations and areas and concerning living conditions in these areas.

The employment service automatically provides information and advice designed to eliminate objections to changing occupation or residence.

The necessary mobility of labour is encouraged by means of assistance, given under either of two separate schemes concerned respectively with the alleviation of the unemployment which exists in certain areas, and with the manning up of certain highly important undermanned industries and services. Assistance is given in the form of free fares and settling-in grants, lodging allowances and the cost of the transfer of household effects.

Although, legally and formally, questions relating to the definition and interpretation of the conditions in which employment offered to unemployment benefit claimants is suitable are the responsibility of the independent statutory authorities who decide individual claims for benefit, nevertheless, in practice, there is the closest liaison between the employment or vacancy officers and the authorities dealing with claims for benefit.

The vocational training of young persons under 18 years of age is regarded primarily as the responsibility of industry, but the youth employment service tries to bring about a steady improvement in the methods used by industries and individual firms in recruiting and training young workers. The training department, in consultation with representatives of employers and workers in each industry concerned, determines on a national basis the scale of training facilities and the kind of training to be provided. The regional offices carry out the final selection of applicants for training, in consultation with representatives of the industry. They are also responsible for the day-to-day running of the Government training centres and the inspection of training carried out in employers' undertakings. Employment exchanges are responsible for advising prospective trainees on the selection of a suitable trade and for helping them to apply for training. The placement of trainees in employment at the end of the course is carried out either by a special placement officer or by the employment exchange. Officers of the Ministry suggest the possibility of engaging adult trainees to employers who notify vacancies for skilled workers.

Miscellaneous provisions. The employment service takes a leading part in all public or private bodies concerned with employment. Thus, the Ministry of Labour exercises an important influence on the policy of the distribution of industry throughout the country. Regional offices of the Ministry of Labour and National Service assist local plan-

ning authorities in economic surveys of their areas and give their observations on final development plans. The headquarters of the Ministry of Labour co-operates with the Australian and New Zealand authorities in arranging for press publicity, recruiting tours and selection interviews. Regional offices assist in the interviewing of prospective emigrants. From time to time, the Ministry has co-operated with the Colonial Office and other departments in introducing limited numbers of workers from the colonies into employment; it also gives advice about the prospects of employment to individual enquirers from the British Commonwealth and colonial territories and has been responsible for the operation of several schemes for the recruitment of European workers. The Ministry offers a service to employers with interests outside Britain who are looking for British workers to fill posts abroad. It co-operates closely with the responsible authorities in respect to town and country planning and the provision of child-care facilities for mothers in employment.

The work of the employment service is publicised by means of public announcements in the press and on the radio, articles in the national and local papers, participation in national and local exhibitions, and by visits to its offices during working hours.

Persons claiming unemployment benefit are required to register for employment with the employment service.

Special efforts are made to encourage juveniles and other persons to register for employment and attend for an employment interview. Great importance is attached to the development of good relations between the employment service and employers. Exchange managers are encouraged to get to know the senior executives of the principal firms in their areas.

The aim of the national employment service is so to improve the facilities it offers as to obviate any slight bias which may remain in favour of private fee-charging agencies on the part of certain employees. The service co-operates with the private free employment agencies, which are mainly those operated by trade unions for the benefit of their members, and with ex-servicemen's and women's associations whose activities include job finding.

The authority responsible for the application of the provisions of the Recommendation is the Ministry of Labour and National Service, either alone or in conjunction with other authorities and bodies.

The part played by employers' and workers' organisations is operative not only where specifically mentioned, but also throughout the work of the Ministry which is permeated at all levels by continuous assistance from organisations of this nature.

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

Viet-Nam.

The organisation of the employment service is governed by an Order of 15 September 1942,

issued by the former Governor-General of Indo-China. A detailed analysis of this Order and a survey of the national practice is to be found in the report on Convention No. 88.

In view of the continuation of the state of war in the country since 1945, it is not proposed to amend at present either the legal texts in force or the position in practice. Moreover, the present position seems to correspond to the economic and social situation in the country. It would appear that the Recommendation was drawn up having in view countries which have reached a higher level of development than Viet-Nam, the

structure of which is still largely agricultural in character. It therefore seems probable that it will be a considerable time before the provisions of the Recommendation can be applied in the country.

In each of the three administrative districts of the country, the working of the employment service, such as it is, is entrusted to the regional labour and social security inspector, subject to the control of the regional Governor and the technical supervision of the general inspector for labour and social security.

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

INTERNATIONAL LABOUR CONFERENCE

THIRTY-FIFTH SESSION
GENEVA, 1952

SUMMARY OF INFORMATION
RELATING TO THE SUBMISSION TO THE COMPETENT AUTHORITIES
OF CONVENTIONS AND RECOMMENDATIONS ADOPTED BY THE
INTERNATIONAL LABOUR CONFERENCE
(ARTICLE 19 OF THE CONSTITUTION)

Third Item on the Agenda



INTERNATIONAL LABOUR OFFICE
GENEVA, 1952

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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, 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 Recommendation (No. 88) concerning the vocational training of adults including disabled persons adopted by the Conference at its 33rd Session, held in Geneva from 7 June to 1 July 1950.

As the closing date of the 33rd Session of the Conference was 1 July 1950, the period of one year provided for the submission to the competent authorities came to an end on 1 July 1951, and the period of 18 months on 1 January 1952.

The present report also contains a summary of additional information relating to the submission to the competent authorities of the Conventions and Recommendations adopted by the Conference at its 31st and 32nd Sessions, held respectively in San Francisco from 17 June to 10 July 1948 and in Geneva from 8 June to 2 July 1949. The information summarised in this report consists of communications which were forwarded to the Director-General of the International Labour Office after the close of the 32nd Session of the Conference and which could not, therefore, be laid before that Session.

The following Conventions and Recommendations were adopted at the 32nd Session of the Conference :

- 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).

The Conventions and the Recommendation adopted at the 31st Session of the Conference are listed below :

Convention concerning freedom of association and protection of the right to organise (No. 87) ;

Convention concerning the organisation of the employment service (No. 88) ;

Convention concerning night work of women employed in industry (revised 1948) (No. 89) ;

Convention concerning the night work of young persons employed in industry (revised 1948) (No. 90) ;

Recommendation concerning the organisation of the employment service (No. 83).

The report contains a summary of the information received from Governments up to the date of the meeting of the Committee of Experts on the Application of Conventions and Recommendations ; the Committee examined, during its session from 17 to 29 March 1952, the communications received from the Governments, as stated in its report.

**Summary of information relating to the submission
to the competent authorities of the Recommendation adopted by the International Labour
Conference at its 33rd Session (Geneva, 1950)**

NON-FEDERAL STATES

Afghanistan.

In a letter of 10 January 1952 the Government stated that the text of the Recommendation had been forwarded to the competent authority, *i.e.*, the Council of Ministers.

Burma.

In a letter of 10 October 1951 the Government stated that the Recommendation had been brought before the Ministries of Labour, Industries and Mines which are the authorities competent to enact legislation or to take other action in order to give effect to the Recommendation. The Government communicated to the Office a report drafted by these authorities in connection with this matter.

Chile.

The General Labour Directorate stated that it had been unable to take the necessary measures for the submission of the Recommendation to the competent authorities, since the Ministry of Education had not drafted the report required in view of the possible acceptance of the Recommendation.

China.

The state of war prevented the Government from taking measures with regard to the Recommendation adopted by the Conference at its 33rd Session and with regard to the Conventions and Recommendations adopted at its 31st and 32nd Sessions.

Denmark.

In a letter of 15 March 1951 the Government stated that the Danish delegation to the Conference had, as usual, submitted to Parliament a report on the Conference in which was included the text of the Recommendation.

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

In addition, a letter from the Government dated 13 November 1951 showed in detail the measures which had been taken in order to give effect to the Recommendation.

Dominican Republic.

The Government is examining the Conventions and Recommendations adopted by the Conference at its 31st, 32nd and 33rd Sessions in order to determine which Conventions will be ratified.

Egypt.

The Government communicated information concerning the action taken with regard to the matters covered by the Recommendation and stated in particular that the administration dealing with manpower problems, which was recently set up, applies the principles laid down in the Recommendation. The necessary measures will be taken in the near future as regards submission of the Recommendation to the competent authorities for the enactment of legislation concerning its provisions.

Finland.

The Recommendation was submitted by the Government to the Chamber on 25 January 1952.

Iceland.

In a letter of 16 November 1951 the Government stated that it had submitted to the Althing a report on the work of the 33rd Session of the Conference; the text of the Recommendation adopted at that Session was included in the report.

No measures have so far been taken by the legislative authorities with a view to adopting legislation relating to the matters covered by the Recommendation.

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

Indonesia.

The Government stated that it had already taken the measures necessary for the application of some of the provisions of the Recommendation.

Iran.

The Conventions and Recommendations adopted by the Conference at its 31st, 32nd and 33rd Sessions have been submitted for approval to the Chamber of Deputies.

In Iran the legislative authorities are the Senate and the Chamber of Deputies.

Ireland.

The Recommendation was presented to the Oireachtas on 21 August 1951 in the report of the Irish Government delegates to the 33rd Session of the Conference. The delay in presenting the Recommendation to the competent authority was due to printing difficulties.

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

Italy.

The Government has communicated detailed information regarding the measures adopted or being considered in order to give effect to the Recommendation adopted by the Conference at its 33rd Session.

Netherlands.

In a Note of 18 June 1951 addressed to the President of the Second Chamber of the States General, the Government submitted the text of the Recommendation and set forth its point of view in respect of this text.

It is stated in this Note that vocational training in the Netherlands is in conformity with the various provisions of the Recommendation.

The only points on which the measures provided for in the Recommendation cannot yet be put into practice, in whole or in part, are those which deal with the vocational training of disabled persons, migrants, women, and supervisors.

This information has been communicated to the representative employers' and workers' organisations.

New Zealand.

The Recommendation was laid before the New Zealand House of Representatives on 21 November 1950 and before the Legislative Council on 24 November 1950.

The Government gave the reasons for which it does not seem either necessary or desirable that New Zealand should apply the Recommendation as a whole, although in several respects the Government has in fact followed principles similar to those laid down in the Recommendation. When circumstances necessitate a further extension of the possibilities of training for adults, account will be taken of the provisions of the Recommendation.

Norway.

The text of the Recommendation was submitted to the following Government services: the Ministry of Church Affairs and Education, the Ministry of Local Government and Labour, and the registration centres dealing with vocational training, as well as to the representative employers' and workers' organisations.

The observations of these services and of the employers' and workers' organisations were forwarded to the legislative authority, the Storting, on 9 March 1951.

In the course of its sitting on 19 May 1951 the Storting adopted the report of its Committee on Social Affairs which recommended the acceptance by Norway of the Recommendation.

Philippines.

Consideration of the Recommendation depends on final enactment of vocational training legislation.

Sweden.

The Recommendation was submitted to the Riksdag in a Government proposal tabled on 2 February 1951.

In this proposal the Minister of Social Affairs indicated that vocational training in Sweden would,

where appropriate, be organised and developed along the lines suggested by the Recommendation.

Following an investigation undertaken by the Parliamentary Committee the Riksdag forwarded to the Government on 21 April 1951 a message in which it gave its agreement to the statement made by the Minister of Social Affairs.

During the meeting of the Council of Ministers, held on 27 April 1951, the decision of the Riksdag was made known to the various authorities dealing with vocational training.

Copies of the parliamentary documents concerning the Recommendation have been communicated to the representative employers' and workers' organisations.

Union of South Africa.

The Recommendation has been submitted to the competent authority, i.e., the Executive Council, which decided on 5 May 1951 that the provisions of the Recommendation could not be accepted for the reasons set out by the Government.

United Kingdom.

The text of the Recommendation was submitted to Parliament and published, in March 1951, in Command Paper No. 8,195.

The decision of the Government, which is set out in Command Paper No. 8,287 (July 1951), shows that the law and practice in the United Kingdom are generally in accordance with the provisions of the Recommendation. The Government proposes that the Recommendation should be accepted.

This information and copies of the above-mentioned documents have been communicated to the representative employers' and workers' organisations.

Uruguay.

A Bill providing for the ratification of certain Conventions has been laid before the Senate.

The employers' and workers' organisations have been informed of these measures.

The Government supplied information on the position in Uruguay with regard to the subject covered by the Recommendation.

Viet-Nam.

In a letter of 24 August 1951 the Government stated that the competent authority in this matter was the Ministry of Planning and Reconstruction. The text of the Recommendation has been communicated to this Ministry, for examination and study, by the Under Secretary of Labour. As soon as the Ministry makes known the decisions which it is contemplating these will be communicated to the International Labour Office and to the representative employers' and workers' organisations.

The continuation of hostilities in Viet-Nam is considered to constitute the "exceptional circumstances" provided for in Article 19, paragraph 6 (b), of the Constitution of the International Labour Organisation and to justify an extension to 18 months of the period within which decisions of the Conference must be submitted to the competent authorities,

FEDERAL STATES

Austria.

The Recommendation was submitted for decision to the Council of Ministers since this body is the competent authority within the meaning of the Constitution of the International Labour Organisation.

During its meeting held on 15 January 1952 the Council of Ministers heard a report on this matter by the Federal Minister of Social Affairs. It decided to take note of the Recommendation and to make a report to the National Council. In conformity with this decision, the Federal Government was, at an early date, to lay before the National Council the text of the Recommendation together with a report.

The representative organisations of the employers and workers concerned were informed about the Recommendation before it was laid before the competent authorities and gave their agreement to its contents. As soon as the Recommendation has been examined by Parliament, the parliamentary record of proceedings concerning the action to be taken on this question will be communicated to the above-mentioned representative organisations.

Brazil.

The Government states that texts of the Conventions and Recommendations adopted by the Conference are first examined by the competent authorities and then submitted, if necessary, with the support of these authorities, to the National Congress for a final decision concerning their approval and, at a later date, their ratification by the executive power.

The Recommendation was forwarded to the Ministry of Labour, Industry and Commerce on 1 July 1950.

Canada.

In a letter of 3 March 1951 the Ministry of Labour indicated that the text of the Recommendation had been tabled in the Federal Parliament and had been sent, together with copies of a letter from the Ministry of Justice showing that the Recommendation was partly within the authority of Parliament and partly within the authority of the Provincial Legislatures, to the Lieutenant-Governors of the Canadian provinces, as well as to the most representative employers' and workers' organisations.

India.

On 28 August 1951 the Recommendation was placed before Parliament, which is the competent authority in this respect.

At the same time the Government submitted to Parliament a statement indicating in detail the present position of the national law and practice as regards the various points dealt with in the Recommendation.

The Recommendation has been brought to the notice of the State Governments, etc., for such further action as may be considered appropriate and practicable.

This information has been communicated to the representative employers' and workers' organisations.

Pakistan.

The question of placing the Recommendation before the competent authorities is being considered by the Government.

The Constituent Assembly (Legislature) is the competent authority for the purpose of Article 19 of the Constitution of the International Labour Organisation.

The representative organisations of employers and workers are kept informed of the decisions of the competent authority.

Switzerland.

The Federal Council submitted a report to the Federal Assembly on 14 September 1951; it stated that the national legislation was in full conformity with the requirements of the Recommendation and that the Federal Council need not therefore take any further measures in order to give effect to the provisions of the Recommendation.

The Federal Assembly (Council of States and National Council) approved this report.

This information has been communicated to the representative employers' and workers' organisations.

United States.

On 5 March 1952 the President of the United States submitted the Recommendation to Congress for appropriate action. The text of the Recommendation, which seems to call in part for measures by the Federal Government and in part for measures by the constituent States, was communicated on 8 November 1951 to the appropriate authorities of the constituent States for the enactment of legislation or other action.

As regards the nature of the appropriate authorities and the procedure followed in this respect, see under 32nd Session.

This information has been communicated to the representative employers' and workers' organisations.

Summary of additional information relating to the submission
to the competent authorities of the Conventions and Recommendations adopted
by the International Labour Conference at its 32nd Session (Geneva, 1949)

NON-FEDERAL STATES

Afghanistan.

In a letter of 11 December 1951 the Government stated that the Conventions and Recommendations adopted by the Conference at its 32nd Session had been submitted to the competent authority, *i.e.*, the Council of Ministers.

Chile.

The Director-General of Labour indicated the proposals that should be included in the message to be forwarded to the Congress in connection with the Conventions and Recommendations adopted by the Conference at its 32nd Session.

Denmark.

The Government gave the reasons for which it was unable to ratify the Protection of Wages Convention (No. 95) and the Fee-Charging Employment Agencies Convention (Revised) (No. 96).

Dominican Republic.

See under 33rd Session.

Ecuador.

The Government has submitted 34 Conventions to the legislature, which is examining the possibility of approving them.

Finland.

On 28 September 1951 the Government laid before the Chamber a proposal concerning the Conventions and Recommendations adopted by the Conference at its 32nd Session. It proposed the ratification of the following Conventions :

Paid Vacations (Seafarers) Convention (Revised) (No. 91) ;

Accommodation of Crews Convention (Revised) (No. 92) ;

Labour Clauses (Public Contracts) Convention (No. 94) ;

Fee-Charging Employment Agencies Convention (Revised) (No. 96) ;

Right to Organise and Collective Bargaining Convention (No. 98).

The Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 93), the Protection of Wages Convention (No. 95) and the Migration for Employment Convention (Revised) (No. 97) will not be ratified until the national legislation has been brought into conformity with these texts.

The proposal laid before the Chamber also shows the extent to which the Recommendations adopted by the Conference at its 32nd Session have been or can be applied in Finland.

Iran.

See under 33rd Session.

Netherlands.

Parliament has adopted legislation by which the authorisation to ratify the following Conventions is reserved for the Crown : Paid Vacations (Seafarers) Convention (Revised) (No. 91) and the Accommodation of Crews Convention (Revised) (No. 92) ; it also adopted legislation to approve 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).

New Zealand.

The Government, which had submitted to the competent authorities the texts of the Conventions and Recommendations adopted at the 32nd Session of the Conference, has communicated to the Office a report on the action taken with regard to the Migration for Employment Recommendation (Revised) (No. 86).

It is stated in the report that the Government accepts the Recommendation as far as Government-sponsored migrants are concerned but that, as regards migrants coming to New Zealand unassisted and in an informal way, it desires to reserve its position concerning full implementation of the Recommendation.

This information has been communicated to the representative employers' and workers' organisations.

United Kingdom.

In Command Paper No. 8,286, submitted to Parliament in July 1951, the Government proposed the ratification of the Protection of Wages Convention (No. 95) and, subject to certain reservations, the acceptance of the Protection of Wages Recommendation (No. 85).

In due course the Government proposes to introduce legislation enabling it to ratify the Fee-Charging Employment Agencies Convention (Revised) (No. 96).

Uruguay.

See under 33rd Session.

FEDERAL STATES

Brazil.

The Government indicates that the texts of the Conventions and Recommendations adopted by the Conference are first examined by the competent authorities and then submitted, if necessary, with the support of these authorities, to the National Congress for a final decision concerning their approval and, at a later date, their ratification by the executive power.

The Government reviewed the measures taken in this respect with regard to the Conventions and Recommendations adopted by the Conference at its 32nd Session. The following action was noted :

Convention No. 91 : forwarded to the Ministry of the Marine on 27 July 1950 and to the Ministry of Labour, Industry and Commerce on 23 November 1951 ;

Convention No. 92 : submitted to the National Congress in December 1951 ;

Convention No. 93 : forwarded to the Ministry of the Marine on 27 July 1950 ;

Convention No. 94 : forwarded to the Ministry of Labour, Industry and Commerce on 5 March 1951 ;

Convention No. 95 : forwarded to the Ministry of Labour, Industry and Commerce on 5 March 1951 ;

Convention No. 96 : forwarded to the Ministry of Labour, Industry and Commerce on 27 January 1951 ;

Convention No. 97 : forwarded to the Immigration and Colonisation Council and to the Ministry of Labour, Industry and Commerce in April 1951 ;

Recommendation No. 86 : forwarded to the Immigration and Colonisation Council and to the Ministry of Labour, Industry and Commerce in April 1951 ;

Recommendation No. 87 : forwarded to the Ministry of Labour, Industry and Commerce on 8 March 1951 ;

Convention No. 98 : submitted to the National Congress on 28 June 1951.

Pakistan.

The Conventions and Recommendations adopted by the Conference at its 32nd Session were tabled in the Constituent Assembly (Legislature) on 21 November 1951 by the Minister of Labour.

In a statement laid before the Constituent Assembly, the Government, which also communicated to the members of this Assembly the texts of the Conventions and Recommendations, makes the following proposals on the texts in question :

Paid Vacations (Seafarers) Convention (Revised) (No. 91), Accommodation of Crews Convention

(Revised) (No. 92), and the Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 93) : it is not proposed to ratify these three Conventions at present.

Labour Clauses (Public Contracts) Convention (No. 94) and Recommendation (No. 84) : the question of the ratification of this Convention and the adoption of this Recommendation requires further examination and is being given attention by the Government.

Protection of Wages Convention (No. 95) and Recommendation (No. 85) : the Government does not propose to ratify this Convention and proposes to adopt as many of the provisions of the Recommendation as possible.

Fee-Charging Employment Agencies Convention (Revised) (No. 96) : the Government proposes to ratify this Convention and to indicate in the instrument of ratification its acceptance of the provisions of Part II.

Migration for Employment Convention (Revised) (No. 97) and Recommendation (No. 86) : the Government does not propose to ratify this Convention or to adopt the Recommendation.

Right to Organise and Collective Bargaining Convention (No. 98) : the Government proposes to ratify this Convention.

Vocational Guidance Recommendation (No. 87) : the Government does not propose to adopt this Recommendation as a whole but will bear it in mind as a guide for future action.

The Constituent Assembly is the competent authority for the purpose of Article 19 of the Constitution of the International Labour Organisation.

The representative employers' and workers' organisations are kept informed of the decisions of the competent authority.

United States.

On 8 June 1951 the President of the United States submitted to the Senate for appropriate action 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 President did not request the Senate to give its advice and consent at present with regard to the ratification of Convention No. 91.

The President considered that it was not desirable to ask for the Senate's approval of Convention No. 92.

The President requested the Senate to give its advice and consent with regard to the ratification of Convention No. 93.

On 21 June 1951 the President submitted to Congress for appropriate action the Protection of Wages Convention (No. 95) 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).

On 11 October 1951 the President submitted to Congress for appropriate action the Fee-Charging Employment Agencies Convention (Revised) (No. 96).

These Conventions and Recommendations had previously been submitted to the constituent States of the United States.

This information has been communicated to the representative employers' and workers' organisations.

The Government had hoped to submit the following Conventions and Recommendations to the appropriate authorities prior to the adjournment of the first session of the 82nd Congress of the United States : Labour Clauses (Public Contracts) Convention (No. 94) and Recommendation (No. 84) ; Migration for Employment Convention (Revised) (No. 97) and Recommendation (Revised) (No. 86).

In spite of the efforts made, these Conventions and Recommendations have not yet been submitted to the appropriate authorities but the Government expects this to be accomplished during the second session of Congress which opened on 7 January 1952.

As regards the nature of the appropriate authorities, it is stated that the United States Congress is deemed to be the appropriate federal authority to which the Conventions and Recommendations, regarded as appropriate for federal action under Article 19, paragraph 7 (a) of the Constitution of the International Labour Organisation, are referred by the President. Such Conventions are transmitted to the Senate, since, under Article II of the Constitution of the United States it is the President who has the " Power, by and with the Advice and Consent of the Senate, to make Treaties ". They are also referred, where appropriate, to the House of Representatives with a view to the consideration of such legislation as may be deemed desirable and necessary. Such Recommendations are referred to both the House of Representatives and the Senate.

Conventions and Recommendations regarded as

appropriate, in whole or in part, for action by the constituent States under Article 19, paragraph 7 (b) of the Constitution of the International Labour Organisation, are referred to the United States Congress with a view to the consideration of such federal action as may be deemed desirable, and to the Governors and Commissioners of Labor of each of the 48 States with a view to the consideration of such action by the constituent States as each may deem desirable.

In view of the constitutional relationships between the Federal and State Governments of the United States, it is the normal practice of the Federal Government to deal with the executive branch of the State Governments. When the texts of Conventions and Recommendations are communicated to each Governor and Labor Commissioner, these persons are advised that the submission is made pursuant to Article 19 of the Constitution of the International Labour Organisation for the purpose of " the enactment of legislation or other action ". This manner of communicating I.L.O. standards to the constituent States obviates any problems affecting the relationship between the Federal and State Governments which would arise if the Federal Secretary of Labor were to communicate directly with State legislative authorities, and the method adopted appears to be entirely consonant with the provisions of Article 19, paragraph 7, of the Constitution of the International Labour Organisation which provides for submission to the appropriate authorities.

The representative organisations of employers and workers in the United States will be notified upon referral of the above-mentioned Conventions and Recommendations to the appropriate authorities, as well as of the action taken and the decisions made thereon by such authorities in accordance with the current regular practice of the United States in this regard.

**Summary of additional information relating to the submission
to the competent authorities of the Conventions and the Recommendation adopted
by the International Labour Conference at its 31st Session (San Francisco, 1948)**

NON-FEDERAL STATES

Afghanistan.

In a letter of 11 December 1951 the Government stated that the Conventions and the Recommendation adopted by the Conference at its 31st Session had been submitted to the competent authority, *i.e.*, the Council of Ministers.

Dominican Republic.

See under 33rd Session.

Finland.

On 6 May 1949 the Government laid before the Chamber the texts of the Conventions and the Recommendation adopted by the Conference at its 31st Session.

It proposed that the Chamber should adopt the Freedom of Association and Protection of the Right to Organise Convention (No. 87); this Convention has since been ratified.

It proposed that the Employment Service Convention (No. 88) should not be ratified for the moment and stated that the application of the Employment Service Recommendation (No. 83) would involve difficulties.

It also proposed that the Night Work (Women) Convention (Revised) (No. 89) should not be ratified and that the Night Work of Young Persons (Industry) Convention (Revised) (No. 90) should not be ratified at present.

Iran.

See under 33rd Session.

Italy.

In letters of 29 October 1951 and 9 January 1952 the Government stated that the Employment Service Convention (No. 88), the Night Work (Women) Convention (Revised) (No. 89), and the Night Work of Young Persons (Industry) Convention (Revised) (No. 90) had been submitted to the Chamber of Deputies with a view to ratification.

It has not been possible up to the present to propose the ratification of the Freedom of Association and Protection of the Right to Organise Convention (No. 87) since this matter is dealt with in the new Italian Trade Union Bill which is to be discussed by Parliament.

Uruguay.

See under 33rd Session.

FEDERAL STATES

Brazil.

The Government states that the texts of the Conventions and Recommendations adopted by the Conference are first examined by the competent authorities and then submitted, if necessary, with the support of these authorities, to the National Congress for a final decision concerning their approval, and, at a later date, their ratification by the executive power.

The Government reviewed the measures taken in this respect with regard to the Conventions and the Recommendation adopted by the Conference at its 31st Session. The following action was noted :

Convention No. 87 : submitted to the National Congress in May 1949 ;

Convention No. 88 : submitted to the National Congress in August 1949 ;

Convention No. 89 : forwarded on 5 October 1949 to the Ministry of Labour, Industry and Commerce who considered that the Convention should not be submitted for approval to the Congress since the matter was already covered by the national legislation ;

Convention No. 90 : forwarded to the Ministry of Labour, Industry and Commerce on 17 February 1950.

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) have been ratified by Pakistan.

The Government is examining the question of laying before the competent authority the Employment Service Convention (No. 88) and Recommendation (No. 83).

The Constituent Assembly (Legislature) is the competent authority for the purpose of Article 19 of the Constitution of the International Labour Organisation.

The representative employers' and workers' organisations are kept informed of the decisions of the competent authority.

United States.

On 2 August 1950 the President of the United States submitted to Congress the Night Work (Women) Convention (Revised) (No. 89) and the Night Work of Young Persons (Industry) Convention (Revised) (No. 90). He proposed that no federal measures should be taken with regard to these Conventions except in respect of the District of Columbia.

On 19 March 1951 the President submitted to the Senate and the House of Representatives the Employment Service Convention (No. 88) and Recommendation (No. 83). The Convention has been submitted to the Senate in order that it may give its consent to ratification.

REPORT III

(PART IV)

INTERNATIONAL LABOUR CONFERENCE

THIRTY-FIFTH SESSION

GENEVA, 1952

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, 1952

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INTERNATIONAL LABOUR CONFERENCE

THIRTY-FIFTH SESSION

GENEVA, 1952

**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, 1952

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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 and information 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 for its 22nd Session in Geneva from 17 to 29 March 1952.

2. The composition of the Committee has remained unaltered since its last session and 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 International Labour Conference, 1927 (Tenth Session);

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 of the Governing Body of the International Labour Office;

Mr. Tomaso PERASSI (Italy),

Professor of International Law at the University of Rome; Member of the Institute of International Law; Member of the Permanent Court of Arbitration; former Member of the Constituent Assembly; Legal Adviser in the Ministry of Foreign Affairs;

Mr. William RAPPARD (Switzerland),

Professor at the University of Geneva; Director of the Graduate Institute of International Studies; former Vice-Chairman of the Mandates Commission of the League of Nations; Director of the Mandates Section of the League Secretariat, 1920-1925; President of the International Labour Conference, 1951 (34th Session);

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),

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.

3. Of these 12 members, the following were present:

Mr. Grantley ADAMS

Mr. Paal BERG

Sir Atul CHATTERJEE

Mr. H. S. KIRKALDY

Mr. Helio LOBO

Mr. Tomaso PERASSI

Mr. William RAPPARD

Mr. Georges SCELLE

Miss G. J. STEMBERG

Mr. Paul TSCHOFFEN

4. Much to the Committee's regret, Baron VAN ASBECK and Mr. WYZANSKI were prevented by illness from attending the session.

5. The Committee elected Mr. TSCHOFFEN as Chairman and Mr. KIRKALDY as Reporter of the Committee. Mr. ADAMS acted as Reporter on questions affecting non-metropolitan territories. Mr. SCELLE acted as Reporter on the questions affecting the submission of Conference decisions to the competent national authorities.

II. WORK OF THE COMMITTEE

6. 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 certain unratified Conventions and certain Recommendations selected by the Governing Body.

Each of these matters is dealt with in detail in later sections of this report and in the relevant appendices.

7. The work of the Committee this year may be regarded as marking the end of a period of transition and adjustment following upon the amendments to the Constitution of the International Labour Organisation which came into force in 1948. These amendments widely extended the obligations of Governments to submit reports regarding the application of Conference decisions in their respective countries and in the non-metropolitan territories for whose international relations they are responsible. The consequent extension by the Governing Body of the terms of reference of the Committee of Experts brought this additional information within the competence of the Committee for examination and for report thereon to the Governing Body.

8. The new procedure in which the Committee is thus called upon to play a part is designed in the first place to measure the extent of formal compliance by States with their legal obligations in regard to Conventions, whether ratified or not, and Recommendations adopted by the International Labour Conference. In particular, a new obligation is now imposed upon Governments to report upon the measures they have taken to bring Conventions and Recommendations before the competent authorities for the enactment of legislation or other action.

9. In the second place, the new procedure is designed to provide fuller indications than in the past of the influence which Conventions, whether ratified or not, and Recommendations may have had on national law and practice. With this end in view, Governments are now called upon periodically to submit reports regarding the state of the law and practice in their countries on the subject matter dealt with in certain of the Conventions which they have not ratified and on certain Recommendations. The Conventions and Recommendations in question are selected from time to time by the Governing Body to form the subject matter of these reports. In submitting these reports the Governments are asked to state the difficulties which have prevented or delayed ratification of the Conventions, and the modifications which it has been found necessary to make in applying the Recommendations.

10. In the third place, therefore, the new procedure is designed to bring to light some of the causes which may have prevented more widespread ratification of Conventions and acceptance of Recommendations. To the extent that

this is the result of defects in these instruments themselves, the procedure might reasonably be expected to provide useful guidance to the International Labour Organisation in formulating its future legislative programme and decisions.

11. In the fourth place, the new procedure lays increased emphasis on the practical application of Conference decisions, as distinct from the primary question of formal conformity between international texts and national legislation. In this regard it endeavours to enlist the co-operation of the representative organisations of employers and workers in the procedure by requiring Governments to communicate to these organisations copies of the reports which they submit to the International Labour Office and by inviting the Governments to state whether any observations have been received from these organisations regarding the practical fulfilment of the requirements of ratified Conventions.

12. The magnitude of these changes, combined with the ever-increasing number of ratifications, called for certain modifications to facilitate the preparation of reports by Governments. It also called for adjustments to enable the International Labour Office to translate, analyse and document the reports for submission to the Committee of Experts and to the Conference. It called further for changes in the Committee's own procedure if it were to prove possible for the Committee, in the time at its disposal, to examine the material and report thereon in accordance with its terms of reference. In consequence, certain suggestions have been made in past reports of the Committee, and effect has been given by the Governing Body to these and other modifications in the reporting procedure. Such changes have included alterations in the dates of the period to which the reports relate so as to afford additional time to Governments in which to prepare them and to the Office to perform the necessary work on them. Efforts have also been made to space out over the year the dates by which Governments are called upon to supply the different reports and so facilitate the work of the Governments and of the Office. Another measure which the Committee believes has been of considerable assistance to Governments and has also enabled the Committee to concentrate its attention on the more essential parts of its task is that of having specially detailed reports on the first occasion after the ratification of a Convention. These reports have been examined with special care by the Committee. In the absence of amending legislation, subsequent annual reports can now be supplied in a more summary form, although full details are still called for in reply to the questions dealing with practical application.

13. While the present year may thus be regarded as the end of this period of transition and adjustment to meet the new circumstances, the Committee will of course continue to give consideration to any other improvements which may be possible to facilitate its own work or render it more effective and to alleviate the heavy burden of work which the machinery for the international examination of the effect given to Conference decisions imposes on all concerned in its operation. The Committee remains firmly

convinced of the importance of a practical and effective procedure to that end in the interests of mutual confidence and the furtherance of the aims which the International Labour Organisation exists to promote.

14. The adequacy of the present procedure—or indeed of any new procedure which might be devised—depends, however, on certain assumptions which are unfortunately not in all cases realised. In the first place, countries which default in submitting reports are thereby in breach of their international obligations; their failure to do so, moreover, makes it impossible to form a judgment of the extent to which such Governments have complied with the other obligations accepted by them. Indeed, those countries, by their very default, place themselves in an unduly privileged position, as they escape the detailed scrutiny to which countries fulfilling their reporting obligations subject themselves. The task of forming a judgment is also made more difficult by the fact that certain countries do not submit reports either in the form or by the date requested. So far, however, as concerns countries which submit the reports called for in the form and at the time requested, the Committee considers the present machinery adequate to enable a judgment to be formed in the great majority of cases on the question of formal conformity between national legislation and ratified Conventions.

15. The Committee, however, continues to regard its ability to judge the question of practical application as distinct from mere legislative conformity with a considerably smaller degree of confidence. It has noted with satisfaction, however, the increasing response of Governments to the questions calling for statistical information and for particulars regarding inspection and enforcement. Few countries, however, have so far supplied complete information in reply to the questions concerning the practical application of ratified Conventions and there are practically no cases where any observations are stated to have been received from employers' and workers' organisations. The Committee trusts that the latter fact indicates general satisfaction of these organisations regarding the standards of application and enforcement, rather than any lack of interest in the machinery for international examination of effect given to Conference decisions.

16. With regard to the question of conclusions to be drawn from the Committee's examination of reports on unratified Conventions and on Recommendations, further reference is made to this matter in a later section of the report, but the Committee would again lay stress on the importance of the decisions to be taken by the Governing Body, both in regard to the number of these reports called for and in regard to the selection of the subjects to which they relate. The Committee felt that an undue proportion of its time this year had to be devoted to the examination of these reports because of the comparatively large number of reports so called for. Its task of examining the reports would have been made even more difficult but for the fact that considerably less than half the reports called for were in fact supplied by the Governments. On the

other hand, this very failure of Governments to supply reports has made it more difficult for the Committee to draw any valid conclusions of a general nature. The Committee has noted with satisfaction that the Governing Body has already decided to reduce considerably the number of Conventions and Recommendations regarding which reports will be called for in future years.

III. REPORTS SUBMITTED BY GOVERNMENTS ON RATIFIED CONVENTIONS

(a) *Supply of Annual Reports*

17. The reports which came before the Committee this year related to the period 1 July 1950 to 30 June 1951. For the period in question, the Governments were called upon to supply a total of 907 annual reports in respect of the application of 65 Conventions then in force. Up to the date of the session of the Committee, the Office had received 705 reports (*i.e.*, 77.7 per cent.). A list showing the reports received, classified according to countries and Conventions, is given in Appendix II. There is also attached—in 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.

18. The Committee notes with satisfaction that the proportion of reports received this year is substantially higher than last year, although it is rather lower than the proportion of reports which were received by the time of the meeting of the Committee in the preceding year. It is also encouraging to note that substantially more reports than previously were supplied by the date requested. Up to 15 October 1951, the date by which reports had been requested, 288 reports were received, as against 253 on the corresponding date last year, and most of the other reports received reached the Office shortly after 15 October 1951.

19. Of the 47 countries called upon to supply reports, 31 submitted all those requested. On the other hand, no reports at all have so far been received from Bulgaria, China, Colombia, Czechoslovakia, Dominican Republic, Hungary, Iraq, Liberia, Peru and Syria. Nor have any reports been submitted by Nicaragua, which undertook to continue to do so when in 1938 it withdrew from membership of the Organisation.

20. First reports due since ratification of the relevant Conventions were received from Australia (No. 88), Austria (No. 81), Belgium (Nos. 42, 56), Ceylon (Nos. 6, 7), Finland (Nos. 32, 42, 52, 81, 87), France (No. 3), India (Nos. 81, 89), Netherlands (No. 87), New Zealand (Nos. 60, 88), Norway (Nos. 34, 87, 88), Poland (Nos. 77, 78, 79), Sweden (Nos. 81, 87, 88), Switzerland (No. 81), Turkey (No. 2), Union of South Africa (No. 89) and United Kingdom (Nos. 81, 87, 88). This substantial number of first reports is the largest received since the war.

21. Voluntary reports (reports on Conventions which are not yet in force for the country concerned) were submitted by Belgium (Nos. 54, 57),

Mexico (Nos. 46, 54) and New Zealand (Nos. 47, 52, 61, 89). 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.

22. The Committee was informed that since its last meeting Yugoslavia had resumed membership of the Organisation in May 1951, the Federal Republic of Germany had become a Member in June 1951 and Japan had rejoined the Organisation in November 1951. The Committee noted in its report last year its pleasure at having before it for the first time since 1939 reports from Yugoslavia on all 22 Conventions which that country had ratified prior to its having withdrawn from membership of the Organisation, and the Committee was happy again this year to have from Yugoslavia reports on all 22 Conventions.

23. The Committee was informed that it would have before it at its next session reports from Japan on the 14 Conventions which it had ratified before its withdrawal from membership in 1940 and by which it continues to be bound. The Committee was also informed that the Federal Republic of Germany had agreed that it was bound by the 17 Conventions which were ratified by the German Reich, and that reports on these Conventions from the Federal Republic would come before the Committee at its next session.

24. In view of the long period which has elapsed since the previous receipt of Japanese and German reports the Committee discussed the procedure which it should adopt to enable a clear picture to be obtained of the situation in these countries in regard to the Conventions in question. The Committee decided to request the Office, if the Governing Body is in agreement, to ask the Governments concerned to submit particularly detailed reports similar to those which are requested from States Members on the first occasion after ratification of a Convention.

(b) *Examination of Reports by the Committee*

25. The Committee has continued the procedure which it has applied in recent years of giving special attention to the reports on ratified Conventions submitted by Governments on the first occasion after ratification. The Governments are requested to supply these reports in an especially detailed manner, and the Committee had before it at its present session 32 first reports. It is 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. The Committee has thus been enabled in many cases to satisfy itself that the national legislation is in full conformity with the ratified Conventions and to draw attention in other cases to any discrepancies or matters of doubt which have appeared.

26. The Committee has also, in accordance with its recent practice, continued to examine with care any changes in legislation which appear from reports other than first reports, and the

information which both first reports and subsequent reports contain in regard to matters of practical application as distinct from legislative conformity.

27. In previous reports the Committee suggested means for following up observations made by the Committee of Experts or by the Conference Committee 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 suggested, and 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 or the Conference Committee.

28. The Committee was pleased on this occasion to note the substantial number of cases in which Governments had responded to this request and had thereby either cleared up misunderstandings on which previous observations had been based or had taken steps to rectify defects to which attention had been drawn.

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. In making its detailed examination of the reports submitted by Governments on ratified Conventions, the Committee continued its previous practice under which, in accordance with the scheme of responsibility adopted by the Committee at its previous session, such reports as were received by the Office in sufficient time were 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.

31. The Committee would emphasise the point that although the number of such observations which it was felt called upon to make may appear large, they are small in relation to the total number of reports received and examined. The essential function of the Committee may be that of criticism, but it would not desire concentration on criticism to obscure the real merits of many of the reports received and the large degree of full and effective application by many States of the Conventions to which they are parties and the fulfilment of their obligations in regard thereto. Nevertheless, the Committee regrets that it has again been necessary, particularly in its general observations relative to certain countries, to draw attention to a number of cases of long-continued and serious disregard of the obligations imposed not only by the Conventions they have ratified but by the Constitution of the International Labour Organisation itself.

32. The Committee feels it desirable to draw the special attention of the Governing Body to a

question which has arisen from its examination of the report submitted by Ceylon on the Night Work of Young Persons (Industry) Convention, 1919 (No. 6), as similar questions may arise in future in view of the emergence in recent years of new States which have been admitted to membership of the Organisation. That Convention contains a special exception regarding age of admission to employment applicable only to India. At the time of the adoption of the Convention, Ceylon was not a Member of the Organisation. If it had been, it might possibly have claimed a similar exception. In its legislation applying the Convention, Ceylon makes use of the exception granted to India, although the exception in the Convention makes no reference to Ceylon. The Committee considers that this case, which arises from circumstances of a constitutional character which were not contemplated at the time of the adoption of the Convention, merits consideration by the Governing Body.

33. The Committee also feels it necessary to draw special attention to a question arising from the report submitted by Cuba relative to the Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8) which was ratified by Cuba in 1928. The Committee has noted that the Bill submitted two years ago to the Cuban Congress with a view to ensuring full harmony between the national legislation and the terms of the Convention has not yet been approved. The Government states in its report that in view of the independence of the legislative powers the ulterior course of such a Bill depends exclusively on the Congress of the Republic. The Committee must point out that the independence of the legislative powers does not exempt a State Member from the obligation of bringing national law into conformity with Conventions which have been ratified by it.

IV. APPLICATION OF CONVENTIONS IN NON-METROPOLITAN TERRITORIES¹

34. This year the work of the Committee has in some respects been made lighter by the nature of reports received from some of the metropolitan Governments which appear to have accepted in a spirit of co-operation the observations made from time to time by the Committee of Experts. The Committee must, nevertheless, draw attention to the failure of some Governments to carry out punctually their obligations under the Constitution, *e.g.*, no report has been received from the Netherlands Government on the application of ratified Conventions in Netherlands New Guinea and Surinam. Reports relating to the Netherlands Antilles were, however, received in the last few days of the session and could not therefore be examined by the Committee. The Government of Belgium has likewise made no report under Article 22 in respect of its non-metropolitan territories.

35. On the other hand, the Committee is glad to note that, in accordance with Article 35 of the Constitution, several declarations concern-

ing the application of ratified Conventions to non-metropolitan territories have been received, one from New Zealand in respect of Convention No. 11 in its application to Cook Islands and ten from the Netherlands Government in respect of Surinam, the Netherlands Antilles and Netherlands New Guinea dealing with Conventions Nos. 2, 19, 41, 42, 62, 69, 74, 81, 87 and 88 and each covering one or more of these territories. After the Committee had begun its work declarations as to the application of the three following Conventions were received from the Italian Government in respect of the Trust Territory of Somaliland: the Workmen's Compensation (Accidents) Convention, 1925 (No. 17); the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19); and the Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65).

Progress in Particular Aspects of the Application of Conventions

36. While the Committee cannot view with complacency the stage reached in the application of Conventions to non-metropolitan territories, it nevertheless notes that in respect of at least four Conventions there has been an appreciable advance in some areas: in some British and Portuguese territories extensions of the application of Conventions Nos. 12 and 17, relating to Workmen's Compensation, in respect of the amount of compensation and of the classes of workers to which the law applies, are to be noted; extensions of wages council and similar legislation designed to implement the provisions of the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26) have taken place in several British and French territories and are welcome signs of the awareness of some territorial Governments of the necessity for such implementation; likewise, in respect of the Minimum Age (Industry) Convention, 1919 (No. 5), apart from improved legislation in certain instances, in some British and French territories, the addition of labour inspectors to the staffs of labour departments has ensured greater certainty in the prevention or the detection and prosecution of offences against the provisions of implementing legislation. It cannot be considered that the position with respect to any of these four Conventions can be regarded as satisfactory in certain of the non-metropolitan territories of all Governments, but the Committee appreciates the fact that the advances referred to above have taken place since the last reports.

Adaptation of Legislation to Changes in Local Conditions

37. Last year the Committee pointed out the necessity for Governments to give constant and careful consideration to the changed social conditions in their territories in order that by close examination of these changes they might apply Conventions previously found inapplicable. It expressed the hope that their readiness to undertake this examination in a new spirit of co-operation would be reflected in their reports. The Committee regrets to note that there are few indications to be found in the reports for the

¹The Committee's observations and requests for supplementary information on the application of Conventions in the non-metropolitan territories by certain States will be found below in Appendix I-C.

period 1950-1951 that changes in local conditions are kept under constant review, and again urges on Governments the necessity for this watchfulness, especially as it is convinced that in many territories these changes are so substantial as to admit of and demand at least partial application of previously inapplicable Conventions.

38. In this connection it would seem essential that, in those territories in which plans for economic development have either been put into effect or are proposed, the changed social conditions which have ensued or must necessarily take place should be subjected to the most careful examination in order to prevent the evils which Conventions are designed to counteract. It is, for example, incontestable that, under the impact of these developments, the old tribal structure is breaking up and that, particularly in regard to those of its members who have long left the home village for work elsewhere, the tribe no longer recognises its former responsibility for help in cases of sickness, distress or old age. The Committee would welcome some indication on the part of Governments that this and similar changes are being carefully watched. Perhaps the time of the five-yearly review of progress would be a convenient one at which to examine the precise extent of practical recognition of the changing circumstances.

Legislation without Practical Effect

39. As in previous years the Committee notes that, in a number of reports on the application of Conventions to non-metropolitan territories, although there exists legislation for their application, no practical steps have been taken to put them into effect. In some instances many years have elapsed since the legislation was enacted without any action having been subsequently taken to enforce it. In the case of Bermuda, although a Social Security Act was passed in 1949 with the object of implementing the provisions of Conventions Nos. 17, 19, 24, 37, 38, 39 and 40, no financial provisions have as yet been made by the Legislature of that territory. The Committee would be glad to know when these provisions are likely to be made. It hopes that there will be no undue delay in having the necessary measures enacted. Similarly in regard to the French Overseas Departments, while the social security measures operative in France were in 1948 made applicable to the Overseas Departments, the reports indicate that, apart from old-age pensions, very little action has yet been taken to give practical effect to the legislative provisions.

Statements on Reasons for Non-Application of Conventions

40. The Committee has often drawn attention to the vague and unsatisfactory nature of some of the reasons given for the inapplicability of some Conventions and has pointed out that the nature of the local conditions affecting such application should be very clearly explained. It has already expressed the view that there is little evidence that some Governments have kept under sufficiently careful review the changes

in social conditions which might warrant the application of Conventions, and it must again draw attention to the too frequent practice of using statements of a general character that certain Conventions are "inapplicable" without setting out the reasons for their alleged inapplicability so that the Committee might be able to judge for itself of the validity or the cogency of these reasons. In this connection, to take one particular example, it notes that in the case of British Guiana, while the Government states that the question of the application of Conventions or the extension of their application in the light of changing circumstances is constantly under review, nevertheless, in referring to the question raised by the Committee concerning the partial application of Conventions to groups of workers in the more developed and industrialised parts of the population, it simply adds that "it is felt that at the present stage of economic development in this colony the partial application of many of these Conventions is not practicable".

The Committee of Experts on Social Policy in Non-Metropolitan Territories

41. The Committee was informed that the Committee of Experts on Social Policy in Non-Metropolitan Territories set up by the Governing Body had recommended in the course of its meeting in November-December 1951 that the Governing Body should suggest to all the Governments concerned that they "should review the subjects covered by I.L.O. Conventions as regards the territories within their respective jurisdictions with a view to seeing whether further advances in the position in law and practice can be made, whether further ratifications can be effected and whether any existing modifications can be withdrawn". A recommendation had also been made that the Governing Body should consider whether the Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65) might be supplemented by a Recommendation providing for:

(a) the immediate abolition of sanctions of a penal nature in connection with women workers and certain other categories and in respect of certain types of breaches of contract;

(b) the abolition of all penal sanctions not later than 31 December 1955;

(c) the communication of periodic reports and statistics to the International Labour Office on the progress being made towards abolition of all penal sanctions.

The Governing Body has decided on the first point to communicate with the Governments concerned in the terms suggested and on the second point to instruct the Director-General to bring the question to its attention when it proceeds to consider the agenda of the 37th Session of the International Labour Conference (1954). The Committee notes with interest the action taken as regards these two matters.

Communication of Reports to Employers' and Workers' Organisations

42. The Committee again calls the attention of Governments to the desirability, whenever feasible, of communicating reports to employers' and workers' organisations. While there is evid-

ence that in some cases the Government concerned takes a liberal view of the representative character of any organisation in the territory in deciding to which organisation to send reports, in others the absence of any fully representative central organisation of employers or workers is relied on to justify the omission. The Committee commends the practice of sending the reports to important employers' and workers' organisations, particularly those covering industries which are themselves important in the economic life of the territory concerned, even though they are not technically of the representative central character envisaged by the Constitution.

V. SUBMISSION TO THE COMPETENT AUTHORITIES OF THE CONVENTIONS AND RECOMMENDATIONS ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCE

43. This is the third time that the Committee has been called upon to examine the information which States Members are required to communicate to the Director-General of the International Labour Office, under the terms of Article 19, paragraphs 5 (c), 6 (c), 7 (a) and 7 (b) (iii) of the Constitution, as amended, on the measures taken to submit to the competent national authorities the Conventions and Recommendations adopted by the Conference.

44. This year the information related mainly to the Vocational Training (Adults) Recommendation (No. 88) adopted by the Conference at its 33rd Session (Geneva, June 1950). However, the Committee had suggested last year that Governments should be asked to supply information each year, not only on the texts which they were normally required to submit to the competent authorities during the corresponding period, but also on all Conventions and Recommendations with regard to which they had not previously given any information or which did not seem to have been submitted to the competent authorities. Moreover, the Conference Committee (34th Session, 1951) had also suggested that the Office should ask the Governments which have not as yet fulfilled this constitutional obligation to submit these texts to the competent authorities at the earliest possible moment in order that the Conference might be informed at its next session of the measures taken in respect of these Conventions and Recommendations. The Committee has been informed that, in accordance with the desire expressed by both Committees, the Office has made appropriate requests to the Governments concerned. As a result of these requests, the Director-General of the Office has received replies concerning the Recommendation adopted at the 33rd Session of the Conference and also supplementary replies concerning the decisions taken at the 31st and 32nd Sessions, i.e., since the coming into force of the amended Constitution.

Information Supplied by the States Members concerning the Submission to the Competent Authorities of the Recommendation Adopted by the Conference at its 33rd Session

45. Information relating to the submission to the competent authorities of the Recommendation

tion adopted by the Conference at its 33rd Session has been supplied by the following 29 States: Afghanistan, Burma, Chile, China, Denmark, Dominican Republic, Egypt, Finland, Iceland, Indonesia, Iran, Ireland, Italy, Netherlands, New Zealand, Norway, Philippines, Sweden, Union of South Africa, United Kingdom, Uruguay and Viet Nam and, among the federal States, Austria, Brazil, Canada, India, Pakistan, Switzerland and the United States.

46. It appears from this information that 21 States have submitted this Recommendation to the competent authorities. These States are as follows: Afghanistan, Burma, Denmark, Dominican Republic, Finland, Iceland, Iran, Ireland, Netherlands, New Zealand, Norway, Sweden, Union of South Africa, United Kingdom and Viet Nam, and, among the federal States, Austria, Brazil, Canada, India, Switzerland and the United States. The eight remaining Governments have supplied information but have not submitted this Recommendation to the competent authorities. Some of these give the reasons why it has not been possible to take such action (Chile, China, Philippines). Other Governments merely supply information on the position in the country with regard to the questions dealt with in the Recommendation (Italy, Uruguay) or indicate that the necessary measures to give effect to certain provisions of the Recommendation have been taken (Indonesia). The Egyptian Government gives an assurance that the Recommendation will shortly be submitted to the competent authorities and adds that the provisions of the Recommendation have been put into effect.

Present Position of States Members in respect of the Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the Conference at its 31st, 32nd and 33rd Sessions

47. In addition to the information examined by the Committee in 1950 and 1951 and the information subsequently communicated to the Conference during those years, supplementary information concerning the submission of these texts to the competent authorities has been received from a certain number of States.¹ This information shows that the situation has improved somewhat in comparison with that existing at the time of the Committee's examinations in 1950 and 1951, when the period of 18 months had expired only two or three months previously. The present position of States Members with regard to the decisions of the 31st, 32nd and 33rd Sessions may be summarised in

¹ Additional information concerning the Conventions and Recommendations adopted at the 32nd (1949) Session of the Conference has been received from the following 14 States: Afghanistan, Chile, Denmark, Dominican Republic, Ecuador, Finland, Iran, Netherlands, New Zealand, United Kingdom and Uruguay and, among the federal States, from Brazil, Pakistan and the United States. In addition, eight States (Afghanistan, Dominican Republic, Finland, Italy and Uruguay and, among the federal States, Brazil, Pakistan and the United States) have communicated supplementary information relating to the Conventions and the Recommendation adopted by the Conference at its 31st Session (1948).

tabular form.¹ As regards the decision adopted by the Conference at its 33rd Session (1950), it should be remembered that several Governments have probably not yet been able to submit it to their competent authorities and that the present figures may improve within the next few months. However, the present position as a whole cannot be considered as entirely satisfactory, as will be seen from a more detailed examination of the extent to which each State Member has complied with the obligation to submit to the competent authorities the texts adopted at the three sessions of the Conference.

48. The following 17 States have fully discharged this constitutional obligation and have submitted all the decisions of these three sessions of the Conference to the competent authorities: Afghanistan, Austria, Canada, Denmark, Dominican Republic, Finland, Iceland, India, Iran, Ireland, Netherlands, New Zealand, Norway, Sweden, Switzerland, Union of South Africa and the United Kingdom; in addition, Viet Nam, which became a Member of the Organisation in the course of the 33rd Session of the Conference, has submitted the Recommendation adopted at that session to the competent authorities and should be included in this category.

49. Three other States have submitted all the decisions of the 31st and 32nd Sessions to the competent authorities but not yet that of the 33rd (Czechoslovakia, Luxembourg and the Philippines); in the case of Czechoslovakia, however, the maritime Conventions adopted at the 32nd Session were not submitted. As regards the United States, the Government has submitted to the competent authorities all the decisions of the 31st and 33rd Sessions and some of the decisions of the 32nd, and intends to do so shortly in respect of those Conventions and Recommendations adopted at the 32nd Session which it has not yet been possible to submit.

50. Sixteen other States indicate that they have laid before the competent national authorities some, but not all, of the decisions adopted by the Conference in the course of the three sessions in question (Australia, Belgium, Brazil, Bulgaria, Burma, Colombia, France, Guatemala, Iraq, Italy, Mexico, Pakistan, Portugal, Syria, Thailand and Turkey).

51. Lastly, the 21 following States, which have either given negative replies or none at all, do not appear to have submitted to the compe-

tent authorities any of the decisions taken at the three sessions in question: Argentina, Bolivia, Ceylon, Chile, China, Costa Rica, Cuba, Egypt, El Salvador, Ethiopia, Greece, Haiti, Hungary, Indonesia, Israel, Lebanon, Liberia, Panama, Peru, Poland and Venezuela. However, some countries (Egypt, Greece and Israel) have stated that they intend to submit some of these decisions to the competent authorities. In addition, two States (Ecuador and Uruguay) supplied information without stating precisely which texts have been brought before the competent authorities.

52. The following general conclusions may be drawn: 18 States have fulfilled their constitutional obligation in respect of the three sessions of the Conference, 20 have fulfilled it partially, and 21 States do not appear to have complied with this obligation at all. Two cases remain in doubt.

53. While the Committee notes with satisfaction that a considerable number of States have fully discharged their obligations in this connection and that States which have not completely fulfilled these obligations have attempted to do so to a considerable extent, it finds it necessary to point out that 21 States do not seem to have brought before the competent authorities any of the Conventions and Recommendations adopted by the Conference during the three sessions in question. This indifference raises a serious problem; as the Committee stressed last year, the obligation laid down in Article 19 of the Constitution concerning the submission of Conventions and Recommendations to the competent authorities constitutes a keystone of the system of international labour legislation established by the Constitution. Moreover, the Conference Committee pointed out in 1951 that it was "indispensable . . . for the States to comply scrupulously with the constitutional obligations concerning the submission of Conventions and Recommendations to the competent authorities, since otherwise the texts adopted by the Conference would be in danger, in many cases, of remaining a dead letter". The Committee considers therefore that a fresh appeal should be made to the States Members so that the States which are not aware of the importance of this obligation may have the point brought to their attention and definite progress may result in this field. The Committee also points out that the obligation to communicate to the Director-General information on submission to the competent authorities is no less essential than that of submitting the Conventions and Recommendations adopted by the Conference to these authorities.

Extent of the Obligation to Submit Conventions and Recommendations to the Competent Authorities

54. The Committee notes that, among the Governments which have only submitted some of the Conference decisions to the competent authorities, a certain number only submit such decisions in the case of Conventions which they consider capable of ratification. This seems to have been the case in Australia, Belgium, Bulgaria, Guatemala, Italy and Syria. The Committee recalls in this connection, as it did in 1950 and 1951, that, according to the Constitution, Conven-

1

	31st session (June 1948)		32nd session (June 1949)		33rd session (June 1950)
	by 20 Mar. 1950	by 17 Mar. 1952	by 27 Mar. 1951	by 17 Mar. 1952	by 17 Mar. 1952
States having submitted all decisions	16	24	17	22	21
States having submitted some of the decisions .	7	11	2	7	—
States where none of the decisions has apparently been submitted	34	20	40	28	40
Doubtful cases .	—	2	—	2	—

tions and Recommendations must be submitted to the competent authorities in all cases, and not only when the ratification of a Convention appears possible. It is not for Governments to take a final decision on this matter.

Date of Submission

55. The Constitution lays down that Conventions and Recommendations must be submitted to the competent authorities within one year of, or in no case later than 18 months after, the closing of the session of the Conference. The Committee notes that the States Members which supply information do not always mention the dates on which Conference decisions are submitted to the competent authorities; it considers that it would be desirable for this information to be included in the data communicated to the Office.

56. The information supplied reveals that in nine cases (Brazil, Canada, Denmark, Netherlands, New Zealand, Norway, Sweden, Union of South Africa and the United Kingdom) the decisions were submitted within the stipulated period, and in nine other cases (Afghanistan, Austria, Burma, Finland, Iceland, India, Ireland, Switzerland and Viet Nam) they seem to have been submitted either within the 18 months allowed or shortly after the expiry of that period.

57. The Committee is aware that certain circumstances, independent of the will of Governments, may, in exceptional cases, explain the delay in submitting Conference decisions. Nevertheless, it calls upon all States Members to make every effort to submit these decisions to the competent authorities within the period provided for in the Constitution.

Nature of the Competent Authority

58. It appears from the information forwarded to the Office that the great majority of the States Members interpret the expression "submission to the competent authorities" as meaning that the texts must be submitted to their parliaments. This is particularly the case in Belgium, Colombia, Denmark, Finland, France, Iceland, Iran, Ireland, Luxembourg, Netherlands, New Zealand, Norway, Philippines, Sweden, Turkey and the United Kingdom. Among the federal States the same procedure has been followed, in the case of Conventions and Recommendations which fall within the competence of the federal authorities, in Austria¹, Canada, India, Pakistan, Switzerland and the United States.

59. The Brazilian Government states that the texts of Conventions and Recommendations are studied in the first instance by the Ministries concerned and then, "if necessary", submitted to the National Congress for a final decision relating to approval and ratification by the executive authority. The Union of South Africa considers the Executive Council to be the competent authority, but as a general rule also submits the decisions of the Conference to the Chamber of the Assembly and the Senate.

¹ In the case of the Recommendation adopted in 1950, however, the Austrian Government indicates that it considers the Council of Ministers to be the competent authority.

60. It should also be noted that certain States consider either the various Ministries concerned (Burma, Portugal, Thailand, Viet Nam and in some cases Brazil, as has been seen above) or the Government itself (Afghanistan, Dominican Republic and Iraq) to be the competent authorities.

61. The Committee feels that it should emphasise again a point stressed during its two preceding sessions as well as by the Conference Committee at the 34th Session, namely, that the authors of the Constitution certainly intended the competent national authority to which Conventions and Recommendations should be submitted to be normally the legislature. As the Conference Delegation on Constitutional Questions pointed out in 1946¹, "their purpose was to ensure that the authority competent to legislate for the purpose of giving effect to Conventions and Recommendations should always have an opportunity of discussing them". When it refers to the "legislature", the Committee means the body which holds the power to make laws for the application of the provisions of Conventions and Recommendations.

62. As regards federal States, the Constitution distinguishes two cases according to whether federal action or action by the constituent States, provinces or cantons is "more appropriate" under the constitutional system of the State in question. It appears from the information supplied that in some federal States (Austria, Brazil, India, Pakistan and Switzerland) all the Conventions and Recommendations examined were within the competence of the federal Government, and the texts were submitted to the central legislative authority under the same conditions as in unitary States; India, however, also communicated some of the decisions of the Conference to the Governments of the constituent States in order that they might take all suitable measures in this respect.

63. On the other hand, three States (Australia, Canada and the United States) indicated that some of the Conventions and Recommendations in question were considered as calling, in whole or in part, for action by the constituent States or provinces. The Constitution provides, in this case, that the federal Government shall "make, in accordance with its Constitution and the Constitutions of the States, provinces or cantons concerned, effective arrangements for the reference of such Conventions and Recommendations not later than eighteen months from the closing of the session of the Conference to the appropriate federal, State, provincial or cantonal authorities for the enactment of legislation or other action".

64. The procedure followed in this respect in Australia and in Canada was mentioned by the Committee in 1951: in Australia, the Conventions and Recommendations were communicated to the constituent States and the latter were asked to express their views on the subject of the ratification of the Convention; in Canada, where the texts are, in every case, communicated to the federal Parliament, those texts which fall, in whole or

¹ International Labour Conference, 29th Session, Montreal, 1946, Report II (1): *Constitutional Questions, Part I: Reports of the Conference Delegation on Constitutional Questions* (Montreal, I.L.O., 1946), p. 36.

in part, within the competence of the provinces are communicated to the Lieutenant-Governors of the provinces. In 1951 the Committee had expressed the hope that the Governments of federal States would provide information on the application of the above-mentioned provision of the Constitution concerning the conclusion, between the federal Government and the Governments of the constituent States or provinces, of effective arrangements for the reference of Conventions and Recommendations to the appropriate authorities.

65. The Committee took note with interest of a communication from the Government of the United States containing detailed information on the authority which it considers competent not only in respect of Conventions and Recommendations regarded as appropriate for federal action (and submitted to the House of Representatives as well as to the Senate) but also in respect of Conventions and Recommendations regarded as appropriate for action by the constituent States and which are communicated to the Governors and Commissioners of Labor of each of the 48 States. The Government points out in this respect that the customary constitutional practice of the Federal Government of the United States is to deal with the executive authorities of the constituent States, and adds that, when the texts of Conventions and Recommendations are communicated to each Governor and Labor Commissioner, the latter are advised that the communication is made pursuant to Article 19 of the Constitution of the International Labour Organisation for the purpose of the enactment of legislation or other action. The Government adds that there would be some difficulty if the U.S. Secretary of Labor were to communicate directly with the legislative authorities of the States and it considers that the method which has been adopted is in accordance with the Constitution of the International Labour Organisation. The Committee wishes to express its appreciation of the detailed information which the United States Government has submitted on this point and for the efforts it has made to reconcile its constitutional practice with its obligations under the Constitution of the International Labour Organisation. It would consider it of the utmost value if an arrangement could be made between the federal authorities and the authorities of the different States whereby the executive authorities of these States, to which the decisions of the Conference are addressed, would refer them always to the legislatures of the States in question. The Committee would also be grateful if the Governments of Australia and Canada would indicate whether, when the texts of Conventions and Recommendations are communicated to the competent authorities of the States or provinces, this communication is made by virtue of an arrangement providing that this measure is taken for the enactment of legislation or other action.

Form of Submission

66. The Conference Committee had indicated last year that it was not sufficient for a State to communicate the decisions of the Conference to the competent authorities simply for information, appending them, for example, to a report on the

work of its delegation at a session of the Conference, since Article 19, paragraph 5(b), of the Constitution provides that the Conventions must be brought before the authorities within whose competence the matter lies, "for the enactment of legislation or other action"; the Conference Committee had added that it seemed clear that the purpose of this provision was to obtain a decision on the part of the legislature. The Committee noted in this connection that a certain number of Governments (Austria, Denmark, Finland, India, Netherlands, Norway, Philippines, Sweden and Switzerland), not only submit Conventions and Recommendations to the competent authorities but also make proposals at the time of submission on measures to be taken regarding these decisions. The United Kingdom Government takes measures of two kinds: it presents to Parliament the texts adopted by the Conference, together with a report by its delegation to the Conference, and in addition it submits, at a later date and in separate documents, proposals on the effect to be given to the various decisions of the Conference. The Committee would be glad if all the States Members would accompany the submission to the competent authorities with proposals on the effect to be given to the Conventions and Recommendations laid before these authorities.

Decisions of the Competent Authorities

67. The Constitution states that the information submitted by States Members must also deal with the action taken by the competent authorities. It is obvious that the period of 12 to 18 months mentioned in the Constitution only applies to submission to the competent authorities, which may take decisions at a later date. However, when a decision is taken, States Members are expressly required to report it to the Director-General of the Office. The Committee hopes that in future all States will bear in mind this obligation, which is already complied with by some Governments. The Committee notes that, as a result of the measures taken by States Members to submit the decisions of the 31st and 32nd Sessions to the competent authorities, and of the action taken by these authorities, the four Conventions adopted by the 31st Session had up to 17 March 1952 received 40 ratifications, while the eight Conventions adopted by the 32nd Session had received a total of 31 ratifications.

Communication to the Representative Organisations of Employers and Workers

68. As in 1950 and 1951, the Committee draws attention to the fact that under Article 23, paragraph 2, of the Constitution States Members are required to communicate to the representative organisations of employers and workers copies of the information transmitted to the Director-General regarding the submission of Conventions and Recommendations to the competent authorities. The Committee notes that a certain number of States have in fact communicated the information in question to these organisations and hopes that an increasing number of Governments will adopt this practice.

VI. REPORTS SUBMITTED BY GOVERNMENTS ON UNRATIFIED CONVENTIONS AND ON RECOMMENDATIONS

(a) *Supply of Reports*

69. This year is the third occasion on which the Committee has been called upon to examine reports submitted by Governments on unratified Conventions and on Recommendations.

70. The reports which the Governments were asked by the Governing Body to supply this year related to the following Conventions and Recommendations:

Unemployment Provision Convention, 1934 (No. 44).

Unemployment Provision Recommendation, 1934 (No. 44).

Unemployment (Young Persons) Recommendation, 1935 (No. 45).

Public Works (National Planning) Recommendation, 1937 (No. 51).

Public Works (National Planning) Recommendation, 1944 (No. 73).

Employment (Transition from War to Peace) Recommendation, 1944 (No. 71).

Employment Service Convention, 1948 (No. 88).

Employment Service Recommendation, 1948 (No. 83).

71. The reports concerning these Conventions and Recommendations cover the period up to 31 December 1950 and the Governments were requested to send in their reports before 1 July 1951.

72. The total number of reports due was in the neighbourhood of 470, but the total number received by the time the Committee met was only 205. A table showing in detail the number of reports supplied by the various Governments will be found in Appendix V.

73. These figures are no more satisfactory than the corresponding figures for last year, which the Committee referred to as disconcerting. The obligation to submit these reports, as called for by the Governing Body, is specifically imposed by the Constitution of the Organisation, and the failure of many Governments to supply them is a regrettable omission.

74. The Committee has noted that the reports which will come before it at its next session on unratified Conventions and on a Recommendation will relate to a much smaller number of texts. They will relate, moreover, to Conference decisions of more recent date dealing with matters which many countries may consider of more current interest, *i.e.*, freedom of association and migration. The Committee earnestly hopes that these facts, combined with the simplified form of report which—in accordance with the Committee's previous recommendations and the Governing Body's decision—will be used in future, will produce a substantially better response from Governments.

(b) *Examination of Reports by the Committee*

75. 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 IV.

76. Within the limits imposed by the failure of many Governments to submit reports, the Committee has again this year been able to present a reasonably clear picture of the state of national law and practice on the matters dealt with in the Conventions and Recommendations in question. So far as the Conventions are concerned, the Committee would of course draw special attention to the fact that the reports submitted under this heading relate only to cases where the Conventions have not been ratified. In order to obtain a clearer picture of national law and practice, it is therefore necessary to have regard not only to these reports but also to the reports submitted under Article 22 by Governments which have ratified the Conventions in question.

77. The diversity of the subject matter dealt with in the Conventions and Recommendations in question, although they all relate to the allied questions of unemployment and organisation of the employment service, makes it difficult to draw any conclusions here in regard to all of them.

78. The small number of ratifications achieved by one of the two Conventions dealt with this year, however, calls for serious consideration of the statements made by those Governments which have sent in reports under Article 19 as to why they have been unable to ratify. The Unemployment Provision Convention, 1934 (No. 44), although it was adopted 18 years ago and came into force on 10 June 1938, has so far achieved only seven ratifications. On the other hand, the Employment Service Convention, 1948 (No. 88), which is of much more recent date, has achieved 13 ratifications.

79. In certain cases, the reasons which according to the statements of Governments have prevented them from ratifying the Unemployment Provision Convention refer to questions of comparatively small detail which might reasonably be matter for reconsideration in any future discussion of the subject matter of the Convention in the International Labour Conference. Other reasons affecting both Conventions relate to matters of more substance, such as sparseness of population, lack of industrial development and, in at least one case, lack of trained personnel to administer the services which the Conventions would require. Again, it appears that during a large part of the time since the adoption of these Conventions the attention of many countries has been little concerned with problems of unemployment.

80. Arising out of the Committee's examination of the reports on the Public Works (National Planning) Recommendation, 1937 (No. 51), a point has come to the Committee's attention which seems worthy of special mention. This refers to one Government which formally accepted the Recommendation in 1938 but which, as now appears from the report submitted, has ceased to give effect to certain of its provisions. The

Committee feels that it would be a matter of convenience and interest if any State which has formally communicated to the Office its acceptance of a Recommendation, and subsequently finds it necessary to cease to apply the provisions in whole or in part, would bring this fact to the knowledge of the Office.

* * *

81. The Committee desires to place on record its sense of indebtedness to the Members of the International Labour Organisation for the reports and information which they have supplied to enable the Committee to perform its task. The Committee fully appreciates the onerous nature of the task which full and timely compliance with the obligations of Articles 19 and 22 of the Constitution imposes on the Government services concerned. It is particularly grateful to the many Members who nevertheless have discharged these obligations in full. It would also record its

thanks to many Members for the care and attention which they have devoted to the elucidation of matters on which the Committee of Experts and the Conference Committee have found it necessary in the past to submit observations.

82. The Committee is again this year very grateful to all members of the staff of the International Labour Office who were concerned with the preparation of the material for the session of the Committee and who were associated with the Committee in its work during the session. Their skill and specialised knowledge were readily placed at the disposal of the Committee and materially assisted it in the performance of its tasks.

Geneva, 29 March 1952.

(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 A.

Argentina :
Part A.
Part B.—Nos. 2, 8, 10, 17, 19, 21, 22, 23, 26, 27, 30,
32, 33, 52.

Australia :
Part C.

Austria :
Part B.—Nos. 4, 5, 33, 45, 81.

Belgium :
Part A.
Part B.—Nos. 42, 56, 58.
Part C.

Brazil :
Part A.
Part B.—Nos. 3, 5, 6, 16, 41, 42, 45, 52.

Burma :
Part B.—No. 27.

Canada :
Part B.—No. 14.

Ceylon :
General report, paragraph 32.

Chile :
Part B.—Nos. 2, 3, 4, 11, 17, 24, 25, 35, 36.

Colombia :
Part A.

Cuba :
General report, paragraph 33.
Part B.—Nos. 26, 33.

Czechoslovakia :
Part A.

Denmark :
Part A.
Part B.—No. 63.

Dominican Republic :
Part A.

Egypt :
Part B.—Nos. 53, 63.

Finland :
Part B.—Nos. 8, 17, 32, 52, 81.

France :
Part B.—Nos. 3, 4, 33, 44.
Part C.

Greece :
Part B.—Nos. 1, 3, 41.

India :
Part B.—Nos. 27, 89.

Iraq :
Part A.

Ireland :
Part B.—Nos. 26, 28, 63.

Italy :
Part B.—Nos. 4, 6, 10, 26, 35, 36, 37, 38.
Part C.

Liberia :
Part A.

Luxembourg :
Part B.—No. 14.

Mexico :
Part A.
Part B.—Nos. 8, 13, 22, 26, 62, 63.

Netherlands :
Part B.—Nos. 17, 26, 48, 63.

New Zealand :
Part B.—Nos. 17, 59, 60, 88.
Part C.

Norway :
Part B.—Nos. 63, 88.

Pakistan :
Part B.—No. 32.

Peru :
Part A.

Poland :
Part A.
Part B.—Nos. 2, 37, 38, 39, 40, 77, 78, 79.

Portugal :
Part C.

Sweden :
Part B.—Nos. 19, 20, 63, 87.

Switzerland :
Part B.—Nos. 6, 62, 81.

Turkey :
Part B.—Nos. 2, 14, 34.

United Kingdom :
Part C.

Uruguay :
Part A.
Part B.—Nos. 2, 3, 13, 17, 25, 26, 27, 33.

Venezuela :
Part A.
Part B.—No. 3.

Yugoslavia :
Part A.
Part B.—Nos. 2, 3, 4, 6, 9, 13, 17, 19, 27.

A. General Observations

The Committee's observations and requests for supplementary information on the application of Conventions by a certain number of States will be found below (Part B). The Committee considers it necessary to point out, as it did last year, that some other States did not supply reports regarding Conventions, the application of which in 1950 and 1951 had given rise to observations or requests for supplementary information on the part of the Committee itself or of the Conference Committee.

The following is a list of these observations or requests for supplementary information by country and by Convention:

Belgium: Conventions Nos. 50 and 64.

Colombia: Conventions Nos. 1, 2, 3, 4, 7, 8, 9, 13, 14, 15, 16, 17, 20, 22, 23, 24, 26.

Czechoslovakia: Conventions Nos. 4, 24, 25.

Dominican Republic: Conventions Nos. 5, 7, 10.

Iraq: Conventions Nos. 41, 42.

Liberia: Convention No. 29.

Mexico: Convention No. 7.

Peru: Conventions Nos. 4, 24, 35, 37, 39, 41.

Venezuela: Conventions Nos. 2, 14, 26.

Afghanistan. Last year, after the explanations given by the Government representative to the Conference Committee, the latter expressed the hope that the national legislation would soon be brought into complete harmony with the five Conventions ratified by Afghanistan and that particulars on these changes would be included by the Government in its next reports. The reports supplied by the Government this year as regards the application of these Conventions are of a very summary nature. At the same time, the Government states that this matter has been brought to the attention of the Cabinet and that the General Directorate of Labour is considering the question of incorporating the provisions of these Conventions in the Act respecting labour and employment, or of recommending the Legislature to adopt any legal provisions which might be necessary on certain points.

The Committee wishes to thank the Government for this information and hopes that the next reports will contain particulars of the progress made in this connection and will also include the required data which will make it possible to form an exact opinion of the extent to which the Conventions ratified by Afghanistan are being applied.

Argentina. Last year the Committee made a certain number of observations on the Government's reports which, in general, were of a very summary nature and did not contain the data required to enable the Committee to form an exact opinion regarding the measures taken to give effect to the various ratified Conventions.

The Committee notes that, in general, this year's reports are more comprehensive and more detailed, in particular as regards legislation, and that in several cases the reports contain documents relating to practical application. However, the Committee would like to point out that, in spite of this improvement, the reports do not contain sufficient information. In the majority of cases the Government has not replied to specific questions regarding the application of the various articles of ratified Conventions; no statistical information is supplied and often no details are given on legislation for particularly important articles of Conventions.

Finally, although the Government has replied to the observations made by the Committee on certain Conventions, the information supplied—with certain

exceptions—is not of a nature to dispel the doubts felt by the Committee as regards conformity between the national law and practice and the provisions of ratified Conventions. In addition, in a considerable number of cases, it would appear that important discrepancies, to which attention has already been drawn, continue to exist.

The Committee, while thanking the Government for the steps it has taken to draft its reports on the lines indicated by the Governing Body, wishes to emphasise the interest which it attaches to obtaining all the detailed information requested by the Governing Body and, in particular, the replies to the observations and requests for information which are given below (Part B).

Brazil. Last year the Government was unable to supply the reports required under Article 22 of the Constitution on ratified Conventions. A Brazilian Government representative assured the Conference Committee that there had been no modifications in the relevant legislation or in the application of the Conventions ratified by his country. He stated that future reports would show in detail any changes which might have taken place and that his Government would use great care to fulfil its obligations as regards Conventions and Recommendations.

The Committee wishes to thank the Government for supplying, this year, detailed reports on the application of ratified Conventions. However, although a certain amount of the information requested by the Governing Body—with the exception of statistical data—has been supplied, the Committee finds that there is not sufficient information concerning the extent to which effect has been given to the Conventions ratified by Brazil. The Committee would be glad if the Government would be good enough to include in its next reports the details which it requested regarding a number of Conventions and also the replies to the observations which are given below (Part B).

Denmark. The Committee pointed out last year that the reports supplied by the Government were limited, as a rule, to references to previous reports which themselves had been very incomplete and, in most cases, contained no reply to the questions raised regarding the application of the various Articles of the Conventions or those concerning their practical application.

While the Committee notes that, in certain cases, there is some improvement in the information given in the reports this year, it points out that, in general, this information is still very incomplete and does not enable the Committee to form an exact opinion of the extent to which Denmark applies the Conventions which it has ratified.

The Committee therefore urgently requests the Government to take every possible step to draw up its next reports on the lines indicated by the Governing Body and to supply all the details requested by the latter, as laid down in Article 22 of the Constitution.

Mexico. On several occasions the Committee of Experts and the Conference Committee have found it necessary to make observations on the measures taken by Mexico as regards the application of ratified Conventions. No reports were received last year on these Conventions. Reports have been submitted, however, this year and the Committee wishes to refer, in particular, to a general statement supplied by the Government on the constitutional situation as regards the application of Conventions. Under question II of the report form, the Government makes the following statement:

In view of the fact that, in conformity with Section 133 of the Constitution of Mexico, the force of constitutional law is given to the actual text of a Convention, which is automatically transformed into a law, the application of which is compulsory throughout the territory of the Federation; that, when this text has been promulgated (after approval by the Senate and the deposit of the relevant instrument of ratification), by a Decree signed by the President of the Republic, countersigned by the Minister of External Relations, and published in the *Official Gazette* of the Federation, these new provisions have force of law, abrogate all provisions to the contrary and give effect to those provisions of the Convention which were not formerly contained in Mexican legislation.

The application of the provisions of the Convention is assured by the promulgation of the Convention and, as is the case for any other law, any person can claim the advantages which it confers on him and must comply with the obligations laid down therein.

The Committee is unable to regard this statement as fully satisfactory. It wishes to point out that a number of Conventions specifically provide for intervention by the legislative authority in order to ensure their application, and contain provisions which can only be applied by means of regulations or which require either supervision by the competent authorities or the consultation of the employers' and workers' organisations concerned. The Committee wishes to draw the attention of the Government to a new question which has been inserted by the Governing Body in the report forms (Question II, paragraph 2) and which is designed to enable Governments to supply full details whenever the constitutional position as regards the application of ratified Conventions is similar to that described by the Government of Mexico.

The Committee hopes that the Government will be good enough to supply, in its next reports and for each of the Conventions which it has ratified, a reply to this question, the text of which reads as follows:

If in your country ratification of the Convention gives the force of national law to its terms, please indicate by virtue of what constitutional provisions the ratification has had this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require a national authority to take certain specific steps for its implementation, such as measures to define the exact scope of the Convention and the extent to which advantage may be taken of permissive exceptions provided for in it, measures to draw the attention of the parties concerned to its provisions, and arrangements for adequate inspection and penalties.

Poland. The Committee has taken note with interest of the information contained in the Government's reports and relating to the modifications to the national legislation during the period under review. The Committee would be glad if, in its next reports, the Government would be good enough to include the information requested in the report forms regarding decisions by courts of law, as well as available statistical data relevant to the Conventions. With regard, in particular, to Conventions Nos. 24, 25, 35, 36, 37, 38, 39 and 40, relating to social insurance, the Committee would like to have the statistical information requested concerning the persons covered, benefits in cash and in kind and the financial resources of the insurance system.

The Committee also notes that the reports do not state if any observations have been received from the representative organisations regarding the practical fulfilment of the provisions of Conventions or the application of the national law implementing them. In addition, the Government does not supply any information regarding the communication of reports to the representative organisations. The Committee expresses the hope that the Government's next reports will contain information on these points.

Uruguay. In 1949, in response to the observations made by the Committee, the Government delegation of Uruguay informed the Conference Committee that the Executive Branch had submitted to Parliament the question of the lack of conformity between the legislation and a certain number of ratified Conventions and that Parliament had appointed a Committee, instructed to submit a report to it within 40 days, in order to ensure full compliance with the obligations undertaken by Uruguay.

In 1950 the Committee noted that the reports supplied for the period 1948-1949 merely reproduced the texts of previous reports and contained neither the information concerning the practical application of Conventions provided for in the report forms nor replies to the observations submitted by the Committee in 1949. In 1951 a Government representative explained to the Conference Committee the obstacles which his Government encountered in fulfilling its obligations. He promised to submit to the Committee a complete and detailed report which had just been drafted. Members from the three groups emphasised the point that information supplied at so late a date could not be examined by the Committee itself but would have to be passed on to the Committee of Experts for examination at its next session. The Conference Committee reiterated the hope that it would be possible for the Government to submit its future reports in good time and to include therein all the particulars asked for by the Governing Body.

After an examination of the reports supplied for 1950-1951, the Committee finds with regret that—except in one or two cases—the reports only confirm the unsatisfactory position to which it has already drawn attention and that—as regards, for example, Conventions such as Nos. 24 and 25, relating respectively to sickness insurance in industry and agriculture, which were ratified over 18 years ago—the first steps have not yet been taken to ensure their application.

The Committee feels called upon to draw the special attention of the Governing Body to such cases of failure to fulfil obligations which have been freely undertaken.

Venezuela. Last year, after examining the reports which arrived too late to be submitted to the Committee of Experts, the Conference Committee noted that the Government had not communicated copies of its reports to the representative employers' and workers' organisations, despite the obligation in this respect laid down in Article 23, paragraph 2, of the Constitution. In response to this observation, a Government representative stated that these reports had been published in an official publication of the Ministry of Labour; he assured the Conference Committee that, in future, a new service which was being set up in the Ministry of Labour would send duplicates of the reports to the representative organisations.

The Committee notes that, in its reports for this year, the Government states that "the texts of the national legislation which ensure the application of national laws approving the various international Conventions adopted by the International Labour Conference are published in the *Labour Review*... which is distributed to all the representative employers' and workers' organisations." The Committee cannot consider such publication and the distribution of the *Labour Review* to the representative organisations as taking the place of the communication of copies of the reports to these organisations. In drawing the attention of the Government to this point, the Committee ventures to point out that the report forms approved by the Governing Body request Governments to "indicate the representative organisations of employers and workers" to which the reports submitted to the Director-General in conformity with Article 22 of the Constitution have been communicated.

Yugoslavia. The Committee is pleased to note that the reports supplied by the Government for this year are considerably more comprehensive and more detailed and enable the Committee to form a more exact opinion of the extent to which effect had been given to the Conventions ratified.

The observations and the requests for information

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 : 13.

Reports missing : 7.

(*Bulgaria, Colombia, Czechoslovakia, Dominican Republic, Nicaragua, Peru, Venezuela.*)

General Observation

The Committee points out that, in spite of its own observations in 1950 and those of the Conference Committee in 1950 and 1951, the reports communicated by a certain number of Governments still fail to indicate clearly whether regulations are made by public authority in their countries to determine all the permanent and temporary exceptions which are permitted and whether these regulations are otherwise in conformity with the provisions of Article 6 of the Convention. The Committee would therefore like to draw the attention of Governments to Article 7 of the Convention which provides expressly that each Government shall communicate to the Office "full information concerning the regulations made under Article 6 and their application."

The Committee would appreciate it if Governments would be so good as to forward the text of these regulations, in accordance with the request made in Question III of the report form as approved by the Governing Body.

Greece (ratification : 19.11.1920). The Committee notes with much interest the discussion and exchange of views which occurred at the last session of the Conference with regard to the application of the 8-hour day and 48-hour week to certain categories of railway workers in Greece. It notes that the Government representative formally assured the Conference Committee that full implementation of the Convention would be brought about by stages.

Further, the Committee is glad to read in the annual report that a tripartite committee set up to this effect has already drafted new regulations governing the conditions of work and rest of the categories of workers concerned, and that these regulations are going through the last stages of legislative procedure before being adopted.

The Committee expresses the hope that the regulations in question will be adopted in the near future and that the Office will be informed of their contents as soon as they are adopted.

Convention No. 2: Unemployment, 1919.

Number of reports requested : 28.

Number of reports received : 22.¹

Reports missing : 6.

(*Bulgaria, Colombia, Denmark, Hungary, Nicaragua, Venezuela.*)

Argentina (ratification : 30.11.1933). The Committee thanks the Government for informing it, in response to the observation made last year, that the functions of the advisory committee provided for in Article 2 of the Convention are carried out by the Director of the National Employment Service Direc-

made by the Committee after examining the contents of these reports will be found below (Part B). The Committee hopes that next year the Government will be good enough to supply the information requested and will state what progress has been achieved as regards the fuller application of ratified Conventions.

torate and its Industrial Advisory Council, and that it has not been necessary to set up any other committees. The report for 1950-1951 also states that, while no regulations to this effect have been issued as yet in pursuance of the basic Act (No. 13591 of 11 October 1949), it is possible that such regulations would be in conformity with the provisions of the Convention, as the provisions of Act No. 13591 are not contrary to those of the Convention.

If, at a later date, the Government decides to set up any additional committees, the Committee would be glad to have information regarding their number and functions.

Chile (ratification : 31.5.1933). With reference to the observation which it made last year, the Committee notes with interest that the National Employment Service has been requested to draft appropriate Labour Regulations, with a view to the promulgation of a Supreme Decree to provide for the establishment and maintenance of joint advisory committees representing all categories of workers.

The Committee would be glad if the Government would be so good as to inform it of the progress made with the proposed regulations.

Poland (ratification : 21.6.1924). With reference to the observation which it made in 1951, the Committee has taken note with interest of the statement submitted in writing to the Conference Committee in 1951, in which the Government explained the placing activities and operations of the employment service (Article 2 of the Convention) and added that, as there was no unemployment in Poland, the provisions of the Convention concerning reciprocity of treatment in respect of the benefits provided for in Article 3 had no practical importance in the country.

The Committee notes that, according to the report for 1931-1932, foreign workers are governed by the same laws and regulations for the protection of workers as Polish nationals under the Act of 6 July 1923. The Act lays down the principle of equality of treatment and applies it, as regards social insurance, to the nationals of all countries.

The Committee would be glad to know whether the above-mentioned Act is still in force.

Turkey (ratification : 14.7.1950). The Committee thanks the Government for the detailed information given in its first report and ventures to draw its attention to the following point :

Article 2. The legislation (Acts Nos. 4837 of 25 January 1946 and 5562 of 1 March 1950) provides for an advisory committee, including representatives of employers and workers, for the establishment of branch offices of the Employment Exchange Department and for the setting up of local advisory committees in cases where such committees are considered necessary.

The Committee would be glad to be informed whether any measures have been taken or are contemplated to establish the advisory committees required under this Article.

Uruguay (ratification : 6.6.1933). The Committee refers to the request made by the Conference Committee in 1949 and 1950 for fuller information regard-

¹ The report of the Netherlands was received too late to be examined by the Committee.

ing the setting up of a public employment service, in conformity with the provisions of the Convention, and the compilation of statistics regarding employment and unemployment.

As regards these observations, the Committee notes that, in virtue of a Bill submitted to Parliament, the employment exchanges are to come under the direction of the National Labour Institute, and would be glad if the Government would indicate what decision has been taken by Parliament regarding this legislation and would forward a copy of the relevant texts to the Office.

The Committee would also be glad to be informed whether any progress has been made in the organisation of the employment service and what steps are contemplated by the Government to ensure the supply of comprehensive statistical information regarding employment and unemployment.

Yugoslavia (ratification : 1.4.1927). The Committee notes that, while the Government has not found it necessary to set up public employment exchanges, as provided for under Article 2 of the Convention, there are manpower divisions entrusted with duties which normally come within the competence of an employment service. The Committee would be glad, therefore, if the Government would be good enough to supply information on the following points :

(1) the number of manpower divisions, with a brief account of their functions in so far as these relate to the application of this Convention;

(2) whether advisory committees (including employers' and workers' representatives) have been set up, as provided for under Article 2;

(3) whether there are any private employment agencies and, if so, what steps have been taken to co-ordinate their operations with those of the manpower divisions.

Convention No. 3 : Maternity Protection, 1919.

Number of reports requested : 14.

Number of reports received : 10.

Reports missing : 4.

(*Bulgaria, Colombia, Hungary, Nicaragua.*)

Brazil (ratification : 26.4.1934). The Committee draws the attention of the Government to the following point on which there does not appear to be strict conformity with the provisions of the Convention :

According to the statement made by the Brazilian Government member to the Conference Committee in 1950, women receive larger benefits than those provided for by the Convention (as employers are compelled to pay them full wages during the period of confinement) and, in addition, they receive benefits from the social welfare funds. However, Article 3 (c) of the Convention provides that, during the period of maternity leave, benefits shall be paid out of public funds or by means of a system of insurance and not by employers. The Committee would be glad to be informed of the amount and duration of the benefits paid by the welfare funds and whether such funds exist for all the branches of activity covered by the Convention.

The Committee hopes that the Government will soon be able to ensure strict compliance with the provisions of Article 3 (c) of the Convention.

Chile (ratification : 15.9.1925). With reference to its previous observations, the Committee notes that, although the Government has urged the National Congress to give priority to the question of approving the proposed amendment of Act No. 4054 so as to ensure that maternity benefits are paid entirely out of social insurance funds (Article 3 (c) of the Convention), the Government states that it has not been possible to obtain the required approval of Congress.

As regards the granting of nursing periods (Article 3 (d)) to women salaried employees, the report

indicates that enquiries have shown that a revision of the Labour Code on this point would not have the desired result, as, for various reasons, the women in question are not inclined to make use of the accommodation provided in order to enable them to nurse their children during the two half-hour periods provided for in the Convention.

The Committee would be glad if the Government would take measures at an early date with a view to ensuring the full application of the relevant provisions of the Convention.

France (ratification : 16.12.1950). The Committee expresses its appreciation of the full and detailed first report supplied by the Government on the effect given to the Convention, which appears to be well applied by the national law and practice. In certain respects—e.g., the benefit period after confinement, which is longer (eight weeks) than that provided for in the Convention (six weeks)—the legislation even goes beyond the provisions of the Convention.

However, the Committee would be glad to be informed if it is right in assuming that, under Section 54 (c) of Book II of the Code, the half-hour nursing breaks may be reduced to 20 minutes in cases where the undertaking has the required accommodation for nursing mothers.

Greece (ratification : 19.11.1920). The Committee notes with interest the supplementary information given by the Government representative to the Conference Committee in reply to its observations made in 1951, according to which it appears that the special insurance funds continue to exist even where an office of the Social Insurance Institute (I.K.A.) has been set up; the latter insures all persons who are not covered by a special fund.

The Committee also takes note of the following information contained in the report for 1950-1951 : pursuant to the adoption of the Compulsory Social Insurance Act, No. 1846 of 1951, the number of persons insured with the Social Insurance Institute has increased and is now estimated at three quarters of the wage-earning employees; only a very limited number of women workers are not covered by social insurance; a considerable number of other women workers are covered by the insurance scheme for occupational funds; in the near future, all women workers will be covered by social insurance, in conformity with the social policy of the Government; the Act of 1951 (Section 31) provides for medical care on confinement and for sickness benefits amounting to 50 per cent. of wages, with a 10 per cent. supplement for each dependent member of the family, subject to a 70 per cent. maximum; Section 5 of the Act requires the special occupational funds covering the risk of sickness to grant allowances in cash and in kind equal to those accorded by the Social Insurance Institute; the statistical data contained in the report as regards benefits paid by the insurance fund for flour-mill workers and for technical workers in the macaroni, etc. industry show that pregnancy, maternity and nursing allowances amount to two thirds of the average daily wage of the woman.

The Committee thanks the Government for this detailed information and hopes that all women workers in Greece will be covered by social insurance at an early date.

Uruguay (ratification : 6.6.1933). The Committee thanks the Government for supplying the supplementary information which it requested last year, but wishes to point out the following discrepancies between the national legislation and the provisions of the Convention :

(1) Although the Act of October 1950 provides for four months' maternity leave with full pay (which is longer than that provided for in the Convention), it does not specify that it must be divided into a pre-

natal and a post-natal period as provided for in Article 3, paragraphs (a) and (b), of the Convention.

(2) The national legislation provides that maternity benefits are to be paid by the employer, whereas Article 3 (c) provides that benefits shall be paid either out of public funds or by means of a system of insurance.

(3) The report does not refer to any provision for free attendance by a doctor or midwife as an additional benefit (Article 3 (c)) or for the two half-hour nursing periods (Article 3 (d)).

The Committee expresses the hope that the Government will take the necessary steps at an early date to ensure conformity between the national legislation and the above-mentioned provisions of the Convention. The Committee would be glad if the Government would supply, in its next report, information regarding the measures taken to supervise compliance with the legislation, as well as information on the practical application of the Convention (Question V of the report form) and on the communication of the report to the representative employers' and workers' organisations (Question VI of the report form).

Venezuela (ratification : 20.11.1944). The Committee thanks the Government for the detailed information which it has supplied in this year's report regarding the measures (including inspection) which are taken to ensure the practical application of the Convention. However, the Committee refers to the observation made by the Conference Committee in 1951 and would be glad to know if any steps have been taken to extend the system for the payment of maternity benefits to the whole of Venezuela and not merely to certain cities.

Yugoslavia (ratification : 1.4.1927). The Committee expresses its appreciation of the detailed information supplied by the Government regarding the application of the Convention and notes with satisfaction that in certain respects (e.g., reduction of working hours for pregnant women and nursing mothers, length of the period of maternity leave) the national legislation goes beyond the provisions of the Convention.

However, the Committee draws the attention of the Government to the following points on which discrepancies appear to exist between the legislation and the provisions of Article 3 of the Convention :

(1) the granting of maternity benefits is subject to the completion of a qualifying period of employment during the two years preceding confinement; whereas the Convention does not provide for a qualifying period of employment.

(2) No provision exists for the payment of benefits from the date of the medical certificate estimating the date of confinement up to the day when confinement actually takes place, as requested by Article 3 (c).

In view of the statement made by a Government representative to the Conference Committee in 1951, to the effect that the Government intended to apply fully the provisions of the Convention, the Committee hopes that it will be possible for the necessary steps to be taken at an early date to eliminate the above-mentioned discrepancies.

Convention No. 4 : Night Work (Women), 1919.

Number of reports requested : 19.

Number of reports received : 14.

Reports missing : 5.

(*Bulgaria, Colombia, Czechoslovakia, Nicaragua, Peru.*)

Austria (ratification : 12.6.1924). The Committee notes that draft regulations relating to hours of work have been prepared by the Government and submitted to Parliament. As it found similar information in

last year's report, the Committee would be glad to be informed of the progress made in this connection.

Chile (ratification : 8.10.1931). In reply to the observation made by the Committee last year, the report states that no decision has so far been taken by the National Congress as regards the application of Convention No. 4 or the ratification of Convention No. 41, that the national legislation is in complete harmony with the latter Convention, and that appropriate measures have been taken to proceed with the ratification of the Night Work (Women) Convention (Revised), 1948 (No. 89).

The Committee takes note of this information and would be glad to be informed at an early date of the measures taken with a view to the ratification and application of these Conventions.

France (ratification : 14.5.1925). With reference to the observations which it made last year, the Committee takes note of the supplementary information supplied by the Government in writing to the Conference Committee in 1951. According to this information Section 22 (a) of Book II of the Labour Code (exceptions for work in the national interest), which is not in conformity with Convention, has now fallen into complete disuse.

The Committee also takes note of the statement made by the Government representative to the above-mentioned Committee, to the effect that the discrepancies which still existed between the national legislation and Convention No. 4 would be overcome by the ratification of the revised Convention (No. 89) and that a Bill to this effect had been introduced in Parliament.

However, the Committee again points out that Article 5 of Convention No. 89 authorises the suspension of the prohibition of night work only after consultation with the employers' and workers' organisations concerned when in case of serious emergency the national interest demands it, whereas Section 22 (a) of Book II of the Labour Code does not refer to consultation with the employers' or workers' organisations concerned.

Italy (ratification : 10.4.1923). The Committee takes note of the statement made in writing by the Government to the Conference Committee in 1951, and confirmed in this year's report, to the effect that exceptions granted in order to take account of the differences in the technical equipment of the various sections of an undertaking would be abolished as soon as the situation became normal, when the Convention would be strictly applied as it was before the war. The Committee hopes that the Government will soon be in a position to eliminate such exceptions.

The Committee is glad to note that no exceptions are authorised for the preparation of materials intended for export, and further that the competent Italian authorities share the opinion expressed by the Committee, which had pointed 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.

The Committee also notes with satisfaction that Act No. 1630 of 7 December 1951 gives the following authentic interpretation of the definition of night work in bakeries contained in Section 13 of Act No. 653 of 26 April 1934 : "the reference to the provisions of the legislation regarding the making of bread, contained in Section 13 of Act No. 653 of 26 April 1934, relate exclusively to the employment of male young persons under 18 years of age". The Committee notes that a special enquiry among labour inspectors showed that in practice the employment of women of all ages was prohibited in bakeries.

Referring to the statement made by the Government to the Conference Committee in 1951, the Committee would be glad to know if the Government has been able to abolish the exceptions still in exist-

ence in respect of factories which were partially damaged by the war, and where night work had been necessary to ensure the continued operation of the undertakings.

Yugoslavia (ratification: 1.4.1927). The Committee notes that, under the national legislation, the term "night work" signifies work performed between 10 p.m. and 6 a.m. and that, as a result of the arrangement of work in shifts, women workers, like all other workers, benefit from at least 11 consecutive hours' rest between two working days. However, the Committee also notes that night work, as defined in the national legislation, is prohibited only for pregnant women and nursing mothers for specified periods, whereas the Convention prohibits night work for all women employed in industrial undertakings.

The Committee also takes note of the statement made by the Government representative to the Conference Committee in 1951, in which he explained the reasons for which it had not yet been possible to bring the national legislation into conformity with various Conventions and added that new regulations regarding industrial relations were being drawn up which would cover the question of the night work of women and young persons in the manner provided for in the relevant Conventions.

In the report for 1950-1951 the Government states that appropriate measures have been taken to remove the divergencies between the national legislation and the provisions of the Convention. In view of the fact that the report states that "ratification of a Convention involves its introduction in the internal legislation of the country" the Committee would be glad if the Government would be good enough to indicate by what measures the full implementation of the Convention is ensured.

Convention No. 5: Minimum Age (Industry), 1919.

Number of reports requested: 24.

Number of reports received: 19.

Reports missing: 5.

(*Bulgaria, Colombia, Czechoslovakia, Dominican Republic, Nicaragua.*)

Austria (ratification: 26.2.1936). The Committee noted in 1951 that the Government, with reference to an observation made by the Committee, stated that it was continuing its efforts to eliminate a slight discrepancy between the national legislation and the provisions of the Convention as regards the keeping of registers of young persons.

The report for the period 1950-1951 shows that it has not yet been possible to adopt the Bill mentioned in the previous year relating to the revision of the Federal Act of 1 July 1948. However, the report states that in order to satisfy the requirements of the Convention, an Act to amend those clauses of the Act of 1948 which are not fully in accordance with the provisions of the Convention was to be adopted in the autumn of 1951.

The Committee would be glad if the Government would forward in its next report information on the results which may have been obtained in this respect.

Brazil (ratification: 26.4.1934). In 1950 the Committee requested information in regard to the following two points:

The application to public undertakings of the legislation relating to the minimum age for admission to industrial employment (Article 2 of the Convention) and the duty of the employer to keep a list of all persons under the age of 16 years in his employ (Article 4).

In reply to these requests, a Government representative stated to the Conference Committee in 1950 that the law on the minimum age for employment applied to public and private employees alike, and added that, as regards Article 4, every child

employed in industry must undergo a medical examination in the course of which a form is filled in indicating in particular his age.

The report sent this year does not supply any information on these two points. The Committee wishes to draw the Government's attention once more to these questions and in particular to Article 4 of the Convention, according to which the head of every industrial establishment is expressly required "to keep a register of all persons under the age of 16 years employed by him, and of the dates of their births".

Convention No. 6: Night Work of Young Persons (Industry), 1919.

Number of reports requested: 27.

Number of reports received: 23.

Reports missing: 4.

(*Bulgaria, Hungary, Mexico, Nicaragua.*)

Brazil (ratification: 26.4.1934). The Committee refers to the observation which it made in 1949 and 1950, when it pointed out that Decree No. 5452 of 1 May 1943, which applies the Convention, seems to exclude public undertakings from its scope, whereas the Convention covers both public and private undertakings.

The Committee notes that, according to the statement made by the Brazilian Government member to the Conference Committee in 1950, no young person under the minimum age prescribed in the Convention is allowed to work at night. The Committee therefore hopes that the necessary legislative amendments will soon be made.

The Committee notes with satisfaction that, according to the statement made by the Government member to the Conference Committee in 1950, Legislative Decree No. 6688 of 13 July 1944 (authorising the night work of young persons over 16 years of age in the textile industry) was only applied during the war and is no longer in force.

Italy (ratification: 10.4.1923). With reference to its observations regarding the exceptions authorised in connection with the shortage of electric power and the employment of children in bakeries up to 11 p.m. on Saturdays, the Committee is pleased to note (from the information given by the Government representative and by the Government in writing to the Conference Committee in 1951 and repeated in the report for 1950-1951) that the Government intends to make every effort to abolish all exceptions which are not provided for under the Convention.

The Committee also notes with satisfaction that legislation has been promulgated to prohibit the employment of any person in connection with the production of bread or pastry during the hours between 9 p.m. and 4 a.m., except on Saturday, when work may be carried on up to 11 p.m. but only by persons over 18 years of age. As this legislation (Act No. 63 of 11 February 1952) came into force after the period under review, the Committee would be glad if, in its next report, the Government would be good enough to supply information regarding its application.

Switzerland (ratification: 9.10.1922). With reference to the observations which it made last year, the Committee expresses its appreciation of the measures which are being taken by the Government to find a solution of the difficulties encountered in applying the provisions of Article 7 of the Convention in the case of bakers' apprentices.

The Committee notes with interest that the Government was to convene a meeting in 1951 to deal with this question and would be glad to be informed of the progress made in arriving at a practical solution of the problems involved.

Yugoslavia (ratification : 1.4.1927). The Committee thanks the Government for the detailed information contained in its report. The Committee notes that night work is prohibited only for young persons under 16 years of age (though this provision is applicable to all children, irrespective of whether they are employed in industry or in some other branch of economic activity) whereas the age limit fixed by the Convention is 18 years.

The report states that the national legislation is not in complete harmony with the Convention but that measures have been taken to eliminate whatever discrepancies exist. The Committee would appreciate it if the Government would communicate, at an early date, information regarding the nature and substance of these measures.

Convention No. 7 : Minimum Age (Sea), 1920.

Number of reports requested : 28.

Number of reports received : 20.

Reports missing : 8.

(*Bulgaria, China, Colombia, Dominican Republic, Hungary, Mexico, Nicaragua, Venezuela.*)

No observations.

Convention No. 8 : Unemployment Indemnity (Shipwreck), 1920.

Number of reports requested : 24.

Number of reports received : 21.

Reports missing : 3.

(*Bulgaria, Colombia, Nicaragua.*)

Argentina (ratification : 30.11.1933). Last year the Committee requested the Government to be so good as to enclose with its report copies of the laws, regulations, etc. applying the Convention and details regarding the practical application of the Convention. It wishes to thank the Government for explaining the precise interpretation given to certain provisions in the Commercial Code which have a bearing on the application of the Convention. However, as the exact state of the application of the Convention cannot be deduced from the contents of the report, the Committee wishes to repeat its request, and would be particularly grateful if the Government would kindly enclose with its report the text of Act No. 12921 which, according to information previously supplied to the Conference Committee by a Government delegate, should in fact implement the Convention.

The Committee would also like to have a copy of Act No. 11729 and Decree No. 33302/45, which, to judge by a judicial decision mentioned in the report, can also be considered as having a bearing on the Convention.

Finland (ratification 20.1.1950). The Committee notes with satisfaction that an Order dated 14.6.1951 has been promulgated by which compensation is granted to foreign seamen in accordance with the provisions of the Convention (Article 1, paragraph 1).

Mexico (ratification : 20.5.1937). In 1950 the Committee asked to be informed what steps had been taken by the Government to give effect to Article 2 of the Convention in every case and not only when the ship is insured and the insurance is paid. A Government member stated to the Conference Committee that the provisions of the Convention had become national law in virtue of Article 133 of the Constitution and that seamen were entitled to the indemnity provided for in case of shipwreck. He also stated that his Government would furnish full information in its next report on the practical application of this text.

No report was furnished last year and, since the report for this year refers to the previous report, the Committee would be grateful if the Government would supply all the information required in the report form

and particularly with reference to the application of Article 2 of the Convention.

Convention No. 9 : Placing of Seamen, 1920.

Number of reports requested : 22.

Number of reports received : 19.

Reports missing : 3.

(*Bulgaria, Colombia, Nicaragua.*)

Yugoslavia (ratification : 30.11.1929). The Committee notes that the information requested under Articles 4, 5, 7, 8, and 9 of the annual report form has not been given and hopes that it will be possible for the Government to supply this information in its next report.

Convention No. 10 : Minimum Age (Agriculture), 1921.

Number of reports requested : 17.

Number of reports received : 12.

Reports missing : 5.

(*Bulgaria, Czechoslovakia, Dominican Republic, Hungary, Nicaragua.*)

Argentina (ratification : 26.5.1936). The Committee noted in 1951 that Decree No. 34147 of 1949, issued in application of the Agricultural Labour Code, provides in Section 55, which is identical with Section 1 of Act No. 11317 of 1924, that the competent authority for the protection of children may permit the employment of children over 12 years of age provided the latter have complied with the minimum educational requirements prescribed by law. The Committee asked the Government to indicate at what age these minimum requirements were considered to be complied with in the various provinces and territories of Argentina.

The Government representative informed the Conference Committee in 1951 that there was no fixed minimum school-leaving age in his country; in view of the federal nature of the State, the federal legislation in force was supplemented by provincial laws which, as a rule, merely provided for minimum standards of education. Children were considered to have complied with the schooling requirements when they had reached these standards of education, an indication of which would be attached to the next report.

The report for 1950-1951 indicates the knowledge required in order to comply with the minimum level of compulsory education. It points out that, under Section 1 of Act No. 1420, the period between six and 14 years of age is considered to be a period of attendance at school. It adds that it is not possible to supply information regarding the age at which it is considered that the "minimum requirements" with regard to education are complied with, except that the minimum educational standard is fixed by the "approval of the study of the subjects mentioned in Section 6 of Act No. 1420, regardless of age". Finally, the report recalls the fact that elementary education "is within the competence of both the provincial and the federal Governments".

In view of the nature of this reply, the Committee would like to know what age has been fixed in practice for admission to employment or work in "public or private agricultural undertakings". The Committee would be glad if the Government would indicate the cases where such admission to employment has been authorised prior to the minimum age of 14 years, as fixed in Article 1 of the Convention.

Italy (ratification : 8.9.1924). Last year the Committee asked the Italian Government whether it was intended to take steps to ensure that work by children under 14 years of age in agricultural undertakings was performed outside the hours fixed for school attendance, in conformity with Article 1 of the Convention.

In a written reply addressed to the Conference Committee, the Government stated that children under 14 years of age could not be employed during school hours; it recalled the fact that the legislation provided for compulsory attendance at school up to 14 years of age, and that penalties were imposed on parents and employers for any breach of these rules. It was therefore unnecessary to take further steps in this matter.

The report supplied for 1950-1951 states that in 1950 and 1951 national collective agreements relating to agriculture were concluded; these provide that the legislation in force shall apply as regards the admission to employment of children, and they fix the minimum wages for young persons between 14 and 18 years of age. Provincial collective agreements prohibit the employment in agriculture of children under 14 years of age. Moreover, since employment offices are not permitted to register or place in employment children under 14 years of age, infringements of the law are rendered impossible.

The Committee wishes to thank the Government for the information supplied.

Convention No. 11: Right of Association (Agriculture), 1921.

Number of reports requested : 31.

Number of reports received : 24.

Reports missing : 7.

(Bulgaria, China, Colombia, Czechoslovakia, Nicaragua, Peru, Venezuela.)

Chile (ratification : 15.9.1925). The Committee notes with great interest that a Bill, drafted to replace Section 431 of the Chilean Labour Code (Section 14 of Act No. 8811) aims at permitting unions of agricultural workers to amalgamate and federate in the same manner as unions of industrial workers. The Committee hopes that by the time of the submission of the next report this Bill will have passed into law.

The Government also states that Section 470 of the Labour Code (Section 53 of Act No. 8811)—which prohibits the presentation of statements of claims by unions of agricultural workers more than once a year and in any case during the sowing and harvesting periods (the duration of each being at least 60 days)—does not affect the right of association and combination of agricultural workers. The Committee notes that Section 505 of the Chilean Labour Code provides in fact that in the case of collective disputes in industry, workers' delegations submitting such claims shall be received by the head, agent or manager "within 24 hours of the request made to him". The Committee considers that the right to associate and combine carries with it in principle the right to present demands and would therefore call the Government's attention once more to the provisions of Article 1 of the Convention which requires Governments "to secure to all those engaged in agriculture the same rights of association and combination as to industrial workers, and to repeal any statutory or other provisions restricting such rights in the case of those engaged in agriculture". The Committee expresses the earnest hope that the Government will see its way to amend Section 470 of the Labour Code so as to secure to agricultural workers the same rights of combination as those enjoyed by industrial workers, in accordance with the above-quoted Article of the Convention.

The adoption of an amendment to Section 470 of the Labour Code, coupled with the enactment of the above-mentioned Bill replacing Section 431, would restore the position prevailing from the time of ratification in 1925 until the coming into force of Act No. 8811 in 1947, during which period the Convention was fully applied in Chile.

Convention No. 12: Workmen's Compensation (Agriculture), 1921.

Number of reports requested : 21.

Number of reports received : 17.

Reports missing : 4.

(Bulgaria, Colombia, Czechoslovakia, Nicaragua.)

No observations.

Convention No. 13: White Lead (Painting), 1921.

Number of reports requested : 22.

Number of reports received : 18.

Reports missing : 4.

(Bulgaria, Colombia, Czechoslovakia, Nicaragua.)

Mexico (ratification : 7.1.1938). The Committee notes that, as previously stated, the Government proposes to revise the Safety and Hygiene Regulations which will ensure the application of the Convention. 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 these regulations, and also to forward any information which may be available on the practical application of the Convention, in accordance with the report form on this Convention.

Uruguay (ratification : 6.6.1933). The Committee notes in connection with its observations made in previous years concerning the examination and verification through a medical examination of cases, or suspected cases, of white lead poisoning (Article 5 III (a) and (b) of the Convention) and to the methods of organising statistics (Article 7) that the proposed amendments to ensure full application of the Convention have not as yet been introduced.

The Committee regrets to note that these proposed amendments have not as yet been adopted and expresses the hope that it will be possible for the Government to bring its law and practice into full conformity with the provisions of the Convention at an early date.

Yugoslavia (ratification : 30.9.1929). In previous reports on the application of the Convention mention was made of the Regulation of 7 May 1931, respecting the use of white lead in painting. As the report for the period under review states that no regulations are necessary, the Committee would be glad to be informed if the above Regulation has since been repealed.

It would also be glad if, in its next report, the Government would supply more details regarding the practical application of the Convention, as for instance, statistical data, etc.

Convention No. 14: Weekly Rest (Industry), 1921.

Number of reports requested : 32.

Number of reports received : 25.

Reports missing : 7.

(Bulgaria, China, Colombia, Czechoslovakia, Nicaragua, Peru, Venezuela.)

General Observation

The Committee notes that a few Governments (Greece, Norway, Yugoslavia) do not fully comply with the requirements of Article 6 of the Convention which provides that a list of the exceptions authorised under Articles 3 and 4 must be communicated to the Office and that, every second year, modifications that may have occurred to this list should be indicated. The Committee would like to point out that, since the authorisation of exceptions under Article 4 is not strictly defined ("special regard being had to all proper humanitarian and economic considerations and after consultation with responsible associations of employers and workers, wherever such exist"), and since it is not compulsory to make provision for compensatory periods of rest, it is essential that the Office should have clear and up-to-date

information in respect of the authorisations granted by Governments; in this manner only is it possible for the Committee to estimate the position in each country with regard to the effective application of weekly rest.

Canada (ratification : 21.3.1935). The Committee takes note with much interest of the detailed analysis of provincial legislation and practice with regard to weekly rest contained in the report. The Committee is glad to learn of the progress achieved and expresses the hope that the federal Government will continue to consult with the provincial Governments and seek to bring about progressively fuller application of the Convention by all the means at its disposal.

Luxembourg (ratification : 16.4.1928). The Committee would be interested to know whether compensatory periods of rest were granted, in accordance with the provisions of the national legislation, for the 897,369 hours worked on Sundays for maintenance, repairs and preparation.

Turkey (ratification : 27.12.1946). The Committee notes that the Government has not supplied any information following the observation made last year with regard to the posting of notices in accordance with Article 7(a) of the Convention. The Committee would be glad to know if any measures have been taken to comply with this provision of the Convention.

Convention No. 15 : Minimum Age (Trimmers and Stokers), 1921.

Number of reports requested : 28.

Number of reports received : 23.

Reports missing : 5.

(*Bulgaria, China, Colombia, Hungary, Nicaragua.*)

No observations.

Convention No. 16 : Medical Examination of Young Persons (Sea), 1921.

Number of reports requested : 29.

Number of reports received : 24.

Reports missing : 5.

(*Bulgaria, China, Colombia, Hungary, Nicaragua.*)

Brazil (ratification : 8.6.1936). With reference to the observation made in 1950 the Committee takes note with interest of the statement made by the Brazilian Government representative to the Conference Committee in 1950, in which it was indicated that the legislation concerning medical examinations applied to all occupations, including maritime work.

Convention No. 17 : Workmen's Compensation (Accidents), 1925.

Number of reports requested : 22.

Number of reports received : 17.

Reports missing : 5.

(*Bulgaria, Colombia, Czechoslovakia, Hungary, Nicaragua.*)

Argentina (ratification : 14.3.1950). It is noted with appreciation that the report of the Argentine Government covering the period under review has been submitted in accordance with the form of annual report, as requested by the Committee.

The Committee has also observed that Act No. 9688 covers the provisions of the Convention in part only, and that the proposed amendments which were to bring Argentine legislation into full conformity with the provisions of the Convention have not as yet been enacted. The Committee hopes that it will be possible for the Government to secure the adoption, at an early stage, of the amendments which are

under consideration and so ensure complete legislative conformity with the Convention.

Chile (ratification : 8.10.1931). The Committee refers to its previous observations relating to the adoption of the necessary measures to give full effect to Article 5 of the Convention, which requires that compensation in case of permanent partial incapacity shall normally take the form of a pension, whereas in Chile such compensation is paid only during the 12 months following the accident.

As the present report does not give any new information, the Committee expresses the earnest hope that it will be possible to achieve full conformity between the national legislation and the above-mentioned article of the Convention.

Finland (ratification : 20.1.1950). The Committee wishes to thank the Government for elucidating the questions raised last year by the Committee concerning Articles 2 and 11 of this Convention.

Netherlands (ratification : 13.9.1927). The Committee notes that, according to Section 17 of the Act concerning social insurance, an injured worker who must have the constant help of another person (Article 7 of the Convention) has his pension increased when, having regard to the circumstances, it is insufficient for his maintenance.

The Committee points out that the Convention requires injured workers in need of constant help to receive additional compensation in all cases.

New Zealand (ratification : 29.3.1938). The Committee notes with satisfaction that a new Act provides for additional compensation to an injured workman requiring constant attendance, thus bringing the legislation into conformity with Article 7 of the Convention.

Uruguay (ratification : 6.6.1933). With reference to the observations made in 1950 as regards Article 11 of the Convention, the Committee notes the information supplied in writing to the Conference Committee in 1950 to the effect that the risk of the insolvency of the insurer does not exist since the State Insurance Bank has an insurance monopoly. The Committee further takes note of the information indicating that the Government has repeatedly asked Parliament to adopt compulsory insurance against accident, which would eliminate the risk of insolvency of the employer. The Committee would therefore be obliged if the Government would be so good as to indicate in its next report the progress accomplished towards this end.

Yugoslavia (ratification : 1.4.1927). The Committee takes note with satisfaction of the detailed report submitted by the Government on the application of this Convention. However, it notes that the report states that the compensation takes the form of a lump sum in case of permanent incapacity to a degree of 20 to 33 $\frac{1}{3}$ per cent.

The Committee would be grateful if the Government would be good enough to indicate what measures are taken in that case so as to ensure that lump sum payments are properly utilised, as required by Article 5 of the Convention.

Convention No. 18 : Workmen's Compensation (Occupational Diseases), 1925.

Number of reports requested : 24.

Number of reports received : 18.

Reports missing : 6.

(*Bulgaria, Colombia, Czechoslovakia, Hungary, Iraq, Nicaragua.*)

No observations.

Convention No. 19: Equality of Treatment (Accident Compensation), 1925.

Number of reports requested : 36.

Number of reports received : 27.

Reports missing : 9.

(Bulgaria, China, Colombia, Czechoslovakia, Hungary, Iraq, Nicaragua, Peru, Venezuela.)

Argentina (ratification : 14.3.1950). The Committee wishes to thank the Government for its full reply to the observation made by the Committee in 1951 and notes the statement in the report that, while the relevant legislation is not as yet in full harmony with the provisions of the Convention, restrictions upon the payment of benefits to the dependants of foreign workers apply to only 5 per cent. of the industrial accidents suffered by foreign workers.

The Committee takes note with particular interest of the Government's statement that an Employment Injury Compensation Bill now before Congress will, when passed into law, ensure full conformity with the provisions of the Convention. The Committee would be glad to be informed in the Government's next report of the progress made in enacting this legislation.

Sweden (ratification : 8.9.1926). The Committee notes that the Government refers to its letter of 22 May 1950, which indicated that equality of treatment as regards accident compensation had not as yet been granted to the nationals of Egypt, Peru and Venezuela (which had ratified the Convention during or after the war) but that appropriate measures with regard to these countries would be taken at the earliest possible date. The Committee would be glad to know what progress has since been made in this direction.

Yugoslavia (ratification 1.4.1927). The Committee wishes to thank the Government for its detailed report on the Convention. It notes that under Section 7 of the Social Insurance Act, 1950, aliens employed in the country as workers or officials in public, co-operative or social undertakings and establishments are granted the same rights in respect of social insurance as Yugoslav nationals.

Section 1, read with Sections 34-36, of the above-mentioned Act grants to all workers and officials and to their families certain rights in the case of incapacity due to industrial accidents; the Committee would be glad to know whether in accordance with Article 1, paragraph 1, of the Convention, these rights are also granted to foreign workers (who are nationals of countries which have ratified the Convention) not employed in public, co-operative or social undertakings and establishments and whether the provisions of the Act of 14 May 1922 respecting workers' insurance, mentioned in previous reports, are still applicable to foreign workers not covered by Section 7 of the Act of 1950.

Convention No. 20: Night Work (Bakeries), 1925.

Number of reports requested : 10.

Number of reports received : 7.

Reports missing : 3.

(Bulgaria, Colombia, Nicaragua.)

Sweden (ratification : 5.1.1940). The Committee notes that a new Act of 17 March 1950 amends the provisions of Sections 33, 36 and 37 of the Workers' Protection Act, 1949, which regulate the employment of women and young persons for night baking. This new Act allows the Workers' Protection Board to issue authorisations to the effect that the nightly rest period of women and young workers may include any interval of seven consecutive hours between 10 p.m. and 7 a.m., thus permitting the possibility

that nightly rest may begin only at midnight. Furthermore, it is not clear whether the authorisations envisaged by the Act are of a temporary or permanent character.

As Article 2 of the Convention specifically provides that nightly rest periods shall not begin later than 11 p.m., the Committee would be glad if the Government could clarify this point.

Convention No. 21: Inspection of Emigrants, 1926.

Number of reports requested : 20.

Number of reports received : 14.

Reports missing : 6.

(Bulgaria, Colombia, Czechoslovakia, Hungary, Nicaragua, Venezuela.)

Argentina (ratification : 14.3.1950). The Committee expresses the hope that copies of the relevant legislation and international migration agreements will be included in the Government's next report.

Convention No. 22: Seamen's Articles of Agreement, 1926.

Number of reports requested : 27.

Number of reports received : 22.

Reports missing : 5.

(Bulgaria, China, Colombia, Nicaragua, Venezuela.)

Argentina (ratification : 14.3.1950). The Committee is gratified to note that the Government has included in its report some of the additional information which was requested last year, in particular legislative texts and the discharge books used in the national mercantile marine. However, the Committee again notes that the report provides no answers to some of the questions in the report form regarding the manner in which the various Articles of the Convention are applied. It would therefore be obliged if the Government would be so good as to supply in its next report full information concerning the implementation in Argentina of Articles 1, 2, 3, 4, 6, 7, 8, 9, 10, 12, 13 and 14 of the Convention, together with answers to the questions in the report form under the relevant Articles.

Mexico (ratification : 12.5.1934). The Committee notes that no progress has apparently been made in adapting the provisions of Mexican legislation to Articles 7, 13 and 14 of the Convention, and expresses the hope that the necessary steps will be taken to this end and that it will be informed in the next report. It further hopes that reports of the inspection service and statistics concerning the number of workers covered by the legislation will be included in the next report.

Convention No. 23: Repatriation of Seamen, 1926.

Number of reports requested : 16.

Number of reports received : 12.

Reports missing : 4.

(Bulgaria, China, Colombia, Nicaragua.)

Argentina (ratification : 14.3.1950). The Committee is grateful for the additional information supplied by the Government in its second annual report on the application of this Convention. It finds, however, that there is still insufficient information available to permit a complete analysis of the application of all the provisions of the Convention.

Thus, although it is clear that foreign seafarers who are residents of Argentina enjoy the same rights under the Convention as nationals, there is no indication of what protection is provided for foreign seafarers who are not residents of the country.

The Committee would therefore be obliged if the Government would be so good as to supply in its next

report more detailed information concerning the legislative provisions or administrative regulations by means of which Articles 1, 2, 3, 4 and 5 of the Convention are implemented, together with answers to the questions in the report form under the relevant Articles.

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, Peru.)

Chile (ratification : 8.10.1931). The Committee notes that in the report of the Chilean Government it is stated that the Bill which was submitted to the National Congress in 1949 and which provided for certain amendments, including the abolition of the four days' waiting period for the payment of sickness benefit, has not yet been approved by the Congress; that the Government has pointed out to Congress that this question must be settled as soon as possible and that it hopes it will be in the course of the present session.

The Committee also hopes that this Bill will have been adopted by the end of the session.

Convention No. 25 : Sickness Insurance (Agriculture), 1927.

Number of reports requested : 10.

Number of reports received : 6.

Reports missing : 4.

(Bulgaria, Colombia, Czechoslovakia, Nicaragua.)

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

Uruguay (ratification : 6.6.1933). The Committee notes that the report supplied by the Government is an exact duplicate of those supplied since 1948 and does not contain any reply to the observations made by the Committee in 1949.

The Committee must, therefore, once more draw the attention of the Government to the fact that no attempt has yet been made to give any effect whatever to this Convention, which has been ratified since 1933. Further, the Committee notes with regret that the Government states in its report for 1950-1951 also that the conditions in Uruguay seem to exclude the possibility of applying the Convention in this country. The Committee is, therefore, compelled to point out once again that such a situation, which is contrary to the provisions of the Convention, makes it necessary for the Government of Uruguay to re-examine in detail this matter and to state in its next report what steps it considers taking in order to put an end to the present position.

Convention No. 26 : Minimum Wage-Fixing Machinery, 1928.

Number of reports requested : 23.

Number of reports received : 17.

Reports missing : 6.

(Bulgaria, China, Colombia, Hungary, Nicaragua, Venezuela.)

Argentina (ratification : 14.3.1950). The Committee notes with interest that, in response to the observation which it had occasion to make in 1951, the Government has supplied more detailed information concerning the application of the various provisions of the Convention.

The report indicates that the minimum wage in force can be reduced only if an undertaking can prove to the National Wage Institute that the payment of

the minimum wage would be likely to affect the economic and financial stability of the undertaking; in such cases a wage lower than the minimum wage may be fixed once only by the Institute, to be paid over a period not exceeding one year. In view of the fact that the Convention lays down that the minimum rate of wages cannot be lowered "by individual agreement, nor, except with general or particular authorisation of the competent authority, by collective agreement" (Article 3, paragraph 2(3)) the Committee would be glad to know whether the authorisation to pay in specified circumstances wages lower than the minimum wages is subject to the conclusion of a collective agreement on this point.

The Committee further requests the Government to be so kind as to supply in its next report the information referred to in Article 5 of the Convention, which provides for the forwarding of a "list of the trades or parts of trades in which the minimum wage-fixing machinery has been applied", as well as a statement of the approximate number of workers covered, and the minimum rates of wages fixed.

Cuba (ratification : 24.2.1936). The Committee has noted with interest the statement of the Government representative at the Conference Committee in 1951, as well as the communication from the Government to the effect that instructions have been given that all collective contracts concerning wages, which are approved by the National Minimum Wage Board, should indicate the number of workers covered.

The Committee observes that, according to the report, the labour inspection service has not supplied any statistical data relating to inspections, owing to the fact that inspections are carried out in order to enforce social legislation in general. The Committee notes, however, that the report is accompanied by two tables containing information on the activities of the inspection service in two provinces, and that the report for 1949-1950 contained data relating to inspections carried out in all parts of the country, breaches of regulations noted, and judicial decisions on minimum wages. The Committee would be grateful if future reports could include statistical information on the application in practice throughout the country of the provisions of the Convention relating to the system of supervision and sanctions (Article 4, paragraph 1), as well as the information requested in 1948 and 1949 concerning the organisation and operation of the inspection service.

Ireland (ratification : 3.6.1930). The Committee appreciates the detailed report supplied by the Government, and wishes to thank it for having been so kind as to include in the report, as requested last year, statistical information on the number of visits of inspection undertaken, and the total arrears of wages recovered as a result of these inspections.

Italy (ratification : 9.9.1930). The Committee takes note with interest of the detailed information which the Italian Government, in reply to the request made in 1951, supplied to the Conference Committee in 1951 and which it has included in its report.

The Committee wishes to thank the Government in particular for the information relating to the application of collective agreements, and to the regulations applicable to caretakers, doorkeepers and cleaners in urban dwellings.

The Committee notes that the Government hopes shortly to supply statistical data on the matters covered by the Convention, and would be grateful if such information could be included in the next report.

Mexico (ratification : 12.7.1926). The Committee notes that, as the Government indicates, the text of the Convention itself has, in accordance with the Mexican Constitution, been transformed into a constitutional law, and thus has binding force through-

out the federal territory and takes precedence over any provisions to the contrary.

The Committee notes at the same time that the Government, as stated in the report, does not possess any statistics showing the number of workers covered by the laws on minimum wages.

The Committee wishes to remind the Government that Article 5 of the Convention prescribes that "each Member which ratifies this Convention shall communicate annually to the International Labour Office a general statement giving a list of the trades or parts of trades in which the minimum wage-fixing machinery has been applied, indicating the methods as well as the results of the application of the machinery and, in summary form, the approximate numbers of workers covered, the minimum rates of wages fixed, and the more important of the other conditions, if any, established relevant to the minimum rates". The Committee would be grateful if the Government would include in its next report the information specified in the Convention, in particular the approximate numbers of workers covered by the regulations on minimum wages, as was requested in 1947 and 1948.

Netherlands (ratification: 10.11.1936). The Committee has taken note of the additional information which, in reply to the request made in 1951, the Government supplied to the Conference Committee in 1951 and which is confirmed in the Government's annual report.

The Committee notes in the first place the Government's statement that the information contained in the preceding annual report, to the effect that home workers in the textile industry did not come under the jurisdiction of the State Conciliation Board, is not quite exact, in that these workers, who are not covered by the collective agreement which has been declared compulsory for the textile industry, are nevertheless under the jurisdiction of the Conciliation Board in accordance with the Extraordinary Decree of 1945 concerning labour relations.

The Committee also notes the Government's statement that this Decree will ensure an effective wage-fixing system, since its provisions will apply to practically the entire Netherlands industry.

As the 1945 Decree concerning labour relations provides for the regulation of wages for all workers in the Netherlands, the Committee feels therefore bound to regard it as "machinery", within the meaning of Article 1 of the Convention "whereby minimum rates of wages can be fixed for workers employed in certain of the trades or parts of trades (and in particular in homeworking trades) in which no arrangements exist for the effective regulation of wages by collective agreement or otherwise and wages are exceptionally low". The Committee would therefore be grateful if the Government would include in future reports at least some general information on the application of this Decree.

Uruguay (ratification: 6.6.1933). The Committee notes with interest the information contained in the report in regard to visits of inspection made and sanctions imposed in 1950.

The Committee, however, notes that the report, which in the main repeats the information given in the report of 1948, does not contain information on some points which the Committee requested in 1949. The Committee is therefore obliged to repeat its request that information should be supplied on the following points:

(a) the steps taken to consult employers' and workers' organisations, where such exist for the trade or part of trade involved, before it is decided in what trade or part of trade the minimum wage-fixing machinery is to be applied (Article 2, and Article 3, paragraph 2 (1));

(b) consultation, before such machinery is applied in a trade or part of trade, with the representatives of

the employers and workers involved, including the representatives of their respective organisations where such exist (Article 3, paragraph 2 (1)).

The Committee wishes to point out that it also asked to be informed whether provisions prohibiting an abatement of minimum wage rates, either by individual agreement, or, except with general or particular authorisation of the competent authority, by collective agreement, exist apart from the case of home work (Article 3, paragraph 2 (3)).

The Committee also stated that it would like to know in which trades or parts of trades wage-fixing machinery is applied, the approximate number of workers covered and the minimum rates of wages fixed (Article 5).

The Committee would be grateful if the Government would include in its next report some information on these points.

Convention No. 27: Marking of Weight (Packages Transported by Vessels), 1929.

Number of reports requested: 30.

Number of reports received: 25.

Reports missing: 5.

(Bulgaria, China, Czechoslovakia, Hungary, Nicaragua.)

Argentina (ratification: 14.3.1950). In reply to the observation made by the Committee in 1951, the report states that although the national legislation does not explicitly require the marking of the weight on packages exceeding 1,000 kilograms, custom has made such marking an obligation which is carried out, in practice, without exception.

The Committee is glad to learn that this important provision is implemented in practice, but would venture to point out that Article 1 of the Convention contemplates that its application shall be ensured through national laws or regulations. Further, paragraph 5 (d) of Article 19 of the Constitution makes it incumbent upon Governments which have ratified a Convention to "take such action as may be necessary to make effective the provisions of such Convention".

The Committee would, therefore, be glad to know whether the incorporation of a suitable provision in the national laws or regulations is contemplated.

Burma (ratification: 7.9.1931). The Committee is glad to learn that the Government has taken measures to apply the Convention not only in Rangoon but also in the ports of Akyab, Bassein, Moulmein, Tavoy and Mergui.

India (ratification: 7.9.1931). The Committee is glad to note that the Bill to enforce the provisions of the Convention throughout the country, mentioned in previous reports, has now been enacted as the Marking of Heavy Packages Act, 1951, and that rules, contemplated by Section 5 of this Act, have also been issued.

Yugoslavia (ratification: 22.4.1933). The Committee takes note of the statement in the report that there is no provision in the national legislation requiring the marking of the weight on heavy packages transported by vessels, but that such packages weighing more than 1,000 kilograms and transported by sea or inland waterway are not accepted if their weight is not clearly marked.

The Committee ventures to call the Government's attention to the fact that previous annual reports have referred to Section 43 of the Decree of 4 February 1938 concerning loading and unloading operations in ports which, it was stated, provided that all goods or objects weighing 1,000 kilograms or more gross, intended for transportation, must, before loading, carry an indication of their weight marked on the outside in a clear and durable manner.

If the above-mentioned Decree is no longer in force, the Committee would be glad to know if the enactment of a similar provision is contemplated, as the Committee feels that full and effective application of the Convention is possible only on the basis of national legislation.

Convention No. 28: Protection against Accidents (Dockers), 1929.

Number of reports requested : 3.

Number of reports received : 2.

Report missing : 1.

(Nicaragua.)

Ireland (ratification : 5.7.1930). The Irish Government's report in 1950 indicated that the application of paragraphs 1 and 3 of Article 9 of the Convention had met with a certain number of difficulties and that the possibility was being considered of adapting the system in force to agree with these provisions. In the same year a Government representative stated before the Conference Committee that it had not been possible to take any definite decision in this matter, as the difficulties appeared to be insurmountable. In 1951 the report arrived too late to be examined by the Committee. The Government stated in that report, which it confirms by the report of this year, that the Convention was implemented almost completely in Irish laws and regulations and that the difficulties in regard to the application of Article 9 (3) were due to the fact that no undertaking existed in Ireland which was engaged in the testing, annealing, overhauling, etc. of hoisting appliances and gear used on board ships. It was consequently impossible to issue the duly authenticated records relating to the safe condition of the appliances and gear referred to in Article 9 (4) of the Convention. The ratification of the revised Convention (No. 32) was hindered by the same difficulty, as was the conclusion of reciprocal arrangements as prescribed by Article 18 of that Convention. In addition, the Government considers that the work available in Irish ports is not such as to warrant the installation of the very specialised plant which it would be necessary to employ.

The Committee has taken note of this information.

Convention No. 29: Forced Labour, 1930.

Number of reports requested : 21.

Number of reports received : 16.

Reports missing : 5.

(Belgium, Bulgaria, Liberia, Nicaragua, Venezuela.)

No observations.

Convention No. 30: Hours of Work (Commerce and Offices), 1930.

Number of reports requested : 9.

Number of reports received : 7.

Reports missing : 2.

(Bulgaria, Nicaragua.)

Argentina (ratification : 14.3.1950). The Committee would like to point out a discrepancy which seems to exist between Article 5 of the Convention and the national legislation attached to the Government's report. Paragraph 1 of Article 5 of the Convention lays down that hours of work which have been lost may not be made up on more than 30 days in the year and that the daily increase may not exceed one hour; thus the total number of hours that can be made up may not therefore exceed 30 hours in the year. On the other hand, the Decree of 11 March 1930 provides that time lost up to one week may be made up and that time lost over one week may be made up subject to agreement between the employer and workers concerned. The Committee would be glad to know what measures are being

envisaged to bring the national legislation into conformity with this provision of the Convention.

Further, the Government has not supplied any information whatever regarding the practical application of the Convention (authorities responsible for the application of the legislation, decisions given by courts of law, extracts from inspection reports, available statistics, etc.). The Committee would appreciate it if the Government would include in its next report all available information on these points.

Convention No. 32: Protection against Accidents (Dockers) (Revised), 1932.

Number of reports requested : 14.

Number of reports received : 12.

Reports missing : 2.

(Bulgaria, China.)

Argentina (ratification : 14.3.1950). The Committee notes the contents of the first report due from the Government which was preceded by a voluntary report sent last year.

The Committee finds that, in a large number of cases, the legal provisions are of a very general nature and consequently cannot be regarded as sufficient to ensure the application of a Convention which contains technical provisions of a very detailed character. Moreover, the report shows considerable gaps. Thus, for example, no information is given as to the law and practice in relation to Article 9 of the Convention, which can be considered as one of the most important Articles. Finally, no information whatsoever is given as to the practical application of the legislation.

The Committee wishes to emphasise that it is anxious to receive a detailed report on this Convention, which it considers necessary if it is to judge the extent of the application of the Convention.

Finland (ratification : 23.8.1949). The Committee wishes to thank the Government for its very complete and detailed report which, as it is a first report, must be subjected to particularly close scrutiny. It notes with interest the information supplied by the Government in reply to various questions in the report form, especially the information relating to certain difficulties encountered in the practical application, including the inspection of the conditions of the material used during loading and unloading operations. The Government has also attached to the report a copy of the remarks addressed to the Ministry of Social Affairs by the workers' organisations. The Committee was particularly interested to note that, as a result of these remarks, the Ministry regularly organises consultative meetings in which representatives of employers and workers take part.

Generally speaking, Finnish legislation is in accordance with the provisions of the Convention and even goes further than the Convention on certain points. However, the report shows certain slight deviations to which the Committee feels it should draw the attention of a Government which has shown great interest in carrying out its obligations.

Article 2, paragraph 2 (1). It is stated in the legislation that working places and dangerous parts of the approaches thereto must be safely and efficiently lighted; however, remarks on this subject were made by the workers' organisations of several ports; certain improvements have been noted.

Article 2, paragraph 2 (2). The law does not expressly mention that wharves and quays "shall be kept sufficiently clear of goods to maintain a clear passage to the means of access".

Article 12. The legislation prescribes that appropriate measures shall be taken to ensure the protection of workers who are employed in contact with or in proximity to goods which are dangerous to life or health. However, no provisions have been

adopted to meet the case of work which is performed where dangerous goods "have been stowed". Furthermore, the report states that no special regulations have been adopted to implement the general provisions of the law and that the labour inspectors are responsible for issuing detailed rules for this purpose.

Article 16. This Article is embodied as it stands in the legislation and is, therefore, fully implemented. However, the Committee would be grateful if the Government would be so good as to supply in future reports some information concerning the measures which it appears necessary to adopt in order to ensure the application of the provisions of the Convention to ships already constructed "within four years" after the date of ratification, "so far as reasonable and practicable".

Pakistan (ratification : 10.2.1947). The Committee notes with interest that the Pakistan Dock Labourers Regulations, 1948, have been amended to ensure the effective application of Article 5 (5) of the Convention (use of ladders in the holds of vessels which are not decked), and of Article 6 (2) (protective measures for dangerous openings in a deck).

Convention No. 33 : Minimum Age (Non-Industrial Employment), 1932.

Number of reports requested : 7.

Number of reports received : 7.

Argentina (ratification : 14.3.1950). In 1951 the Committee drew attention to the fact that the report referred only to Act No. 11317 of 30 September 1924 respecting the employment of women and children. The Committee pointed out that Section 2 of this Act prohibits the employment of young persons under 14 years of age in domestic work and in commercial undertakings, and Section 4 of the Act provides that boys under 14 and girls under 18 years of age may not engage in any itinerant occupation. It was the Committee's opinion, however, that the legislation did not appear to contain any measure corresponding to those provisions of the Convention designed to limit strictly the employment of children between 12 and 14 years of age to non-industrial occupations.

To judge by the information provided this year there appears to be a divergence between the legislation and the Convention, since the report states that children between 12 and 14 years of age may be employed in urban and rural activities subject to the authorisation of the Minister of Child Welfare provided that their wage is essential to guarantee their maintenance or that of their family and their age is above the minimum age. However, the report does not indicate the types of work on which the children in question may be employed, nor does it state whether this work has to be performed outside school hours (Article 3 of the Convention).

The Committee would be grateful if the Government would provide detailed information on these points.

Austria (ratification : 26.2.1936). See under Convention No. 5.

Cuba (ratification : 24.2.1936). The Committee noted in 1950 that the Government had prepared a Decree whereby juveniles under 16 years of age might not be employed in occupations classified as dangerous or unhealthy by the Directorate of Health and Social Welfare; the Committee expressed the hope that this Decree, designed to apply Articles 5 and 8 (b) of the Convention, would come into operation at an early date. In 1951 a Government representative informed the Conference Committee that this Decree, which was designed to bring the legislation into complete conformity with the Convention, was to be published in the near future. The report for this year makes no mention of this matter. However,

the Government has written to the Office stating that this Decree is at present under consideration by the Council of Ministers. The Committee would be very glad to receive information of any further results obtained.

France (ratification : 29.4.1939). In 1950 the Committee requested information in regard to permits under Section 59 of Book II of the Labour Code authorising exceptions for the employment of children under 14 years of age in theatres in connection with the performance of certain plays. The Committee also noted that the Government was contemplating the amendment of Section 60 of Book II of the Labour Code and the raising from 12 to 14 years of the age at which children might be employed in public performances given by their fathers and mothers who engaged in the profession of acrobat, tumbler, charlatan, etc.

The report for 1950-1951 remarks, in connection with Article 4 of the Convention, that only a small number of permits have been granted for the employment of children of 14 years of age in theatres as actors or in some other capacity. The report also states that there would be no object in amending the provisions of Section 60 of Book II of the Labour Code. The Committee wishes to point out that in the Convention no exceptions are authorised for undertakings where the employment of young persons and adolescents involves any danger to their life, health or morals; moreover, for employment of this type Article 5 stipulates a higher minimum age than that fixed by Article 2.

Uruguay (ratification : 6.6.1933). See under Convention No. 5.

Convention No. 34 : Fee-Charging Employment Agencies, 1933.

Number of reports requested : 8.

Number of reports received : 7.

Report missing : 1.

(*Bulgaria.*)

Turkey (ratification : 27.12.1946). The Committee notes from the Government's report for 1950-1951 that persons charging fees for the placing of workers in agricultural employment have been authorised to continue their activities. Since the activities of these persons, who come within the definition of "fee-charging employment agencies" given in Article 1 of the Convention, appear to be authorised in virtue of the exceptions allowed under Article 3, the Committee would be glad to know whether the Government ensures that the following requirements of the Convention are fulfilled : consultation of the employers' and workers' organisations concerned prior to authorising the exception (Article 3, paragraph 1); prohibition to establish new fee-charging employment agencies dealing with agricultural employment as from 27 December 1950, date on which the three-year period following the coming into force of the Convention for Turkey came to an end (Article 3, paragraph 3); issue of yearly licences renewable at the discretion of the competent authority (Article 3, paragraph 4 (b)); scale of fees and expenses charged to be approved by the competent authority (Article 3, paragraph 4 (c)); declaration stating whether the placing services are given gratuitously or for remuneration (Article 5). The Committee would like to point out in this respect that Article 7 of the Convention lays down that the annual reports from the Governments shall include "all necessary information concerning the exceptions allowed under Article 3".

Finally, the Committee recalls the fact that the Government stated in a previous report that the agencies in question were to be authorised until the Public Employment Institute was in a position to increase its staff and deal efficiently with the placing of agricultural workers. The Committee would be

very much interested to know whether any measures have been taken to bring about the necessary increase in staff and so gradually to abolish the fee-charging employment agencies in agriculture.

Convention No. 35: Old-Age Insurance (Industry, etc.), 1933.

Number of reports requested : 8.

Number of reports received : 5.

Reports missing : 3.

(Bulgaria, Czechoslovakia, Peru.)

Chile (ratification : 18.10.1935). The Committee notes with interest the information contained in the report in reply to the question raised by the Committee in 1951 concerning the conditions under which old-age pensions are converted into a lump sum and the reasons why this conversion seems almost always to be preferred to the payment of the pension.

The Committee takes note of the Government's reply to the effect that the old-age pensions are convertible into a lump-sum payment and, as the pension instalments are in general not high enough to ensure a satisfactory living, unless the persons concerned have belonged to the insurance fund for a long period, the beneficiaries usually prefer to receive a lump-sum payment instead. The Committee notes with interest that a Bill to amend the Act on compulsory old-age and invalidity insurance schemes has been submitted to the National Congress and that this Bill would provide for the payment of pensions the value of which would vary between 50 and 100 per cent. of the monthly wage of the insured person.

The Committee would like to have some information, in the next report, on the progress made in regard to the adoption of this Bill, and hopes that the effect of this amendment will be to restrict in future the conversion of pensions into a lump sum. The Committee would like to point out that Article 4 of the Convention provides for the payment of a pension and that the Convention, unlike other Conventions, contains no provision authorising the payment of a lump sum.

Italy (ratification : 22.10.1947). The Committee thanks the Government for having been good enough to include in its report the statistical data requested in 1951 on the number of insured persons and pensioners and on the receipts and expenditure of the social insurance scheme.

Convention No. 36: Old-Age Insurance (Agriculture), 1933.

Number of reports requested : 7.

Number of reports received : 5.

Reports missing : 2.

(Bulgaria, Czechoslovakia.)

Chile (ratification : 18.10.1935). See under Convention No. 35.

Italy (ratification : 22.10.1947). See under Convention No. 35.

Convention No. 37: Invalidity Insurance (Industry, etc.), 1933.

Number of reports requested : 8.

Number of reports received : 5.

Reports missing : 3.

(Bulgaria, Czechoslovakia, Peru.)

Italy (ratification : 22.10.1947). See under Convention No. 35.

Poland (ratification : 29.9.1948). In 1951 the Committee asked the Government 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 to work and periods of unemployment shall be reckoned, for the completion of the qualifying period, as contribution periods.

The Committee noted that the Government had informed the Conference Committee in 1951 that under the current general social insurance scheme, periods of payment of sickness benefits were not reckoned in completing the qualifying period, but that these periods were considered for the qualifying period under the special pension scheme for miners. The Government stated that it hoped that, at the time of the revision of the social insurance legislation, this principle would be generally recognised.

The Committee would be glad if the Government would indicate in its next report the measures which will be taken with a view to bringing the national legislation into conformity on this point.

Convention No. 38: Invalidity Insurance (Agriculture), 1933.

Number of reports requested : 7.

Number of reports received : 5.

Reports missing : 2.

(Bulgaria, Czechoslovakia.)

Italy (ratification : 22.10.1947). See under Convention No. 35.

Poland (ratification : 29.9.1948). See under Convention No. 37.

Convention No. 39: Survivors' Insurance (Industry, etc.), 1933.

Number of reports requested : 5.

Number of reports received : 2.

Reports missing : 3.

(Bulgaria, Czechoslovakia, Peru.)

Poland (ratification : 29.9.1948). The Committee refers, with regard to the application of Article 4, paragraph 3, of the Convention, to the observation made with regard to Convention No. 37.

Convention No. 40: Survivors' Insurance (Agriculture), 1933.

Number of reports requested : 4.

Number of reports received : 2.

Reports missing : 2.

(Bulgaria, Czechoslovakia.)

Poland (ratification : 29.9.1948). See under Convention No. 39.

Convention No. 41: Night Work (Women) (Revised), 1934.

Number of reports requested : 14.

Number of reports received : 11.

Reports missing : 3.

(Hungary, Iraq, Peru.)

Brazil (ratification : 8.6.1936). The Committee thanks the Government for the supplementary information supplied in its report.

With reference to the observation which it made in 1950, the Committee notes that, according to the statement made by the Government member to the Conference Committee in 1950, Decree No. 6688 of 13 July 1944, introduced during the war and authorising certain exceptions in respect of night work, is no longer in force.

The Committee finds that women employed by public undertakings are excluded from the scope of Legislative Decree No. 5452 of 1 May 1943, whereas the Convention applies to all employed women. The Committee therefore hopes that the Government will soon be able to remove this discrepancy.

Greece (ratification : 30.5.1936). With reference to the observation which it made last year, in connection with the lack of statistics regarding the number of employed women covered by the Convention, the Committee takes note of the statement made in writing to the Conference Committee in 1951 to the effect that a labour statistics service had been set up in the Ministry of Labour and would henceforth centralise all statistical data regarding labour questions.

The Committee notes with satisfaction that, according to this year's report, although the Decrees authorising the employment of women at night in the current, etc., industry, have not been abolished, they are no longer applied, owing to the improved technical organisation of the work in this industry.

The Committee would be glad to know if the other industries to which the Government presumably refers in this connection include the canning and dairy industries and industries for the preparation of figs, which the Government stated in its 1950 report made use of the exception provided for in Article 4 (b) of the Convention for work in connection with raw materials subject to rapid deterioration.

Convention No. 42 : Workmen's Compensation (Occupational Diseases) (Revised), 1934.

Number of reports requested : 21.

Number of reports received : 17.

Reports missing : 4.

(*Bulgaria, Czechoslovakia, Hungary, Iraq.*)

Belgium (ratification : 3.8.1949). The Committee takes note with interest of the first report submitted by the Government. It notes, however, that while the schedule appended to Article 2 of the Convention includes "poisoning by the halogen derivatives of hydrocarbons of the aliphatic series", in the Belgian Order of 25 April 1951 only "chlorinated derivatives ..." are listed.

The Committee would be glad if the Government would be good enough to give, in its next report, all available details on this point.

Brazil (ratification : 8.6.1936). The Committee notes with interest the contents of the very detailed report submitted by the Government regarding the application of the Convention. It notes, however, that while Decree No. 1361 of 12 January 1937 includes all the diseases and corresponding trades, industries and processes listed in the schedule appended to Article 2 of the Convention, the schedule given in the report and referring to the Order of the Ministry of Labour, Industry and Commerce dated 30 May 1947 does not, as regards the processes relating to lead poisoning, include "polishing by means of lead files or putty powder with a lead content".

The Committee would, therefore, be glad if the Government would be good enough to clarify this point.

Convention No. 43 : Sheet-Glass Works, 1934.

Number of reports requested : 8.

Number of reports received : 6.

Reports missing : 2.

(*Bulgaria, Czechoslovakia.*)

No observations.

Convention No. 44 : Unemployment Provision, 1934.

Number of reports requested : 6.

Number of reports received : 5.

Report missing : 1.

(*Bulgaria.*)

France (ratification : 21.2.1949). The Committee takes note with interest of the information supplied by the Government in response to the observations which it made last year, as regards (a) the payment of benefits in case of partial unemployment and (b) suitability of employment.

It appears from the Government's report that no discrimination is made between different categories of partially unemployed persons, and that an offer of employment, in order to be deemed to be suitable, must be remunerated at the normal rate of wages current in the occupation and in the district in question.

Convention No. 45 : Underground Work (Women), 1935.

Number of reports requested : 28.

Number of reports received : 24.

Reports missing : 4.

(*Bulgaria, China, Hungary, Peru.*)

Austria (ratification : 3.7.1935). The Committee notes that the proposed amendment of the Act respecting the employment of children and young persons, 1948, as announced by the Austrian Government representative to the Conference Committee in 1951, has not yet been adopted, and that the Government intended to submit to Parliament in the autumn of 1951 a Bill designed to amend partially the Federal Act 146 of 1 July 1948 in order to bring it into harmony with the provisions of the Convention. The Committee would be glad to be informed in the next report of the progress made in this direction.

Brazil (ratification : 22.9.1938). Referring to the observations made by the Committee in previous years, pointing out that Legislative Decree No. 5452 of 1 May 1943, which applies the Convention, appeared to exclude public undertakings from its scope, whereas the Convention included both public and private undertakings, the Brazilian Government member informed the Conference Committee in 1950 that legislation in no case allowed the employment of women underground; that no public undertaking was engaged on such work and consequently no legislative measures could be envisaged.

The Committee takes note of this statement.

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 notes with satisfaction that in reply to the request made in 1951 in regard to the application of Article 10 of the Convention (maintenance of rights acquired by persons affiliated to an insurance institution of one of the States Members) the Government states in its report that this point will be taken into consideration in the amendment to the Invalidity Insurance Act, which is being drafted at present.

The Committee would be glad if the Government would be good enough to supply in its next report information regarding the progress made in this connection.

Convention No. 49: Reduction of Hours of Work (Glass-Bottle Works), 1935.

Number of reports requested : 7.

Number of reports received : 5.

Reports missing : 2.

(Bulgaria, Czechoslovakia.)

No observations.

Convention No. 50: Recruiting of Indigenous Workers, 1936.

Number of reports requested : 3.

Number of reports received : 4.

Report missing : 1.

(Belgium.)

No observations.

Convention No. 52: Holidays with Pay, 1936.

Number of reports requested : 7.

Number of reports received : 6.

Report missing : 1.

(Bulgaria.)

Argentina (ratification : 14.3.1950). The Committee takes note with interest of the information supplied by the Government with regard to the observations made last year concerning the prohibition of agreements to relinquish the right to annual holidays (Article 4 of the Convention) and the keeping of records (Article 7).

The Committee notes that the legislative provisions cited by the Government as applying these provisions of the Convention are drawn from the Commercial Code, and it would be glad to know whether other legislation or regulations exist with regard to employees and workers in industrial and transport undertakings and other establishments mentioned in Article 1 of the Convention.

As regards the exclusion from holidays of interruptions of work due to sickness (Article 2, paragraph 3), the Committee takes note of the following statement in the Government's report : "There is no special legislation in our country in respect of interruptions of holidays due to sickness, but the legislative texts are so flexible that it is possible for the courts of law to give decisions on this matter which are in conformity with the provisions of the Convention". The Committee also notes that the two recent decisions of the courts quoted in the report seem in effect to conform with the relevant clause of the Convention. However, the Committee would like to point out that, since the practice in Argentina is in harmony with the requirements of the Convention, it might be preferable to confirm this practice by a legislative provision and thus place the matter beyond any manner of doubt.

Finally, the Committee wishes to draw the attention of the Government to Questions III and V of the report form as approved by the Governing Body, in which Governments are requested to include in the annual reports information regarding the practical application of the Convention (authorities ensuring the implementation of the relevant legislation, statistics, etc.).

Brazil (ratification : 22.9.1938). The Committee notes with interest the detailed report communicated by the Government. However, it wishes to point out that Article 1 of the Convention provides specifically for the application of the Convention to persons employed in undertakings engaged in the transport of passengers and goods by inland waterways; the Committee would be glad to know whether this category of persons is covered by the general provisions of the consolidation of labour laws concerning holidays with pay or by the provisions applying to seamen. The Committee would also be glad to have further information concerning the exclusion

from holidays with pay of public and customary holidays and of interruptions of attendance at work due to sickness (Article 2 (3) of the Convention), since the legislation does not seem to be clear on this point.

Finally, the Committee notes the Government's statement that the compilation of statistical information relating to this Convention is not normally completed at the time when its report is dispatched to the Office; in these circumstances the Committee would be glad if the Government would forward in each report the information relating to the previous period.

Finland (ratification : 23.8.1949). The Committee takes note with much interest of the very detailed first report on the application of this Convention. It draws the attention of the Government to the fact that there appear to be some minor discrepancies between the national legislation and the clauses of the Convention. With regard to the exclusion from holidays of interruptions of attendance at work due to sickness, the Committee would be glad to know whether the matter is governed by any legislative provisions other than those contained in the Act of 1946, since the latter does not seem to be in full conformity with the Convention (Article 2, paragraph 3). Further, the Committee would be glad if the Government would take steps to include in holiday remuneration the cash equivalent of free lodging (Article 3) and would be glad to know whether the Government has considered the question of approving the form of the records kept by employers with regard to holidays with pay (Article 7).

Convention No. 53: Officers' Competency Certificates, 1936.

Number of reports requested : 11.

Number of reports received : 10.

Report missing : 1.

(Bulgaria.)

Egypt (ratification : 20.5.1939). The Committee notes that the report for the period 1950-1951 does not give the detailed information requested last year under Question V of the report form on the practical application of the Convention (statistics of certificates issued, particulars of contraventions reported, etc.).

Convention No. 55: Shipowners' Liability (Sick and Injured Seamen), 1936.

Number of reports requested : 5.

Number of reports received : 4.

Report missing : 1.

(Bulgaria.)

No observations.

Convention No. 56: Sickness Insurance (Sea), 1936.

Number of reports requested : 4.

Number of reports received : 3.

Report missing : 1.

(Bulgaria.)

Belgium (ratification : 3.8.1949). The Committee appreciates the detailed account contained in the first report supplied by the Government of measures adopted to apply each of the provisions of the Convention. The Committee notes with satisfaction that, according to the information given in the report, the Convention has on the whole been fully applied, and that in certain cases the legislation in force goes beyond the provisions of the Convention. However, as regards the application of Article 2, paragraph 3, of the Convention, the Committee would be grateful if the next report could contain information on the rates of cash benefit established respectively by the

general social security system and by the special scheme for seamen in the merchant navy.

The Committee also notes that, under both the special scheme and the general scheme, the benefits paid by the insurance institution cannot be cumulated with payments made for the same reason of incapacity to work. Since the Convention provides in Article 2, paragraph 4 (c), that in such cases benefits may be wholly or partially withheld if and in so far as such compensation is equal to or less than the benefits payable under the sickness insurance scheme, the Committee would be glad if the Government would indicate whether benefits due to the insured person are withheld only under the conditions specified in the Convention.

Convention No. 58: Minimum Age (Sea) (Revised), 1936.

Number of reports requested : 10.

Number of reports received : 8.

Reports missing : 2.

(Bulgaria, Iraq.)

Belgium (ratification : 11.4.1938). The Committee notes that the report refers once again to the Government's intention to submit a Bill to the Legislature amending the Act of 5 June 1928 so as to ensure full harmony with Article 2 of the Convention, which fixes the minimum age for admission of children to employment at sea at 15 years. The Committee would be glad if the Government could give particulars of any progress achieved in this direction.

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). In 1951 the Committee pointed out once more that measures to ensure the full application of the Convention to juveniles under 15 years of age who are exempted from school attendance had not yet been introduced. The Committee also noted that according to the report for that year only 23 authorisations had been issued, the majority of which applied to children just under 15 years of age and, in a few cases, to children for whom further attendance at school was undesirable for medical or other sufficient reasons. In 1951 a Government representative informed the Conference Committee that the number of authorisations granted for children under 15 years of age who were exempted from school attendance was only 18. He also mentioned the Government's intention to amend the legislation but added that, since the divergence was only slight, it was not probable that such an amendment, would be adopted that year.

The report received this year confirms the statement made to the Conference Committee. The Committee would be glad if the Government would indicate what steps have been taken to correct this slight divergence.

Convention No. 60: Minimum Age (Non-Industrial Employment) (Revised), 1937.

Number of reports requested : 2.

Number of reports received : 1.

Report missing : 1.

(Bulgaria.)

New Zealand (ratification : 8.7.1947). In 1951 the Committee referred to its previous observations concerning voluntary reports and, in view of the fact that the Convention had recently come into force, expressed the hope that legislation would shortly

be adopted, applicable to industrial and non-industrial workers alike, whereby all workers would benefit by the protective measures laid down in the Convention.

A Government representative informed the Conference Committee in reply that the Government intended to amend the legislation, but since the divergence was slight it was unlikely that any amendments would be approved during the current year. According to the report for 1950-1951 the position is still as described by the Government representative.

The Committee expresses the hope that legislation in accordance with the Convention will shortly be enacted.

Convention No. 62: Safety Provisions (Building), 1937.

Number of reports requested : 4.

Number of reports received : 3.

Report missing : 1.

(Bulgaria.)

Mexico (ratification : 4.7.1941). The Government stated in its reports for 1947-1948 and 1948-1949 that the Directorate for Social Welfare had undertaken discussions with the authorities of the Federal District and with the Governors of the various States so as to achieve full compliance with the provisions of the Convention. The Committee would be glad to know what progress has since been made in this direction.

Switzerland (ratification : 23.5.1940). The Committee takes note with great interest of the Order of 22 June 1951 respecting measures for the prevention of accidents in the use of cranes and hoisting appliances, and wishes to express its appreciation of the full particulars concerning this Order given in the report. The Committee also notes that in accordance with Article 1, paragraph 2 of the Convention, the Government has communicated a three-yearly report indicating the extent to which effect has been given to the model code annexed to the Safety Provisions (Building) Recommendation, 1937.

The Committee would be glad to know whether hoisting machines and tackle are tested before use and periodically re-examined, as laid down in Article 12 of the Convention, and whether a minimum age has been prescribed for persons in control of a hoisting machine or giving signals to the operator, in accordance with Article 13, paragraph 2.

Convention No. 63: Statistics of Wages and Hours of Work, 1938.

Number of reports requested : 14.

Number of reports received : 14.

Denmark (ratification : 22.6.1939). The Committee wishes to express its appreciation of the Government's detailed report and of the full reply given to the observations made in 1950 and 1951. It was glad to note that recent decisions taken by the Government will lead to full conformity with regard to two points mentioned by the Committee in 1951: compilation of statistics of average earnings by industries (Article 5, paragraph 3 of the Convention) and for juvenile workers (Article 10, paragraph 2).

The Committee also notes that the Government has postponed the compilation of statistics of hours actually worked (Article 5) pending consultations with the International Labour Office with a view to clarifying this provision. The Committee hopes that these consultations, which are being pursued, will render possible, in due course, the implementation of this provision of the Convention.

Egypt (ratification : 5.10.1940). The Committee notes that the results of the half-yearly statistics compiled by the Government continue to be published

and communicated to the International Labour Office approximately two years after the period to which they refer. It ventures to call attention in this connection to the Government's statement, made in 1950, that it would make all possible efforts to publish these results within the period prescribed by Article 1 (b) of the Convention (six months) and would be glad to know whether any progress is being made in this direction.

Ireland (ratification : 9.10.1946). The Committee is glad to note that the new statistics of average earnings and of hours actually worked (Part II of the Convention) will have a larger scope than those previously compiled and will be issued at more frequent intervals. The Committee also notes that a report on movements of wages and hours of work which was not published in 1950 owing to printing difficulties will be issued shortly and will include figures up to 1951.

Mexico (ratification : 16.7.1942). The Government states that a report submitted to Congress in 1951 contains some of the principal statistical data compiled by the Secretariat of Labour. The Committee would appreciate it if a copy of this document could be communicated to the International Labour Office in accordance with Article 1 (c) of the Convention.

The Committee notes that the Government refers to information given in previous reports. As these reports indicated that difficulties of a budgetary nature had prevented the compilation and publication of all the statistics required by the Convention, the Committee would be grateful if the Government could indicate whether any progress has been made in the meantime towards overcoming these difficulties.

Netherlands (ratification : 9.3.1940). The Committee wishes to thank the Government for the full particulars given of the compilation and publication of statistics of wages and hours of work in the mining and manufacturing industries and in agriculture.

The Committee ventures to recall, however, its observation made in 1949 that no statistics are published of hours actually worked in the principal mining industries, as provided for by Article 5, paragraph 1, of the Convention.

Norway (ratification : 29.3.1940). The Committee notes with interest that, in reply to its observation made in 1951, the report furnishes statistics of hours worked in industry for the period up to and including 1949. It also takes note of the Government's statement that statistics of hours worked for the various industrial groups, as provided for in Article 5, paragraph 1 of the Convention, cannot be produced for the year 1950, but that this shortcoming will be made good, if possible. The Committee would be glad if the next report would indicate what progress has been made in this direction.

Sweden (ratification : 21.6.1939). The report refers to the Government's letter of 22 May 1950 sent to the Office in reply to an observation made by the Committee as regards statistics of hours of work in the building and construction industries (Article 5, paragraph 1 of the Convention). This reply merely stated that the necessary information could not be given before the transformation of the relevant statistics, which was then under consideration. The Committee would be glad if the Government would indicate in its next report whether any decision has been reached in this connection.

The Committee would also appreciate it if the information given in the report were to follow the outline contained in the form of annual report on this Convention.

Convention No. 64 : Contracts of Employment (Indigenous Workers), 1939.

Number of reports requested : 3.

Number of reports received : 2.

Report missing : 1.
(Belgium.)

No observations.

Convention No. 65 : Penal Sanctions (Indigenous Workers), 1939.

Number of reports requested : 2.

Number of reports received : 2.

No observations.

Convention No. 77 : Medical Examination of Young Persons (Industry), 1946.

Number of reports requested : 2.

Number of reports received : 1.

Report missing : 1.
(Bulgaria.)

Poland (ratification : 11.12.1947). The Committee wishes to express its appreciation of the valuable information contained in the first report submitted by the Polish Government.

It notes with satisfaction that the provisions of this Convention are largely covered by national legislation. However, the Committee would like to be informed if persons up to 21 years of age are medically examined on entry into occupations involving high health risks, as required by Article 4 of the Convention.

Convention No. 78 : Medical Examination of Young Persons (Non-Industrial Occupations), 1946.

Number of reports requested : 2.

Number of reports received : 1.

Report missing : 1.
(Bulgaria.)

Poland (ratification : 11.12.1947). The Committee wishes to thank the Government for the very full information contained in its first report. While there appears to be substantial conformity between the provisions of the Convention and the national legislation, the Committee would request the Government to supply certain supplementary information respecting the following points :

As regards the scope of application of the Convention, the Committee is not sure whether Article 1 (Chapter I) of the Act of 2 July 1924 corresponds to Article 1 of the Convention. The Committee notes in this connection that a new Decree dated 2 August 1951 provides the general basis for an extension of compulsory medical examination to young domestic workers; it would be glad to know whether the Government intends to bring about this extension in the near future.

The Committee would also like to be informed of the measures of identification or other methods of supervision to be adopted in respect of children and young persons engaged in itinerant trades or any other occupation carried on in the street or in places to which the public has access, as required by Article 7, paragraph 2, of the Convention.

Convention No. 79 : Night Work of Young Persons (Non-Industrial Occupations), 1946.

Number of reports requested : 2.

Number of reports received : 1.

Report missing : 1.
(Bulgaria.)

Poland (ratification : 11.12.1947). The Committee wishes to thank the Government for its first report

on the application of the Convention. However, the information contained in the report does not make it possible to form a precise appreciation of the extent to which the Convention is applied. Thus, the Government refers to two texts, the Act of 2 July 1924 and the Decree of 2 August 1951 which abrogates certain provisions of this Act, but it is not clear from the provisions of these texts if their scope is in conformity, as regards non-industrial occupations, with the provisions of Article 1 of the Convention. The Committee would therefore be glad if the Government would be good enough to supply as detailed information as possible on this point.

The Committee notes with interest that, in accordance with Section 3, paragraph 2, of the Decree of 2 August 1951, young persons under 18 years of age may not be required to work at night. However, as this Decree contains no definition of the term "night", the Committee would like to know whether the period of 11 consecutive hours' rest, provided for in Section 8 of the Act of 1924, is still in force and, if this is the case, what measures the Government proposes to take to remove this discrepancy between the national legislation and the Convention.

The Committee also notes that, under the Decree of 2 August 1951, "the prohibition of night work shall not apply to young male persons over 16 years of age, in cases to be determined by the Council of Ministers, in agreement with the Central Committee of Polish Trade Unions". The Committee would be glad if the Government would indicate in its next report any exceptions which may have been granted in accordance with this provision of the Decree, so as to enable it to ascertain whether they are in conformity with the exceptions provided for in the Convention.

Finally, in order to permit of a complete analysis regarding the conformity between the national law and practice and the provisions of the Convention, the Committee requests the Government to be good enough to supply, for the next reporting period, a detailed report replying to all the questions in the report form and specifying, for each Article of the Convention, the relevant provisions of the national laws and regulations in force.

Convention No. 81 : Labour Inspection, 1947.

Number of reports requested : 8.

Number of reports received : 7.

Report missing : 1.

(Bulgaria.)

Austria (ratification : 30.4.1949). The Committee wishes to thank the Government for its first report on the application of this Convention and notes that, while full particulars are supplied in respect of most Articles, no information is given as regards Articles 8, 12, 15, 17, 20 and 21, although Question II of the report form calls for detailed data concerning all the substantive provisions of the Convention.

The Committee would be grateful if the Government would be good enough to supply these particulars in its next report and to append thereto the annual report of the Transport Labour Inspection Service which it mentions under Article 19 of the Convention.

The Committee would also like to know whether the Government intends to publish in future an annual general report on mines inspection as required by Article 20, paragraph 1, of the Convention.

Finland (ratification : 20.1.1950). The Committee wishes to thank the Government for its comprehensive and detailed first report on the application of the Convention. It takes note of the statement that the annual general reports on the activities of the inspection service (dealing with the subjects mentioned in Article 21) which, at present, are drawn up but not published, are to be issued in future in printed form.

Such publication would ensure compliance with the provisions of Article 20, paragraph 1, of the Convention, and the Committee would be glad if the Government would indicate, in its next report, the measures it has taken in this direction.

Switzerland (ratification : 13.7.1949). The Committee wishes to thank the Government for the detailed information and very full documentation included in this first report.

The Committee notes that the central inspection authority publishes comprehensive biennial reports which deal, *inter alia*, with the subjects mentioned in clauses (a) to (e) of Article 21 of the Convention, and that a related authority, under whose control the matter lies, publishes annual reports on the subjects mentioned in clauses (f) and (g). The Committee further notes that the central authority publishes some data on inspection annually, but this information is apparently restricted to statistics of the workplaces coming within the scope of the Factories Act, and thus liable to inspection, and of the workers employed therein, as called for in clause (c) of Article 21. It would therefore seem that the central inspection authority does not publish annually, as required by Article 20, paragraph 1, information dealing with the subjects mentioned in clauses (a), (b), (d) and (e) of Article 21, although such subjects are under the control of that authority.

The Committee would appreciate it if the Government would indicate the measures it proposes to take with a view to publishing annually the information in question.

Convention No. 87 : Freedom of Association and Protection of the Right to Organise, 1948.

Number of reports requested : 6.

Number of reports received : 5.

Report missing : 1.

(Mexico.)

Sweden (ratification : 25.11.1949). The Committee notes the Government's statement, under Question IV of the report form (judicial decisions), that both before and after the adoption of this Convention cases of alleged infringements of the right of association have been brought before the Labour Court and decided upon. The Committee would be grateful if the texts of such decisions could be appended to the next report.

Convention No. 88 : Employment Service, 1948.

Number of reports requested : 7.

Number of reports received : 6.¹

Report missing : 1.

(Bulgaria.)

New Zealand (ratification : 3.12.1949). The Government had already sent voluntary reports for the two preceding years containing very complete information which the Committee noted with interest.

Generally speaking, the organisation and operation of the employment service conforms to the provisions of the Convention. However, the Committee would like to have some further information on the following points :

Article 1, paragraph 1, of the Convention provides for a free employment service. In Section 5, paragraph 3 (c) of the Act of 12 November 1945 it is stated that the Department shall fix the value of the expenses which are to be defrayed by every person whom the employment service has assisted in any form whatsoever. In order to gauge the extent to which the provisions of Article 1 of the Convention

¹ The report of the Netherlands was received too late to be examined by the Committee.

are observed, the Committee would like to have exact information on the type of assistance for which such payments are stipulated.

The Committee would also like to have further information, if possible, on the arrangements made for the training of officials in the employment service as prescribed by Article 9 of the Convention. Finally, the Committee would be grateful if the Government would enclose a copy of any internal orders and circulars which have not been published.

Norway (ratification: 4.7.1949). The Committee has noted with interest the very complete information contained in the first report.

The employment service as it is organised at present in Norway fully satisfies all the requirements of the Convention. However, the Committee would like to have more detailed information from the Government concerning the worker's identity card referred to in the report in connection with Article 6 (a) (i) of the Convention.

Finally, the Committee would be glad to receive a

copy of decrees, orders and circulars relating to the operation and organisation of the employment service.

Convention No. 89 : Night Work (Women) (Revised), 1948.

Number of reports requested : 3.

Number of reports received : 2.

Report missing : 1.

(*Syria.*)

India (ratification: 27.2.1950). The Committee has examined with interest the detailed first report supplied by the Government, which draws attention to certain discrepancies between existing legislation and the provisions of the Convention.

The Committee notes that the Government has already proposed legislative amendments designed to ensure harmony between the legislation and the Convention and shares the hope expressed by the Government that this amending legislation will be adopted before the opening of the 35th Session of the International Labour Conference.

C. Observations and Requests for Supplementary Information on the Application of Conventions in Non-Metropolitan Territories

OBSERVATIONS CONCERNING CERTAIN COUNTRIES

Australia

Last year the Committee noted with regret that the Australian Government had not yet supplied reports on the application in non-metropolitan territories of any of the Conventions which it has ratified except Nos. 8, 27 and 29. It took note of the statement made by the Australian Government representative before the Conference Committee in 1951 that the Government had already decided to extend the application of Convention No. 7 (Minimum Age (Sea), 1920) and No. 16 (Medical Examination of Young Persons (Sea), 1921) to certain territories and that the question was being further studied. Nevertheless the Committee would be grateful if, in accordance with its obligations under the Constitution of the International Labour Organisation, the Government would supply reports on the application of every Convention ratified by Australia.

Belgium

No reports have been received from the Government of Belgium as to the application of ratified Conventions to its non-metropolitan territories. The Committee, while drawing attention to the failure of Belgium to supply any report in respect of its territories, stresses particularly this absence on three ratified Conventions of particular concern to non-metropolitan territories: No. 29 (Forced Labour, 1930), No. 50 (Recruiting of Indigenous Workers, 1936) and No. 64 (Contracts of Employment (Indigenous Workers), 1939).

The Committee wishes also to recall the fact that in 1951 it made certain requests for information in regard to the two latter Conventions.

France

The Committee has noted with satisfaction that the Government has in large measure taken into account the observations and suggestions which were made in 1951, particularly those concerning the application of Conventions No. 6 (Night Work of Young Persons (Industry), 1919) and No. 18 (Workmen's Compensation (Occupational Diseases), 1925) in French Equatorial Africa, Convention No. 13 (White Lead (Painting), 1921) in the French Establishments in Oceania, and Conventions No. 6 (Night Work of Young Persons

(Industry), 1919) and No. 41 (Night Work (Women) (Revised), 1934), in Martinique. The Committee also thanks the Government for the efforts which have been made to produce additional and more detailed reports, particularly as regards Morocco, St. Pierre and Miquelon, Togoland, Algeria, Guadeloupe and French Somaliland. It must, nevertheless, place on record that no report has been received in respect of the French Establishments in India and that those of Martinique, French Guiana and Tunisia are still not sufficiently detailed.

Finally, the Committee feels that it must draw the attention of the Government to the manner of application of the following Conventions :

Convention No. 3 : Maternity Protection, 1919.

In the majority of cases the reports state that no legislation has been adopted for the application of this Convention without, however, giving any indication as to the local conditions which would justify this omission. The lack of provision of maternity benefits (Article 3 (c) of the Convention) is particularly to be noted.

Convention No. 5 : Minimum Age (Industry), 1919.

The reports for St. Pierre and Miquelon and Algeria confirm that children under the age of 14 years are employed.

Convention No. 17 : Workmen's Compensation (Accidents), 1925.

In St. Pierre and Miquelon effect is not given to the provisions of Articles 6, 7 and 10 of the Convention.

Convention No. 33 : Minimum Age (Non-Industrial Employment), 1932.

The provisions of Articles 2 and 3 are not in force in Algeria.

Convention No. 29 : Forced Labour, 1930.

The Committee wishes to thank the Government for the information given in regard to the general provisions of the Penal Code capable of being applied in the case of infringement of the provisions of the Act of 11 April 1946. The Committee would be glad to know if the indications given in regard to French West Africa on this point are equally valid for the other territories. The Committee has noted with satisfaction the promulgation in New Caledonia of the Regulation of 15 May 1951 which is in exact

conformity with the provisions of paragraph 2 (c) of Article 2 of the Convention prohibiting the hiring out of convict labour to private employers.

Italy

The Committee is grateful to the Government for having, so soon after having assumed responsibility for the Trust Territory of Somaliland, supplied a report—on Convention No. 29 (Forced Labour, 1930). It now ventures, however, to call the attention of the Government to its obligations under the Constitution of the International Labour Organisation to supply, in respect of non-metropolitan—including trust—territories reports on the application, under Article 35 of the Constitution, of every Convention ratified by Italy. It also draws attention to the procedure established by the Governing Body at its 105th Session (June 1948) concerning the drawing up of these reports, which should be on the basis of the standard form approved for metropolitan territories in pursuance of Article 22 of the Constitution and should also contain information with regard to any modifications considered necessary owing to local conditions and as to conditions which might have motivated a decision not to apply Conventions.

New Zealand

The Committee thanks the New Zealand Government for its replies to the series of detailed questions put by it last year and notes with particular satisfaction the passing of the Contracts of Employment (Indigenous Workers) Ordinance, 1950, applying to Western Samoa the provisions of Conventions No. 64 (Contracts of Employment (Indigenous Workers), 1939) and No. 65 (Penal Sanctions (Indigenous Workers), 1939).

Portugal

While noting the improved quality of the reports received from Portuguese territories, particularly as regards statistical data, the Committee regrets that no reports have been received from Mozambique¹, and hopes that the omission may be rectified next year.

United Kingdom

The Committee wishes to thank the Government for the additional information it has received this year in respect of the application of Conventions to non-metropolitan territories, and notes that in respect of some of the Caribbean territories more detailed information has been given than in some former years. It notes that substantial reports have been received in respect of the Leeward Islands, where circumstances had in recent years prevented their preparation.

The Committee wishes to thank the Government for the added attention paid this year to its requests for information, especially in regard to modifications of the application of Conventions.

It notes that in the case of British Guiana, the Government of that colony states that a review is being made of the extent to which Conventions have been applied to the territory for the purpose of considering, in the light of any changes in local conditions, what changes to existing legislation may be necessary.

In the case of the British Solomon Islands Protectorate, the Committee notes that the Government has re-examined the question of applying the Conventions in cases previously considered inapplicable and is of the opinion that no changes are called for at present.

Communication of Reports to Organisations of Employers and Workers

The Committee notes with appreciation the continuation of the practice, which it suggested in 1949, of submitting reports on the application of Conventions to local employers' and workers' organisations in cases where they are sufficiently representative and, in appropriate cases, to Labour Advisory Boards. In this connection, it has taken note of the reply made by the Government of British Guiana to the Committee's observation of last year that no mention was made either of the fact of communication to local organisations or of non-existence of sufficiently representative organisations. The Government explains that "there is at present no organisation of employers sufficiently comprehensive in its nature to cover all industries and occupations and the trade union movement is not developed to such an extent as to make the submission of reports a practicable proposition". In this connection the Committee refers to its remarks in its General Report (paragraph 42).

In the case of Nigeria, the Committee notes that the reports for 1948-1949 were sent to the Trade Union Congress of Nigeria and to the Nigerian Mining Employers' Association, while it appears that for 1950-1951 reports have been sent to the Nigerian Mining Employers' Association alone. The Committee would be glad if the Government would inform it whether there has been any change in the representative character of the Trade Union Congress of Nigeria in view of the fact that the reports for 1950-1951 have not been communicated to it.

Convention No. 5: Minimum Age (Industry), 1919.

In the case of Singapore, the Committee notes that under the Children and Young Persons Ordinance, No. 18 of 1949, which came into force in the period under review, children from the age of eight years may be employed in agricultural or horticultural work, in light work carried on collectively by the family of the child or by the local community, or on light work of a domestic character in the household of a natural parent or legal guardian. The Committee would be glad to know what are the special local circumstances which are held to justify the Government in giving legal sanction to employment on any kind of work of children of such tender age. The Committee notes, with respect to St. Lucia, that regulations are being drafted to enable the Employment of Children Restriction Ordinance, No. 28 of 1939, to be proclaimed, and would appreciate being informed when these are likely to be promulgated.

Convention No. 29: Forced Labour, 1930.

The Committee last year drew attention to the report of the Government of Bechuanaland relating to Section 25 (1) (a) of the Native Administration Proclamation No. 32 of 1943 concerning work approved by the Resident Commissioner. It noted that, although that Government had stated that this section had been taken from the legislation of Northern Rhodesia and was no longer applied in practice, it was still in the legislation and might be applied; it therefore wished to know for what kinds of labour compulsory work might be required. In reply, the Government in its report repeats the information previously supplied and adds that the type of work on which a man may be compulsorily employed under the section referred to is entirely within the discretion of the Resident Commissioner and the power to do so has never been invoked. By subsection (c) of the same section, cultivation of land only may be ordered.

In Kenya, during the period under review, the requisitioning of porters to carry head loads for Administration Officers on tour was abolished and mechanical transport was used instead.

¹ This report was received by the Office on the last day of the Committee's meeting.

In Uganda the Committee notes the report of the Government as to the extension of the road system and hopes that this will speedily lead to the cessation of all forms of forced labour and its substitution by mechanical forms of transport.

Convention No. 50 : Recruiting of Indigenous Workers, 1936.

In its report for 1948-1949 the Government of Malaya stated that it intended to enact legislation at an early date to apply the provisions of the Convention, but subsequently it has made no further mention of the matter. In reply to the Committee's request last year for information on this point the report states that a preliminary draft of the necessary legislation has been made by the Department of Labour and is being held ready in case it should appear that recruitment of indigenous workers in the manner envisaged by the Convention is likely to take place.

In the Solomon Islands the Committee notes that the Government states that the application of the Convention has been extended and that there is no economic necessity for the indigenous population to work for wages. It adds that the demand for labour at all times exceeds the available supply.

In reply to the Committee's request for information regarding the application of Article 18 of the Convention to the territory of Swaziland, as to which no information had been supplied, the report for 1950-1951 indicates that draft legislation is at present under consideration which should bring the present law into close accord with the Convention. The Committee would be glad to be kept informed of the progress made in this direction.

In British Somaliland the report states that the Government has prepared legislation which will apply, as far as local circumstances permit, the provisions of the Convention and that the draft legislation is at present being examined by the Colonial Office.

In some colonies recruiting has continued under the supervision of the Labour Departments or their

equivalents, as in the Gold Coast, where no case of illegal recruitment has been reported, in Barbados and in Hong Kong, where the report states that some workers who had been recruited for employment abroad in previous years and returned to Hong Kong again volunteered for employment and were accepted; in Singapore a small number of workers applied to the employment exchange for work in other territories. The Committee notes that in the case of Tanganyika two professional recruiters continued to operate in the territory in the period under review. The report states that the Ordinance to implement the statutory recruiting organisation—known as the Labour Supply Corporation—has not been brought into operation. The Committee hopes that the Government will actively continue its efforts to find a satisfactory solution to the problem of the supply of labour which will lead eventually to the ending of the necessity for professional recruiters, and will be glad if the Government will inform it of such progress as may be made in this respect.

Convention No. 64 : Contracts of Employment (Indigenous Workers), 1939.

In reply to a request by the Committee last year as to the progress made in the examination of the feasibility of applying this Convention, the report for Grenada states that observation of the terms of this Convention would restrict possible emigration, which serves to relieve local unemployment. The Committee notes with satisfaction that reviews of practice with the aim of adopting legislation covering the provisions of this Convention are being conducted in other Caribbean territories.

Convention No. 65 : Penal Sanctions (Indigenous Workers), 1939.

The Committee notes with satisfaction the action taken in Singapore to repeal legislation relating to penal sanctions, which was in practice obsolete.

APPENDIX II

ANNUAL REPORTS FOR 1950-1951

(ARTICLE 22 OF THE CONSTITUTION)

Received or Still Due, 17 March 1952

Total requested : 907—Reports received : 705—Reports still due : 202

Country	Reports received		Reports still due	
	Number received	Conventions No.	Number due	Conventions No.
Afghanistan	5	4, 13, 14, 41, 45	0	—
Argentina	33	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 21, 22, 23, 26, 27, 29, 30, 32, 33, 34, 41, 42, 45, 50, 52	0	—
Australia	12	7, 8, 9, 15, 16, 21, 22, 26, 27, 29, 63, 88	0	—
Austria	18	2, 4, 5, 6, 10, 11, 13, 17, 18, 19, 21, 24, 25, 27, 33, 42, 45, 81	0	—
Belgium	31	1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 26, 27, 33, 41, 42, 43, 45, 53, 55, 56, 58	3	29, 50, 64
Brazil	11	3, 5, 6, 7, 16, 41, 42, 45, 52, 53, 58	0	—
Bulgaria	0	—	54	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, 32, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 49, 52, 53, 55, 56, 58, 60, 62, 77, 78, 79, 81, 88
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	—
Ceylon	2	6, 7	0	—
Chile	34	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 24, 25, 26, 27, 29, 30, 32, 34, 35, 36, 37, 38, 45	0	—
China	0	—	13	7, 11, 14, 15, 16, 19, 22, 23, 26, 27, 32, 45, 59
Colombia	0	—	24	1, 2, 3, 4, 5, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26
Cuba	25	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 22, 23, 26, 30, 33, 42, 45	0	—
Czechoslovakia	0	—	24	1, 4, 5, 10, 11, 12, 13, 14, 17, 18, 19, 21, 24, 25, 27, 35, 36, 37, 38, 39, 40, 42, 43, 49
Denmark	17	5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19, 29, 42, 52, 53, 63	1	2

Application of Conventions and Recommendations

Country	Reports received		Reports still due	
	Number received	Conventions No.	Number due	Conventions No.
Dominican Republic	0	—	4	1, 5, 7, 10
Egypt	5	19, 41, 45, 53, 63	0	—
Finland	29	2, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 27, 29, 30, 32, 34, 42, 45, 52, 53, 62, 63, 81, 87	0	—
France	38	2, 3, 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	16	1, 4, 6, 11, 14, 15, 16, 18, 19, 21, 22, 27, 32, 45, 81, 89	0	—
Iraq	0	—	5	18, 19, 41, 42, 58
Ireland	27	2, 5, 6, 7, 8, 10, 11, 12, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 41, 42, 43, 44, 45, 49, 63	0	—
Italy	24	2, 4, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 18, 19, 22, 23, 26, 27, 29, 32, 35, 36, 37, 38	0	—
Liberia	0	—	1	29
Luxembourg	27	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28	0	—
Mexico	27	8, 9, 11, 12, 13, 14, 16, 17, 19, 21, 22, 23, 26, 27, 29, 30, 32, 34, 42, 43, 45, 49, 52, 53, 55, 62, 63	3	6, 7, 87
Netherlands	27	2, 5, 6, 8, 9, 11, 12, 13, 15, 16, 17, 19, 21, 22, 23, 26, 27, 29, 33, 41, 42, 45, 48, 58, 63, 87, 88	0	—
New Zealand	27	1, 2, 9, 10, 11, 12, 14, 17, 21, 22, 26, 29, 30, 32, 42, 44, 45, 49, 50, 53, 58, 59, 60, 63, 64, 65, 88	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	27	2, 5, 7, 8, 9, 11, 13, 14, 15, 18, 19, 22, 26, 27, 29, 34, 42, 43, 49, 50, 53, 58, 59, 63, 81, 87, 88	0	—
Pakistan	14	1, 4, 6, 11, 14, 15, 16, 18, 19, 21, 22, 27, 32, 45	0	—
Peru	0	—	11	1, 4, 11, 14, 19, 24, 35, 37, 39, 41, 45
Poland	32	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, 77, 78, 79	0	—
Portugal	9	1, 4, 6, 14, 17, 18, 19, 27, 45	0	—

Country	Number received		Reports still due	
	Reports received	Conventions No.	Number due	Conventions No.
Sweden	25	2, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 27, 29, 32, 34, 42, 45, 58, 63, 81, 87, 88	0	—
Switzerland	15	2, 5, 6, 11, 14, 18, 19, 26, 27, 29, 44, 45, 62, 63, 81	0	—
Syria	0	—	1	89
Turkey	5	2, 14, 34, 42, 45	0	—
Union of South Africa ...	6	2, 19, 26, 45, 63, 89	0	—
United Kingdom	34	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, 81, 87, 88	0	—
United States	3	53, 55, 58	0	—
Uruguay	30	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 32, 33	0	—
Venezuela	7	3, 5, 6, 13, 27, 41, 45	10	1, 2, 7, 11, 14, 19, 21, 22, 26, 29
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 1950-1951 ¹

The ratifications in question are as follows :

	Number of ratifications		Number of ratifications
Albania	4	Latvia	17
Estonia	22	Lithuania	7
Germany	17	Rumania	17
Japan	14	Spain	34

¹ This table is given for statistical purposes only. Clearly a number of complicated legal and constitutional questions arise, varying from case to case, as to whether the reports are due in certain 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 ¹		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	— ²	—
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	666	80.1
1950-1951	907	705	77.7		

¹ The opening date of the session of the Committee of Experts has, in general, been the end of March or the beginning of April. In a number of cases, however, the session has opened on other dates, varying between 29 February, in 1932, and 23 July, in 1945; the date limit for the receipt of reports has accordingly varied.

² The Conference did not meet in 1940.

APPENDIX IV

GENERAL REMARKS CONCERNING REPORTS ON UNRATIFIED CONVENTIONS AND
ON RECOMMENDATIONS

(Article 19 of the Constitution)

UNEMPLOYMENT PROVISION CONVENTION, 1934
(No. 44)*Introduction*

This Convention is concerned with unemployment insurance and various forms of payment for the relief of the unemployed. It envisages benefit on a compulsory or voluntary basis and allowances through a complementary assistance scheme. It contains detailed provisions on coverage, conditions governing the right to receive benefits or allowances, the definition of suitable employment, duration and mode of payment of benefits or allowances, the establishment of appeals boards and tribunals, and entitlement to benefits or allowances of persons residing abroad and of foreigners residing in the country.

It will be recalled that the Conference at its 34th Session (June 1951) held a first discussion on a proposed Convention on minimum standards of social security. While unemployment is among the contingencies to be covered by this text, it should be noted that, according to the Conclusions adopted as a result of this discussion, the proposed Convention is "not to be regarded as revising any existing Convention".

The Unemployment Provision Convention, 1934 (No. 44) has been ratified by the following countries: Bulgaria, Czechoslovakia, France, Ireland, New Zealand, Switzerland and the United Kingdom. It came into force on 10 June 1938.

Reports Received

The following 23 countries have submitted reports on the Convention in accordance with Article 19 of the Constitution: Argentina, Australia, Austria, Belgium, Bolivia, Canada, Denmark, Dominican Republic, Finland, Greece, Guatemala, Iceland, India¹, Italy, Netherlands, Norway, Pakistan, Sweden, Turkey, Union of South Africa, United States¹, Uruguay, Viet Nam.

Content of Reports

There is a great diversity in the amount of detail given in the various reports. Denmark and Finland indicate that some but not all the provisions of the Convention are observed. The Netherlands, where a new Act is about to be put into operation, describes the system set up by this legislation as well as the provisions it supersedes. Austria gives full particulars on the discrepancies between its own scheme and the Convention. Only the reports of Australia, Belgium, Canada, Greece, Italy, Norway, Sweden, Union of South Africa and the United States contain data on national action in respect of each of the substantive Articles of the Convention. The efforts of these Governments to supply a maximum of information are particularly appreciated as they render possible a comparison not only between the standards laid down by the Convention and national law and prac-

tice but also between the various types of unemployment provision in force in the countries concerned.

Effect given to the Convention

The Dominican Republic, Guatemala, Iceland, Pakistan, Turkey and Viet Nam state that no unemployment insurance or assistance scheme exists in the country; they ascribe this fact either to the state of economic development or to the absence of unemployment and some explain that workers are in certain cases entitled to severance pay or dismissal allowances. In Argentina a new department recently created will be responsible for the payment of unemployment benefits. In India the Constitution lays down, as one of the directive principles of public policy, that the State shall make effective provision for securing the right to public assistance in case of unemployment. The implementation of this principle will, according to the report, take considerable time, but a start has been made through the adoption of the Employees' State Insurance Act. In Uruguay the Government states that, although no general system of unemployment allowances exists, measures have been taken which on the whole are in conformity with the Convention.

The analysis below attempts, primarily, to draw attention to instances where national law and practice differ from the corresponding provisions of the Convention. As they are based exclusively on information contained in the Governments' reports, these findings are fully valid only in the case of the nine countries mentioned above (Content of Reports) which have reported in detail on their relevant legislation. None the less, pertinent data given in the reports from the other countries are also taken into account in this analysis.

Article 1 (Scheme Required).

Thirteen of the 23 reporting countries mention schemes to cover the risk of unemployment (as mentioned above, the remaining 10 countries do not maintain such schemes): Australia, Austria, Belgium, Canada, Finland, Greece, Italy, Netherlands¹, Norway, Union of South Africa and the United States have compulsory systems while those of Denmark and Sweden are voluntary; the Austrian, Italian, Netherlands and Swedish reports also mention that supplementary unemployment assistance allowances are paid.

Of the four federal countries maintaining schemes, only one, the United States, operates a joint Federal-State programme, while in Australia, Austria and Canada the relevant legislation was enacted, and is mainly administered, by the Central Government.

Article 2 (Coverage).

In the countries supplying information concerning coverage, the schemes usually exclude some or all of

¹ The information given below on the Netherlands scheme takes account only of the provisions of the Unemployment Insurance Act of 1949 which will shortly come into force.

¹ Report received too late to be summarised in Report III (Part II).

the categories enumerated in paragraphs 2 and 4 of Article 2. In Greece the system does not as yet cover the whole of the national territory. In the Netherlands and Norway the scheme does not cover any person—and this includes manual workers—whose earnings exceed a specified amount. In the Union of South Africa persons engaged on seasonal work during less than eight months of the year, "Natives whose rate of earnings does not exceed £182 a year" and persons employed in areas where "public opinion is opposed to unemployment insurance", are not covered by such insurance.

Article 3 (Partial Unemployment).

Benefits or allowances are usually paid to partially unemployed persons. In Sweden, however, unemployment funds may prescribe in their rules that benefits shall not be granted in the case of short-time work. In Australia persons earning for a period of two weeks more than the amount of the allowance plus a permissible weekly income of £1 cease to qualify for the benefit. In Finland allowances are paid in case of partial unemployment. In Greece no benefit is payable in case of partial unemployment.

Article 4 (Qualifying Conditions).

In the schemes examined the relevant conditions for the receipt of benefits or allowances correspond to those set out in this Article.

Article 5 (Other Conditions).

Some reports indicate that the payment of benefits and allowances is subject to certain conditions, other than those provided for in Articles 6 to 12 below. Belgium excludes workers engaged simultaneously in two types of gainful occupations, persons working for several employers, etc., Canada some married women. The United States makes an exception in the case of unemployment due to marital obligations and to pregnancy.

Article 6 (Qualifying Period).

There is great diversity in the definition of the qualifying period, ranging all the way from the complete absence of such a period in Australia and in Belgium (75 days' employment over a period of three years is required for women only) to 13 weeks in the Union of South Africa, 180 days over a period of two years in Canada, 156 days in 15 months in the Netherlands, 180 days in 18 months in Greece, 45 weeks in four years in Norway, one year in two years in Italy and one year (including five months during the preceding 12 months) in Sweden. In Italy unemployment allowances are made conditional on one month's contribution to an insurance scheme.

Article 7 (Waiting Period).

The length of the waiting period also varies substantially from country to country: usually one day (one week for homeworkers) in Belgium, five days (ten days for non-manual workers) in Greece, five days for unemployment allowances in Italy, six days in Norway and Sweden, seven days and one week respectively in Australia and the Union of South Africa, and eight days in Canada. In the United States nearly all the States require a one week waiting period; three States only do not require any waiting period.

Article 8 (Vocational Training).

In Australia, Belgium, Canada, Italy, Netherlands and Norway attendance at a course of vocational or other instruction may be required of recipients of benefits or allowances. Greece, Sweden, Union of

South Africa and the United States do not have such a provision.

Article 9 (Employment on Relief Works).

In Belgium, Finland, Italy, Norway and Sweden unemployed persons may be directed to work on relief projects.

Article 10 (Disqualifications).

There is considerable diversity in the concept of "suitable employment". The definitions given in the various reports are often broader than those contained in the Convention. Thus, Belgium, Canada and Sweden take a less liberal view of the question of residence and accommodation. In Austria, Belgium, Norway and the Union of South Africa a claimant may have to accept employment at a lower rate of wage than that previously received or in a trade other than his own. Some reports point out in this connection that prolonged unemployment may diminish a worker's occupational capacity. Vacancies due to a trade dispute are usually excluded from the definition of suitable employment. In Belgium, however, such vacancies are not considered *a priori* unsuitable.

The relevant national laws generally provide for the disqualifications for receipt of benefits and allowances contained in paragraphs 2 and 3 of this Article. Direct participants in a trade dispute are not entitled to such payments. As a rule special sanctions are imposed for loss of employment through wilful misconduct, for leaving voluntarily without just cause, for fraudulent claims and for not accepting a situation offered. It is noteworthy that in some cases (*e.g.*, Belgium) not only compensation for loss of earnings but also legally stipulated discharge allowances disqualify from receipt of benefit, although compensation provided for by law is not considered as a disqualifying factor by the Convention.

Article 11 (Duration of Benefit).

The maximum limit of duration of benefits or allowances varies considerably. As for benefits, in Australia and Belgium they are not subject to a specific time limit; in Austria the normal maximum length of payment is 84 days (up to 210 in certain cases) and in Sweden, 90 days (up to 156); the maxima in other cases are: Canada, 365 days; United States (all but seven States), from 20 to 26 weeks; Italy, 180 days; Greece, 182 days (52 days for seasonal workers); Netherlands, 156 days; Union of South Africa, 26 weeks; and Norway, 90 days. These figures usually refer to the maximum period in a benefit or calendar year. As regards allowances, the period of entitlement is usually unlimited (except in Italy).

Article 12 (Needs Test).

Wherever insurance schemes exist, receipt of benefit is not made subject to a means test. Italy and Sweden indicate the existence of a means test for the payment of unemployment allowances. Australia has an income test of £1 a week and a claimant having an income above that amount is disqualified.

Article 13 (Payment in Cash or Kind).

Practically all reports mention payments in cash only. In Belgium unemployed who have successfully completed a course of retraining receive in addition a grant in kind, usually in the form of tools. Sweden states that in certain circumstances insurance benefits as well as unemployment relief can be paid partly or wholly in kind.

Article 14 (Appeals).

All countries with unemployment schemes have constituted authorities to deal with disputes and appeals concerning benefits or allowances. These

questions are either settled by the agencies administering the unemployment schemes (Australia, Denmark, Greece, Italy and Norway), or by special tribunals (Belgium, Canada, Netherlands and the Union of South Africa) or by the general courts (Sweden). The right of appeal to a high judicial authority is usually provided for, particularly on points of law.

Article 15 (Residence Abroad).

As a rule residence abroad disqualifies for receipt of benefits or allowances. Canada indicates that, under a reciprocal agreement with the United States, workers who have accumulated credits in one country may establish claims in the other country if they become unemployed there. In the United States residence in the country is not required. In Italy the families of workers who have recently gone abroad for employment may receive allowances during a transition period of not longer than 45 days. Special arrangements also exist for unemployed Norwegian and Swedish seamen abroad.

Article 16 (Foreign Workers).

All foreigners who are *bona fide* residents are covered by the unemployment insurance schemes and therefore eligible for benefits, sometimes after an appropriate period of residence, in the same way as nationals. Non-contributory allowances, on the other hand, are paid to foreigners only on the basis of reciprocity (Austria, Belgium). In Sweden non-citizens receive unemployment relief after one year's employment.

Conclusion

On the basis of the limited number of reports and the varying amount of detail they contain, only tentative and preliminary conclusions can be drawn.

There exist clearly two groups of countries: those which, owing to the degree of their industrial development, have a large body of workers in manufacturing undertakings and trades; and those with economies which are still primarily agricultural in character. In the former the measures envisaged by the Convention to protect involuntarily unemployed workers have on the whole been adopted. In the latter it is often underemployment rather than unemployment which constitutes the principal difficulty, and the provision of benefits or allowances for the unemployed is therefore considered economically premature by the countries concerned. Some countries in this group also point to such difficulties as lack of trained staff and of actuarial data.

It appears clearly from at least five reports (Argentina, Guatemala, India, Turkey and Uruguay¹) that the question of unemployment insurance and/or assistance gains increasing prominence with the progressive industrialisation of a country, and is dependent upon the organisation of an adequate employment service (cf. reports on the Employment Service Convention, 1948, below).

The reports from countries which already possess such systems indicate that most of the discrepancies between their standards and those of the Convention relate to technical points such as the definition of "suitable employment" and the duration of benefit payments. Austria, Belgium, Canada, Norway, Sweden and the Union of South Africa point to these discrepancies to explain their failure to ratify. If these differences are insurmountable, the countries concerned may find it possible to ratify at a later date the contemplated Convention covering minimum standards of social security (which is to come before the 1952 Session of the Conference for final discussion) on the basis, *inter alia*, of the measures they have taken

for the protection of workers against the risk of unemployment.

In connection with the question of ratification, the United States report refers to the fact, already mentioned above, that under its constitutional system the Convention is regarded as appropriate in part for federal action and in part for action by the States.

Greece and Italy signify their intention to ratify the Convention. The Netherlands report states that it will be possible for the Government to adhere to the Convention after the expected coming into force this year of the Unemployment Insurance Act. Australia indicates that it is examining the question whether its public assistance scheme is permissible under the Convention. According to the Indian report it is not possible for the Government to think of ratifying the Convention in the immediate future.

This review would be incomplete if some mention were not made of the very large measure of practical collaboration by employers' and workers' representatives in the day-to-day operation of unemployment insurance and assistance. Almost every report mentions this fact and some countries point out that the industrial groups carry a major burden not only in financing but also in administering the schemes.

UNEMPLOYMENT PROVISION RECOMMENDATION, 1934 (No. 44)

Introduction

In 1934, the International Labour Conference adopted a Recommendation concerning unemployment insurance and various forms of relief for the unemployed, in order to supplement the provisions of the Unemployment Provision Convention, 1934 (No. 44).

This Recommendation provides for the establishment of a complementary assistance scheme for all categories of workers, in addition to the setting up of a compulsory insurance scheme. It also determines the standards to be adopted in defining "qualifying periods", "waiting periods" and "suitable employment", and the conditions in which unemployed persons may be required to accept employment on relief works or to attend vocational training courses. Finally, the Recommendation provides for the participation of the persons concerned in the administration of insurance schemes, it lays down the principle of equality of treatment in the case of foreign workers and encourages the adoption between neighbouring States of bilateral agreements dealing with these problems.

Reports Received

Twenty-seven reports have been received (Argentina, Australia, Austria, Belgium, Bolivia, Canada, Denmark, Dominican Republic, Finland, France, Greece, Guatemala, Iceland, India¹, Ireland, Italy, Netherlands, New Zealand, Norway, Pakistan, Sweden, Switzerland, Turkey, Union of South Africa, United Kingdom, United States¹ and Viet Nam).

Content of the Reports

Some reports are very comprehensive and deal in detail with the various provisions of the Recommendation (Australia, Belgium, Canada, France, Ireland, Italy, Netherlands, New Zealand, Norway, Sweden, Switzerland, Turkey, Union of South Africa, United Kingdom and United States); others do not give a precise description of the situation and practice of the country (Austria, Denmark, Finland and Iceland), while still others give only a limited

¹ This report states that a proposal for an unemployment insurance scheme was submitted to Congress in September 1949 and this scheme, if approved, would meet the requirements of the Convention.

¹ Report received too late to be summarised in Report III (Part II).

sketch of the system introduced (Argentina, Bolivia), or simply refer to the information supplied in the report on Convention No. 44.

Effect given to the Recommendation

Paragraph 1 (Scheme Required).

The reports received show that some countries have introduced a system of compulsory unemployment insurance which deviates only slightly from the directives of the Recommendation (Austria, Canada, Greece, Ireland, Italy, Norway, Union of South Africa, United Kingdom and United States). In others a voluntary system has been adopted (Denmark, Finland, France and Sweden). Unemployment benefits are paid out of social security funds in certain countries (Australia, Belgium, New Zealand). Some States have not yet introduced a universal system of insurance against unemployment (Argentina, Bolivia, Dominican Republic, Guatemala, Iceland, Pakistan, Turkey and Viet Nam).

The Danish authorities are not prepared to adopt a compulsory system of insurance. They consider that persons who have not voluntarily insured themselves against unemployment should not be in a better position when out of work than when they are without an income for other reasons beyond their control.

In France there are two special insurance schemes, one for building workers and the other for workers employed in the loading and unloading of vessels. In addition, the State has created a fund, known as "The National Employment Fund", for the assistance of unemployed workers.

The Finnish system is voluntary and is based on funds organised by the trade unions, with subsidies provided under national legislation and administered by the Ministry of Social Welfare.

In the Netherlands the Unemployment Insurance Act of 1949 has not yet come into force, although it is expected to do so during 1952, and for the present there is only a temporary scheme under which certain benefits are paid to the unemployed out of social assistance funds.

Paragraph 2 (Complementary Assistance Scheme).

As regards complementary assistance schemes as defined in the Recommendation, only seven countries have established these (Austria, Canada, France, Ireland, Italy, Norway and the Union of South Africa). Some systems based on the principle of social security (Australia, Belgium and New Zealand) have no restrictions as to eligibility for benefits and consequently consider a complementary assistance scheme to be unnecessary.

Paragraph 3 (Payment of Benefits or Allowances to Partially Unemployed Persons).

In regard to the payment of unemployment benefit to persons who are partially unemployed, the following States only have given effect to this directive of the Recommendation: Belgium, Canada, France, Greece, Ireland, Italy, New Zealand, Norway, Union of South Africa, United Kingdom and United States.

Paragraph 4 (Scope).

The countries which grant benefit in accordance with this paragraph (with certain exceptions and in the great majority of cases excluding benefit to persons who work on their own account) are: Australia, Austria, Canada, France, Greece, Italy, Ireland, New Zealand, Norway, Union of South Africa and United Kingdom. Belgium considers that the unemployment insurance system should not apply to persons employed under a contract of apprenticeship with money payment when such contracts are made only on the approval of the State and their execution is under its supervision. Belgium also considers that there should be no obligation to apply the unemployment insurance

system to all categories of workers without distinction (subparagraph (c)). Neither is it possible, says the Belgian report, to adapt the system of unemployment insurance to include persons who work on their own account (subparagraph (d)). As for the United States, there are many exceptions regarding subparagraph (a).

Paragraph 5 (Maximum Remuneration).

No maximum remuneration as a criterion of liability to insurance is fixed under the legislation of the following countries: Australia, Austria, Belgium, France, Greece, Ireland, Italy, New Zealand, Sweden, United Kingdom and United States. In Canada, Norway and the Union of South Africa all workers whose yearly earnings exceed a certain amount are excluded from the insurance scheme. In three of the first-mentioned countries (Australia, Belgium and New Zealand) all workers are automatically included because payments to unemployed persons are made out of a Social Security Fund which receives its revenue from general taxation.

Paragraph 6 (Qualifying Period).

Most countries which have an unemployment insurance system implement or exceed the terms of the Recommendation in regard to the qualifying period. These countries are: Austria, Canada, France, Greece, Ireland, Sweden, United Kingdom and United States. One State (Italy), however, insists that the worker shall have contributed for 12 months or 52 weeks during the two years preceding the claim for benefit and that at least two years shall have elapsed between his joining the scheme and the beginning of his unemployment period. In countries where the system is based on social security (Australia, Belgium and New Zealand) there is no qualifying period whatever and in the Union of South Africa the qualifying period is 13 weeks. In Norway the period is 45 weeks within the previous four years.

Paragraph 7 (Duration of Benefit).

As is the case in regard to the qualifying period, in those countries where the system is based on social security (Australia, Belgium and New Zealand) there is no fixed term for the duration of benefit. In other countries the duration varies: Austria, usually 84 days; Canada, one year minus nine days; France, no limit; Greece, 182 working days; Ireland, 26 weeks; Italy, 90 to 180 or more days in exceptional circumstances; Norway merely states that it has taken steps to make the duration of receipt of benefit as long as possible; in the Netherlands the transition scheme in force stipulates that the maximum period shall be 13 weeks, but certain allowances in accordance with the general conditions attached to social assistance and lower than the unemployment benefit may be paid for an unlimited period; in the United Kingdom the normal period is 180 days but persons who have been insured for five years have the right to a further 130 days, or 310 days in all. Moreover, any claimant exhausting his standard benefit but continuing to satisfy all the other benefit conditions may apply for payment of "extended unemployment benefit", which may be given on the recommendation of a local tribunal. In Sweden insured persons have a right to 156 days of benefit within 12 months, in the Union of South Africa the period is 26 weeks in 12 months and in the United States not more than 26 weeks.

Paragraph 8 (Waiting Period).

The waiting period is the same as or shorter than the period of eight days laid down in the Recommendation in: Australia, Austria, Belgium, Canada, France, Ireland, Italy, New Zealand, Norway, Sweden, Union of South Africa and United Kingdom. In

Greece the period varies, being five days for technicians and ten days for employees and those in domestic service. In the United States a waiting period is required only in three States.

Paragraph 9 (Definition of "Suitable Employment").

All countries which have an unemployment insurance system agree with the Recommendation as to the definition to be given to "suitable employment" except Belgium, which makes some reservations, and Australia and Canada, which leave the decision to the competent authority. Belgium considers that there should be no obligation to take the claimant's length of service in his previous employment into consideration when deciding whether an employment is suitable or not, or his chances of obtaining work in it and his vocational training (although it is recognised that skilled workers may, during a limited period of unemployment, refuse to accept employment other than in their habitual occupation).

Paragraph 10 (Disqualification).

The provisions of the Recommendation as regards disqualification for the receipt of benefit or allowances on the ground that a claimant has lost his employment by reason of a stoppage of work due to a trade dispute is given effect to in Australia, Austria, Canada, France, Ireland, Norway and the United Kingdom. Belgium states that, while benefits are paid once the trade dispute has ended, all workers who owing to some fault of their own do not resume work remain excluded from benefit. In Italy no steps have been taken in regard to exclusion from benefit in case of loss of employment through a trade dispute. The Union of South Africa maintains that the Recommendation is more rigorous than the provisions of Convention No. 44 and consequently cannot be accepted by the authorities. In the United States the decision in this matter falls within the competence of the individual States, some of them implementing the provisions of this paragraph and others not.

Paragraph 11 (Obligation to Attend a Course of Vocational or Other Training and Obligation to Accept Employment on Relief Works).

As regards the obligation to attend a course of vocational or other instruction and to accept employment on relief works, the following countries are in agreement with the terms of the Recommendation: Austria, France, Ireland, Italy, Norway, United Kingdom and United States. In Australia and Canada the competent authorities can oblige persons in receipt of unemployment benefit to attend a course of vocational instruction at the expense of the State, although subparagraphs (b) and (c) of this paragraph of the Recommendation do not apply to the case. In Greece and Sweden there is no obligation to attend a course of vocational training and in New Zealand and the Union of South Africa no steps have been taken in this direction. The Belgian Government considers that the provision that relief works should be limited to those of an exceptional and temporary character and only then organised by the public authority by means of funds specially allocated for the relief of unemployed should not be given effect to.

Paragraph 12 (Miscellaneous Facilities to Help the Unemployed).

All countries which have an unemployment insurance scheme, with the exception of Austria, Greece and the United States, have made provision from unemployment assistance funds for vocational and other training and the payment of fares when the unemployed person moves to other areas in search of work.

Paragraph 13 (Periodical Review of the Financial Position of Insurance Funds).

In view of the fact that in Australia, Belgium and New Zealand unemployment insurance is based on payments to unemployed persons made out of the Social Security Fund, which receives its revenue from general taxation, the provisions of this Paragraph as to the administration and supervision of the schemes are not applicable. In all other countries where there is an established programme for this type of insurance these provisions are applied.

Paragraph 14 (Emergency Funds).

In Australia, Belgium and New Zealand it has not been considered necessary to create an emergency fund, since the scheme is based on social security. Other countries too have not considered it necessary, such as the United Kingdom, where the support of the Exchequer is counted upon, and France, where the system of unemployment assistance is not based on insurance but on the support of the State in the form of the "National Employment Fund"; furthermore, the French budget system is opposed to the transfer of credits from one year to another. Greece, Ireland and Italy also have no emergency fund as suggested, although Greece and Italy point out that they have not considered its creation necessary as the authorities are in a position to deal with any emergency. Austria, Canada, Norway, Sweden, the Union of South Africa and the United States have emergency funds for use in case of intense unemployment.

Paragraph 15 (Participation of Representatives of the Contributors in the Administration of the Insurance Scheme).

Participation of representatives of the contributors in the administration of the insurance scheme is provided for by Austria, Belgium, Canada, France, Greece, Italy, Norway, Union of South Africa, United Kingdom and the United States (except in five States). In Australia and New Zealand, where the insurance scheme is based on social security and there are no contributors, strictly speaking, the administration of the funds is the responsibility of the competent authorities only. In Ireland, although the workers' organisations and trade unions do not participate directly in the administration of the insurance funds, they are, however, represented on the arbitration tribunals which hear complaints against administrative decisions. In Sweden the employers take no part in the administration of the scheme since they do not contribute to the fund.

Paragraph 16 (Equality of Treatment).

Generally speaking, all countries which have an unemployment insurance scheme give equality of treatment to foreigners who have a residence permit, although in Australia and New Zealand the proviso is usually made that the person in question shall have resided in the country for not less than a year and in Ireland the period insisted on is five years. In the Netherlands, Belgian and Luxembourg citizens enjoy the same rights as nationals, as also persons who have lost their Dutch nationality and any foreigner who has resided and worked in the country for five years.

Paragraph 17 (Bilateral Agreements).

The legislation of all countries which have an unemployment insurance system authorises the making of bilateral agreements with neighbouring States regarding frontier workers, with the exception of France, Greece and the Union of South Africa. In France frontier workers receive no assistance whatever as there are no bilateral agreements with neighbouring countries. Neither has the Union of South Africa considered it necessary to make bilateral agreements with its neighbours.

Federal States

No problem has arisen in federal States by reason of the introduction of an unemployment insurance scheme except in Switzerland where, although the legislative competence with regard to unemployment insurance passed into the hands of the federal authorities by virtue of the referendum of July 1947, it is left to the cantons to decide whether compulsory unemployment insurance shall be introduced. As a result, 16 cantons introduced compulsory unemployment insurance, four cantons delegated the competence thereof to the municipalities and in the other five cantons this type of insurance is not compulsory. Although the Federal Council established a complementary assistance scheme, its implementation, which is at the discretion of the individual cantons, was left in suspense in 1948, but may be enacted in the event of a new economic depression. For the above reasons it is difficult to give an exact picture of the present unemployment legislation for the country as a whole, although in the cantons where compulsory insurance has been adopted the provisions of the Recommendation have been followed in general.

As for the United States, although compulsory insurance is generally applied and follows, in general, the provisions of the Recommendation, some States do not give effect to certain points in those provisions.

Conclusion

The above analysis leads to the conclusion that the main provisions of the Recommendation are, on the whole, accepted by the majority of the States Members which have supplied the information requested.

However, although it may be thought that, as in the case of Convention No. 44, the manner in which effect is given to the provisions of the Recommendation depends on the more or less advanced stage of economic development in the various countries, there are some notable exceptions to this classification.

Thus, the countries which have organised compulsory unemployment insurance schemes include those, such as Australia, Austria, Belgium, Canada, Italy, Netherlands, New Zealand, Norway, Union of South Africa, United Kingdom and the United States, which may be classified among the more industrialised. However, this list should be supplemented by two countries in which industry is less developed, *i.e.*, Greece and Ireland, and which, nevertheless, have not hesitated to establish compulsory unemployment insurance schemes.

On the other hand, some countries which cannot be listed amongst those whose economic development has been delayed have not thought it necessary to make their unemployment insurance schemes compulsory; these include Denmark, Finland, Sweden and Switzerland (the position in the latter is due to the federal character of its Constitution). Finally, in the case of France, apart from special schemes applicable to certain categories of workers (dockers and building workers), there is no unemployment insurance scheme and provision is made only for the granting of benefits which correspond rather to an assistance scheme.

In this respect, it is interesting to note that nearly all the reports state that, even if full effect had been given to the provisions of the Recommendation, in most cases these measures would have only a very limited application at present. Certain Governments indicate that in the present economic situation it is rather the lack of manpower than problems of unemployment which engages their attention.

On the other hand, some Governments state that the establishment of unemployment insurance or assistance schemes has been prevented or retarded by such factors as the absence of a well-defined industrial population, the predominantly agricultural character of the national economy and the existence of chronic underemployment and "hidden" unemployment against which the methods recommended to deal with

unemployment would not be effective and would, according to certain Governments, meet with insurmountable difficulties in view of the present economic structure of their countries.

The fact remains, however, that certain States whose industrialisation is at the formative stage indicate that they are already trying to bring their policy with regard to the fight against unemployment into conformity with the provisions of the Recommendation and that their efforts will increase together with the advance of industrialisation. This is the case in Argentina, Bolivia, Guatemala and Turkey.

Finally, it should be pointed out that some Governments consider that the adoption of legislation providing for the payment of benefits to workers dismissed through no fault of their own should be included amongst the measures to be taken in the fight against unemployment.

UNEMPLOYMENT (YOUNG PERSONS) RECOMMENDATION, 1935 (No. 45)

Introduction

At its 18th Session, in 1934, the International Labour Conference adopted a Convention and Recommendation concerning unemployment insurance and assistance. The Unemployment (Young Persons) Recommendation, 1935, which is directly related to and supplements the above-mentioned texts, was directed towards finding an immediate solution to the particularly serious problem of unemployment among young persons, whose involuntary idleness—to use the terms of the preamble—might "undermine their characters, diminish their occupational skill, and menace the future development of the nations".

At the time when the Recommendation was adopted, various countries had taken emergency legislative and administrative measures in order to remedy the seriousness of the situation, and, in the light of experience already gained in this field, the Recommendation laid down principles directed towards mitigating the effects of unemployment among young persons. Some of its provisions call for special measures such as the setting up of employment centres or the organising of special public works for unemployed young persons, while others come within the framework of general measures concerning young workers.

Reports Received

The following 27 Governments have submitted reports: Argentina, Australia, Austria, Belgium, Bolivia, Canada, Denmark, Dominican Republic, Finland, France, Greece, Guatemala, Iceland, India¹, Ireland, Italy, Netherlands, New Zealand, Norway, Pakistan, Sweden, Switzerland, Turkey, Union of South Africa, United Kingdom, United States and Viet Nam.

Content of the Reports

Some Governments submitted very detailed reports surveying, point by point almost, the current situation in the field covered by the Recommendation. This is true of the Governments of Austria, Belgium, France, New Zealand, Norway, Switzerland, United Kingdom and the United States. Other less comprehensive reports, such as those of the Governments of Argentina, Australia, Bolivia, Canada, Denmark, Ireland, Italy, Sweden and the Union of South Africa, do, however, contain enough material to enable a fairly accurate assessment of the extent to which effect has been given to the Recommendation. A third group of Governments (Dominican Republic, Finland, Greece, Guatemala, Iceland, India, Netherlands, Pakistan, Turkey and Viet Nam) sent brief or

¹ Report received too late to be summarised in Report III (Part II).

even very summary reports. This brevity is explained, in the case of some States, by the very limited extent to which they have given effect to the provisions of the Recommendation. The Government of the Netherlands states expressly, however, that all the provisions have been implemented, other than those relating specifically to the prevention of unemployment, which are currently unnecessary, but it does not give details of their application.

Effect Given to the Recommendation

Before dealing with the various points of the Recommendation, a considerable number of Governments survey briefly the current situation in their respective countries with regard to unemployment among young persons. Of these Governments, only that of Greece indicates that unemployment among young persons is on the increase and states also that, owing to conditions created by the war, it has been unable to take the necessary legislative measures to remedy the situation. Australia and New Zealand, on the other hand, suffer from an acute over-all shortage of manpower. Since the war, young workers, in particular, have been lacking in the Netherlands. The same is true of Finland with regard to employees for shops and offices. Several Governments state that unemployment among young persons is, at the moment, non-existent or almost non-existent in their respective countries (Argentina, Denmark, France, Guatemala, Iceland, Ireland, Norway, Sweden, Switzerland, Union of South Africa, United Kingdom and the United States). The Governments of France, Ireland, Norway, Union of South Africa and the United Kingdom maintain that the present state of the employment market does not justify recourse to the provisions of the Recommendation which relate specifically to unemployment among young persons. It is interesting to note, however, that the Governments of several countries (Denmark, Norway, Sweden, Switzerland and the United States) indicate a readiness to take the special measures provided for by the Recommendation in the event of a new unemployment crisis. The Governments of Bolivia and Turkey point out that in view of the fact that there is no unemployment insurance in their respective countries, they can only implement some points of the Recommendation. The Government of Viet Nam states that the persistence of armed conflict makes it impracticable, for the moment, to implement the measures provided for by the Recommendation.

School-Leaving Age; Age for Admission to Employment; General and Vocational Education.

The extent to which effect has been given to these provisions varies considerably from country to country.

The replies concerning the minimum age for leaving school (Paragraph 1) are so varied, the implementation difficulties so peculiar to the various States, and the discrepancies between the law and practice in some cases so considerable, that it appears necessary to make a detailed survey of the information supplied on this point.

Although the principle of compulsory school attendance seems to be recognised in all the States which submitted reports, the school-leaving age is not always 15 years, as advocated by the Recommendation. However, Iceland, New Zealand, Switzerland (with the exception of some cantons) and the United Kingdom conform to the provisions of the Recommendation in this respect. In Switzerland the minimum age for leaving school is as high as 16 years in certain cantons. This is the case in the United States also where, subject to exceptions, the legislation of 38 States fixes the minimum age for leaving school at 16 years; in five States it is 17 years and in five others 18 years. Sixteen years is prescribed as the minimum in Finland and for the European children in the Union of South Africa, except in the province of Natal, where the minimum school-

leaving age of 15 years applies to both European and coloured children. In Australia the age varies according to the State between 16 years (Tasmania), 15 years (New South Wales and the Federal capital) and 14 years; three States (Southern Australia, Western Australia and Victoria) have adopted legislation—which has yet to come into force—raising the minimum age for leaving school to 15 years. In most other countries it is fixed, in principle, at 14 years (Argentina, Austria, Belgium, Bolivia, Dominican Republic, France, Ireland, Italy, Norway and Sweden). In practice, however, compulsory school attendance continues beyond the age of 14 years in some districts of Norway and Sweden, and it is expected that this measure will be enforced throughout the two countries. In Belgium proposals directed towards this end have been made on several occasions and in France the raising of the school-leaving age is contemplated within the framework of a general educational reform. In the Netherlands the minimum age for leaving school is fixed at 14 or 15 years, according to when the child began his schooling. Two countries, Bolivia and the United Kingdom (Northern Ireland) indicate that they find it difficult to apply the prescribed standards owing to a shortage of school buildings.

While, in most of these countries, the national standards coincide with, exceed or approximate to the standards laid down by the Recommendation, it would appear that in some States they fall far short of the recommended level. Thus, Article 45 of the Indian Constitution lays down that the State shall endeavour to provide, within ten years, for free and compulsory education for all children until they complete the age of 14 years. However, compulsory education for all such children has not yet been introduced. As regards Pakistan, the Government states that schooling is free of charge up to ten years of age, although not compulsory for the moment. It is proposed to make schooling compulsory up to the age of 13 years in due course; in Turkey compulsory school attendance does not continue beyond 12 years of age; in Viet Nam it has not yet been possible to introduce a system of compulsory school attendance.

The report supplied by the Government of Canada provides information only in respect of those areas (the North West and the Yukon) which, as regards the subject matter of the Recommendation, come within the jurisdiction of the Federal Parliament, and indicates that, for economic and geographical reasons, the provisions respecting school-leaving age, the age for admission to employment, and vocational training cannot be observed. The reports of three States (Denmark, Greece and Guatemala) do not indicate a minimum age for leaving school.

As regards the age for admission to employment, which is also fixed by Paragraph 1 of the Recommendation, it may be said that, as a general rule (and subject to the exceptions provided for in national legislation), it coincides with the minimum age for leaving school. Most of the reports make explicit mention of this fact, and it would seem justified to assume that it is also the case in those countries which do not say anything with regard to this provision. Reference should therefore be made on this point to the information given in respect of the minimum age for leaving school. In India, where compulsory school attendance is not yet general, the minimum age for admission to mines, factories and plantations is 15 years, 14 years and 12 years respectively.

In addition, it is worth while drawing attention to the efforts already made or contemplated in some countries with a view to raising the age for admission to employment. In the United States, for instance, the federal standard of 16 years, which originally applied only to industries producing goods for inter-State trade and to agriculture, has been somewhat extended since 1949. In Italy a proposal has been made to raise the age for admission to employment

(now 14 years) to 15 years, while in Belgium young persons under 16 years of age are subject to special conditions of work. In Sweden, where the age for admission varies between 14 and 15 years, according to whether light work or work in industry is involved, young persons are excluded from onerous or dangerous work. In Switzerland the federal standard is in conformity with the provisions of the Recommendation, but the cantons may increase the minimum age for admission to employment in hotels, restaurants, theatres, etc.

The Committee again noted considerable diversity in the extent to which and the way in which the many provisions concerning general and vocational education (Paragraphs 2 to 15) were applied. However, in several countries identical conditions obtain in respect, at least, of some of these provisions. For instance, continued compulsory school attendance for juveniles over the school-leaving age who are unable to find suitable employment, as provided for in Paragraph 2(1), does not seem to be stipulated by the law of any country. It is encouraged, however, in some countries, such as Australia, Austria, the United Kingdom and the United States. In Belgium, on the other hand, the additional period of school attendance, which was provided for up to 1947, has since been abolished because the Government considers that vocational education has now been sufficiently developed to absorb pupils as soon as they finish their compulsory school attendance. The Government of France states that it is very rare for young persons to be unable to find suitable employment.

Several States grant allowances to parents when their children attend school for an additional period (Paragraph 5). These allowances take different forms, such as family allowances (Australia, Belgium, France, New Zealand and Viet Nam); subsistence allowances (Australia, Austria and the United Kingdom (Great Britain)); reduced taxes (Australia); pocket money given to members of training courses (Austria); subsidies from federal public funds (United States); reimbursement of travelling and school clothing expenses (United Kingdom (Great Britain)).

The provisions of the Recommendation relating to the curricula for juveniles whose period of school attendance is prolonged (Paragraph 6) are enforced in Belgium, France, Austria (subject to certain reservations), and, within the framework of continuation courses, in Iceland, Norway, Sweden and Switzerland. In Sweden, however, continuation courses are to be abolished once the minimum age for leaving school has been raised. Australia, Austria, Belgium, Bolivia, Finland, France, Greece, Northern Ireland, Netherlands, New Zealand, Norway, Pakistan, Sweden, Switzerland, Turkey, United Kingdom (Scotland) and the United States are among the countries which have taken measures to encourage juveniles with the necessary aptitudes to attend secondary or technical schools (Paragraph 7) and which grant scholarships, loans, exemption from the payment of fees or a reduction of fees. Vocational education is also encouraged in Guatemala and Italy by means of courses or through the setting-up of special public vocational training centres. In 1942 an Under-Secretariat of State was set up in Turkey to develop a programme of technical education.

The provision of the Recommendation which suggests that juveniles who are no longer in full-time attendance at school should, until they reach the age of 18 years, be required to attend continuation courses (Paragraph 8) does not seem to be fully followed except in 21 States in the United States. These courses are compulsory only for apprentices in Austria, France and Switzerland. The Government of France states, however, that it would like to see them extended to all young persons. Compulsory continuation courses do not exist, at the moment, in the United Kingdom (England and Wales) but the Public Education Act of 1944 provides for the introduction of compulsory part-time courses at a future date. In some instances these courses are run on

a voluntary basis. This is the case in Belgium, where they are very widely organised; in Italy, where young persons over 14 years of age are admitted to workers' refresher courses; in Norway, where vocational training committees including employers' and workers' representatives have been set up in all counties; and in Switzerland, where young persons who are not required to undergo compulsory vocational training are given the opportunity of attending continuation or refresher courses.

The replies on the very detailed part of the Recommendation dealing with special training for unemployed juveniles (Paragraphs 9 to 15) also revealed a great diversity of practice in the various countries. In Austria, the provisions of the Recommendation are given effect to by means of vocational courses for unemployed young persons, organised on a voluntary basis by the Youth at Work Association. The measures adopted in this connection in Belgium correspond almost point by point to the following requirements of the Recommendation: compulsory attendance at vocational courses by unemployed persons under twenty-one years of age (Paragraph 9 (1)); organisation of special courses where there is a sufficient number of unemployed persons (Paragraph 9(2)); opportunity for unemployed persons to continue to attend these courses after having found work (Paragraph 9(3)); vocational training and rehabilitation centres organised in collaboration with employers' and workers' associations (Paragraph 11). In Denmark unemployed persons between the ages of 18 and 25 years who wish to do so may attend a type of technical school which is somewhere between the vocational training centres and the special employment centres provided for in Paragraphs 19 to 34 of the Recommendation. These schools, subsidised by the Government, correspond, in general, to the requirements of the Recommendation.

Up to the present unemployed, young persons in France have been admitted to refresher courses only as an experiment, but the Government is in favour of setting up training centres for unemployed persons between 18 and 25 years of age where they will learn trades other than those in which they were originally instructed. In India the Director-General of Resettlement and Employment has a network of training centres throughout the country and the Ministry of Rehabilitation has set up similar centres for displaced persons; however, these centres are not intended specifically for persons between 18 and 25 years of age. Italy mentions the existence of normal and accelerated courses for unemployed persons which are sometimes given actually in the undertakings themselves. In Norway special courses for unemployed juveniles have not been organised except for young seamen. In Sweden and Switzerland the provisions relating to the organisation of training courses for unemployed persons are enforced only in periods of emergency.

While the countries mentioned above have already introduced or intend to introduce special measures for the training of unemployed young persons, the United Kingdom (Great Britain) has generally given effect to those provisions of the Recommendation which deal with this subject by means of vocational training courses organised by the Government for both employed and unemployed persons.

Argentina states that its legislation provides for the setting up of training workshops and educational camps, but does not specify whether these facilities are restricted to unemployed juveniles or whether they represent a general vocational training measure. Australia, the Union of South Africa and the United Kingdom (Northern Ireland) state that, for the moment, the organisation of special courses for unemployed juveniles is unnecessary.

Australia, Austria, Belgium, Denmark (subject to certain reservations), Ireland, Norway, Switzerland and the United Kingdom comply in principle, or in practice, with the requirements of Paragraph 10, according to which unemployed juveniles may be

disqualified for the receipt of unemployment benefit and allowances if they refuse without due reason to attend the compulsory courses to which they have been directed.

Recreational and Social Services for the Young Unemployed.

Special measures applying exclusively to unemployed juveniles and concerning the organisation of their spare-time (Paragraph 16) do not seem to exist except in Belgium, where some measures have been taken in this direction, and in Switzerland, where the recreational and educational centres set up for unemployed young persons are, for the most part, private institutions. The United States indicates that, in case of need, such measures could be contemplated. On the other hand, many Governments point out that unemployed juveniles have access on the same footing as young workers and young persons in general to recreational activities or organised sports, subsidised or encouraged, as the case may be, by the public authorities or by private institutions. This is the case in Austria, Bolivia, Dominican Republic, Guatemala, Italy, New Zealand, Norway, Sweden, the Union of South Africa and the United Kingdom.

The various forms of social assistance (homes, inexpensive restaurants, etc.) for unemployed juveniles advocated in Paragraph 17 are provided in Austria by the Youth at Work Association and in Belgium they are organised by private associations. In the United States various social activities are organised for young persons at the national, State and local levels, but irrespective of whether the young persons in question are unemployed, workers or students.

Action by Trade and Private Organisations.

The public authorities in Austria, Italy, Switzerland, United Kingdom and the United States assist educational and other social services for the young unemployed organised by industrial organisations and other associations, as recommended in Paragraph 18.

Special Employment Centres.

While the principle of special employment centres for unemployed juveniles between the ages of 18 and 25 years (Paragraphs 19 to 34) seems to be accepted in quite a number of countries (other than Austria, where the industrial organisations are definitely opposed to this measure), such centres do not seem to be in operation at the present moment, except in Denmark and Italy. In Denmark these centres which, inasmuch as they are somewhere between a vocational training and a special employment centre, have already been mentioned in connection with special courses for unemployed young persons, correspond in general to the requirements of the Recommendation. Thus, these courses do not include military training (Paragraph 21) and pupils must undergo a medical examination prior to admission (Paragraph 22). Denmark is the only country to have supplied such details. These centres are organised privately in Italy, but are supervised by the Government, which ensures in particular that there is no possibility of abuse with regard to the remuneration of the workers. Belgium, France, Norway, Sweden, Switzerland, United Kingdom and the United States maintain that, in view of the present state of the employment market, special employment centres are unnecessary, but some of these countries declare their readiness to set up such centres in the event of a new unemployment crisis.

Special Public Works.

Denmark, Norway, Sweden, United Kingdom and the United States state that in view of the small number of unemployed young persons there is no point at the moment in organising special public works on their behalf (Paragraph 35). This would also seem to be the case in Switzerland. In Austria unemployed young persons together with adults are employed in public works. In Belgium unemployed

persons, including juveniles, may, on request of the provincial and municipal authorities, be directed to these works. In France, also, unemployed persons are accepted for employment from the age of 17 years onwards in public works carried out for the community; however, the central administration prefers that young unemployed persons shall be directed towards vocational training centres. In Italy they are employed in public works in the agricultural sector of the economy and particularly in afforestation.

Placing and Development of Opportunities for Normal Employment.

There seems to be fairly general compliance with these principles (Paragraphs 36 to 43). Employment offices make special arrangements for the placing of juveniles (Paragraph 36) in Australia, Austria, Belgium, Canada (in the larger centres), Denmark, Finland, France, Italy (for apprentices), Netherlands, New Zealand, Sweden, Union of South Africa, United Kingdom and the United States. In Norway the problem seems to be solved within the framework of the general measures for the organisation of labour. In Switzerland, according to the Government's report, there are no special agencies for the placing of unemployed young persons; this question is dealt with satisfactorily, however, within the framework of the existing agencies, namely, the vocational guidance offices. In Argentina a National Directorate of Employment was set up in 1949. The Government of Bolivia states that the Minister of Social Welfare is the patron of some private institutions which deal with the placing of young persons and that it has submitted a request to the International Labour Organisation for the assistance of experts in employment service organisation.

While the Government of Sweden confines itself to a general statement to the effect that the activities of its employment offices for young persons correspond absolutely to the requirements of the Recommendation in this respect, other Governments make specific mention of particular provisions to which effect has been given. Thus, vocational guidance departments (Paragraph 37 (b)) are in operation in Australia, Austria, Belgium, Canada, Denmark, France, New Zealand, Norway, Switzerland, Union of South Africa, United Kingdom and the United States. Most of these countries conform to the other provisions of this part of the Recommendation, namely, notification by employers of vacancies for juveniles (Paragraph 38); supervision of the results of the placings made (Paragraph 39 (a)); maintenance of close relations between the employment offices and the other institutions interested in young persons (Paragraph 39 (b)). This last-mentioned provision is also enforced in Finland and Ireland. In addition, the Governments of the following countries have concluded bilateral or multilateral agreements with a view to facilitating the international exchange of trainees (Paragraph 42); Australia, Austria, Belgium, France, Ireland, New Zealand, Norway, Switzerland, United Kingdom (Northern Ireland) and the United States (in respect of professional workers).

Statistics.

The information on unemployment statistics (Paragraphs 44 to 47) shows that statistics in respect of unemployed young persons have been compiled roughly in accordance with the requirements of the Recommendation in Australia, Austria, Belgium, Canada, Denmark, France, Ireland, Netherlands, New Zealand, Sweden, Switzerland, Union of South Africa, United Kingdom and the United States. The Government of Greece states that a Department of Labour Statistics has been set up in the Ministry of Labour and that it will be responsible, in particular, for compiling statistics of juvenile labour.

In addition, Australia, Austria, Belgium, New Zealand, Switzerland, Union of South Africa and the United States provide information on the effect given to all or some of the other provisions of this part of the Recommendation, i.e., those relating to

special enquiries (Paragraph 45), general census returns including information on unemployment (Paragraph 46), and statistics showing the number of children still under the school-leaving age who are engaged in employment out of school hours (Paragraph 47).

Federal States

Of the Federal States, only Australia, Canada, India, Pakistan and the United States indicate in their reports whether federal action or action by the constituent States is appropriate in the field covered by the Recommendation.

Australia states that the application of the Recommendation calls partly for federal action and partly for action by the constituent States. Similarly, the United States indicates that, apart from the minimum school-leaving age, which falls within the competence of the constituent States, all the matters dealt with by the Recommendation call for both federal action and action by the constituent States. India states that, according to its Constitution, both the central and State Governments are competent to act on the question of unemployment. In Canada, most of the questions dealt with by the Recommendation come within the jurisdiction of the provinces, but in the North West and the Yukon they are regulated by the federal Parliament. Throughout Canada the compilation of statistics requires legislative measures which come within the competence of the federal Parliament.

In Pakistan, where the Constitution is now in process of elaboration, unemployment is dealt with normally at the provincial level, but as the result of an amendment of the legislation it has fallen temporarily within the competence of the federal Government.

Conclusion

The proportion of reports communicated is too low for general conclusions to be drawn on the measures taken by the various States Members to give effect to the Recommendation. Examination of the information provided shows that, except in a few cases, the countries which replied have no cause to worry, for the moment, about unemployment among young persons and that some even suffer from a shortage of juvenile workers. Consequently, the parts of the Recommendation concerning the adoption of special measures on behalf of unemployed young persons are not, in general, being enforced at present. They have been fairly widely observed in the past, not always according to the methods suggested in the Recommendation, but in the same spirit. Several Governments, including Belgium, France, Norway, Sweden, Switzerland, United Kingdom and the United States, declare their readiness to take these measures in the event of a new unemployment crisis.

With regard to the many provisions of the Recommendation dealing with subjects as varied as compulsory school attendance, the minimum age for admission to employment, general and vocational education, the placing of young persons, and statistics, it is difficult, in view of the very scope and complexity of the questions to which they relate, to define as accurately as would be desirable the extent to which these provisions have been implemented in the countries which submitted replies. It may be said, however, that very considerable effect has been given to the Recommendation in Austria, Belgium, Denmark, France, Italy, New Zealand, Norway, Sweden, Switzerland, United Kingdom and the United States. The Government of the Netherlands merely states that the requirements of the Recommendation are fully complied with and does not give detailed information on the matter. Several important provisions have been given effect to in Australia, Bolivia, Finland, Ireland and the Union of South Africa. Argentina, Dominican Republic, Greece, Guatemala, Iceland, Pakistan and Turkey have implemented only a few isolated provisions. The information given in respect

of Canada is confined to matters dealt with by federal action. The Government of Viet Nam states that, owing to the persistence of armed conflict, it is unable, for the moment, to give effect to the Recommendation.

Except for Finland and Switzerland, which state expressly that they have no modifications to propose to the provisions of the Recommendation, no other State has replied to the question in the report form relating to such modifications.

PUBLIC WORKS (NATIONAL PLANNING) RECOMMENDATION, 1937 (No. 51)

Introduction

In adopting the above Recommendation in 1937, the Conference sought a means of reducing economic fluctuations and combating the unemployment which occurs during periods of depression by recommending that the States Members should give to public works appropriate timing. The question has had the attention of the Conference from its very First Session, and the Recommendation (No. 1) concerning unemployment, adopted in 1919, contained in its Paragraph IV the suggestion that States should reserve public works as far as practicable for periods of unemployment. The Recommendation adopted in 1937 aims at affording more specific and detailed suggestions. The Conference took as a basis the fact that as a general rule the expenditure on public works tends to increase in years of prosperity and to diminish in years of depression. The Conference noted that the result is that the fluctuations in the volume of employment of workers engaged on public works is superimposed on the fluctuations in the volume of employment arising out of commercial demand, thus aggravating the call made upon manpower in periods of prosperity and the extent of unemployment in periods of depression.

To remedy these conditions, the Recommendation suggests to the States Members, in Part I, that they should take appropriate measures to give to public works as a whole a suitable timing and sets out certain general principles designed to secure this end. To put such a policy into effect involves the adoption of certain financial measures, and Part II of the Recommendation is devoted to the question of the financing of public works and enumerates certain steps which should be taken in this respect. Parts III and IV of the Recommendation deal with the employment of special classes of workers and the conditions of recruitment and employment which will give public works their maximum efficiency as a remedy for unemployment.

Below will be found a general survey of the content of the reports of the States Members on the effect given to this Recommendation and the conclusions to be drawn therefrom.

Reports Received

Reports were received by the Office from 27 States (Argentina, Australia¹, Austria, Belgium, Bolivia, Canada, Denmark, Dominican Republic, Finland, France, Greece, Guatemala, Iceland, India¹, Ireland¹, Italy, New Zealand¹, Netherlands, Norway, Pakistan, Sweden, Switzerland, Turkey, Union of South Africa, United Kingdom, United States and Viet Nam).

The Committee noted that the reports varied as much in regard to detail and volume as they did in regard to the conditions which they described.

Content of the Reports

The reports submitted by certain States (Dominican Republic, France, Guatemala, Ireland, Pakistan, Turkey and the Union of South Africa) are extremely succinct, explainable in certain cases by the fact

¹ Report received too late to be summarised in Report III (Part II).

that the States in question, having given practically no effect to the Recommendation, have nothing definite to report. The Committee noted with interest that the Government of one State (Ireland), which considers that its particular situation hardly allows any effect to be given to the provisions of the Recommendation, has, however, presented a detailed justification for its attitude.

Among the other reports, though some afford detailed information (Argentina, Finland, India) and some have even made carefully documented reports (Austria, Bolivia, Canada, Italy, Netherlands, United Kingdom and Viet Nam), yet they do not give precise information as to the implementation of the individual provisions of the Recommendation, so that, while they afford a documented survey of the situation in the country in regard to the subject of the Recommendation, they do not always indicate the precise manner in which effect has been given to various measures proposed. The Committee particularly appreciated the fact that the reports supplied by certain States contained detailed information regarding each of the four Parts of the Recommendation (Australia, Denmark, Norway), or as regards most of them (Greece) or, in some instances, on each of its provisions (New Zealand, Sweden, Switzerland and the United States).

Effect given to the Recommendation

The reports show that the degree to which effect has been given to the Recommendation varies greatly as between one State and another. General information on this point will be found below. It will be useful, in this connection, to examine separately the situation existing in regard to each of the four Parts of the Recommendation. It should be pointed out that Part I, which deals with the timing of public works, bears on the essential basis of the Recommendation and that the other Parts, which aim at lending a greater efficiency to the measures to be taken in application of Part I, are in fact only of interest for the States which have followed, at any rate on broad lines, the directives contained in Part I.

Part I.

Paragraph 1 states specifically, in subparagraphs (1) and (2), that measures should be adopted for the purpose of achieving a suitable timing of public works, involving an increase in the volume of such works in periods of depression. For this purpose, States are urged "to provide for the preparation in advance, during periods of prosperity, of works capable of being held in reserve or exceeding ordinary requirements and which should be ready for execution as soon as the need is felt". The establishment of a national co-ordinating body is also proposed in Paragraph 3.

The reports show in the first place that some States have not so far given effect to this basic principle. The Dominican Republic states that the national legislation does not contain any provisions in regard to this subject; it should be remarked here that the Recommendation calls for measures of an executive character and that the passing of special legislation is not essential to their implementation. The French Government explains that, since the adoption of its programme of public works, it has sought to adapt the economic potentiality of the country to meet future conditions, but the insufficiency of the credits voted for public works for several years hardly allows of the setting up of a long-term capital works programme for the present. In this connection, it is of interest to recall that the Committee on Public Works of the 23rd Session of the Conference (1937) pointed out that the Recommendation which was under discussion aimed less at increasing the expenditure of the States on public works than on fixing a different timing. Other States, such as Iceland, Pakistan (which pleads the low level of industrialisation and the underemployment which exists in the country), Turkey and Viet Nam (where, although some works have been planned, the hostilities taking

place prevent their execution), likewise indicate that for the present no steps have been taken to carry the Recommendation into effect. The same is true of India where, according to the Government's report, the needs of the country make it impossible to hold urgent works in reserve; the report states that, owing to the economic structure of underdeveloped countries, those provisions of the Recommendation which relate to the timing of public works are not applicable to such countries.

The Government of the Union of South Africa recalls the fact that it formally accepted the Recommendation in 1938, but adds that the co-ordinating body provided for in Paragraphs 3 and 5 had to be suppressed subsequently and has not been re-established. The report does not give any details as to the effect given to the other provisions of the Recommendation.

The Recommendation having called for the preparation of public works projects capable of being executed in times of depression, as indicated above, it follows that only undertakings prepared with a view to combating unemployment can be considered as falling within the scope of its provisions. Works which are undertaken solely by reason of their intrinsic usefulness and without reference to the employment factor cannot be regarded as within the scope of the Recommendation; it appears, however, that they are so regarded in a number of countries, such as Argentina, Bolivia and Guatemala. Nor do works which are held in reserve, as is stated in the Canadian report, not in view of a future depression, but because they are not important from the defence point of view and have been postponed on account of the international situation, come within the framework of the Recommendation.

Furthermore, it should be pointed out that the timing called for in the Recommendation not only implies essentially the increase in the volume of public works in periods of depression, but also, to achieve this result, the preparation in advance in times of prosperity of works projects which can be undertaken in case of need.

These provisions could only be given partial effect to in a certain number of countries where the situation is characterised less by cyclical crises than by a prolonged period of economic depression. In these countries, if measures are taken to combat the quasi-permanent unemployment (which prevails) there could be no question of advance preparation of works in periods of prosperity. This is particularly the case in Austria, where steps have been taken to increase the volume of public works in the present period, which is one of unemployment; it is also the case in Greece, the Government stating that unemployment is a permanent phenomenon of the country and the remedy must be sought rather in the reconstruction of the national economy than in a policy of public works linked to economic fluctuations. In Italy there is permanent machinery for the timing of public works in certain areas, but on the basis of a plan prepared at a time when the country had already passed through a period of depression and unemployment. The Government of Ireland, too, explains why steps to limit the effects of trade fluctuations could not have any great influence on the conditions existing in the country, which suffers "from a chronic under-investment" and "has a heavy leeway to make good in the field of social development"; in this country the problem would be rather to increase productive investment than to smooth out fluctuations, and any limitation of public works would involve the delay of urgently needed improvements. With this reservation, the Government states, nevertheless, that public works projects have been prepared to combat unemployment.

As opposed to the countries mentioned above, a number of States which have experienced, or are experiencing, a period of prosperity and full employment, have given effect to a large degree to the provisions of the Recommendation, and particularly

to those regarding the preparation of works capable of being held in reserve and ready for execution in case of need. Australia may be cited as an example. Here the works have been held in reserve in view of a possible period of depression. The need not having arisen, because of the maintenance of full employment, the execution of these works has been begun, on account not of the employment needs but of the development needs of the country, while the "reserve" has been kept up to date by the addition of new works. Belgium is another example, although the Government points out difficulties arising, on the one hand, from the fact that budgetary credits diminish in times of depression, which hinders the execution of public works, and, on the other hand, from the intrinsic usefulness of some works apart from their influence on the economic situation. The Danish Government is likewise giving effect to the essential suggestions of this Part of the Recommendation, and the Finnish authorities, or at least the authorities of the communes, are called on to take the necessary measures—of which the report gives no details—to provide for and combat unemployment. These provisions of the Recommendation are also given effect to in a very large measure in the United States, where, although the situation called for priority for defence expenditure, one of the reasons for the limitation of works of a civilian character has also been the desire to build up a reserve of public works. The New Zealand Government, in view of the experience of the last economic depression, queries, however, whether too great an emphasis is not being placed on accelerating public works as a depression remedy, and points out the difficulties likely to be encountered in preparing the plans in advance for works the execution of which depends in great part on the importation of raw materials and a sufficiency of technical staff. Norway, the Netherlands and the United Kingdom have also followed the main provisions of the Recommendation, but the Government of the latter calls attention to the importance of public works projects the execution of which cannot be postponed, and also is of the opinion that the full employment which the country is enjoying for the present will continue to exist for a considerable time to come, and states that consequently it has not been considered necessary to implement the special measures to combat unemployment. In Sweden the terms of the Recommendation have even been exceeded, as suitable timing has not only been applied to public works but also to investments in certain branches of private industry. Switzerland has also followed the directives of the Recommendation, but in so far as this is compatible with its federal structure and the principles of economic liberalism. Subject to the reservations cited, all the States mentioned above have given effect to the essentials of Part I of the Recommendation to an appreciable extent.

The Recommendation also specifies in subparagraph (3) of Paragraph 1 that special attention should be paid to particular types of public works, "as changing economic conditions may require". The reports of the Governments as a whole afford little information on the implementation of this provision, which is only put into effect on broad lines in a few countries (Italy, Netherlands, Switzerland). In general, it seems that the States have resorted to constructional projects in the field covered by the Recommendation.

Paragraph 2. This Paragraph specifies that the timing laid down in the text should apply to all public works, whether undertaken "by central authorities, regional or local authorities, public utility undertakings, or any body or individual in receipt of subsidies or loans from a public authority". The reports do not give much information on this point either. Some countries, however, do state expressly that they have given effect to this provision (Netherlands, New Zealand, Norway), while in others it is given effect to partially or indirectly, as, for example, in Austria, where, as the report points out, under the

terms of the national Constitution the central authorities can only exercise direct influence on public works financed out of federal funds. In regard to projects financed by the *Länder* (provincial) and the local authorities, the central authorities can only invite them to take the state of the employment market into consideration, as does the federal Government; in their turn, the Governments of the *Länder* (provincial) can only request the local authorities to act likewise. In the United States the federal Government has offered State and local authorities certain subsidies in order to encourage them to plan public work in advance. The Swiss Government likewise mentions difficulties arising from the federal structure of the country and reports measures taken to induce the cantonal and local authorities to follow a policy similar to that adopted by the federal authorities.

Among the unitary States, the United Kingdom Government points out that it is not in a position to compel local authorities to accelerate their capital expenditure but that the Government departments and the undertakings for which they are responsible are bound by the investment programmes.

Paragraph 3. This Paragraph provides for the establishment of a national co-ordinating body and sets out its functions. Some States have instituted such a central organ and have made it responsible for the tasks enumerated in the Recommendation (Italy, Netherlands, Norway, Sweden, Switzerland and the United Kingdom), while in others where such a body has been established it has not been entrusted with all the duties envisaged by the Recommendation (Austria, Greece, United States and Viet Nam). In two States (Denmark and New Zealand) the functions ascribed to this central body in the Recommendation are distributed among various Government departments.

Part II.

This Part is devoted to the financing of public works and offers suggestions as to the financial measures which should be taken to implement the policy of public works suggested in the Recommendation. In this respect the reports are usually not sufficiently detailed and thus do not give a precise idea of the extent to which these suggestions have been followed. Denmark, for example, states that effect has been given to this Part of the Recommendation but no further information is given.

Paragraph 4. One of the suggestions contained in this Paragraph (4 (a)) is that the resources necessary for carrying out works prepared for periods of depression should be placed to reserve in periods of prosperity. This has been followed in certain countries (Netherlands, New Zealand, Norway and Sweden), while in Switzerland partial effect has been given to it, the report pointing out that, while the federal Chambers prefer to allocate available sums to the amortisation of the national debt, certain funds remain available for the creation of possibilities of employment. On the other hand, the Austrian Government states that the budgetary situation precludes the application of this measure.

A second suggestion (subparagraph (b)) is that unexpended balances should be carried forward from one financial year to another. This provision does not appear to have been observed in the majority of States which have submitted reports. The Government of Austria states that its budgetary situation makes this impossible and only New Zealand points out that, although as a general rule the authorisations for expenditure expire at the close of each financial year, certain unexpended balances are carried forward from year to year and thus remain available for the works planned.

There are also suggestions in the Recommendation (subparagraph (c)) regarding the financial policy to be followed in periods of prosperity which consist, on the one hand, of the restriction of borrowing by public

authorities (a policy actually pursued in Australia and New Zealand) and, on the other hand, of the accelerated repayment of loans previously contracted (to which effect is given by New Zealand and Switzerland).

As to periods of depression, the Recommendation provides (subparagraph (d)) that public works likely to stimulate economic recovery should be financed by loans, and that, generally speaking, a monetary policy should be adopted which will make possible the expansion of credit. The Governments of Australia and Switzerland state in their reports that the policy envisaged in their respective countries follows this principle. In other countries, however, public works are financed by a different method, and the case of Italy may be quoted, where the funds used for this purpose are derived from contributions by the State, employers and workers. Finally, one country (Bolivia) is considering financing its public works by means of bank loans.

Part III.

This Part (Paragraph 6) deals with the employment of special classes of workers and suggests that in the application of the timing provided for in the Recommendation the possibility of including works which will give employment to young workers, women and non-manual workers, should be considered.

Some Governments have given information as to the steps taken regarding unskilled workers under this heading. New Zealand remarks that the increasing extent of mechanisation on many types of works has reduced the possibility of absorbing any large number of unskilled workers. On the other hand, the Government of the United Kingdom reports, as regards Northern Ireland, that in carrying out house construction programmes the need for absorbing as much unskilled labour as possible has been recognised, and that this objective is being attained by the use of new methods of construction. It is likewise interesting to note that in the Netherlands one of the conditions of the execution of public works is that they must be appropriate for the employment of unskilled workers. In general, a number of States have, to a certain extent, taken into account this provision of the Recommendation. Without counting some countries (Italy, Switzerland) which point out that various technicians belonging to the liberal professions (e.g., architects, etc.) are necessarily employed on public works, it is pointed out that in certain cases, while the actual programme of works does not expressly provide for the employment of women and non-manual workers, the variety of the reserved projects is such as to create possibilities of employment for all classes of workers, including young persons and non-manual workers (Australia); that subsidies have been granted for measures taken in the particular interest of certain classes of workers, such as unskilled labourers, musicians, office workers (Denmark); or that the relief works undertaken aim at employing certain special classes of workers (Greece).

Part IV.

This Part prescribes the conditions of recruitment and employment and contains in the first place, in Paragraph 7, the provision that recruitment of workers for public works should be made preferably through the public employment exchanges.

This provision is observed in a fairly large number of States (Austria, Denmark, Netherlands, Norway, Sweden, Switzerland and the United Kingdom), while in others it is applied partially; in Australia the use of the public employment exchanges is not compulsory, the service being organised on a voluntary basis, but, in fact, the construction authorities normally seek labour through the employment service as well as directly; in the United States the use of the employment exchanges by employers is voluntary and in New Zealand the national employment service is available for assistance in recruitment where

required; in Greece, workers are recruited through the employment exchange where one exists; in India also this is done as far as possible.

Paragraph 8. This Paragraph provides that foreign workers authorised to reside in the country shall be accepted for employment on public works on the same conditions as nationals, subject to reciprocal treatment. This provision is given effect to by a number of States, i.e., Australia, Bolivia, Greece (with the reservation that they hold a work permit), Italy (for foreign workers holding a work book), New Zealand, Sweden, Switzerland and the United States.

Paragraph 9. This final provision of the Recommendation stipulates, on broad lines, that the scale of wages of workers employed on public works should not be less favourable than those generally recognised for work of a similar nature in private industry. This is followed in a large number of countries (Australia, Bolivia, Denmark, Guatemala, India, Ireland, Italy, New Zealand, Norway, Switzerland, United Kingdom and United States). In the Netherlands, where originally wages were lower for workers paid under collective agreements, this situation has now been changed to agree with this provision of the Recommendation. In Greece, while workers employed on public works receive the same wages as those employed by private industry, the scale for those who are employed on "relief works" is lower, in order to encourage them to seek other employment and also because the wages they receive are in the nature of relief payments.

Conclusion

From the foregoing analysis it appears that, despite the great variety of conditions reported, the greater part of the Recommendation, or at any rate its essential provisions, are implemented by the nine following countries: Australia, Denmark, Netherlands, New Zealand, Norway, Sweden, Switzerland, United Kingdom and United States, while a further four (Austria, Belgium, Greece and Italy) have given effect to some of the provisions. In the Union of South Africa, where the Recommendation was previously accepted, the situation has taken a retrograde turn and the report does not give a clear picture of the precise extent to which the Recommendation is observed at present. Lastly, in regard to twelve other countries which have sent in reports (Argentina, Bolivia, Canada, Dominican Republic, Finland, France, Guatemala, Iceland, Ireland, Pakistan, Turkey and Viet Nam), it appears that so far they have given no effect, or almost no effect, to the provisions of the Recommendation.

The review above indicates that among the difficulties to which attention is drawn in the reports, one arises from the fact that the Recommendation has as its objective the combating of economic fluctuations in the countries where depressions follow periods of prosperity, and that its suggestions do not seem appropriate to the conditions existing in the countries where economic depression is prolonged. As has also been stated, some reports put forward the urgency of certain public works, the execution of which cannot be postponed, so as to create a reserve of projects. This point of view, it might be remarked, seems to have been taken into account by the framers of the Recommendation since, in Paragraph 1(2), it provides for the preparation in advance of works "capable of being held in reserve or exceeding ordinary requirements". The financial difficulties have also been pointed out, particularly the fact that during a period of depression budgetary credits are usually lower, but the Committee deems it useful to emphasise the point that it is precisely for this reason that the Recommendation provides for the putting by of necessary reserves in times of prosperity. In another case doubts are expressed as to the efficacy of public works as a means of remedying economic depressions, and mention is made of the difficulty of

preparing in advance plans of projects which will involve considerable importation of raw materials and the existence of a skilled labour force.

Another difficulty arises from the federal structure of some States where, as stated above, the federal Government can only act freely within its own sphere of competence and can only urge its constituent State, provincial or cantonal Governments to follow a like policy. None the less, certain States have succeeded in securing a co-ordination of the activities of the constituent States with those of the federal Government, particularly by a policy of subsidies.

PUBLIC WORKS (NATIONAL PLANNING) RECOMMENDATION 1944 (No. 73)

Introduction

The object of this Recommendation, which was adopted by the Conference at its 26th Session, held in Philadelphia in 1944, was to complete the Recommendation on the same subject which had been adopted in 1937, and which has already been discussed in this report.¹ In addition to attempting to time public works in such a way as to reduce economic fluctuations, a purpose which is common to both texts, the reasons for the adoption of the 1944 Recommendation were the existence of certain needs created by the war, such as the need to repair damage, to restore and replace existing public works, to co-ordinate public and private enterprise during the transition from war to peace, and to provide employment to as many demobilised soldiers as possible.

The Recommendation adopted for this purpose includes the four following suggestions:

(1) the preparation of a long-term development programme which could be accelerated or slowed down according to the employment situation in different parts of the country;

(2) the timing of the execution of works and the ordering of supplies so as to limit the demand for labour at a time when there is already full employment, and to increase it at a time when there is unemployment;

(3) that consideration should be given not only to the employment situation in the country as a whole, but also to the situation in each area, and to the particular types of skill available in the area concerned;

(4) that the central authorities should inform local authorities and others responsible for framing schemes of employment of the amount of financial support which will be forthcoming, so that local authorities and their technical services may proceed without further delay to prepare a plan, and to make such practical preparation as would enable large numbers of demobilised soldiers to be absorbed as soon as they are available.

It can be seen that the first two Paragraphs of the Recommendation are partly concerned with the timing of public works, a question which the 1937 Recommendation covers more thoroughly and in greater detail. However, while this matter is treated only in a general way in the Philadelphia Recommendation, that text also refers to other problems, such as the preparation of a long-term development programme, and the employment of demobilised soldiers, which reflects the desire of the Conference to regulate in a simpler text the planning of public works, a matter which had presented special characteristics during the transition from war to peace.

Reports Received

Reports have been received from the following 26 States: Argentina, Australia, Austria, Belgium, Bolivia, Canada, Denmark, Dominican Republic,

Finland, France, Greece, India¹, Ireland, Iceland, Italy, Netherlands, New Zealand, Norway, Pakistan, Sweden, Switzerland, Turkey, Union of South Africa, United Kingdom, United States and Viet Nam.

Content of the Reports

Among the 26 reports received, eight are particularly brief and either state shortly the reasons why the Recommendation cannot be given effect to or contain facts of a very general nature on the situation in the country concerned (Dominican Republic, Finland, France, India, Iceland, Pakistan, Turkey and Viet Nam). The other 18 reports, which are concerned almost exclusively with the questions treated in the 1937 Recommendation, are sufficiently detailed to give some idea of the measures adopted to prepare long-term development programmes and methods of timing the execution of public works.

Effect Given to the Recommendation

The fact that the contents of the two Recommendations are to a large extent identical explains why the majority of States which have sent reports tend to repeat the information given on the subject of the 1937 Recommendation, or to refer to this information, or even to send a single report dealing with both texts. It will be noted that the information supplied concerning the special provisions of the 1944 Recommendation is very meagre.

Therefore, the conclusions reached in regard to the 1937 Recommendation are to a large extent also valid for that adopted in 1944. Thus, for the reasons already mentioned in regard to the first Recommendation, a certain number of Governments state that no practical effect has been given to the provisions of the Recommendation. This is the case with France, India, Iceland, Pakistan, Turkey (this Government gives as a reason the agricultural nature of the Turkish economy and the fact that its industrial development is of recent date), and with Viet Nam, which, however, declares that the Recommendation will be taken into consideration when the national development and reconstruction programmes are being carried out. The Irish Government supplies a more detailed report—as it did for the 1937 Recommendation—in which an interesting statement is given of the reasons why the suggestions of the Recommendation are not considered appropriate for that country.

On the other hand, certain countries supply more positive information, although no details are given concerning the measures taken to implement the Recommendation. Thus, the Dominican Republic mentions that, as a result of the progress made in the economic development of the country over the last 20 years, the Government has been able to carry out a programme of public works which has provided employment for all available manpower. The Finnish Government states that during the period of transition from war to peace the provisions of the Recommendation were observed in principle.

Other Governments give fuller reports and describe the measures taken to organise public works. As some reports were identical for both Recommendations (Belgium, Canada, Netherlands and the United Kingdom), reference should be made to the remarks on the 1937 Recommendation. Certain Governments, while they supply information of a general character, state that these reports should be studied in conjunction with the reports on the 1937 Recommendation or refer, for some items, to these reports (Australia, Denmark, Greece, Italy, Sweden, Switzerland and the United States). In the same way, the reports of the Governments of Argentina, Austria, New Zealand and the Union of South Africa, although very detailed, are concerned with the measures suggested

¹ See above, p. 50.

¹ Report received too late to be summarised in Report III (Part II).

in the 1937 Recommendation, or with the general policy of these Governments on unemployment questions.

Only three reports (Australia, Norway and Sweden) provide information on the employment of demobilised soldiers. These reports indicate that all soldiers who served in the last war were employed in a satisfactory manner, and that their resettlement in civil life did not amount to a serious problem.

In the reports supplied, little information is given on certain aspects of the practical application of the Recommendation, such as the participation of employers' and workers' organisations in its application.

Among the federal States, India and the United States remark that the provisions of the Recommendation were considered as appropriate in part for federal action and in part for action by the constituent States.

Conclusion

Since most of the reports supplied by the States Members reproduce the information supplied in connection with the Recommendation No. 51, or refer to this information, an idea may be gained of the extent to which effect has been given to those provisions of the Recommendation which relate to the preparation of development programmes and the timing of their execution. This, however, is not so in the case of the special provisions of the Recommendation which were adopted to meet the needs created by the transition from war to peace, in particular, those relating to measures for the reabsorption of demobilised soldiers. Most of the reports do not, in fact, discuss the particular circumstances of the post-war period, and do not supply any information on this subject. However, certain Governments consider that this section of the Recommendation is no longer applicable to present conditions, since the reabsorption into civil life of members of the armed forces has already taken place. It is of course clear that, from certain points of view, the Recommendation does not directly interest States which did not take an active part in the late war.

However, the information given in the reports makes it clear that most of the States which actually participated in the war have created a system of planning public works which has been helpful, in a large measure, in solving the employment problems which arose after the end of the war.

EMPLOYMENT (TRANSITION FROM WAR TO PEACE) RECOMMENDATION, 1944 (No. 71)

Introduction

This Recommendation was adopted by the Conference at its 26th Session, when it examined the problem of the organisation of employment and the necessity of special action for the promotion of full employment in the period of transition from war to peace.

With a view to facilitating the re-employment of demobilised members of the armed forces, discharged war-workers and all persons whose usual employment had been interrupted as a result of the war, the Conference drew up certain general principles and recommended the States Members to take the suggested methods of application into account, according to national conditions.

In the course of its 112th Session, the Governing Body decided to request States Members to supply information on the measures taken to give effect to the provisions of Parts IX (Employment of Women: Paragraphs 36 to 38) and X (Employment of Disabled Persons: Paragraphs 39 to 44) of the Recommendation.

The Committee wishes to state that the Recommendation (as its title indicates) was designed to cover a transitional period from war to peace. Although several years have now elapsed since the war came to an end, the information called for is not of his-

torical interest only, since much of it has a bearing on the work which may be undertaken by the International Labour Organisation on the questions covered by the Recommendation.

Reports Received

Reports have been supplied by 27 States Members: Argentina, Australia, Austria, Belgium, Bolivia, Canada, Denmark, Dominican Republic, Finland, France, Greece, Guatemala, Iceland, India¹, Ireland, Italy, Luxembourg, Netherlands, New Zealand, Norway, Pakistan, Sweden, Turkey, Union of South Africa, United Kingdom, United States of America and Viet Nam.

Content of the Reports

The amount and nature of the information contained in the reports vary considerably. Detailed information, under the different Paragraphs of Parts IX and X, is supplied by a number of countries and shows that extensive measures were taken to cope with the problems of placing women and disabled workers in employment (Australia, Austria, Belgium, France, Italy, New Zealand, Union of South Africa, United Kingdom and the United States). The report of the Government of Canada (which gives information under Parts IX and X, but not under the relevant Paragraphs) appears to supplement the detailed information supplied in 1946.

A number of countries (Argentina, Bolivia, Dominican Republic, Guatemala, Ireland, Switzerland and Turkey) state that they were not directly affected by, or did not take an active part in the war, and give very little or no information.

The reports of the Governments of Denmark, Finland, Iceland, Netherlands, Norway and Pakistan give fragmentary information only. This is also the case for Greece and Viet Nam, where the conditions prevailing at present have prevented the Government from implementing the principles of the Recommendation. The report of the Luxembourg Government consists mainly in references to legislation enacted in 1945, supplemented by explanatory information contained in appendices.

The report of the Swedish Government contains very detailed information regarding each of the Paragraphs relating to disabled persons and makes no reference to the employment of women.

Effect given to the Recommendation

Part IX. Employment of Women.

Paragraph 36. The redistribution of women workers in the economy of the country, on the principle of complete equality of opportunity with men on the basis of their individual merit, skill and experience, has been carried out in a number of countries: Australia, Austria, Belgium (since 1949, while complete equality does not exist for various occupations, it is being achieved under recent legislation), Bolivia (as regards women employed temporarily in the production of raw materials), Canada, Finland (1943-1945 legislation), Iceland, Italy (1947 legislation), Luxembourg (1945 legislation), Netherlands, New Zealand and Norway (in these three countries, there was a shortage of women workers), Union of South Africa (1944 legislation), United Kingdom (in Northern Ireland, there was a post-war shortage of women workers and no special measures were necessary). In the United States this principle of the Recommendation is enforced to a large extent; the traditional prejudices of many employers against the employment of women are being overcome gradually and women workers recognised on merit and qualifications.

Argentina (which was not directly affected by the

¹ Report received too late to be summarised in Report III (Part II).

two world wars) refers to an Act "to provide equality of employment opportunity for all workers". There was no mobilisation of women for employment in Denmark and their redistribution in the economy of the country does not constitute a post-war problem. The report of the Government of India merely states that women are given the same assistance as men in finding employment through the employment exchanges.

No information is supplied on this Paragraph by France, Pakistan (where women are not employed in any appreciable numbers) or by the following countries which were not directly affected by the war: Dominican Republic, Guatemala, Ireland, Switzerland and Turkey. In Greece and Viet Nam, because of prevailing conditions, it is not possible to take the measures advocated.

Paragraph 37. The nature of the information supplied in regard to the establishment of wage rates based on job content and investigations, in consultation with workers' and employers' organisations, to lay down standards to fix these rates, irrespective of sex, varies considerably. A few of the Governments merely state that they apply the principle of equal remuneration for equal work for men and women workers (Bolivia, Iceland, and Italy under the Italian Constitution).

These provisions of the Recommendation are implemented to a varying degree in the following countries: Australia (where action by wage-fixing authorities is resulting in reducing the differences between wages for men and women workers); Austria (lower wages for women in certain jobs of a light nature); Belgium (as regards public employees, but not for the majority of other workers); Canada (by the federal Government in respect of its own employees; legislation only in the Province of Ontario); France (legislation; differences between wage rates for men and women workers are gradually disappearing); Netherlands (as regards public officials, teachers, etc., but not in general); United States (equal pay laws in many States; the practice of equal pay for equal work is observed by a number of local and municipal Governments and by the federal Government for its own employees).

The report of the Government of Luxembourg merely states that the Government has endeavoured to reduce the traditional differences between wage rates for men and women workers. In New Zealand the elimination or reduction of margins in wage rates between men and women workers is being effected gradually in alignment with other economic and social factors. In Norway, in a number of occupations, the wages rates laid down in collective agreements for women are lower than those for men; a committee has been appointed to study the question of equal pay for equal work.

The Government of the United Kingdom accepts the principles laid down in the Recommendation but, in present circumstances, is unable to implement them; in Northern Ireland wage rates are a matter for collective bargaining between the two sides of industry.

In Denmark (where the principle of equal pay for equal work is applied for State employees), Pakistan and the Union of South Africa, it is not possible to establish precise standards as a basis for determining wage rates. Greece and Viet Nam under present conditions are unable to implement the provisions of the Recommendation.

Finland and the remaining reporting countries (Dominican Republic, Guatemala, India, Ireland, Switzerland, Turkey, which have not been directly affected by the war) give no information on this Paragraph.

Consultation with employers' and workers' organisations on the question of wages take place in Austria, Belgium and the United States. In Pakistan it is not possible to conduct investigations in co-operation with employers' and workers' organisations for the purpose of establishing precise standards as a

basis for determining wage rates. The report of the Danish Government states that these organisations have not been consulted.

Paragraph 38. A number of countries refer to specific action to raise the relative status and improve conditions of work and placement in industries and occupations in which large numbers of women are traditionally employed. In Australia the action taken in recent years (particularly as regards the textile industry) is on the lines advocated in the Recommendation. In Belgium, where there is a special Women's Department, consideration is being given to the question of including women employed in domestic service within the scope of social security. In Canada a special Women's Division of the Employment Service deals with the problems of industries in which the employment of women predominates. In France the subject matter of this Paragraph of the Recommendation is within the scope of collective agreements for certain categories of workers. In India women officers have been appointed at employment exchanges to deal with special problems affecting the employment of women. The general policy of the Government of Pakistan is to raise the relative status and conditions of work in industries in which women have been traditionally employed. Special measures have been taken to improve conditions for domestic workers in the United Kingdom, and also in the United States, where such workers are covered by social security laws.

The reports of the Governments of Austria, Bolivia, Italy and New Zealand merely indicate that conditions of work, etc. of women are governed by the same provisions as are applicable to men.

From the statement contained in the report of the Netherlands Government, it appears that, "because of the present position as regards the different occupational categories, there is no necessity to apply this provision of the Recommendation".

The reports from a number of Governments (Argentina, Denmark, Finland, Greece, Iceland, Luxembourg, Norway and the Union of South Africa) do not refer to this Paragraph of the Recommendation.

Part X. Employment of Disabled Workers.

Paragraph 39. The criterion that the training and employment of disabled workers should be their employability, whatever the origin of their disability, is followed in a number of reporting countries: Australia, Austria, Canada, France, Greece, Italy, Luxembourg, Netherlands, New Zealand, Sweden, Union of South Africa, United Kingdom and the United States.

As the result of studies undertaken by the Employment Service in Argentina, it is hoped that positive standards will be formulated for the employment of disabled persons in accordance with the principles of the Recommendation.

This principle of the Recommendation is implemented in part in the following countries: Belgium (the vocational training and employment of handicapped or disabled persons is confined to a restricted number of trades; propaganda is being conducted by the Ministry of Labour to encourage the training of disabled persons so as to fit them for suitable posts); Denmark and India (the employment service takes measures to find suitable employment for disabled persons). The Government of Norway states that it recognises this principle of the Recommendation, and adds that the problem of disabled persons is of smaller dimensions than in other countries; the necessary machinery for dealing with the employment of disabled persons is being built up gradually.

This principle of the Recommendation is not implemented in Bolivia, Iceland (where enquiries are being conducted regarding the utilisation of the working capacity of disabled persons), and Pakistan (where no provision exists for any special treatment in respect of disabled persons).

Paragraph 40. Close collaboration between the medical services and the vocational rehabilitation and placement services for disabled persons is provided for in the majority of the reporting countries (Australia, Austria, Belgium, France, Italy, Luxembourg, New Zealand, Sweden, Union of South Africa, United Kingdom and the United States). In Canada the measures advocated in the Recommendation appear to be covered by the convening, in 1951, of a conference of the Government and the agencies concerned with a view to developing co-ordinated rehabilitation programmes.

A number of countries (Bolivia, Denmark, Finland, Greece, Iceland, India, Netherlands and Norway) do not refer to any collaboration on the lines laid down in the Recommendation.

Paragraph 41. Adequate measures to develop specialised vocational guidance for the disabled in order to make it possible to assess working capacity and select the most appropriate form of employment have been developed to a considerable extent in a number of the reporting countries: Australia, Austria, Canada, France, Italy, Luxembourg, Netherlands, New Zealand, Sweden, Union of South Africa, United Kingdom and the United States.

This principle of the Recommendation is given effect to in part in the following countries: Belgium (where specialised vocational guidance services are not in general use; there are no specialised rehabilitation services on the national level, but some such centres have been set up in one province and there are rehabilitation services for disabled veterans and, under the provincial Workmen's Compensation Acts, for victims of industrial accidents); Denmark (where vocational guidance offices have been established on an experimental basis in several employment offices, and where measures for the vocational guidance of the disabled are under consideration); Finland (the report merely referring to Regulations adopted in 1943-1945 which gave effect to this principle); Greece (rehabilitation centres); Netherlands (in appropriate cases); Norway (special posts created in the employment service for officers, vocational guidance and placing officers).

This principle is not given effect to in the following countries: Argentina, Bolivia (the Government intends to promote the vocational training of disabled persons), Iceland (no measures have been adopted, but the social security institution is examining measures which would ensure the utilisation of the working capacity of disabled persons) and India.

Paragraph 42 (1). The training of disabled workers, in company with able-bodied workers under the same conditions and with the same pay, is provided for to a varying degree in a number of countries: Australia (the pay is different, but is supplemented by allowances), Austria, Belgium, Canada, France, Italy, Luxembourg, Netherlands, New Zealand, Sweden, Union of South Africa, United Kingdom and the United States). The Government of Bolivia intends to promote—if necessary on a compulsory basis—the vocational training of disabled persons in company with able-bodied workers. Norway accepts this principle of the Recommendation, but gives no information regarding its implementation.

There is no reference to this principle of the Recommendation in the reports of the following Governments: Denmark, Finland, Greece, Iceland and India.

Paragraph 42 (2). There is a substantial amount of compliance in regard to this subparagraph, which concerns the training of disabled persons so as to equip them to become efficient workers in a trade or occupation. This is particularly the case in Australia, Austria, Belgium, Canada, France, India, Italy, Luxembourg, Netherlands, New Zealand, Sweden, United Kingdom and the United States. Finland and Norway recognise the principle laid down in the Recommendation; but give no information regarding its implementation. In the Union of South

Africa steps are being taken to carry out the measures advocated in the Recommendation.

No information on this subparagraph is supplied by the Governments of Bolivia, Denmark, Greece and Iceland.

Paragraph 42 (3). Efforts to retrain disabled workers in their former or related occupations are the practice in a number of the reporting countries: Australia, Austria, Canada, France, Italy, Luxembourg, New Zealand, Sweden, United Kingdom and the United States (under working agreements with workmen's compensation and similar agencies). In the Union of South Africa the required steps are being taken as far as possible. In Belgium this principle is given effect to in part (employers usually re-engage their former employees, but not always on work related to their previous qualifications). Norway recognises this principle of the Recommendation, but gives no information regarding its implementation.

No information is supplied on this point in the reports of the Governments of Bolivia, Denmark, Finland, Greece, India and the Netherlands.

Paragraph 42 (4). This subparagraph provides that employers with suitable training facilities should be induced to train a reasonable proportion of disabled workers. There is a large measure of compliance with this provision in a number of countries: Australia, Austria, Belgium (in some big undertakings as regards former injured workers), New Zealand, Sweden, United Kingdom and the United States ("on-the-job" training), but there is no reference to the proportion of disabled workers. In France the social security bodies are responsible for placing disabled persons with employers. Subsidies are granted to encourage employers to afford the necessary training. In the Union of South Africa steps are being taken to carry out the measures advocated.

There is no specific reference to this provision of the Recommendation in the reports of the following Governments: Bolivia, Denmark, Finland, Greece, Iceland, India, Italy, Luxembourg, Netherlands and Norway.

Paragraph 42 (5). Specialised training centres, with appropriate medical supervision where required, have been set up in a number of countries: Australia (rehabilitation centres only), Belgium, Bolivia (special centres for blind, deaf and dumb persons), Canada (under the provincial Workmen's Compensation Acts), France (in approved rehabilitation centres set up by the social security bodies), Italy (vocational rehabilitation for persons suffering from tuberculosis), Luxembourg, New Zealand, Norway (Rehabilitation Centre in Oslo), Sweden (special training by the National Institute for Cripples), Union of South Africa, United Kingdom (there are also several residential training centres in operation).

Austria considers that such special centres are now unnecessary. There is no specific reference to this principle in the reports of the Governments of Denmark, Finland, Greece, Iceland, India, Netherlands and the United States.

Paragraph 43 (1). The principle that special measures should be taken to ensure equality of employment for disabled workers on the basis of their working capacity and that employers should be induced by wide publicity and other means, and where necessary compelled, to employ a reasonable quota of disabled persons, is accepted in a number of countries: Australia (it has not been necessary to make use of a compulsory quota system), Austria (legislation fixes the proportion of disabled persons to be employed by all employers, with the exception of federal, provincial and local authorities), Canada, France (legislation fixes the percentage of disabled persons and war veterans to be employed by commercial and industrial establishments), Italy (employers are obliged to employ a fixed proportion of disabled workers), Luxembourg, Netherlands (the legislation fixes the quota), Sweden (Parliament has placed an annual

grant at the disposal of the State Employment Board for the purpose of propaganda; in view of the present situation of the employment market, the Government has decided against legislation to fix the quota of disabled workers), United Kingdom (legislation fixes the quota) and the United States (there is no compulsory quota system in virtue of legislation, regulation or practice).

The report of the Government of Belgium merely states that the Government accepts this principle. In India there is no legislation regarding the compulsory employment of disabled persons in industrial establishments and the absorption of such persons into jobs has been necessarily slow. In New Zealand, in view of the shortage of labour, equality of employment exists for disabled workers and, apart from subsidies in appropriate cases, no special measures have been necessary to induce employers to employ a reasonable quota of disabled workers. In Norway the question of a compulsory quota of disabled workers has been examined, but it is not considered necessary to take measures of the kind advocated in the Recommendation.

There is no specific reference to this principle in the reports of the Governments of Bolivia, Denmark, Finland, Greece, Iceland and India.

Paragraph 43 (2). The principle that preference should be given to seriously disabled workers in certain particularly suitable occupations is accepted to a large extent in a number of countries: Austria (the Federal Minister of Social Welfare is empowered to direct that certain especially suitable posts should be reserved for disabled persons), Belgium (certain occupations are reserved for physically handicapped persons, but the Government does not consider it opportune to give legal force to this practice), Canada, France (under existing legislation and, in addition, a Bill has been prepared to reserve in certain trades and occupations a higher proportion of posts for handicapped persons), Luxembourg, Union of South Africa, United Kingdom and the United States (in particular, as regards war veterans).

In Australia this principle is implemented in practice, especially in Government and semi-Government establishments, but, as handicapped workers are selected for jobs in keeping with their physical capacities, the measures advocated in the Recommendation are considered as "neither compulsory nor necessary". In Bolivia life pensioners, disabled in the Chaco campaign, are given preference for employment in works undertaken by the State. In Greece disabled soldiers are given preference for employment over all other persons. In the Netherlands, although employers are not obliged to give preference to any particular category of disabled persons, regional employment offices endeavour to place seriously disabled persons. The present labour shortage in New Zealand makes it unnecessary to adopt the policy of the provisions laid down in the Recommendation. Norway also considers it is unnecessary to take measures of this nature at present.

There is no specific reference to this principle in the reports of the Governments of Denmark, Finland, Iceland, India, Italy and Sweden.

Paragraph 43 (3). The principle that efforts should be made (in co-operation with employers' and workers' organisations) to overcome employment discriminations against disabled workers and obstacles to their employment because of increased workmen's compensation liability wins a large measure of compliance in the following countries: Australia, Austria, Italy, Luxembourg, New Zealand (because of the acute labour shortage employers do not appear to be influenced by the likelihood of increased workmen's compensation liability), Union of South Africa and the United Kingdom.

The report of the Government of Austria merely states that the legislation lays down that wages of

disabled persons may not be reduced on the grounds of invalidity. In the following countries steps are taken to overcome discriminations against, and obstacles to the employment of, disabled persons: Italy, Sweden and the United States, but the reports of the Governments of these countries do not contain any reference to workmen's compensation liability. In Belgium and France steps are being taken to overcome the fears entertained by some employers as regards the industrial accident risks of disabled persons.

No information regarding this principle is contained in the reports of the Governments of Bolivia, Canada, Denmark, Finland, Greece, Iceland, India, Netherlands and Norway.

Paragraph 43 (4). This subparagraph recommends employment in special work centres under non-competitive conditions for all disabled persons who cannot be made fit for normal employment. Special work centres or workshops exist, or will be set up, in a number of countries: Australia, Belgium, France (for handicapped and blind persons), Luxembourg, Netherlands, New Zealand, Norway (the question is being further examined), Sweden (organised by county councils and communes; there are also sheltered employments in special departments of big undertakings), Union of South Africa (various sheltered employment projects), United Kingdom (legislation provides facilities for employment under non-competitive conditions) and the United States (workshops, with special shops for the blind, organised by voluntary groups; in some of these workshops, emphasis is placed on persons in the older age group). Centres of the type provided for in the Recommendation have not been set up in Austria. The reports of the Governments of a number of countries (Denmark, Canada, Finland, Iceland, Greece, India and Italy) do not refer to the setting up of centres of the type advocated in the Recommendation.

Paragraph 44. The compilation of information by the employment service regarding the occupations particularly suited to different disabilities and the size, location and employability of the disabled population is ensured to a varying extent in the reporting countries, but not always by the employment service, as advocated in the Recommendation. The measures taken in Australia, Norway and the United Kingdom are in full compliance with this principle of the Recommendation.

Some of the information required is compiled in the following countries: Austria (monthly statistics of registered disabled persons, jobs and placings), France (by statistical and research bodies and by the National Office for Ex-Servicemen and War Veterans; the report does not refer to the role of the employment service), Italy (no reference is made to information regarding occupations suited to different disabilities or to the authority responsible for compiling information), New Zealand (no comprehensive statistics are compiled showing the size, location, etc., of the disabled population and the United States (the employment service has abandoned the compilation of information regarding jobs suitable for different disabilities and, in its place, has adopted the method of selective placing).

In Belgium an enquiry is being conducted in order to obtain the required information. The report of the Netherlands Government merely states that a special method (*Handman*) exists for making a comparative analysis of the workers' attitudes and qualifications and the requirements and conditions of the work. The report of the Government of Sweden only gives figures, in an appendix, relating to the number of persons who were afforded vocational training, guidance or rehabilitation, and the report of the Government of the Union of South Africa states that a special section of the employment service has been established to deal with handicapped persons.

No information on this point is supplied in the re-

ports of the Governments of the following countries : Bolivia, Canada, Denmark, Finland, Greece, Iceland, India and Luxembourg.

Federal States

Among the Federal States, Australia and the United States point out that the relevant provisions of the Recommendation are regarded as appropriate for action in part by the federal Government and in part by the State Governments. In the United States the principles set forth in the Recommendation are given effect to as a Federal-State programme on a co-operative basis, and are not considered appropriate for separate treatment.

In Austria the Federal Government is the competent authority for the protection of labour, except as regards agriculture and forestry, where the provincial Governments are competent to pass, and take detailed measures to implement, the general labour laws.

In Canada, effect may be given to the relevant provisions of the Recommendation by Parliament alone in the Yukon or North-West territories and in certain undertakings for which Parliament has exclusive legislative authority as regards the demobilisation of the armed forces; otherwise, these provisions may be given effect to by the provincial legislatures alone or in co-operation with Parliament.

In Pakistan, "employment" is a provincial subject, but by a legislative amendment it has been included in the Federal list.

Conclusion

The Committee notes from the foregoing information that in many of the reporting countries there is a large measure of compliance with the principles laid down in the Recommendation.

Part IX. Employment of Women.

In the majority of these countries women workers were redistributed in the post-war national economy on the basis of complete equality of employment opportunity with men.

However, the principle of equal remuneration for equal work is given effect to in full only in three countries and, to a large extent, in one other country. The elimination of differences in wage rates for men and women workers is being achieved on a large scale in a number of countries. In some countries equal remuneration for equal work exists only for certain categories of workers. A number of countries are unable to implement the provisions of the Recommendation as regards wage rates, based on job content, irrespective of sex.

A certain amount of action is being taken to raise the relative status and improve conditions of work in specific industries and occupations in which large numbers of women are employed, in particular, in the textile industry and in domestic service. In some countries there are special departments to deal with the employment of women.

Part X. Employment of Disabled Workers.

During the period of transition from war to peace the reporting countries were affected to a varying extent by this problem. In a number of these countries extensive measures, substantially on the lines suggested in the Recommendation, have been taken for the training and placing in employment of disabled workers. Where countries have been confronted with a serious proportion of disabled persons measures have been taken to afford specialised training so as to make it possible for such persons to resume their former employment or take up appropriate new employment. In some countries, where employers show a certain amount of reluctance to employ disabled persons, the Governments are taking steps to persuade the employers that their fears in this direction are

groundless. In a few countries where there is only partial compliance with the steps advocated in the Recommendation measures are being taken to deal with the problems covered.

The Committee notes that in no case has it been stated that any modifications of the provisions of the Recommendation have been found necessary in applying or adopting these provisions.

EMPLOYMENT SERVICE CONVENTION, 1948 (No. 88)

Introduction

This Convention, which was adopted in 1948 by the 31st Session of the Conference, aims at setting up a free public employment service, the essential duty of which shall be to ensure, in co-operation with other public and private bodies concerned, the best possible organisation of the employment market as part of a national programme for the achievement and maintenance of an efficient and universal system of employment as a means of developing and utilising the productive resources of the country concerned.

The Convention contains detailed provisions concerning the organisation of such a service, which must be a national service comprising a network of local and regional offices sufficient in number to meet the geographical needs of the country; the organisation of the network is to be reviewed and revised periodically in co-operation with the representatives of employers and workers, who are represented in equal numbers on advisory committees. The Convention also specifies the qualifications to be held by officials in the service and the special facilities to be provided in the offices for each occupation and industry and for disabled persons and juveniles.

The Convention, which came into force on 10 August 1950, has been ratified by 13 countries, namely, Australia, Bulgaria, Canada, Czechoslovakia, Guatemala, Iraq, Netherlands, New Zealand, Norway, Sweden, Switzerland, Turkey and the United Kingdom. The ratifications of Guatemala and Switzerland arrived after the date on which the reports were asked for.

Reports Received

In accordance with Article 19 of the Constitution, 20 countries have sent reports concerning this Convention, namely, Argentina, Austria, Belgium, Bolivia, Denmark, Dominican Republic, Finland, France, Greece, Guatemala, Iceland, India,¹ Ireland, Italy, Luxembourg, Pakistan, Switzerland, Union of South Africa, Uruguay and Viet Nam.

Content of the Reports

The information contained in the different reports received varies considerably. The reports sent in by the Governments of Belgium, France, Greece, Italy, Pakistan and Sweden follow the order of the form and give full information on each Article of the Convention, thus enabling conclusions to be drawn concerning the manner in which effect has been given to the provisions, whereas those sent by the Governments of Austria, Bolivia, Finland, Guatemala and Viet Nam, although at times detailed and relatively comprehensive, do not give the information necessary to form an exact estimate of the extent to which the Convention has been observed in the countries in question. In addition, the reports from Argentina, Denmark, Dominican Republic, Iceland, India, Ireland, Luxembourg, Uruguay and the Union of South Africa are very short and do not follow the order of the form or refer to each Article of the Convention. It is therefore extremely difficult to arrive at definite conclusions con-

¹ Report received too late to be summarised in Report III (Part II).

cerning the organisation and working of the employment services in these countries, particularly as no information is supplied concerning the effect given in practice to the provisions of the Convention.

Effect given to the Convention

According to the reports received, the extent to which the Convention as a whole and its particular provisions are observed varies greatly from one country to another, and the fact that some countries have supplied very little information or none at all makes it extremely difficult to carry out an analysis Article by Article.

Article 1 (Existence and Purpose of the Employment Service).

Bolivia, the Dominican Republic, India and Viet Nam state that for various reasons no employment services exist yet. Bolivia, however, states that it is interested in establishing such a service in the near future, as nearly all the other points in the Convention are covered by its legislation; the report does not, however, state exactly which points are covered. No legislation on the subject has been enacted in India, but a "Directorate-General of Resettlement and Employment" has been established to deal with all categories of persons; this is a temporary organisation. In the Dominican Republic there is only a "register of unemployed persons" which is intended to "provide replacements for regular staff in undertakings authorised to work beyond statutory working hours". The Government of Viet Nam points out that owing to the state of war existing in the country it is at present impossible to reorganise the existing employment service, which is rudimentary in form and does not satisfy most of the provisions of the Convention. The reports sent by the Governments of Denmark, Iceland and Uruguay do not contain any specific reference to this Article; in Guatemala a number of occupations do not come within the activities of the service. All the other Governments state that effect is given to the provisions of this Article.

Article 2 (Direction by a National Authority).

Bolivia, the Dominican Republic and Viet Nam have no established employment services in operation and consequently do not observe this Article. The Government of Denmark does not specify which national authority controls the service. In the other countries the service is directed by a national authority which is generally attached to the Ministry of Labour or the Ministry of Social Welfare.

Article 3¹ (Organisation, Review and Revision of the System).

The Governments of Argentina, Bolivia, Denmark, Dominican Republic, India, Union of South Africa and Viet Nam do not mention this Article. The Governments of Finland, Greece and Luxembourg merely state that a network of employment offices exists without mentioning the control and periodical review of the offices which is required by paragraph 2

¹ The text of this Article is as follows:

"1. The system shall comprise a network of local and, where appropriate, regional offices, sufficient in number to serve each geographical area of the country and conveniently located for employers and workers.

2. The organisation of the network shall—

(a) be reviewed—

(i) whenever significant changes occur in the distribution of economic activity and of the working population, and

(ii) whenever the competent authority considers a review desirable to assess the experience gained during a period of experimental operation; and

(b) be revised whenever such review shows revision to be necessary."

of the Article. The Governments of Guatemala and Iceland make the same omission; in Guatemala there is a central office and one office attached to each of the regional authorities, while in Iceland there is only one local office. The Government of Belgium states that there are 44 local and 26 regional offices; the other Governments (Austria, France, Ireland, Italy, Pakistan, Switzerland and Uruguay) state that they are fulfilling the provisions of this Article but merely state that the number of offices is sufficient without specifying the number.

Articles 4 and 5 (Co-operation of Employers and Workers; Advisory Committees).

The Union of South Africa, while desiring the voluntary co-operation of employers and workers, does not favour the compulsory setting up of committees. In Pakistan there are no national committees but they are to be set up. In Ireland there are no advisory committees except those for juveniles. In Denmark the field of action of the committees has so far been less than the Convention appears to require. In Argentina, Austria, Finland, Greece and Luxembourg some such committees do exist, but in none of these countries is there a national committee of the kind required by the Convention, or, at any rate, no reference is made to it in any of the reports. The Governments of Bolivia, Dominican Republic, Guatemala, Iceland and Viet Nam give no information on this point. Belgium, France, India, Italy and Switzerland are the only countries which maintain national, regional and local advisory committees ensuring the co-operation of employers and workers in the organisation and operation of the employment services.

Article 6.

The reports of the Governments of Argentina, Austria, Bolivia, Dominican Republic, Finland, Guatemala, Iceland, Luxembourg and Viet Nam give either no information at all on this Article or so little that it is impossible to estimate to what extent its provisions are observed. Without giving a detailed description of its employment service, the Government of India states that the present constitution, structure and working of the service is generally on the lines laid down by the Convention.

Paragraph (a) (Placement).

The Governments of France, Pakistan, the Union of South Africa and Uruguay merely state that effect is given to all the provisions of the Article, without referring to each of them in detail. The Government of Denmark states that the employment offices can only provide limited vocational training and that the vocational guidance offices are working on an experimental basis. The Governments of Belgium, Greece, Ireland, Italy, Pakistan and Switzerland state that they are applying the standards laid down in this part of the Article.

Paragraph (b) (Occupational and Geographical Mobility of Manpower).

The Government of Denmark, which gives no details of the measures taken, states that very little is done to promote occupational mobility. The Governments of Greece and Pakistan state that they observe the Article but do not describe the measures taken to facilitate occupational mobility and the temporary transfer of workers from one region to another. The Governments of Ireland and Italy state that they apply the provisions of the Article but give no detailed information. The Governments of Belgium and Switzerland give detailed information on each subparagraph of this paragraph; occupational mobility within the country and to and from other countries is facilitated and encouraged, and grants are made when necessary.

Paragraph (c) (Information concerning the Employment Market).

In Denmark full information is collected from the employment offices and is analysed by the central administration. The Government of Ireland merely states that information concerning suitable work is collected. In Belgium, Greece, Italy and Switzerland detailed information on employment is collected and analysed, and placed at the disposal of the bodies and persons concerned. This information is diffused through the press, the radio and by other means. However, none of the reports mentions the bodies which collaborate in the collection and analysis of this information.

Paragraph (d) (Unemployment Assistance).

The Government of Denmark gives no information on this point. In Greece the employment service organises and inspects unemployment insurance and carries out relief work among unemployed persons. In Ireland the employment service co-operates in the administration of unemployment insurance and also keeps a register of juveniles. The Government of Italy states that the application of both this section and the next is guaranteed by legislation governing all matters connected with assistance and financial aid to unemployed persons. In Switzerland the employment service is responsible for ensuring that the qualifying conditions for unemployment benefit are fulfilled. The Government of Belgium gives detailed information on the application of this section and gives a list of the different organisations responsible for providing unemployed persons with aid and assistance.

Paragraph (e) (Co-operation with Public and Private Bodies).

The Governments of Greece and Ireland do not give any information on this section. The Government of Switzerland states that in the social field the employment service co-operates with private bodies. In Italy the employment service co-operates closely with other bodies, particularly with regard to vocational training and guidance. In Belgium the employment service is attempting to co-ordinate the activity of the other ministerial bodies engaged in social planning which may have a beneficial effect on the employment situation, and gives a list of the bodies concerned.

Article 7 (Specialisation by Occupations and Industries; Facilities for Disabled Persons).

The Governments of Argentina, Austria, Bolivia, Dominican Republic, Guatemala, Iceland, India, Ireland, Luxembourg, Union of South Africa, Uruguay and Viet Nam either give no information at all on this Article or information of such a general nature that it is impossible to state whether effect is given to its provisions. The Governments of Finland and Pakistan state in their reports that there are no facilities for disabled persons. The Government of France only mentions the first paragraph of the Article, stating that there are specialised sections for professional workers, administrative staff and technicians. The Government of Denmark states that only the second paragraph of the Article is observed, and adds that the employment service is taking measures to find work for disabled persons. The Government of Greece, too, mentions the second paragraph only, stating that the employment of disabled persons discharged from the armed forces is compulsory. The Governments of Belgium, Italy and Switzerland state that they observe the provisions of both paragraphs. In Switzerland the offices have special sections for women applicants and co-operate with private bodies in dealing with disabled persons. In Belgium and Italy there are special sections by industries and by occupations, particularly for agriculture, and special attention is given to disabled persons.

Article 8 (Vocational Guidance and Employment of Juveniles).

The Governments of Argentina, Austria, Bolivia, Dominican Republic, Guatemala, Iceland, India, Luxembourg and Viet Nam give little or no information on this Article. In Pakistan no special arrangements have been made for juveniles; in Ireland, as has been mentioned above, there is an advisory committee for juveniles, but no description is given of its functions. Greece is beginning to give effect to the provisions of this Article; in Denmark very little is done to provide general vocational guidance. The Governments of the Union of South Africa and Uruguay state that effect is given to the Article but give no detailed information; the Governments of Belgium, Finland, Italy and Switzerland state that the provisions of the Article are fulfilled. In France the requirements of the Convention are not only fulfilled but exceeded.

Article 9 (Status, Recruitment and Training of the Staff of the Service).

The Governments of Argentina, Austria, Bolivia, Dominican Republic, Finland, Guatemala, Iceland, India, Ireland, Luxembourg, Union of South Africa and Viet Nam give no information on this point. The Government of Uruguay states that this Article is the only one which prevents it from ratifying the Convention, as its provisions relating to what is referred to by the Government as the "irremovability of public officials" are contrary to the national Constitution; this may be due to a misinterpretation, since the Convention only calls for certain guarantees of stability of employment. In Pakistan the staff consists of public officials appointed on the basis of qualifications, but their appointments are for the time being only temporary; moreover, as regards paragraph 4, there are still no facilities for staff training. In Greece and Italy the staff of the employment services consists of public officials employed under regulations which ensure their independence in the case of a change of Government. The Government states that the staff comprises both permanent and temporary officials. However, no mention is made of the methods used in the selection and recruitment of the staff or of the provisions for staff training. In Denmark the staff consists of public officials, but the recruitment is made by local committees and approved unemployment funds, which are not staffed by public officials. The Government of Belgium gives extremely detailed information, stating that the staff of the service consists of public officials covered by the "Statutes of State Officials" and of officials of unemployment funds and that they are practically independent and are engaged on a competitive basis. The Governments of France and Switzerland state that the Article is fully observed but give no details.

Article 10 (Encouragement of Use of the Service on a Voluntary Basis).

The Governments of Argentina, Bolivia, Denmark, Dominican Republic, Finland, Iceland, India, Ireland and Viet Nam do not mention this point. In Greece the use of the employment service is compulsory. In Guatemala and in Luxembourg, foreign workers must be engaged through the employment service. In Belgium also the use of the service is compulsory for workers employed in public works. The Governments of the Union of South Africa and Uruguay state that effect is given to the Article but give no details. The Governments of Austria, France, Italy, Pakistan and Switzerland state that the Article is fully observed.

Article 11 (Co-operation between Private Employment Agencies not Conducted with a View to Profit).

In Argentina and Denmark these offices are controlled by the national Government, and in Denmark they are subsidised; in Greece they are prohibited

by law. The Governments of France, Switzerland, the Union of South Africa and Uruguay state that they observe the provisions of the Article; the other Governments give no information.

Conclusion

As stated above, it is not possible to make, on the basis of the contents of the reports received, an exact comparative analysis of the various aspects of the organisation of the employment service in each of the countries which sent reports on this Convention. However, it can be deduced from a study of the information received that, with the exception of Bolivia, the Dominican Republic and Viet Nam, all the countries have national employment services whose guiding principles are in conformity with the system described in the Convention. The extent of the effect given to the various provisions varies considerably, and, as indicated above, most of the States are unable to observe the Convention as a whole, as can be seen from the remarks under each Article given above. In Finland, Guatemala, Iceland, India and Ireland, effect is given to certain Articles of the Convention but no information is given on each specific Article. The Government of Uruguay cannot accept Article 9 and the Government of the Union of South Africa Article 5; apart from this, these two Governments merely state that all the other Articles are observed. In Austria, Denmark, Luxembourg and Pakistan the Governments of which have supplied information as regards most Articles of the Convention, there are few discrepancies. Lastly, the information given in the reports of the Governments of Belgium, France, Italy and Switzerland indicates that all the provisions of the Convention are fulfilled in those countries.

It should be noted that the majority of the reporting Governments have shown their intention of improving the organisation of the employment service; in a number of countries this should result in bringing the employment services up to the standards laid down in the Convention, or at least up to the level of the more important of these standards. Moreover, in some other countries, the employers' and workers' organisations have been called upon to help establish the policy to be followed and even to co-operate in its organisation and working. This collaboration will no doubt prove helpful in the development of the employment service, which has as one of its essential functions the distribution of manpower so as to serve the interests of both employers and workers.

The reports of the Governments of Argentina, Bolivia, the Dominican Republic and Ireland contain no reference to the possibility of ratification; further ratification does not appear probable, as in at least the first three of these countries most of the provisions of the Convention are not observed.

According to the information given, the Convention appears to be applied in Belgium, but the Government gives no indication of the possibility of ratification.

As has been pointed out, it is at present impossible for Denmark to ratify the Convention because of the various departures from its provisions which have been mentioned above; the same applies to Finland, Iceland, Union of South Africa, Uruguay and Viet Nam. The Government of Austria states that ratification cannot be considered until Parliament has approved new legislation which is being studied and is entirely in conformity with the Convention. The Government of India states that, while the present position is in general in accordance with the Convention, the sole obstacle to the immediate ratification of this Convention is the temporary nature of the existing Indian employment service.

Greece, Luxembourg and Pakistan are considering ratification and intend to submit the text of the Convention to their legislative bodies in the near future. Italy has already taken measures for ratification.

The Government of France states that the process of ratification is well on its way to completion and that the Council of State has approved the relevant Bill. Finally, Switzerland ratified the Convention in June 1951 and Guatemala in February 1952.

EMPLOYMENT SERVICE RECOMMENDATION, 1948 (No. 83)

Introduction

In 1946 the Governing Body decided to place on the agenda of the Conference the question of employment service organisation in order to bring together the Convention and Recommendations already adopted on this subject and to revise them in the light of present conditions. At its 31st Session (1948) the Conference therefore adopted the Employment Service Convention (No. 88), incorporating the general principles regarding the creation and development of an employment service, and the Employment Service Recommendation (No. 83) which deals with methods for applying these principles. In particular the Recommendation lays down the manner in which the employment service should be organised and the methods it should use for carrying out the various tasks entrusted to it; it also provides for the collaboration which should exist between the employment services and other bodies on the local, national or international level.

Reports Received

Reports on the Recommendation have been submitted by 27 countries: Argentina, Australia¹, Austria, Belgium, Bolivia, Canada¹, Denmark, Dominican Republic, Finland, France, Greece, Guatemala, Iceland, India², Ireland, Italy, Luxembourg, Netherlands¹, New Zealand¹, Norway¹, Pakistan, Sweden¹, Switzerland¹, Turkey¹, Union of South Africa, United Kingdom¹ and Viet Nam.

Content of the Reports

On the whole, the information supplied by the Governments is sufficiently detailed to show the extent to which the provisions of the Recommendation are observed in the various types of national economy ranging from large industrial States to underdeveloped countries in which the need for an employment service has not yet been felt.

Many of the reports communicated by Governments supply detailed information on the effect given under national legislation and in practice to the individual points of the Recommendation (Australia, Austria, Belgium, Canada, Denmark, France, New Zealand, Norway, Pakistan and the United Kingdom). Other Governments, however, have submitted briefer reports which fail to give a complete picture of the position in their respective countries with regard to the Recommendation: a few reports are limited to the statement that the Recommendation is given effect to on the whole (Luxembourg, Netherlands, Sweden and Turkey) or in part (Switzerland); others contain information on some points only of the Recommendation (Finland, Greece, India, Ireland and Italy) and some show that the provisions of the Recommendation as a whole are not being implemented for the present, either because there is no immediate necessity for an employment service as envisaged in the Recommendation (Iceland) or because no employment service exists at present (Bolivia and the Dominican Republic), or because the full implementation

¹ These countries have ratified the Employment Service Convention, 1948 (No. 88).

² Report received too late to be summarised in Report III (Part II).

of the Recommendation is not possible in view of the local conditions (Guatemala and Viet Nam). Finally, two reports show that an employment service exists but give no indication of its organisation and working (Argentina and the Union of South Africa).

Effect given to the Recommendation

Part I. General Organisation.

Most of the countries which have supplied reports provide for free employment services with central headquarters and local offices as required in the Recommendation (Paragraph 1) (Argentina, Australia, Austria, Belgium, Canada, Denmark, Finland, France, Greece, Iceland, India, Ireland, Italy, Luxembourg, New Zealand, Norway, Pakistan, Turkey and the United Kingdom), and many of these have taken the measures indicated in Paragraph 2 of the Recommendation to promote the development of these services (Australia, Belgium, Canada, Denmark, France, Italy, New Zealand, Norway, Pakistan and the United Kingdom). Most of these States also make appropriate arrangements for co-operation with management, workers' representatives or special bodies (Paragraph 3). Several Governments state that they have found it impossible or unnecessary to make separate arrangements dealing with the employment of certain categories of persons or certain occupations (Paragraph 4) (Ireland, Italy and Pakistan), but in other cases special measures have been taken in respect of particular industries or occupations, juveniles, disabled persons, professional workers and women (Australia, Austria, Canada, Finland, France, United Kingdom and, to a certain extent, Belgium, Denmark and Norway).

Part II. Employment Market Information.

The collection of employment market information (Paragraph 5) is recognised as one of the duties of the employment service in many countries (Australia, Belgium, Canada, France, Ireland, Italy, Luxembourg, Norway and the United Kingdom), and frequently the employment services also make special or continuous studies on certain problems relating to employment (Paragraph 6) (Australia, Belgium, Canada, Denmark, France, Ireland, New Zealand, Pakistan and the United Kingdom). Only a few reports state that the information is collected by suitably trained or qualified staff (Paragraph 7), (Australia, Belgium, Canada, France, New Zealand, Norway and the United Kingdom); the methods used for collecting and analysing information are, in some cases, similar to those advocated in the Recommendation (Paragraph 8) (Belgium, France, Norway and the United Kingdom), but in other cases correspond to the latter only in part (Australia, Austria, Belgium, Canada and New Zealand).

Part III. Manpower Budget.

No provision is made for the drawing up of annual manpower budgets (Paragraphs 9 to 11) in a certain number of countries (Austria, Greece, India, Ireland and Pakistan), and in others only partial effect seems to be given to this provision of the Recommendation (Australia, Canada, France and New Zealand); however, full implementation is ensured by some Governments (Belgium, Norway and the United Kingdom) and others are giving favourable consideration to the matter (Austria and Greece).

Part IV. Referral of Workers.

The legislation of most of the States contains provisions fixing the policy to be followed by employment services when referring workers for employment in the case of labour disputes and unsatisfactory conditions of work and with regard to discrimination on grounds of race, colour, sex or belief (Paragraph 12) (Australia, Austria, Belgium, Canada, Denmark,

France, Greece, India, Ireland, Netherlands, New Zealand, Norway, Pakistan and the United Kingdom). However, these provisions are not always in full conformity with those of the Recommendation; thus, the Government of the Union of South Africa states that it is in agreement with the detailed provisions of the Recommendation with the exception of that concerning neutrality on the part of the employment service in the case of labour disputes; the employment services in Denmark, Norway and the United Kingdom are not forbidden to refer workers to employment where wages or conditions of work are below a certain standard. In the Netherlands the Government is considering the inclusion in the Bill respecting regulations for the employment service of the provision of the Recommendation dealing with discrimination against workers on the grounds of race, colour, sex or belief.

Applicants are supplied with information about the jobs to which they are being referred in many countries (Paragraph 13) (Australia, Austria, Belgium, Canada, Denmark, France, Greece, Ireland, New Zealand, Norway, Pakistan and the United Kingdom).

Part V. Mobility of Labour.

Measures to facilitate the mobility of labour, such as the dissemination of reliable information, financial assistance in the case of geographical transfers and the organisation of training or retraining courses (Paragraphs 14 to 19) have been taken in a considerable number of countries. In some cases all the provisions of the Recommendation are applied (Australia, Belgium, Canada, Denmark, New Zealand, Norway and the United Kingdom), in others partial effect has been given to these provisions (Austria and Italy) and in two cases no measures have been taken with regard to mobility of labour (India and Pakistan).

Part VI. Miscellaneous Provisions.

In many States the employment services co-operate with other public and private bodies concerned with employment problems (Paragraph 20 (1)) (Australia, Austria, Belgium, Canada, Denmark, Greece, New Zealand, Norway, Pakistan and the United Kingdom), and in some cases the services are consulted by co-ordinating machinery concerned with the policy relating to matters affecting employment (Paragraph 20 (2)) (Belgium, New Zealand, United Kingdom and to a certain extent, Australia, Austria, Denmark, Ireland and Italy). Efforts to encourage the voluntary use of employment service information and facilities (Paragraph 22) are made in many countries (Australia, Belgium, Canada, Denmark, France, Greece, Ireland, New Zealand, Pakistan and the United Kingdom), although in some cases the methods used are not fully in accordance with those laid down in the Recommendation (Australia, Denmark, Greece and Pakistan).

In some countries workers applying for unemployment assistance and certain other categories of workers are required to register for employment with the employment service, in accordance with the provisions of the Recommendation (Paragraph 23) (Australia, Belgium, Greece, Iceland, Italy, New Zealand, United Kingdom and, to a certain extent, Denmark).

A certain number of reports show that special efforts are made to encourage persons entering employment for the first time to register for employment and attend for an employment interview, as required by the Recommendation (Paragraph 24) (Australia, Belgium, Canada, New Zealand, United Kingdom and, to a limited extent, Denmark and Luxembourg).

The provision of the Recommendation (Paragraph 25) laying down that employers should be encouraged to notify the employment service of vacancies is observed in some cases (Australia, Canada, Greece, Italy, Pakistan, New Zealand and the United Kingdom).

Many of the reports (Australia, Belgium, Denmark, Finland, Ireland, Italy, New Zealand, Pakistan and the United Kingdom) state that efforts are being made to develop the employment service and so obviate the need for private employment agencies (Paragraph 26), some indicating that private employment agencies are prohibited.

Part VII. International Co-operation among Employment Services.

The exchange of information between various national employment services and the organisation of international conferences on employment service questions (Paragraph 27 (1)) are provided for in varying degrees by a fair number of countries (Australia, Austria, Belgium, Denmark, France, Luxembourg, New Zealand and Norway); one report states that these measures are not considered necessary (Ireland). Some Governments state that measures are taken to facilitate the international movement of workers (Paragraph 27 (2)) (Australia, Belgium, Canada, France, Luxembourg, New Zealand, United Kingdom and, to a certain extent, Austria and Pakistan), but two reports indicate that the implementation of these provisions of the Recommendation is not considered necessary (Ireland and Norway).

Conclusion

The limited degree of comparability between the different types of reports submitted makes it difficult for the Committee to draw general conclusions regarding the exact extent to which effect has been given to the provisions of the Recommendation in the 27 countries that have supplied reports. However, 12 States in all show that the provisions of the Recommendation are given effect to on the whole; this total includes eight of the nine countries which have ratified the Employment Service Convention, all of which show that the Recommendation is fully observed (Australia, Canada, Netherlands, New Zealand, Norway, Sweden, Turkey and the United Kingdom), though in some cases the information is given in a general statement only and not in the detailed manner required by the report form; in the case of four other countries the reports show that the more important provisions of the Recommendation are observed (Belgium, Denmark, France and Luxembourg).

The reports of five countries are limited to informa-

tion regarding some provisions only of the Recommendation and it is impossible to form an opinion regarding the effect given to the Recommendation as a whole (Austria, Finland, Greece, Ireland and Italy).

Amongst the eight Governments which show that the Recommendation is not observed in full, only one covers the individual provisions of the Recommendation, indicating its position with regard to each (Pakistan). One Government states that certain provisions of the Recommendation are inapplicable in its country but does not say which provisions (Switzerland) and another indicates that the present state of the employment market in the country does not call for full implementation of the Recommendation (Iceland); three other Governments state that there are difficulties in giving full effect to the system envisaged in the Recommendation in view of existing conditions (Guatemala, India and Viet Nam). Finally, two Governments show that no employment services exist in their countries (Bolivia and the Dominican Republic).

In the case of two countries the reports give no indication whether or not the provisions of the Recommendation are observed or of whether it is intended to give effect to them (Argentina and the Union of South Africa).

None of the reports received makes any proposals for the modification of the terms of the Recommendation. However, a few countries seem to find difficulties in giving effect to the three provisions of the Recommendation relating to mobility of labour, referral of workers in the case of labour disputes or low conditions of work, and international co-operation of employment services. Nevertheless, many other Governments affirm that they give effect to the provisions in question, or intend to do so.

The Committee is glad to note that the implementation of the provisions of the Recommendation seems to give rise to no major difficulties in countries where an employment service has already been established. It is particularly glad that of the three countries in which there is no employment service, two have signified their intention to apply the international labour standards as soon as it has been found possible to organise an employment service, and that five other Governments indicate that further effect is to be given to the provisions of the Recommendation.

APPENDIX V

REPORTS ON UNRATIFIED CONVENTIONS AND ON RECOMMENDATIONS (Article 19 of the Constitution)

Reports Received by 17 March 1952

Conventions : 43

Recommendations : 162

Country	Conventions		Recommendations	
	No. of reports received	Conventions No.	No. of reports received	Recommendations No.
Argentina	2	44, 88	6	44, 45, 51, 71, 73, 83
Australia ²	1	44	6	44, 45, 51, 71, 73, 83
Austria	2	44, 88	6	44, 45, 51, 71, 73, 83
Belgium	2	44, 88	6	44, 45, 51, 71, 73, 83
Bolivia	2	44, 88	6	44, 45, 51, 71, 73, 83
Canada ²	1	44	6	44, 45, 51, 71, 73, 83
Denmark	2	44, 88	6	44, 45, 51, 71, 73, 83
Dominican Republic	2	44, 88	6	44, 45, 51, 71, 73, 83
Finland	2	44, 88	6	44, 45, 51, 71, 73, 83
France ¹	1	88	6	44, 45, 51, 71, 73, 83
Greece	2	44, 88	6	44, 45, 51, 71, 73, 83
Guatemala	2	44, 88	5	44, 45, 51, 71, 83
Iceland	2	44, 88	6	44, 45, 51, 71, 73, 83
India	2	44, 88	6	44, 45, 51, 71, 73, 83
Ireland ¹	1	88	6	44, 45, 51, 71, 73, 83
Italy	2	44, 88	6	44, 45, 51, 71, 73, 83
Luxembourg	1	88	2	71, 83
Netherlands ²	1	44	6	44, 45, 51, 71, 73, 83
New Zealand ²			6	44, 45, 51, 71, 73, 83
Norway ²	1	44	6	44, 45, 51, 71, 73, 83
Pakistan	2	44, 88	6	44, 45, 51, 71, 73, 83
Sweden ²	1	44	6	44, 45, 51, 71, 73, 83
Switzerland ¹	1	88	6	44, 45, 51, 71, 73, 83
Turkey ²	1	44	6	44, 45, 51, 71, 73, 83
Union of South Africa ...	2	44, 88	6	44, 45, 51, 71, 73, 83
United Kingdom ²			6	44, 45, 51, 71, 73, 83
United States	1	44	5	44, 45, 51, 71, 73
Uruguay	2	44, 88		
Viet Nam	2	44, 88	6	44, 45, 51, 71, 73, 83
Total	43		162	

¹ Has ratified Convention No. 44.

² Has ratified Convention No. 88.

³ Has ratified Conventions Nos. 44 and 88.