

REPORT III

(PART I)

INTERNATIONAL LABOUR CONFERENCE

THIRTY-SIXTH SESSION

GENEVA, 1953

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

Third Item on the Agenda



INTERNATIONAL LABOUR OFFICE

GENEVA, 1953

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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".

Article 23 of the Constitution 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.

Further, Article 23, paragraph 2, of the Constitution provides that each Member shall communicate to the representative industrial organisations of employers and workers copies of the reports communicated to the Director-General in pursuance of Article 22.

The present summary, which covers the period from 1 July 1951 to 30 June 1952, contains information on the 69 Conventions in force at the beginning of this period.

A total of 981 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.

It will be recalled that in 1951 the Governing Body decided that, in so far as annual reports on ratified Conventions had not given rise to any observations by the Committee of Experts or

the Conference Committee on the Application of Conventions and Recommendations, 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 the legislation and data on practical application. First reports have been specially indicated in the summary.

As the Committee of Experts and the Conference Committee 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".

* * *

The present volume covers reports received by the Office up to 16 March 1953, the opening date of the 23rd Session of the Committee of Experts on the Application of Conventions and Recommendations, which finished its work on 28 March 1953. The report of the Committee, which is communicated to the Conference as Report III (Part IV), is printed separately.

Geneva, May 1953.

Note. The following abbreviations are used throughout the summary:

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

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

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.

As regards the question whether ratification gives the force of national law to the provisions of a Convention, the Government refers to the opinion given by the Supreme Court of Justice and based on a criterion similar to that followed on the occasion of the ratification of the Conventions approved during the first session of the International Labour Conference. According to this opinion, the fact of ratification merely implies an undertaking to pass laws to implement the principles laid down in a Convention. Consequently, ratification would seem to be an act having two parts and a distinction must be made between ratification itself—which is an external action creating obligations towards the International Labour Organisation—and the obligation to

adjust legislation as soon as possible in conformity with the provisions of the ratified Convention.

This argument is based on the fact that Article 22 of the National Constitution does not apply in this case because of the nature of the legal personality of the Organisation. The latter may be considered, on the one hand, as a supra-national body and, on the other hand, as a creation in the international field which, from the point of view of international law, does not possess the characteristics of a public authority.

The above information has also been supplied in respect of Conventions Nos. 2-17, 19, 21, 22, 23, 26, 27, 29, 30, 32-34, 41, 42, 45, 50 and 52.

During the period under review one decision was given by a labour court of appeal concerning the payment of the eighth hour worked by a night shift.

Documents appended to the report give detailed information on the position in the various provinces with regard to the application of the legislative texts which give effect to Conventions Nos. 1, 3, 4, 5, 6, 10, 14, 32, 33, 41 and 45. These documents also contain information relating to inspection visits, contraventions reported, fines imposed, accidents, compensation, etc. The information supplied shows that 79,452 visits of inspection were made in all types of undertakings and that 1,041 contraventions were reported under Act No. 11544.

Belgium.

Royal Order of 15 December 1951, to repeal the Royal Orders of 1 August 1923, respecting hours of work in the clothing and accessory industries, and to repeal the Royal Order of 7 April 1936, respecting hours of work in the hat-making industry.

The above-mentioned Order of 1951 was issued under the Act of 14 June 1921 instituting the eight-hour day and 48-hour week; in conformity with Section 14 of this Act, the joint committees concerned and the Superior Public Health Council were first consulted.

During the period under review, 28 decisions were given by courts of law to ensure the application of the national legislation with regard to this Convention. The texts of these decisions are not available.

A total number of 416,523 persons was employed in the 16,780 undertakings visited by the Social Inspection Service; 200 contraventions were reported.

A table appended to the report shows that 1,570 workers effected a total of 137,127 overtime hours under Article 6 (b) of the Convention.

Burma.

Factories Act, 1951 (came into force on 1 January 1952).
Oil Fields (Labour and Welfare) Act, 1951 (came into force on 1 June 1951).

Whenever required or necessary, advantage has been taken of the permissive exceptions provided for under Sections 43 and 44 of the old Factories Act, read in conjunction with the rules made thereunder, and Sections 70 and 71 of the new Act. The attention of the parties concerned is drawn to the provisions of the latter Act by means of the Factories Act and the Oil Fields (Labour and Welfare) Act and by the issue of circulars and inspection memoranda.

Article 1. The provisions of the Convention are applicable to oilfields; subparagraph (c) of paragraph 1 is not applicable.

Article 2. The Factories Act and the Oil Fields (Labour and Welfare) Act authorise the exceptions laid down in paragraph (c).

Article 3. The Oil Fields (Labour and Welfare) Act provides for an extension of hours of work for the purpose of carrying out urgent repairs to machinery and plant and in the case of emergency involving a serious risk to the safety of the undertakings or the persons employed therein.

Article 4. The Factories Act, the Mines Act and the Oil Fields (Labour and Welfare) Act provide for a 48-hour week in the case of processes carried out continuously; these Acts also provide for a day of rest.

During the period under review seven contraventions were reported.

Canada.

Alberta.

Orders under the Alberta Labour Act :

Hours of Work Order No. 21 (1951) concerning split shifts.
Hours of Work Order No. 22 (1952) concerning reduction of hours in the four largest cities.
Hours of Work and Minimum Wage Order No. 18 (1952) relating to pipeline construction.

British Columbia.

Orders under the Hours of Work Act :

Hours of Work Order No. 29 B (1951).
Hours of Work Order No. 37 (1951) concerning the Christmas-tree industry.

Ontario.

Regulation No. 102/52 (1952), under the Hours of Work and Vacations with Pay Act relating to the exclusion of salesmen.

Saskatchewan.

Act to amend the Hours of Work Act, 1952, and Orders issued thereunder.

The 1952 amendment to the Saskatchewan Hours of Work Act extends for one year the provisions of the Act prohibiting a reduction in take-home pay where weekly hours have been reduced to comply with the Act. The amendment to this Act, referred to in the previous report, causes it to apply to all occupations except farming and domestic service in centres with a population of over 300 inhabitants and to any area where mining,

logging, lumbering or factory operations are carried on. This amendment made necessary a revision of the Orders issued under the Act. Ten of these Orders relax the overtime requirements with respect to certain groups of workers where it is not expedient to apply the strict limits of the Act. The eleventh Order entirely excludes 13 groups from the Act.

Alberta Order No. 22 establishes a maximum working week of 44 hours for workers in four cities; the 48-hour limit prevails in the rest of the province. Alberta Order No. 18 sets normal hours at eight a day and 40 a week for workers employed in the construction of the Trans-Mountain Pipeline, except where a greater daily maximum is established by a collective agreement, and requires time-and-a-half to be paid after those limits.

During the period from 1 April 1950 to 31 March 1951, 13 Orders were issued by the Manitoba Labour Board granting, on the application of employers, exceptions from the overtime requirements of the Hours of Work Act.

The Ontario Industry and Labour Board authorised overtime work by the employees of 930 employers during the fiscal year 1950-1951. Blanket approval granted during the previous year to employees in the highway transport industry for the performance of 60 hours of work a week was amended in 1950-1951 to delete the maximum of ten hours of work a day but to retain the maximum working week of 60 hours. The Board also granted 108 authorisations for overtime work.

In Saskatchewan seven authorisations were issued during 1951 permitting employees to work up to nine hours per day for the purpose of instituting a five-day and 48-hour week. Five authorisations were issued providing for the extension of hours of work beyond eight per day, with the payment of overtime to facilitate the arrangement or rotation of shifts.

Consultation with employers and workers was carried out in the usual way.

In British Columbia there were two court cases during 1950 to enforce the Hours of Work Act; in Saskatchewan five charges of failure to pay overtime were laid under the Hours of Work Act; in Manitoba 172 Orders were issued requiring compliance with the Act but there were no prosecutions; in Ontario 1,760 complaints of violation of the relevant Act were investigated and the majority were adjusted satisfactorily.

Average hours worked per week were as follows : 41.8 in manufacturing, 42.4 in mining, 45.3 in log transportation, 41.7 in the building industry and 39.5 in highway construction. The report also gives information concerning the hours worked in the industries covered by the Convention, in particular with regard to the percentage distribution of non-office employees according to the normal work week in transportation, manufacturing, mining and building.

Chile.

Although a number of decisions were given by courts of law with regard to hours of work, only one of these decisions—relating to the payment of additional hours worked—was communicated to the General Directorate of Labour. A total of 26,141 workers and 6,972 employees are covered

by the legislative provisions applying the Convention to railways. Some trades, such as the building trade, have agreed to a reduction in hours of work to 40 per week; in certain trades this reduction applies throughout the country.

Cuba.

Decree No. 3154 of 1951.

Resolutions Nos. 3223 and 3294 of 1951.

The Decree of 1951 stipulates that workers in the building industry may not work more than eight hours a day, even where work is carried on continuously; it also fixes the winter and summer time-tables. Resolution No. 3223 authorises a three-shift system in an undertaking manufacturing glass-ware, provided that the statutory weekly and daily hours of work are not exceeded and that wages corresponding to 48 hours are paid for each period of 44 hours worked. Resolution No. 3294 deals with the hours of work of nurses.

With regard to Article 4, Resolution No. 3223 provides that the eight-hour day and 48-hour week should be maintained by shifts in undertakings working continuously.

There were 310 visits of inspection and 73 infringements; however, it is not possible to indicate the nature of these infringements or the final decisions given in their respect.

Dominican Republic.

Labour Code promulgated on 11 June 1951 (came into force on 24 October 1951) (L.S. 1951—Dom. 1).

Regulation No. 7676 of 6 October 1951, concerning the application of the Labour Code.

Resolution No. 72/51 of the Secretary of State for Labour, dated 24 October 1951.

Departmental Order No. 15/51.

The above legislation abrogates the following texts: Acts Nos. 929 of 21 June and 1058 of 20 December 1935, Decree No. 623 of 24 December 1942, Acts Nos. 152 of 13 January 1943, 1075 of 4 June 1946, 2093 of 27 August 1949 and Regulation No. 6114 of 5 November 1949.

Article 1. No line of division to separate industry from commerce and agriculture has been fixed in the Labour Code. However, the legislation in force shows that there is no division between industry and commerce but that a distinction is made between industry and agriculture since the eight-hour day and 48-hour week are not applicable to the latter. The undertakings covered by subparagraphs (a), (b) and (c) of paragraph 1 are considered as industrial undertakings. The undertakings referred to in subparagraph (d) are covered by separate schemes and the eight-hour day and 48-hour week do not apply to these undertakings with the exception of rail transport (see below under Article 6).

Article 2. These provisions are covered by Sections 137 and 138 of the Labour Code and by Section 31 of Regulation No. 7676. Section 137 of the Labour Code provides that the normal hours of work may not exceed eight per day or 48 per week of six days; Section 138 provides that these maximum hours shall not apply to employees acting as representatives or agents of the employer, to employees occupying posts as managers or inspectors, to rural employees or to employees in small establishments situated in rural districts; and Section 3 of Regulation

No. 7676 provides that employers and workers may, with the agreement of the Department of Labour, extend hours of work to nine per day, although the weekly hours of work may in no case exceed 48 hours for a six-day week. Thus, paragraphs (a) and (b) of this Article are applied by the national legislation. With regard to paragraph (c), the report adds that no such provisions are contained in Dominican legislation.

Article 3. This Article of the Convention is covered by Section 142 of the Labour Code, which provides that hours of work may be raised exceptionally to ten a day in the case of (1) accidents which have occurred or are imminent; (2) specially urgent work; (3) work of national, regional or communal interest; (4) work which cannot be postponed and which must be carried out with machinery or installations a stoppage of which might cause grave loss or damage; (5) work the interruption of which might damage raw materials; and (6) unforeseen events or *force majeure*. Thus, the cases in which hours of work may be exceeded are the same as those prescribed in this Article, except that the national legislation provides for two additional exceptions—in the case of work of national, regional or communal interest and also in the case of work the interruption of which might damage raw materials.

Article 4. The provisions of this Article are covered by Section 148 of the Labour Code, which provides that in the case of continuous work there must be a change of shift after every eight hours of work, and that in such cases the working day may be extended by one hour. Thus, in the case of continuous work a maximum of 54 hours a week is permitted. Further, Section 149 of the Labour Code provides that the Department of Labour may authorise the permanent extension of the working day up to not more than 12 hours in undertakings working continuously, and may authorise work on non-working days where it is shown that there are not sufficient workers to carry out the work in question. Such authorisations may not cover a period of more than eight months in a year. This measure proved necessary in order to meet cases of shortages of manpower such as those which may occur in plantations and in the sugar-refining industry.

Article 5. Reference is made to the information supplied under Article 2 of the Convention.

Article 6. The provisions contained in paragraph 1 (a) of this Article are applied by Section 1 of Resolution No. 72 and Section 139 of the Labour Code. The former defines intermittent work as work carried out by bus drivers and conductors, night-watchmen, lift attendants, hall porters, rural policemen, messengers, drivers employed by transport undertakings, hairdressers, tailors, employees at petrol-filling stations, foremen, waiters at cafés and restaurants, manicurists and valets. The Labour Code provides that such workers may not remain at the workplace for more than ten hours a day.

In addition, Section 139 of the Labour Code lays down that the eight-hour day or 48-hour week shall not apply to employees who work intermittently or whose presence alone is required at the workplace. With regard to paragraph 1 (a) of Article 6, the report states that Sections 268 and 269 of the Labour Code stipulate that persons employed on transport vehicles providing inter-

mittent services and persons employed on transport vehicles in services between two or more communes shall not be subject to ordinary working hours ; and that the work of persons employed on vehicles providing public transport in urban transport undertakings shall be deemed to be intermittent by its nature. Moreover, Section 271 of the Labour Code provides that the hours of work of employees in private railway services may be more than eight a day but that the total hours of work in a week may not exceed 48.

With regard to paragraph 1 (b) of this Article, reference is made to Section 145 of the Labour Code, which provides that hours of work in commercial establishments may be increased during the period from 24 December to 6 January of each year.

As regards the consultations with organisations of employers and workers prescribed in paragraph 2 of this Article, the report states that this procedure is carried out in the Dominican Republic in virtue of regulations such as Resolution No. 72, but that Article 6 of the Convention is applied largely by means of legislation. This is the case not only with regard to permanent and temporary exceptions but also with regard to the fixing of the maximum number of additional hours which may be authorised and to the rate of pay for overtime. Thus, Section 146 of the Labour Code provides that all hours of work performed in excess of the normal working hours shall be paid at overtime rates in the manner established by the Code ; Section 195 lays down that wages in respect of overtime shall be paid as follows : at 30 per cent. above the normal rate for hours up to 72 a week and at 100 per cent. above the normal rate for hours worked in excess of 72 a week. The report points out that work considered as intermittent, as well as land transport, is not subject to the normal hours of work limits ; such work is covered by special schemes and thus the provisions relating to the payment of overtime hours do not apply to the workers concerned.

Article 8. This Article of the Convention is applied under Sections 151 to 153 of the Labour Code. Section 151 provides that employers must display in a conspicuous place a notice with the seal of the local labour authority showing (1) the starting and finishing hours of the working day of each employee, (2) the time of breaks for rest during working hours, and (3) the weekly day of rest for each employee. Section 152 provides that if the working day is extended the employer must display another notice showing the reasons for the extension and the rates payable to employees in respect of overtime. Finally, Section 153 provides that employers must keep registers showing in respect of each employee (1) the hours of work, (2) interruptions of work and causes thereof, (3) hours worked in excess of normal hours, (4) the amount of remuneration due, and (5) the age and sex of the workers.

The Labour Code does not contain any provision corresponding to that laid down in paragraph 2 of this Article. However, Section 678 of the Code provides that contraventions of Sections 151 to 153 shall be subject to penal sanctions.

Article 14. The Dominican Government has not found it necessary, since the second world war, to make use of the right provided for in this Article.

Article 7, paragraph 1 (a). With regard to the list of processes classified as being necessarily continuous under Article 4 of the Convention, the report refers to Section 163 of the Labour Code, which lays down that provisions respecting the closing of establishments or undertakings shall not apply to cafés, sugar factories, restaurants, hotels, casinos, clubs, public spectacles, dairies, slaughterhouses, dispensaries, hospitals, clinics, maritime agencies, transport agencies, bicycle agencies, undertakers' establishments, bakeries, places for the sale or manufacture of confectionery, electric plants, inns, establishments for the manufacture and storage of ice, pharmacies, petrol-filling stations, laundries, bookshops, undertakings for the publication of periodicals, factories and mills for the processing of rice or coffee, and any other establishment or undertaking which by its nature cannot suspend its activities.

Paragraph 1 (b). The agreements referred to in Section 31 of Regulation No. 7676 relate solely to changes in the hours at which work starts and finishes in each undertaking.

Paragraph 1 (c). The report refers to Section 1 of Resolution No. 72 referred to under Article 6 of the Convention. The Secretary of State for Labour and Social Welfare or the official appointed by him arranges meetings with the leaders of employers' and workers' organisations to examine labour problems.

The application of the above-mentioned laws, regulations and resolutions is entrusted to the Department of Labour, in accordance with Section 390 of the Labour Code. Section 391 provides that the Department of Labour shall investigate all complaints concerning irregularities in the execution of contracts of employment, agreements or labour laws or regulations, whether submitted by employers or employees ; this investigation shall take place within three days of the complaint being made. The Department of Labour is assisted by local labour representatives (Sections 398 and 399 of the Labour Code) and by labour inspectors (Sections 400 to 410) and is thus in a position to supervise throughout the country all matters referred to in Section 390.

It should be mentioned that Section 143 of the Code lays down that, where the employer finds it necessary to extend working hours in cases authorised by the law, he shall be obliged to notify the local labour authority for the purposes of confirming that the case falls under the exceptions laid down in Section 142 (see comments on Article 3).

Further, the application of the laws and regulations concerning hours of work is ensured under Sections 149 and 150 of the Labour Code and Sections 32, 33 and 35 of Regulation No. 7676. As from the date of the coming into force of the Labour Code, the labour inspection service was increased and improved. There are at present 28 labour districts set up under Departmental Order No. 15/51. The number of inspectors employed in the district offices is 60.

Copies of several decisions given by courts of law with regard to hours of work are appended to the report. Statistics relating to the application of the Convention are also appended to the report.

Greece.

The Government has taken due note of the report of the Conference Committee respecting this Convention. It has not yet been possible to implement fully the Convention with regard to undertakings for transport by rail. The Ministry of Communications, which was competent in this matter, fully agreed with the point of view of the Ministry of Labour as regards the strict application of the Convention. It adopted the proposals of the constitutional committee which was set up in this connection and drew up the draft of a Royal Decree providing for the gradual application of the eight-hour day to the different categories of persons employed in railways. This plan provided for the full application of the eight-hour day within the next two years.

However, in view of the fact that all railway undertakings have financial deficits which are met by State subsidies and that the proposal made would increase expenditure, the Ministry of Finance opposed the publication of the Decree, so that the matter remains in abeyance. The present Government, which has just come into power, will examine the question and will supply any fresh information.

The granting of permits for additional hours has been restricted and new instructions have been given to the labour inspectorates to examine carefully the reasons given in requests for such permits. Permits are issued only in urgent and unavoidable circumstances.

No lists have been drawn up of work which is necessarily continuous. The Directorate of Statistics, which was recently set up, is preparing an enquiry on employment and will shortly be able to draw up the lists in question.

The labour inspectorate is divided into three regional directorates situated in Athens, Salonika and the Piraeus. There are eight inspectors, 80 labour supervisors and six women inspectors. A report issued by the regional inspector for Southern Greece for 1951 showed, *inter alia*, that 7,932 visits had been made to various workplaces in order to verify the implementation of the labour legislation; 1,332 permits for additional hours were granted; and 350 complaints were brought before the courts by the inspectorate. In spite of the shortage of inspection staff, similar activity was to be found in all regions of the country. During the period under review repeated efforts were made to secure the nomination of 19 labour inspectors; these efforts were unsuccessful because the Ministry of Finance was unable to grant the necessary funds. The General Confederation of Labour made repeated requests for an increase in the number of labour inspectors in order that a stricter application of the labour legislation should be ensured.

The Directorate of Statistics and Information, which was recently set up by the Ministry of Labour, is to undertake an enquiry on the number of workers employed in the various industrial branches of the ten largest cities in the country. This enquiry will be extended subsequently to the whole of the country.

A decision was given in 1951 by the Court of Appeals laying down, on the basis of Act No. 2269 of 1920 by which the Convention was ratified, that persons who work overtime are entitled to an increase in wages of at least 25 per cent.

The application of the Convention is considered to be satisfactory except as regards railway staff to whom the legislation in force does not extend. A protest on this matter was made by the General Confederation of Labour in its document No. 10992 of 29 April 1952.

India.

Indian Mines Act of 1952 (came into force on 1 July 1952).
Travancore-Cochin Factories Rules, 1952.
Orissa Factories Rules of 1950.
Punjab Factory Rules, 1952.

The Indian Mines Act of 1952 was not brought into force during the period under review; the Mines Act of 1923 remained in force and the new Act is to have effect from 1 July 1952. The number of contraventions of the Factories Act, 1948, reported during the period under review amounted to 4,705 in Punjab and 18 in Madras. During the calendar year 1951, there were 186 contraventions in Uttar Pradesh of the provisions of Chapter VI of the Factories Act, 1948. The number of workers covered by this Act during 1950 was 2,468,186 and the number of workers covered by the Mines Act during 1951 was 549,048.

Luxembourg.

The annual report of the Labour and Mines Inspection Service for 1951 shows that 77 permits were granted for the temporary extension of hours of work in view of exceptional pressure of work; these permits were granted to 51 different undertakings by the Minister of Labour on the suggestion of the Labour and Mines Inspection Service. The number of additional hours amounted to 225,176, worked by 1,392 workers, over periods varying between five and 273 days, with between one and two additional hours per day. Permits were granted to three undertakings for the institution of a compensatory scheme. A total of 314 special interventions were necessary to adjust 106 contraventions reported with regard to hours of work; 73 interventions were necessary with regard to overtime payment. Final warnings were given to eight undertakings. Proceedings were instituted in the case of a factory, a mine and a quarry.

New Zealand.

Quarries Amendment Act, 1951.

The above enactment amends the definition of the term "quarry" given in the report for 1949-1950, by the inclusion of open-cast coal quarries. There is also an addition to the reference to tunnels in Part C of the Act, and clause (d) has also been changed.

With regard to Article 11 of the Convention, the report shows alterations made in the award references with regard to road-passenger awards and warehouse employees awards. With regard to Article 6, the reference to the New Zealand Builders, Labourers, Quarry Workers, Tunnellers and General Labourers Award has also been changed.

The statistical information appended to the report shows that as at April 1952 the number of workers covered by the legislation was as follows: 6,433 persons in mining and quarrying; 167,612 persons in manufacturing; 55,836 in the building industry and in communications; 9,626 in power

and water; and 38,542 in transport—a total of 278,049.

Overtime worked in factories during the period 1950-1951 amounted to 15,968,520 hours for males and 1,357,799 for females.

Portugal.

The principles of the Convention have been incorporated in the collective agreement concluded between the National Association of the Daily Press and the National Trade Union of Journalists.

Decisions given during the period under review recognised the chemical treatment of ores and the manufacture of ammonia and ammonium sulphate as continuous processes. Overtime worked in Lisbon amounted to 9,427,835 hours in various trades, and 5,346,017 in transport undertakings.

The number of contraventions reported during the period under review was 4,123.

Uruguay.

Information regarding additional hours is noted in a special booklet if hours of work are irregular, that is to say, when the timetable is not the same every day (transport, certain factories, etc.), and is communicated to the National Institute of Labour on the same day in the case of accident or *force majeure*.

A proposal for the reorganisation of the National Institute of Labour and related services is on the point of being approved by Parliament.

During the period under review 483 breaches were noted, and fines amounting to 18,065 pesos were imposed.

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

Pakistan, Venezuela.

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
Federal Republic of Germany ²	6. 6. 1925
Greece	19. 11. 1920
Hungary	1. 3. 1928
India ³	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 The Government of the Federal Republic of Germany informed the Office on 16 December 1951 that it remained bound by the 17 Conventions (Nos. 2, 3, 7, 8, 9, 11, 12, 15, 16, 18, 19, 22, 23, 24, 25, 26 and 27) which were ratified in the first place by the German Reich.

³ Ratification denounced.

Argentina.

Resolution No. D.N. 2/2501 of 30 November 1951, to set up in the National Employment Service Directorate a department to deal with persons employed by public entertainment undertakings.

Circular No. D.N. 1/52 of 24 June 1952, issued by the Employment Service Directorate in application of the above-named Resolution.

A department has been set up in the National Employment Service Directorate to deal with all questions relating to labour supply and demand for public entertainment undertakings. An advisory committee, on which employers and workers are represented, is attached to this department.

Appended to the report are detailed statistical data for various occupations showing that, during the period under review, the employment service placed 44,894 persons in employment, registered 56,517 vacancies and 45,188 applications. In addition, 12,786 persons were placed in temporary posts in the baking industry.

Austria.

Act of 25 July 1951, to amend the Act of 22 July 1949 respecting unemployment insurance.

Act of 21 September 1951, respecting housing allowances to unemployed persons.

Ordinance of the Federal Ministry of Social Administration of 30 January 1952, to assimilate persons of German origin (*Volksdeutsche*) to Austrian nationals for the purposes of labour law.

Act of 28 July 1951, to modify the Act of 4 July 1947 respecting assistance to war victims.

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

During the period under review the monthly average number of applications registered with employment offices was 62,139. The number of vacancies was 40,702 and the number of placings effected 32,439. At the end of each month, there was an average number of 22,369 vacant posts; 127,025 persons were registered as seeking employment.

In virtue of the terms of the Ordinance of the Federal Ministry of Social Administration, dated 30 January 1952, persons of German origin (*Volksdeutsche*) who reached Austria before 31 December 1951 are no longer subject to the provisions covering the employment of foreign workers. Consequently, they may take up wage-earning employment without being obliged to obtain a labour permit or an exemption. Persons covered by this measure are, however, subject to special provisions of the Acts covering certain occupations, in particular those relating to doctors, chemists, dentists, midwives and nurses.

Certain facilities are granted to Austrian and West German frontier workers, who retain the right to benefit from unemployment allowances payable by the State of which they were nationals, provided that the employment which they take up in the other State is covered by unemployment insurance.

When the agreement concluded between the Republic of Austria and the Federal Republic of Germany comes into force on 1 July 1952, all persons who, on 1 January 1951, had a permanent domicile in the territory of one of the other parties, as well as the members of their families who rejoined them after this date, may without special authorisation take up wage-earning employment in the territory of the other party. The above-mentioned agreement also contains provisions designed to facilitate the granting of permits to actors and to agricultural workers. In addition, the agreement provides for clearing operations between the regional (*Länder*) employment offices of the two States, in the event of a labour shortage.

Appended to the report are various statistical data and other information regarding the position of the labour market and placing activities during the months of July to November 1952. There was a shortage of seasonal employment in the construction industry owing to the difficulties experienced in allocating funds to this industry.

Belgium.

Various Orders and Regulations, issued in 1952, relating to the approval of private free employment agencies and increased subsidies to such agencies, bonuses to workers employed underground in mines, and the National Employment and Unemployment Office.

The number of local offices attached to the National Employment and Unemployment Office is now 43.

Statistical data are appended to the report showing the average daily number of totally unemployed persons in receipt of benefits and the number of filled and unfilled vacancies in each month of the period July 1951 to June 1952.

The report states with regard to Article 3 of the Convention that foreign workers authorised to work in Belgium are granted unemployment allowances under the same conditions as those relating to Belgian subjects. Foreign workers residing in Belgium who are not covered by social security or have only been covered for an insufficient period are not entitled to these allowances unless a reciprocal agreement has been concluded with their country of origin.

The National Employment and Unemployment Office (formerly the Provisional Fund for the maintenance of involuntarily unemployed persons), which is now responsible for the application

of Acts, Orders and Regulations relating to unemployment, is administered, under State protection, by a managing board comprising members of the most representative inter-occupational employers' and workers' organisations. The members and the chairman of the board are nominated by the Crown. The Minister of Labour and Social Welfare is responsible for the implementation of the Acts, Orders and Regulations relating to unemployment, in particular those respecting the recognition of workers' organisations, the approval and control of fee-charging employment offices, the setting up of complaints and appeals committees dealing with unemployment, and of advisory employment committees, etc.

Burma.

Article 14 of the Constitution of the Union of Burma provides that "there shall be equality of opportunity for all citizens in matters of public employment and in the exercise or carrying on of any occupation, trade, business or profession".

In order to cope with unemployment problems in the oilfields area the Government has transferred some of the unemployed persons from this area to Nanttu mines for employment as miners. As a result of the Union Welfare State Conference, convened to consider the implementation of the various development schemes, more schemes will be carried out to absorb the unemployed. In addition, arrangements are being made to open a second training centre at Mandalay in the near future.

The public employment service was assisted by an International Labour Office expert; two Government officials were nominated to attend the International Labour Office Employment Service Institute in Tokyo. In addition to the two employment exchanges at Rangoon and Mandalay, nine labour offices have been set up at other industrially important towns in accordance with the Government's two-year economic development plan and with a view to improving labour conditions, by providing, *inter alia*, assistance to unemployed persons in securing employment and to employers in finding the workers they require. By a Resolution of 21 October 1947, the Standing Joint Labour Advisory Board, composed of representatives of the Government and of employers' and workers' organisations, has been constituted to advise the Government on labour matters in general and on unemployment in particular.

The report also gives information regarding the card-index system (to record details of vacancies, candidates and their qualifications, etc.) in use at employment exchanges. During the period under review, a total number of 11,085 applicants for employment and 4,614 vacancies was registered by the employment service, which effected 1,931 placings.

The Government states that it is not considered necessary at present for the operations of the various national employment service systems to be co-ordinated by the International Labour Office.

No system of insurance against unemployment has yet been established, but the Union Insurance Board Act has been passed with a view to introducing such a system in future. I.L.O. experts on social security who carried out an exploratory

mission in Burma found that unemployment insurance was not practicable under existing conditions.

The general supervision of the legislation and administrative regulations on all labour matters is now entrusted to the Ministry of Housing and Labour. Under the Employment Statistics Act, the Director of Labour has been appointed as the statistics authority.

Chile.

With reference to the observation made in 1952 by the Committee of Experts, the Government states that the national employment service has drawn up the preliminary basic regulations for the setting up of a joint advisory committee as provided for by the Convention. However, the promulgation of the Supreme Decree in this connection remains in abeyance pending the technical assistance requested from the International Labour Office in connection with the employment service.

The reports of the labour officials in charge of the employment offices throughout the country draw attention to the difficulties encountered in placing in employment persons who have been convicted in a court of law. During the past year the women welfare assistants appointed by the women's department of the employment service have done considerable work in connection with such persons.

A psycho-technical centre has been set up which during the last six months of the period under review examined 255 persons (177 men and 78 women), the majority of whom were under 21 years of age.

Detailed statistical data are appended to the report, showing that, for 1951 and for different occupations, the average monthly number of applicants for employment registered by the employment service was 3,654: 1,092 placings were effected and 2,562 persons remained unemployed.

Denmark.

Regulation No. 233 of 24 August 1935, respecting the supervision of unemployment insurance funds by the Director of Labour.

Notification of 4 May 1938, respecting the Act concerning private employment offices.

Act No. 322 of 28 July 1942, respecting local employment committees.

Regulation No. 390 of 11 September 1942, respecting the supervision of local unemployment insurance funds.

Regulation of 12 March 1951, issued by the Ministry of Labour and Social Affairs, concerning the unemployment insurance agreement concluded between Denmark and Norway.

Notification No. 43 of 18 February 1952, respecting the Employment Exchanges and National Insurance Act.

Article 1. The annual report on the employment service, published by the Director of Labour, is forwarded to the International Labour Office. Statistical data on unemployment, issued at short intervals, as well as non-periodical publications of the Department of Statistics, are also forwarded to the Office.

Article 2. The provisions relating to the establishment of free public employment offices throughout the country are now contained in Section 1 of Notification No. 43 of 18 February 1952. There are 37 public employment offices. A supervisory board, consisting of an equal number

of representatives of employers and workers and the local authorities, with an independent chairman, is attached to each employment office. The public employment service, which is under the supervision of the Director of Labour, covers the activities carried out by the public employment offices, State-approved unemployment insurance funds, local committees and the local authorities. State-approved unemployment insurance funds (of which there are 64) have been established in connection with the trade unions to provide placing services for their members.

Local employment committees are established in nearly all of the 1,400 municipalities of the country, except in those having a public employment office. The functions of these committees are to provide, in co-operation with the public employment offices and the unemployment insurance funds, placing services for occupations in agriculture, horticulture, domestic work and certain other occupations. The employment operations carried out by the local authorities form part of their ordinary activities.

During the period 1 April 1950 to 31 March 1951 the number of persons registered as unemployed was 1,716,727. The public employment offices were notified of 269,424 vacancies and effected 255,705 placings. The unemployment funds effected 163,166 placings and the employment committees 3,227 placings. During the same period, 1,172,830 persons found employment through their own efforts. The number of persons registered as unemployed during the period 1 April 1951 to 31 March 1952 was 1,739,348. The public employment offices were notified of 245,265 vacancies and effected 238,072 placings. During the period 1 April 1951 to 31 March 1952 the following placings were effected: employment offices, 238,072; unemployment insurance funds, 158,649; employment committees, 2,132. The number of persons who found employment through their own efforts was 1,236,868.

The Government states that the figures indicating the number of persons having reported as unemployed show the number of reports made to the employment offices during the period in question; consequently, if a person has reported several times to the office, each of these reports is included in the figures given.

Private employment agencies are allowed to operate to a limited extent for certain occupations. Employers' and workers' organisations for handicrafts, industry, transport, commerce, clerical work, hotels and restaurants, as well as commercial and technical schools, etc., may obtain permission to carry out employment service operations provided no fee is charged. Permission may be granted for the establishment of domestic employment agencies for the provision of temporary assistants of any kind for domestic work. Permission may also be granted for the establishment of agencies for the placing of nurses in cases which are not covered by the legislation concerning trained nurses. These agencies charge a fee for their services, subject to approval of the conditions of payment by the Director of Labour. Placings effected by private employment agencies amounted to 10,475 in 1950-1951 and 9,397 in 1951-1952.

Co-operation exists between the existing private employment agencies and the public employment service; all the activities of private employment

agencies are subject to supervision by the Director of Labour.

A few fee-charging employment agencies exist for occupations not covered by the Private Employment Service Act of 4 May 1938, *e.g.*, for artistes (subject to approval by the Minister of Labour and Social Affairs) and for trained nurses (subject to approval by the Department of Public Health).

The public employment service in Denmark effects placings in Norway and Sweden in occupations where there is supposed to be no shortage of manpower in Denmark. In 1950-1951, 32 persons were placed in Norway and 524 in Sweden. These operations were carried out on the basis of the convention on the exchange of manpower which was concluded between Denmark and Sweden on 18 November 1946. The principles of this convention are applied in all essential respects in the co-operation between the employment services in Denmark and Norway.

Article 3. Under an agreement concluded on 1 January 1951 between the Governments of Denmark and Norway, Danish unemployment insurance funds take account of contribution periods spent in Norway by wage earners who have been members of the Norwegian unemployment insurance system and have moved to Denmark. The Government appends to its report the text of the Regulation of 12 March 1951, issued by the Ministry of Labour and Social Affairs respecting this agreement.

The administration of the relevant provisions is entrusted to the Ministry of Labour and Social Affairs, the Directorate of Labour and the Board of Labour, the public employment offices and the local employment committees and State approved unemployment insurance funds and their branches.

France.

Metropolitan Departments.

Decree No. 52-1053 of 12 September 1952, to fix the rate of unemployment allowances.

There are now 388 local manpower offices distributed among 90 departmental manpower services.

During the period under review, new measures were adopted by the Ministry of Labour in order to improve and complete the organisation and functioning of the State employment service in various respects. These measures included the setting up, under the Order of 20 February 1952, of a National Juvenile Manpower Committee to deal with all questions relating to the placing in employment of young persons between 14 and 18 years of age. A pamphlet on the manpower services has been published and distributed to various public and private organisations, employers' and workers' trade union associations, etc. Under the chairmanship of the Director of Manpower, the National Juvenile Manpower Committee comprises representatives of the Ministries of Labour and Social Security, National Education, Public Health, Justice and Agriculture, as well as representatives of employers' and workers' organisations and family associations.

The report contains figures for each month of the period 1 July 1951 to 1 July 1952, showing the number of placings effected, the number of unfilled vacancies and applications and the

number of unemployed persons who were granted assistance.

French regulations provide for allowances to totally unemployed persons if they cannot be placed in employment in the neighbourhood in which they reside and also for allowances to partially unemployed persons.

There are only a few unemployment insurance funds.

A draft Decree is being examined with a view to providing for the institution of a system which would enable isolated unemployed persons to be admitted as individual members, subject to certain conditions, to the benefit of unemployment allowances.

The Ministry of Labour has set up in Paris an official agency for entertainment undertakings. This agency is to deal with the placing in employment of the various categories of workers concerned. A number of existing private placing agencies for such workers will be suppressed as soon as the Ministry of Labour is in a position to assume responsibility for the placing of workers employed in entertainment undertakings.

Algerian Departments.

Order of the Governor-General of Algeria of 27 August 1951, to amend the Order of the Governor-General of 22 February 1946 setting up advisory boards attached to the departmental employment offices.

Order of the Governor-General of Algeria of 27 August 1951, to amend the Order of the Governor-General of 23 December 1946, to fix the methods of applying to Algeria the Ordinance of 24 May 1945 and the Decree of 23 August 1945.

According to the general manpower statistics prepared by the departmental manpower services of Algeria, during the period 1 July 1951 to 30 June 1952 the number of persons placed in employment was 14,631, the number of unfilled applications was 19,546 and the number of unfilled vacancies was 8,708.

Overseas Departments.

French Guiana.

The situation of the labour market has not so far necessitated the adoption of any special measures relating to unemployed workers. Appended to the report are statistical data compiled by the Manpower Department for wage-earning employees showing, by branch of activity, the number of employed persons in 1,330 establishments as on 1 May 1952.

Guadeloupe.

Decree No. 48-592 of 30 March 1948, to extend to the new Overseas Departments the provisions of the Labour Code and the legislation issued in application thereof as regards the placing of workers.

The manpower service was reorganised at the beginning of 1952, after the arrival in the Department of a deputy controller of labour and manpower who was entrusted with questions relating to manpower. The departmental directorate for the placing of workers is situated at Basse-Terre; there is an agency at Pointe-à-Pitre. The departmental manpower committee has not yet been set up. A clearing system (*système de compensation*) on the inter-departmental level operates between Martinique and French Guiana. The number of filled applications is still relatively low,

in the first place because many applications come from workers who are domiciled in France and it is almost impossible to place them in Guadeloupe because of the heavy expense which would be involved, and secondly because comparatively few vacancies are notified to the employment service.

During the period under review, the service registered 425 applications for employment, 63 of which were from Metropolitan France; 265 vacancies were notified, six of which were from French Guiana. The number of workers placed in employment was 111 (five in French Guiana). Under the clearing system, 41 workers from Martinique were placed in employment in Guadeloupe by the service.

The service has no knowledge of any private employment agency.

The provisions which are in force in Metropolitan France as regards assistance to workers without employment have not been made applicable.

Martinique.

The only existing employment office—at Fort-de-France—has been reorganised and developed on the basis of the system for Metropolitan France. At present, this office is working in a normal manner. The size of the island does not warrant the setting up of another office.

The departmental manpower service has requested the municipalities to co-operate with it, but so far they do not appear to have shown any interest in the matter.

The employment service is directed by a principal controller, who acts as head of the service. Applications and vacancies are entered on separate cards. Unemployed workers apply to the employers with a card which must be returned by the employer to the service, indicating whether the applicant has been accepted and, if not, for what reason.

There are no joint supervisory committees.

There is no private employment agency in operation.

During the period under review, there were 874 applications for employment and 414 vacancies; the number of placings effected was 241. The majority of unfilled vacancies related to domestic workers.

Réunion.

The activities of the employment office attached to the labour and manpower inspection directorate are handled by the staff of the labour inspection office. There are also some municipal employment offices, but their activities are negligible. Joint committees are not necessary as in Réunion there are only 45,000 employees in agriculture, 10,000 in industry, commerce and transport, 10,000 in domestic employment and 5,000 in administrative departments. An employment service to cover 10,000 to 15,000 employees is not of sufficient importance to justify the setting-up of joint committees.

By Order of the Prefect of 19 October 1950 (relating to the occupation of docker), a central manpower office for the port was set up at Pointe-des-Galets and operates as an employment agency on a tripartite basis.

Unemployment continued to spread during the period under review. The employment office

registered 740 applications in 1951 and 415 in the first half of 1952. The number of placings effected in 1951 was 200 and 100 during the first half of 1952.

The report gives detailed information relating in particular to a plan to encourage the emigration to Madagascar (in future years) of about 2,000 families from Réunion. The plan started on an experimental basis on 4 November 1952, when 17 families left Réunion.

Federal Republic of Germany.

Basic legislation ensuring the application of the Convention :

Act of 16 July 1927, respecting employment service and unemployment insurance (L.S. 1927—Ger. 5).

Act of 29 November 1951, concerning the headquarters of the Federal Employment Service and Unemployment Insurance Institute.

Act of 10 March 1952, concerning the establishment of the Federal Employment Service and Unemployment Insurance Institute.

Act of 30 April 1952, to extend to the Land of Berlin the Act of 10 March 1952.

Legislation relating to employment service, vocational guidance and placing of apprentices :

Ordinance of 28 June 1935, respecting the placing, recruitment and contracts of persons engaged for employment abroad.

Decree of 8 January 1936, issued by the chairman of the National Employment Service and Unemployment Insurance Institute.

Act of 5 November 1938, respecting employment service, vocational guidance and the placing of apprentices in employment.

Ordinance of 26 November 1935 and Third Order of 23 December 1937, issued in application of the Act of 5 November 1938.

Legislation relating to unemployment insurance :

Act of 16 July 1927, as modified by the various Länder and by the British Military Government Authority :

American zone :

Act of 9 September 1947, concerning the amendment of the basic Act and its acceptance as applicable to the zone by the Land legislatures.

This Act has been promulgated in Bavaria (20 October 1947), Bremen (16 October 1947), Hesse (18 October 1947), and Württemberg-Baden (8 October 1947).

British zone :

Military Government Order No. 111, to amend the basic Act (this Order came into force on 6 October 1947).

French zone :

The Basic Act was modified as follows; in Baden by the Act of 16 October 1949; in Rhineland-Palatinate by the Act of 27 September 1948; and in Württemberg-Hohenzollern by the Act of 26 October 1948.

The Federal Act of 29 March 1951 amends the employment service and unemployment insurance Act by increasing unemployment insurance benefits throughout the whole territory of the Federal Republic.

Legislation relating to unemployment assistance :

Bavaria: Ordinance of the Minister of Labour and Social Welfare of 24 November 1948;

Hesse: Ordinance of the Minister of Labour and Social Welfare of 5 July 1948;
British Military Government Order No. 117 of 1 November 1948.

Legislation relating to partial unemployment allowances :

American zone :

Bavaria: Ordinance of 26 January 1948;

Bremen: Ordinance of the President of the Senate of 17 October 1947;

Hesse: Ordinance of the President of the Council of Ministers and the Minister of Labour and Social Welfare of 30 October 1947;

Württemberg-Baden: Ordinance No. 901 of 8 October 1947.

British zone :

Military Government Order No. 111 of 6 October 1947.

French zone :

Baden : Ordinance of 17 September 1949, of the Minister of Agriculture and Labour, respecting partial unemployment allowances ;

Rhineland-Palatinate : Act of 3 December 1947 respecting partial unemployment allowances, and supplementary relief works ;

Württemberg-Hohenzollern : Decree of 17 January 1947 respecting compensation for wages lost in case of partial unemployment and transfers of manpower ;

The Federal Act, now in preparation, to amend and supplement the basic Act respecting employment service and unemployment insurance, will regulate on a uniform basis unemployment insurance and partial unemployment allowances throughout the whole territory of the Federal Republic.

Article 1. The monthly publications of the Federal Ministry of Labour contain all the required data concerning unemployment and are forwarded regularly to the International Labour Office, together with a number of special statistical publications relating to unemployment.

Unemployment is at present structural in nature. This is due in particular to the influx of approximately 9.4 million displaced persons and refugees. In order to combat this problem the Federal Government took the following measures some time ago : (1) the planned transfer of displaced persons to districts in which there is a demand for labour ; (2) the construction of low-rent housing accommodation to meet the needs of transferred workers ; (3) a general programme for the elimination of unemployment. The last of these measures comprised the Strategic Point Programme (*Schwerpunktprogramm*) which was begun in 1950 by means of a credit of 300 million marks, with the special object of promoting the organic development of industrial life in districts suffering from structural unemployment. In 1951 a further sum of 15 million marks was provided to meet acute social distress. In order to combat unemployment in the necessitous areas of Schleswig-Holstein, Lower Saxony, Bavaria and Hessen (North), due primarily to the high proportion of refugees in the population, a sum of 200 million marks was contributed from the Unemployment Insurance Fund, on the basis of the Act of 27 December 1951, respecting the financing of an emergency programme for the provision of employment. This programme consists of relief projects such as the reclamation of waste land, drainage, road construction and the improvement of waterways etc., which are of outstanding benefit to the national economy. Up to the present a sum of 80 million marks has been expended on the provision of employment for about 61,000 workers. Furthermore, during the past year a sum of 150 million marks was provided for the first time out of resources of the Urgent Aid Fund (*Soforthilfe*) in order to provide permanent employment for displaced persons ; 50,000 persons who were previously unemployed were placed in permanent employment. Under the long-term programme for the reclamation of the necessitous areas, each of these areas is to receive 50 million marks for the next ten years. In addition, the Federal Government promotes employment in the necessitous areas by granting

them priority in the placing of public contracts and in this way assisting young industries.

Article 2. The report gives detailed information regarding the organisation of the employment service and the setting up of the Federal Employment Service and Unemployment Insurance Institute, under the Act of 10 March 1952. The Federal Institute is divided, as was the former Reich Institute, into headquarters, *Land* employment offices and employment offices. At present there are 12 *Land* offices and 211 local offices to which are attached 652 branch offices. The organs of the Federal Employment Service are the administrative committees attached to the *Land* offices and employment offices and the administrative board and executive council at headquarters. These various bodies are made up of equal numbers of representatives of workers and employers and of the public authorities. At all levels, the chairman and vice-chairman are elected by the members themselves from among representatives of employers' and workers' groups. The employers' and workers' representatives at all levels of the Federal Employment Service are nominated by the most representative employers' and workers' organisations of the district concerned. The report contains detailed information regarding the methods followed for the nomination of the representatives of workers and employers and of the public authorities.

The influence of the State on the activities of the Federal Institute is ensured by the following measures : the Federal Minister of Labour is responsible for supervising the Institute and for ensuring that the law and statutes are duly respected. He is also responsible for approving the statutes and the annual report of the Institute. The budget of the Institute is authorised by the Federal Government, which has the right to nominate one member of the board and five members of the executive council. The Federal Government participates in the nomination of the chairman and vice-chairman of the Federal Employment Service and in the nomination of the chairmen and vice-chairmen of the employment offices of the *Länder*. The Federal Audit Department is responsible for auditing the accounts of the Institute.

The financing of the Federal Employment Service is ensured by the contributions of employers and workers to unemployment insurance and by State contributions in some respects.

With the establishment of the Federal Institute on 1 May 1952 the powers of the chairman of the former Reich Institute (as regards certain operations of non-fee-charging employment agencies and of fee-charging employment agencies for theatre and concert artistes, etc.) have been delegated to the chairman of the Federal Institute.

Before entrusting certain duties to and authorising fee-charging employment agencies to continue their activities, the chairman of the Federal Employment Service is required to make certain that the activities of these agencies are co-ordinated with the activities of the offices of the Federal Institute.

Detailed information is being collected regarding the tasks entrusted to non-fee-charging employment agencies and permits issued to fee-charging employment agencies by the Ministers of Labour and the chairmen of the employment offices of

the different *Länder*. The publication of reports on the organisation of non-fee-charging employment agencies and the number of vacancies and applications for employment and of placings effected by fee-charging agencies, which were issued at regular intervals before the war, will be resumed shortly.

Article 3. On 19 May 1951 the Federal Government concluded an unemployment insurance agreement with the Government of Austria. This agreement is already being applied.

A social insurance agreement was concluded between the Netherlands Government and the Government of the Federal Republic on 29 March 1951. Under this agreement (Chapter 5, Section 29), the two States may conclude supplementary agreements, in particular as regards unemployment insurance. Foreigners and stateless persons enjoy the same treatment as nationals in respect of unemployment assistance.

The application of the laws and regulations is entrusted to the Federal Institute, through its regional (*Länder*) and local employment offices.

Appended to the report are copies in German of the various legislative texts referred to by the Government.

Greece.

Act No. 2113 of 1952, to consolidate the Emergency Social Insurance Act No. 1846 of 1951.

Decision No. 66332 of the Minister of Labour, dated 10 January 1952, respecting the payment by the Social Insurance Institute (I.K.A.) of unemployment allowances to seasonal workers.

Decision No. 2408 of the Minister of Labour, dated 10 May 1952, respecting placing methods for unemployed persons in the tobacco industry.

Various Acts, Ministerial Decisions and Decrees promulgated in 1951, relating to the extension of the scope of the unemployment insurance department of the Social Insurance Institute so as to include new categories of workers.

As the employment offices are in process of being reorganised, exact and complete statistical data have not yet been compiled by them. However, it is hoped that it will soon be possible to begin the compilation of special statistics. In addition, the Statistical Department which was set up recently in the Ministry of Labour is at present making preparations (with the assistance of an expert from the International Labour Office) for an enquiry which will make it possible to establish the exact number of persons employed in the various sectors of the national economy and to fix an index figure for employment. The Statistical Department also contemplates carrying out a special population investigation with a view to establishing the trend of unemployment by means of an index figure.

During the period August 1951 to June 1952 the number of unemployed persons registered for the first time with the public employment offices was 35,135; the amount paid out in benefits was 58,352,828,330 drachmas. As the methods for drawing up precise statistical reports have not yet been established, the above figures must be regarded only as giving a general idea of the situation.

The report also contains information regarding the categories of workers who are not covered by unemployment insurance, as well as details regarding the application of Act No. 1846 of 1951

in respect of unemployment insurance. The provisions of Act No. 118 of 1945 respecting unemployment insurance for employees remain in force in so far as they apply to the cancellation of labour contracts.

Ireland.

Social Welfare Act (1952).

The provisions of the above Act do not come into operation until after the period under review.

Statistical information appended to the report shows that, on 28 June 1952, there were 45,872 persons on the live register at employment exchanges and branch employment offices (44,491 registrations for unemployment benefit and assistance, and 1,381 other registrations).

During the four weeks ended 28 June 1952, 2,034 vacancies were notified to the exchanges and branch employment offices, and 1,876 placings were effected.

A reciprocal agreement was concluded with Great Britain, under which the insurability of persons employed on ships or vessels is determined by the Acts in force in the country of their ordinary residence, or, in the case of persons not ordinarily resident in either Ireland or the United Kingdom, by the provisions of the Acts in force in the country of the port of registration.

Italy.

During the period under review considerable progress was made by the inspection services (set up under the regional offices for labour and full employment) in co-ordinating placing operations and in furnishing technical assistance to employment agencies. The measures taken related in particular to enquiries into reasons for the inadequate working of employment agencies and the uniform application of the legislative measures and the regulations issued by the Ministry of Labour and Social Welfare to the regional offices for labour and full employment.

Thanks to the setting up of a number of new local inspection services, the external labour inspection services will have more effective control over the relevant labour provisions. This will make it possible rapidly to put an end to infringements of existing legislation.

Appended to the report are two circulars issued by the Ministry of Labour and Social Welfare, relating to the employment of disabled persons and the admission to employment of children of disabled workers.

Japan.

Employment Security Act of 30 November 1947 (L.S. 1947—Jap. 4).

Ministry of Labor Establishment Act of 31 August 1947.
Ministry of Labor Organisation Order of 30 August 1952.
Unemployment Insurance Act of 1 December 1947 (L.S. 1947—Jap. 1B).

Enforcement Ordinance of Unemployment Insurance Act of 1 December 1947.

Article 1. The Labor Statistics and Research Division and the Employment Security Bureau in the Japanese Ministry of Labor collect, tabulate and make public statistics and other information on employment and unemployment. This information is communicated to the International Labour Office through the Ministry of Foreign Affairs.

Article 2. Central and prefectural employment security councils, operating as advisory organs to the Ministry of Labor and to the prefectural governors respectively, have been established. They comprise representatives of the public interest, employers and workers. The Minister of Labor appoints workers' and employers' members from among candidates recommended by industrial workers' unions and employers' organisations, and members representing the public interest from among candidates selected by men of knowledge and experience, public bodies, etc.

The employment service is free and includes employment security sections in each of the 46 prefectures of the nation, 418 public employment security offices, and 120 branch offices and auxiliary offices established for the purpose of placing casual workers in the early morning. The supervision of the public employment security offices is entrusted to the prefectural governors. Statistics are given showing applications and vacancies registered and referrals and placings made by the employment service.

Section 33 of the Employment Security Law stipulates that private free employment agencies must have a licence, which is issued by the Minister of Labor after careful investigation by the Central Employment Security Council. However, private agencies operated by trade unions and schools fulfilling the conditions laid down in the Trade Union Law or the School Education Law respectively are merely required to report to the Minister. All private free employment agencies are supervised by the local public employment security office and must comply with the standards and requirements laid down for public employment offices.

In order to expedite the liaison and exchange of information between employment services in various countries, *e.g.*, to facilitate migration, it would be desirable to raise the general level of employment systems on an international basis.

Article 3. No arrangements concerning equality of treatment in respect of unemployment insurance have been made between Japan and other Members of the International Labour Organisation. However, subject to compliance with the conditions laid down in Sections 6 and 8 of the Unemployment Insurance Law, all workers employed in Japan, irrespective of their nationality, are covered by the unemployment insurance system.

The legislation listed above and administrative regulations relating to employment service and unemployment insurance are enforced at the central level by the Employment Security Bureau of the Ministry of Labor, and at the local level by the Employment Security Sections of the prefectural governments. In order to facilitate the enforcement of such legislation and regulations, the Employment Security Bureau has, in addition to instructions issued from time to time, compiled an "Employment Security Administration Manual" to serve as a basis for the operation of the whole employment security system.

National and local inspection staff are established in the Employment Security Bureau and prefectural governments to inspect the work of the employment offices.

Luxembourg.

During the period 1 July 1951 to 30 June 1952 the national employment office registered 27,877 vacancies and 27,049 applications; 26,984 placings were effected.

Netherlands.

In the Netherlands there are no constitutional provisions which state specifically that force of law is given to treaties. According to the Netherlands legal system, penalties are not necessary to make binding for all citizens a Convention which has been concluded according to the normal legal procedure.

This information is also supplied in respect of Conventions Nos. 5, 6, 8, 9, 11, 12-17, 19, 21, 22, 23, 26, 27, 29, 33, 41, 42, 45, 48, 58, 62, 63, 87 and 88.

Preparatory work has been undertaken to ensure the coming into force of the new Act on unemployment.

During the period under review there was an increase in unemployment. However, in certain branches of industrial activity there was a slight improvement during the last six months of this period. In order to combat unemployment, the Government took various measures to encourage and develop public works projects in districts where the number of unemployed persons was above a given level.

The National Employment Office continued to deal with the placing and vocational rehabilitation of demobilised persons returning from Indonesia.

The report contains detailed information relating to measures taken as regards the reclassification of certain categories of physically handicapped persons, the activities of the vocational training centres and the organisation of apprenticeship at workshops. Information is also given regarding permits to certain categories of foreign workers and the agreement with Belgium concerning the exchange of frontier workers.

A Bill to deal with the problem of unemployment in depressed areas was adopted by the two Houses of the States-General. This Bill was drawn up jointly by the General Directorate for Industrialisation and the national employment offices. In 1951, a committee was set up to advise the Government on the organisation of vocational guidance in the Netherlands.

During the period under review the employment offices registered 848,755 persons as unemployed, and 425,393 vacancies; 516,710 persons were placed in employment.

New Zealand.

Social Security Amendment Act, 1951 (Section 14, to amend Section 52 of the Social Security Act, 1938, and to repeal Section 17 of the Social Security Amendment Act, 1950).

Under Section 14 of the Act of 1951, the rates of unemployment benefits are increased as follows: in the case of an applicant under 20 years of age without dependants, benefits are at the rate of 35s. a week; in every other case benefit is at the rate of 57s. 6d. a week, and, in the case of an applicant with a dependent wife, is increased by 57s. 6d. a week in respect of his wife.

Unemployment in the period 1 July 1951-30 June 1952 varied as between 68 persons in

September 1951 and 21 persons in April 1952. During the same period, employment offices effected 23,234 placings. Vacancies recorded with the employment service were 22,225 in January 1952 and 18,635 in June of the same year.

Statistical and other information on unemployment collected by the Government is published regularly in the *Labour and Employment Gazette*, which replaces the *Monthly Review of Employment* (National Employment Service) and the *Half-Yearly Employment Information Review* (National Employment Service).

For purposes of administering the National Employment Service the country is divided into 25 districts, each having a local office. By 31 March 1952, 11 Servants' Registry Offices were registered as fee-charging employment agencies under the Servants' Registry Offices Act of 1908.

Disbursements from the Social Security Fund in respect of unemployment benefits for the year ended 31 March 1952 were £3,914.

Norway.

Resolution passed by the Ministry of Municipal Affairs and Public Works on 28 July 1951, to amend Section 6 of the Regulations of 4 October 1950 respecting unemployment insurance grants for vocational training.

Instructions issued by the Ministry of Municipal Affairs and Public Works on 14 November 1951 (pursuant to Instructions dated 28 March and 18 April 1947), to fix new rates for daily allowances and family bonuses, *inter alia*, for insured seamen abroad.

Act of 6 June 1952, to extend until 30 June 1954 the validity of Section 31 of the Act of 27 June 1947, respecting measures for the promotion of employment.

Royal Resolution of 13 June 1952, to fix a uniform basic rate for daily allowances to unemployed seamen in Norway.

The number of persons registered at labour exchanges as completely unemployed rose in the course of the year under review from 2,500 at the end of July 1951 to 17,750 at the end of January 1952. The number of unemployed persons at the end of June 1952 was 4,100. In the winter of 1951-1952, the average number of unemployed persons was between 3,000 and 4,000 less than in the preceding winter. A large part of this decrease was due to expanded building and construction activities in northern Norway.

In order to deal with the local unemployment problem arising out of the relatively underdeveloped economy of northern Norway, Parliament has voted funds for a number of activities, including the development of communications, the fishing fleet and agriculture, and prospecting for ore. A special development fund of 100 million kroner has been voted by the Government to contribute to the financing of undertakings likely to provide permanent employment in northern Norway. In order to stimulate economic enterprise, special temporary tax regulations have been granted to this area by an Act of 28 June 1952.

The labour directorate has at present under its administration 18 county employment offices and 694 local employment offices, 26 of which are joint offices serving several municipalities. During the period from 1 July 1951 to 30 June 1952, 221,809 applicants were registered at employment offices, 228,328 vacancies recorded, and 185,471 placings effected.

Poland.

The report reproduces the following information submitted in writing in June 1952, in response to the question raised by the Committee of Experts.

There is no unemployment in Poland and the problem of unemployment benefits does not arise. Consequently, as regards benefits under unemployment insurance, the Act of 6 July 1923 is of no practical importance. However, the Act remains in force and extends to foreign nationals statutory benefits under other branches of insurance (accident compensation, invalidity, old-age and survivors' insurance).

Sweden.

Royal Ordinance No. 674 of 19 October 1951, to amend the Instruction of 17 June 1948 sent to provincial employment offices.

During the period under review the crisis experienced by many countries in the textile industry had its repercussions on the employment market in Sweden; there was a reduction of from 10 to 15 per cent. in the number of workers employed in the textile industry. The majority of workers who lost their employment were transferred to other branches of economic activity, and in June 1952 the situation was stabilised. A certain amount of unemployment resulted from reduced sales of goods in the shoe and leather industries, but the situation in this respect improved after the transfer of 900 persons out of a total of 10,000 workers to other branches of activity. In the spring of 1952 export difficulties in the match and forestry industry led to a certain amount of unemployment.

At present there are 243 local employment offices and approximately 900 agents responsible for placing activities are attached to the employment offices.

During the period under review the employment service registered 1,711,914 applications, 1,317,437 vacancies and effected 1,095,679 placings.

The Government appends to its report copies of pamphlets published to serve as a guide to employment service officials.

Switzerland.

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

Regulation No. 1 of 21 December 1951, issued in application of the Employment Service Act.

Federal Act of 22 June 1951, respecting unemployment insurance.

Regulations of 17 December 1951, issued in application of the Unemployment Insurance Act.

The above Acts and Regulations came into force on 1 January 1952 and abrogate former federal provisions relating to the employment service.

Information relating to the measures to be taken by the cantons for the application of the Employment Service Act will be supplied with the Government's next report.

The new employment service legislation does not introduce any basic modifications to the system which was in force up to 1951; in general, this legislation gives legal status to the institutions which have had practical experience in dealing with unemployment.

The main features of the new legislation relate to the strengthening of collaboration between the employment services and the placing services of occupational and public utility bodies, in particular as regards the drawing up of reports and statistics on placing operations, the system of subsidies to the public employment service, uniform regulations for the whole country as regards fee-charging private employment operations for recruiting and placing workers abroad, conditions for the issue of permits for fee-charging employment agencies, and measures to be taken by the cantons to organise the employment service on a rational basis. Each canton maintains a labour office, while the Federal Office of Industry, Arts and Crafts, and Labour acts as the central employment office for the whole country. A committee including representatives of the cantons, science and employers and workers in equal numbers is entrusted with the examination of questions relating to the principles governing the general policy for the employment market. The new Federal Act is the first legislation which deals with private employment agencies. The cantons are free to set up supervisory or advisory committees to deal with questions relating to the employment market.

The period covered by the report was one of intense economic activity, during which the level of employment on the whole remained very high.

Detailed information is given showing the numbers of unemployed persons in various occupations registered with the employment agencies during the year 1951 and up to May 1952, as well as the number of applications and vacancies during the period January 1952 to May 1952 (as compared with corresponding figures for the previous year). During the third quarter of 1951, a considerable number of foreign workers was admitted to employment, in particular in the building, hotel, textile, clothing, metal and machines industries, and in agriculture and domestic service. Figures are also given showing the number of permits granted to frontier and seasonal foreign workers for the first five months of 1952.

During the period 1 July 1951 to 30 June 1952 the public employment offices registered 104,090 vacancies and 116,325 applications; 49,552 placings were effected. The report contains information relating to the co-ordination of the operations of the employment service and private employment agencies, as well as figures showing the number of applications, vacancies and placings effected by joint employment agencies subsidised by the Confederation.

To a large extent the co-ordination of the various national systems has been effected thanks to the International Labour Organisation and the Manpower Committee of the European Organisation for Economic Co-operation.

In conformity with the provisions of Article 34 *ter* of the Federal Constitution, 16 cantons have introduced compulsory unemployment insurance throughout their territories, four cantons have given the communes competence to introduce unemployment insurance and in five cantons insurance is optional.

Other features of the new Federal Unemployment Insurance Act of 22 June 1951 relate to the functions of the cantons as regards unemployment insurance, the amount and duration of unemployment benefits, federal and cantonal subsidies to

unemployment insurance funds, the financing of compensation funds and the review of claims, as well as appeals against the decisions of the competent cantonal authorities and the payment of partial unemployment benefits on the lines of benefits for total unemployment.

Further, under the new legislation parties in dispute are granted the necessary legal protection. The cantons are required to set up appeal authorities, while the Federal Insurance Tribunal has been designated as the supreme federal appeal authority. The federal authorities continue to apply the principle of equality of treatment for national and foreign workers. The Regulations issued in application of the Federal Unemployment Insurance Act stipulate that foreigners who are not in possession of a permit to remain in the country are not eligible for insurance for such time as the police regulations for foreigners contain restrictions regarding their placing in employment. Although the new legislation does not cover the payment of allowances to needy unemployed persons, Switzerland has concluded arrangements with Belgium, France, Germany and the Netherlands dealing with this question.

The Government appends to its report copies of the report of the Federal Council (Federal Department of Public Economy) on its administration in 1951, memoranda on measures to be taken by the cantons to ensure the application of unemployment insurance and on compulsory unemployment insurance and public insurance funds, as well as copies of the texts of the new Federal Acts.

Turkey.

With a view to providing employment opportunities for available manpower, the Government has granted substantial credits to private undertakings in agriculture (approximately £T 1,000 million) and in industry (over £T 50 million). In addition, important investments to the extent of £T 450 million are provided for in the 1952 State budget (£T 369 million for the construction of roads, bridges, hospitals, schools and related projects; £T 81 million for supplementary budget items) and £T 307 million for State undertakings, making a total of £T 757 million.

During the period 1 July 1951 to 30 June 1952 the number of unemployed persons who applied to the employment exchange department for work was 108,399; the number of placings effected during this period was 44,825.

There are now 42 regional employment offices under the employment exchange department.

Regulations to provide for the setting up of regional advisory committees have been examined and approved by the Ministry of Labour, and will come into force as soon as they have been approved by the Council of State.

Union of South Africa.

Act No. 54 of 1952, to amend Section 23 of the Native Labour Regulation Act No. 15 of 1911, as amended by Act No. 56 of 1949.

The above-named Act further amends the Native Labour Regulation Act of 1911 (which was previously amended by Act No. 56 of 1949) to the following extent. The Governor-General is empowered to make regulations providing, *inter alia*, for the creation of prescribed areas; the control

of the movement of native work-seekers from non-prescribed to prescribed areas or from one prescribed area to another; the assignment, under such conditions as may be prescribed, to the council of any municipality or other local authority, of powers and duties connected with the conduct and control of native labour bureaux. A system of labour bureaux to cater for the needs of natives was introduced on a voluntary basis on 1 February 1952. Regulations to place the system on a legal basis will be published shortly; these regulations provide for a bureau to be established in every district. The activities of the district bureau are to be co-ordinated by six regional bureaux, each exercising control over an area comprising a number of districts. Co-ordination between the regional bureaux is placed in the hands of a central bureau in the office of the Secretary for Native Affairs. These bureaux will render their services to employers and employees free of charge. In addition, the Minister will be able to call on the municipal authorities to conduct local bureaux in respect of urbanised areas. The municipal authorities will be permitted to reimburse themselves by levying on employers a fee not exceeding 2s. 6d. per placement. Local bureaux will also be subject to the control of a regional bureau and the central bureau. In view of the fact that the native labour bureaux have been in operation for only eight months it is not possible to furnish information regarding their activities.

The recorded monthly average number of applications for employment from July 1951 to June 1952 inclusive was 16,177 for adults and 1,980 for juveniles. The total number of placings for the same period was 69,101 for adults and 16,353 for juveniles. During 1951 the total number of applications for unemployment benefits was 41,141, of which 38,968 were admitted. The average period during which benefits were received per contributor was 64.4 days. The number of persons in receipt of benefits remained fairly constant throughout the year, averaging 5,361 for the four quarters of 1951.

United Kingdom.

Great Britain.

Because of the need for economy in Government expenditure eight appointments offices have been closed. Those appointments offices which remain, however, offer facilities to applicants from all over the country. In addition, in areas where appointments offices have been closed, special arrangements have been made for interviews regarding advice on careers and for the placing of training executives at the main employment exchanges. There are at present 103 employment exchanges, 113 branch employment offices, 120 local agencies, 1,169 youth employment offices (of which local education authorities are responsible for 827 and the Ministry of Labour and National Service for 342), one technical and scientific register, three appointments offices, 11 regional nursing appointments offices and 140 local nursing appointments offices.

The average monthly number of applicants registered for employment during the period of 12 months ended 30 June 1952 was 337,126. During the 12 months ending 4 June 1952 the number of vacancies notified to employment exchanges as remaining unfilled was 305,607, and

the number of persons placed in employment was 2,734,739.

During 1952 there were 382 men's local employment committees with a total membership of about 10,300 and 244 women's subcommittees with a total membership of about 2,700. The advice and assistance given by these committees and the volume of local publicity which resulted from their deliberations were most helpful to the Ministry.

Northern Ireland.

National Insurance Act (Northern Ireland), 1951.

National Assistance (Amendment) Act (Northern Ireland), 1951.

Various National Insurance and National Assistance Orders and Regulations, issued in 1950, 1951 and 1952, relating to the determination of claims and need, overlapping benefits, mariners, etc.

National Insurance and Industrial Injuries (Reciprocal Agreement with France) Order (Northern Ireland), 1952.

National Insurance and Industrial Injuries (Reciprocal Multilateral Agreement with Belgium, France, Luxembourg and the Netherlands) Order (Northern Ireland), 1952.

The estimated total of persons insured under the National Insurance Act (Northern Ireland), 1946, at mid-1951 was 555,000. Total benefits paid during the year ending 30 June 1952 amounted to £3,051,055, including unemployment benefit, extension of unemployment benefits and national assistance.

The number of applicants registered for employment was as follows: 17 September 1951, 23,621; 10 December 1951, 39,737; 17 March 1952, 46,830; 16 June 1952, 49,569. During the period 30 September 1951 to 30 June 1952 the number of vacancies notified was 40,484 and that of vacancies filled 33,473.

Uruguay.

It has not been possible up to now to organise a system for the compilation of detailed statistics relating to unemployment. However, it is hoped that the National Labour Institute and its related services will be reorganised within three months and that it will then be possible to comply with the requirements of Article 1 of the Convention. The only available unemployment statistics are those prepared by the municipalities in respect of unskilled labourers. The number of unemployed workers in this connection is comparatively low and the problem has been dealt with in an Act respecting the placing of unskilled workers in employment in connection with public utility works.

There is no unemployment in Uruguay, apart from some partial and seasonal unemployment in certain specific industries; unemployment benefit funds and employment exchanges have been set up for these industries under the legislation.

Under Act No. 10459 a labour distribution committee has been set up in each Department of the Republic and comprises representatives of the bodies responsible for ensuring the strict application of the legislation.

As stated in previous reports, Act No. 9196 of 11 January 1934, which provides for the setting up of a National Labour Institute and labour exchanges, has never been applied. However, in practically all branches of activity there are labour exchanges which function under the supervision of the public authorities.

With regard to the request made by the Committee of Experts to be informed as to what decisions have been taken by Parliament regarding the Bill to set up a public employment service and to be supplied with copies of this Bill, the report states that Parliament still has this Bill under consideration, together with a number of others which have been submitted to it.

With respect to Article 3 of the Convention, details are given regarding unemployment insurance funds set up under various Acts for the staff of a number of industries. No arrangement respecting unemployment insurance has been concluded with any other Members. The national legislation makes no discrimination in respect of foreign workers, who receive the same treatment as Uruguayan nationals.

See under Convention No. 1 for information relating to the inspection service.

Appended to the report are copies of the report of the Labour Legislation Committee on a Bill relating to compulsory unemployment insurance, together with various statistical data showing the amounts paid out in unemployment benefits by funds for different categories of workers.

Venezuela.

The Government has set up public offices which have the special task of studying and combating the problem of unemployment. In addition, a number of principles on the subject have been incorporated in the legislation.

With a view to controlling the full and strict application of the Convention, the Ministry of Labour, through the medium of the staff of its inspectorates—inspectors and commissioners—carried out inspection visits to workplaces.

Appended to the report are statistical data, for the period July 1951 to June 1952, showing (a) the number of persons who attended the labour exchange at Caracas (Federal District), the number of persons registered, vacancies, workers referred to employment and workers placed; and (b) the number of workers engaged and discharged in the country.

Yugoslavia.

Decree of 29 March 1952, respecting the organisation of the employment service, to abrogate the Legislative Decree of 10 September 1948 respecting the manpower recruitment service.

Decree of 29 March 1952, respecting the payment of cash allowances and the protection of other rights of temporarily unemployed workers and employees.

As the result of the reorganisation of the national economy and of the measures taken to rationalise labour, a number of workers and employees are temporarily without employment. The Government promulgated the above-mentioned legislation in order to remedy this situation. In 1952 the number of temporarily unemployed workers was 29,145 at the end of April, 32,099 at the end of May, and 39,226 at the end of June.

As stated in the supplementary information supplied by the Government in writing to the Committee on the Application of Conventions and Recommendations during the 35th Session of the

International Labour Conference, in virtue of the terms of the Decree of 29 March 1952 respecting the organisation of the employment service, the latter is entirely free of charge, the necessary resources being derived from the budgets of the governmental bodies to which the employment offices are attached. At the end of June 1952 the employment service comprised a central office in each of the six Federated Republics and 141 local offices. The local employment offices are attached to the district and urban people's committees and are directed by managing committees composed of two representatives of the above-mentioned committees and of the representatives of the district trade union. Each of the people's committees is set up by a district (or town) council which represents all citizens of the district and by a producers' committee composed of representatives of the workers' groups which manage the State economic undertakings and of representatives of the co-operative and social organisations. The members of the people's committees who are responsible for managing the local employment offices are nominated from among the members of the producers' committees, which in turn represent all the workers employed in production, transport and commerce.

The local offices are required to register vacancies and applications for employment, to direct workers with the required skill and qualifications to vacant posts, to pay unemployment benefits and to issue vouchers at reduced rates to workers who are obliged to take up work in another locality.

The six central employment offices of the Federated Republics, attached to the public health and social councils of the latter, are responsible for following the trend of employment and for co-ordinating the activities of the local offices. They are also required to co-operate with the economic associations and the social organisations responsible for maintaining a satisfactory balance between labour demand and supply.

There are no private employment offices.

During the period April-June 1952, the employment service registered 150,589 applications and 83,805 vacancies; 79,283 placings were effected.

As the present state of unemployment is of a temporary nature, the Government does not consider that it is necessary to apply to the International Labour Office for the co-ordination of the activities of its employment service with those of other States Members.

For the foregoing reasons the Government has not concluded any arrangements with other Members of the International Labour Organisation. However, under the legislation relating to social insurance for workers, employees and their families, equality of treatment is afforded to all foreigners in respect of unemployment insurance.

The central employment offices of the People's Federated Republics are responsible for controlling the application of the measures taken under existing legislation; the financial activities of the local offices are controlled by the State financial bodies.

The report from *Finland* refers to the information previously supplied.

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
Federal Republic of Germany ¹	31. 10. 1927
Greece	19. 11. 1920
Hungary	19. 4. 1928
Italy	22. 10. 1952
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

¹ See footnote 2 to Convention No. 2.

Argentina.

Statistical data, compiled by the National Social Welfare Institute, are appended to the report. The figures given show that during the period under review 3,954 employers and 71,976 workers were registered with the maternity fund. The total amount paid out in benefits during this period was 4,480,200 pesos in respect of 14,956 cases.

Chile.

Act No. 10383 of 28 July 1952, concerning compulsory insurance against sickness, incapacity, old age and death.

The following information is supplied in response to the observations of the Committee of Experts in previous years regarding the incomplete application of Article 3 (c) of the Convention.

The difficulty mentioned by the Committee has been finally removed by the introduction of Act No. 10383 on 8 August 1952 concerning compulsory insurance against sickness, incapacity, old age and death, which repeals Act No. 4054.

Section 32 of the new Act provides for the payment of maternity benefit amounting to the average daily wage for six weeks before and six weeks after confinement. In addition, an allowance for nursing is made amounting to 25 per cent. of the woman's wage, or additional food. As regards the nursing breaks prescribed by Article 3 (d) of the Convention, the report states that women wage earners can nurse their infants in the crèches provided in accordance with Sections 315 and 317 of the Labour Code. The position of women salaried employees in respect of nursing breaks is stated in the Government's report for 1950-1951.

A number of decisions were given by courts of law and seven such decisions (the texts of which

are appended to the report) were brought to the notice of the General Directorate of Labour. The labour inspectors, among whom are women who are specially concerned with the enforcement of the labour legislation affecting women and young persons, pay constant attention to the strict application of the law.

During 1951 the Compulsory Insurance Fund paid 15,659 women maternity benefits amounting to 7,201,557 pesos; these benefits were in addition to those paid by the employer before the coming into force of the new Act. The total number of days for which benefits were paid was 436,753. The Fund also paid nursing benefits amounting to 19,153,595 pesos to 78,290 women, covering 2,164,058 days. No other statistical information is available with regard to the cost of the benefits prescribed by Article 3 (c) of the Convention.

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

Cuba.

Decree No. 1377 of 1951, to extend to employers and workers in agriculture the obligations and benefits of health and maternity insurance introduced under the Act of 15 December 1937 and the Regulations issued thereunder by Legislative Decree No. 1300 of 1942.

Decree No. 2743 of 1951, respecting the reserve fund and administration of the Central Health and Maternity Board and its provincial offices.

Legislative Decree No. 8 of 31 March 1952, respecting, *inter alia*, the rates of daily benefits payable to working mothers during the pre-natal and post-natal periods provided for in Sections I and II of the Act of 15 December 1937.

Section II of the Act of 15 December 1937 lays down that a woman has a right to leave her work six weeks before confinement if she produces a duly authenticated medical certificate. This section of the Act also stipulates that, in estimating the date of confinement, an error on the part of the medical adviser may not exceed three weeks. Consequently, it frequently happens that a working mother is granted nine weeks' leave before childbirth.

Benefits equivalent to the wages to which the woman is entitled are paid by the provincial offices of the Health and Maternity Board.

The legislation (Act No. 781 of 28 December 1934) lays down that two daily nursing periods of half-an-hour each are allowed to working mothers during the period in which they nurse their children. The time spent for this purpose may not be deducted from the woman's wages.

A woman is entitled to retain her post during confinement leave and also all the contractual rights which it carries. The above-mentioned Act contains provisions relating to dismissal, etc.

The management of insurance is entrusted to the Central Health and Maternity Board and its provincial offices, which have their own inspection services. These services supply data regarding the number of enquiries made and the measures taken to ensure control.

The report contains detailed statistical data for the provincial offices of the Central Board in Camagüey, Havana, Las Villas, Matanzas, Oriente and Pinar del Rio, showing the number of inspection visits, the number of contraventions reported, amounts imposed in fines, donations received by the Board, benefits paid, the number of beneficiaries and decisions by courts of law.

France.

Metropolitan Departments.

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

During the period 1 July 1951 to 30 June 1952 maternity benefits in respect of 434,758 births were paid out by the general social security funds for occupations other than agriculture. Benefits in kind in respect of these births amounted to 10,488 million francs. Daily benefits amounting in all to 3,449 million francs were paid out to 141,842 mothers by the general funds; 9,994 mothers employed in the civil service received their remuneration from the administration during maternity leave.

The Government refers to the information submitted in writing to the Conference last year in response to the observation made by the Committee of Experts.

Algerian Departments.

Decree of 28 August 1952, to give effect to Decision No. 52041 of the Algerian Assembly.

Section 29 of Decision No. 49045 of the Algerian Assembly has been amended by Decision No. 52041, which provides that, if the medical practitioner or midwife prescribes a period of rest, a wage-earning woman is entitled to a daily allowance equal to half her basic wage up to a maximum of one-sixtieth of her monthly earnings for not more than eight weeks, provided she ceases all gainful employment. Decision No. 52041 also provides that, in addition to the lump-sum payment when confinement takes place in hospital, the fund concerned will pay 80 per cent. of confinement and hospital expenses for a maximum of 14 days.

Overseas Departments.

Martinique.

Owing to the instability of employment which is particularly marked in Martinique, employers do not always know if the statutory six weeks' post-confinement leave has been taken by women who are not covered by collective agreements, as women are inclined to shorten this rest period because they are obliged to work in order to provide for their essential needs. The establishment of a social security system for the payment of maternity benefits will put a stop to this situation and will ensure the strict application of Section 54 (a) of Book II of the Labour Code.

Federal Republic of Germany.

Act of 24 January 1952, respecting the protection of working mothers (Maternity Protection Act).

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

Article 1. This is applied under Section 1 of the Maternity Protection Act of 24 January 1952. The scope of application of this Act is wider than that of the Convention, inasmuch as the Act applies not only to women employed in industrial establishments but to all employed women, including homeworkers. Consequently, the Act also applies to women employed in private households and in agriculture.

Article 2. This is applied by Section 1 of the above-mentioned Act which applies to any woman irrespective of age, nationality, race, religion or civil status and whether the child is legitimate or illegitimate.

Article 3, paragraph (a). This paragraph is applied by Section 6, paragraph 1, of the above Act, which lays down that the period of six weeks' leave after childbirth may be extended by two weeks in the case of mothers who nurse their children and may be as much as 12 weeks in the case of mothers who nurse their children after a premature birth. In addition, the Maternity Protection Act contains a considerable number of further prohibitions and restrictions of the employment of pregnant women or women who nurse their children. For example, pregnant women or women who nurse their children may not be employed on heavy physical work such as the lifting and carrying of heavy loads, the operation of machines necessitating frequent tread action, the barking of wood, etc., or on work which exposes them to the effects of unhealthy substances or injurious rays, dust, gas or steam, wet, damp and shock, or the risk of contracting an occupational disease. In all such cases, the employer must continue to pay the woman the full amount of her previous earnings even if he employs her on other work which is usually less well paid or he is obliged to terminate her employment altogether.

Paragraph (b) is applied by Section 3, paragraph 2 (b), of the Maternity Protection Act.

Paragraph (c) is applied by Sections 12 and 13 of the Maternity Protection Act in relation to Sections 195 (a) and (b), 196 and 199 of the Insurance Code of the Reich. In cases where an employer does not continue to pay wages to a woman who is covered by compulsory sickness insurance, the sickness fund pays her an allowance which is equivalent to her full remuneration, subject to the statutory deductions. In addition, the woman is entitled to a daily nursing allowance of 0.75 mark up to the end of the 26th week following childbirth. Where benefits exceed those payable in virtue of the Insurance Code of the Reich, they are reimbursed by the Federal State to the sickness funds. In the case of women not covered by sickness insurance (i.e., in particular, women employees who are in the higher wage category), the employer must continue to pay their normal wages.

Paragraph (d) is applied by Section 7 of the Maternity Protection Act, which provides that the required time must be allowed to women to nurse their children. The rest period for this purpose must be at least 45 minutes if the hours of work are more than four-and-a-half, and two periods of 45 minutes or one of 90 minutes if the hours of work exceed eight.

Article 4. This Article is applied by Section 9 of the Maternity Protection Act. In principle, a

woman may not be dismissed during the whole period of pregnancy and up to the end of the fourth month after childbirth. In particular cases, the provincial Labour Minister may exceptionally authorise the dismissal of a woman.

The control of compliance with the Maternity Protection Act in undertakings, administrations, etc., is the responsibility of the offices for the supervision of industry and, in the case of mining undertakings, the mining authorities. The office for the supervision of industry ensures that the special protective measures provided for pregnant women and women who nurse their children are applied wherever women are employed. It may issue special orders for the satisfactory observance of the legal provisions and is invested with legal authority to ensure the implementation of these orders. Employers who are guilty of infringements of the Act are punishable by up to three months' imprisonment or to a maximum fine of 1,000 marks. The provincial Labour Ministers are responsible for ensuring that the sickness funds comply with their obligations as regards payments.

The Government is not aware of any decisions of principle relating to the new Maternity Protection Act. As this Act had been in force for less than five months on 30 June 1952 it has not been possible to obtain information regarding the manner in which it is applied, the number of cases in respect of which maternity benefits were granted or the amount paid out in benefits, as the supervisory authorities and the sickness funds only supply annual reports.

No reports are yet available from employers' and workers' organisations.

Greece.

Act No. 2113 of 1952, to approve Act No. 1846 of 1951 respecting social insurance.

During the period under review, the managing board of the Social Insurance Institute (I.K.A.) issued a Decision fixing the confinement allowance granted to women who are insured directly. The report gives figures showing the amount of this allowance according to the class of insurance. The competent services of I.K.A. are now drawing up the new regulations provided for by Act No. 1846 of 1951; these regulations will shortly be published.

Under the legislation at present in force women are entitled to the periods of maternity leave before and after confinement provided by the Convention. They are also entitled to a subsistence allowance during this period. A pregnancy and confinement allowance amounting to 70 per cent. of wages is paid by I.K.A. and also by the other insurance funds, which are obliged by Act No. 1846 of 1951 to grant allowances at least equal to those paid by I.K.A. In addition, either under special regulations or by custom or in accordance with Act No. 900 of 1946, most branches of economic activity pay wages or a supplementary wage.

The labour inspectorate is responsible for ensuring the application of the provisions of the Convention. (For information concerning this service, see the report on Convention No. 1.) Detailed statistical data are given showing the number of confinements of insured women and the allowances granted.

An appendix to the report lists the new regional and local insurance centres of the Social Insurance Institute which began functioning on various dates between 1 January and 1 October 1952.

Luxembourg.

The Government appends to its report a copy of the annual report of the labour and mines inspection service for 1951, which contains the following information: the women officials of the labour inspection services, responsible for the control of social legislation, made 412 visits to 353 small industrial, commercial and handicraft establishments.

Uruguay.

The Children's Code (Section 37) and Act No. 11577 of October 1950 (Section 16) cover not only women employed in industrial and commercial undertakings but also those employed in domestic work, farm work, etc. These laws are applied irrespective of the age or nationality of the employed woman or of whether she is married or unmarried. Under the national legislation, the concept of "child" includes legitimate and illegitimate children (Act No. 10449 of 12 November 1943 instituting family allowances and the new Act No. 11618).

With regard to the observation of the Committee of Experts, to the effect that Act No. 11577 does not stipulate that the four months' maternity leave with full pay provided by the Act must be divided into a pre-natal and post-natal period (Article 3, paragraphs (a) and (b), of the Convention), the report states that this Act does not supersede but supplements Section 37 of the Children's Code (entitling women to maternity leave during the final month of pregnancy and to one month's leave after confinement). The pre-natal and post-natal periods provided by the Children's Code have been extended by the new legislation with the specific object of rectifying the discrepancy which existed between Convention No. 3 and the national legislation.

As pointed out by the Government representative to the Conference Committee in 1952, the national legislation is more generous than the provisions of the Convention in that it entitles a woman to four months' maternity leave with full pay and to two months' additional leave with half pay if necessary.

The second observation of the Committee of Experts related to the payment of maternity benefits by the employer instead of their provision out of public funds or by a system of insurance (Article 3, paragraph (c), of the Convention). The report states that the Uruguayan system aims, as does the Convention, at enabling the expectant mother to draw her wage throughout the period of her maternity leave, and that the national legislation goes beyond the provisions of the Convention in this respect, as the wage is paid for 16 weeks and, in addition, the woman is entitled to eight weeks with half pay. Moreover, the system is more favourable to the woman herself, as she is not required to pay insurance contributions. The fact that the employer takes the place of the State is not detrimental to her, either in respect of maternity benefit or of her ability to find employment, or even of the fact that she might lose her employment owing to

pregnancy, as employers who dismiss women workers for this reason must pay special compensation equivalent to six months' wages in addition to the normal legal compensation.

With reference to the Committee's third observation to the effect that the report did not mention free attendance by a doctor or midwife or the provision of two half-hour nursing periods, the Government states that provisions regarding free attendance are contained in Chapter V of the Children's Code dealing with pre-natal care, and an expectant mother can receive this attendance in a maternity hospital. The report adds that there have never been any complaints regarding this service. The Government refers to the assistance given by private institutions, directly or indirectly subsidised by the State, in connection with the free facilities made available by the Ministry of Public Health and the Children's Council. The facilities afforded by the Family Allowance Funds since 1946 have been increased and extended by the new Act (No. 11618) of 20 October 1950, Section 16 (b) and (c) of which specifically empower the funds to provide maternity grants and other kinds of family benefits. Several Family Allowance Funds (including those covering the glass, metal-working and rubber industries) maintain sanatoria in which treatment is given under ideal conditions; other funds maintain clinics with modern equipment. A number of the funds employ specialists in obstetrics or child care.

The national legislation does not provide for two half-hour nursing periods but very few mothers take their children with them to work, as the Nursery Division of the Children's Council maintains 16 crèches (distributed throughout the capital) at which mothers leave their children and fetch them at the end of the day. Each crèche is staffed by a doctor and an adequate number of nurses. The child is fed and is medically examined at intervals up to the age of three years, when it becomes the responsibility of the Infants Division. The same system exists on the coast and in the interior of the Republic. There are also private institutions and other important undertakings which provide the same facilities at their own expense.

No reports or statistical information on the application of the Convention are available.

Venezuela.

Decree No. 316 of 5 October 1951, to promulgate the Organic Act respecting compulsory insurance (L.S. 1951—Ven. 2 A).

Decree No. 317 of 5 October 1951, to make regulations for the application of the above-named Decree (L.S. 1951—Ven. 2 B).

Section 9 of Decree No. 316 provides that in the event of maternity an insured woman shall be entitled to the requisite obstetrical attendance and to a daily monetary benefit equal to the daily sickness benefit, payable for the six weeks before and after confinement, on condition that she does not perform any work for remuneration during that period. Section 154 of Decree No. 317 provides that the scope of compulsory insurance or of any one of its branches shall be extended to any region or undertaking or category of undertaking in the country wherever the Federal Executive so prescribes by special Decree. Section 155 of the same Decree provides that as soon as the extension

of insurance provided for in Section 154 has been prescribed for a certain region, the installation and working of the administrative services and the corresponding auxiliary services shall be begun within the time limit laid down by the appropriate Decree.

Yugoslavia.

Decree of 20 June 1952, to amend the Decree of 14 October 1949 concerning the protection of women employed under contracts of work or service who are pregnant or are nursing their children.

Decree of 5 March 1952, prohibiting the employment of women and young persons in certain work.

Compulsory Interpretation of Section 87, paragraph 7, of the Civil Servants Act of 22 July 1952.

The qualifying period for maternity benefit is six months' continuous or 18 months' interrupted employment during the last two years preceding confinement. Section 2 of the Decree of 14 October 1949 provides that the period of 18 months' interrupted employment may be reduced in certain branches of employment to 14 months. Thus, as has already been stated in the additional information supplied to the Conference Committee in 1952, a woman need not be employed during two years preceding confinement in order to be entitled to maternity benefit.

A woman on maternity leave receives benefit during the whole of her leave, even if the doctor is mistaken in estimating the date of confinement. The qualifying period is required solely to prevent abuse, more especially since under national legislation an insured person receives a grant of 8,000 dinars for a layette for each infant and a supplementary family allowance of 3,000 dinars a month. Women who do not comply with the qualifying period receive appropriate aid in cash through a general public assistance scheme. Maternity benefits are paid out of social insurance funds. If confinement takes place after the estimated period of 45 days maternity benefit is paid by the sickness insurance scheme in accordance with Internal Instructions of the former Ministry of Labour of the Federative People's Republic of Yugoslavia.

Under Section 1 of the Decree of 20 June 1952, to amend the Decree of 14 October 1949, nursing mothers are entitled to shorter working hours, which are fixed at four a day. If they are employed on work for which, owing to special conditions, normal working hours are less than six a day, the hours of nursing mothers are reduced to three a day. Generally speaking, these women are entitled to a reduction of working hours for six months after confinement; exceptionally, and on the advice of the competent authority of the health service, this right may be extended until the end of the eighth month after confinement. Work must be continuous during the period of reduced working hours. Nursing breaks are only authorised if the child is placed in the crèche of the undertaking or in living quarters in close proximity to the workplace. In addition to their wages for the hours worked, nursing mothers who are entitled to reduced working hours also have the right to an indemnity equal to the amount of wages lost owing to reduced working hours. This indemnity is paid out of social insurance funds. Under the Decree of 5 March 1952 prohibiting the employment of women and young

persons in certain work, neither pregnant women nor nursing mothers may be dismissed.

The control of the social insurance bodies and the participation of trade unions in this control are ensured by Section 16 of the Decree of 2 June 1952 concerning the establishment of social insurance offices and the provisional management of the assets of the social insurance scheme, and by Section 106 of the Act of 21 January 1950 concerning social insurance for wage-earning employees, salaried employees and officials and for their families. On the other hand, according to Section 26 of the Decree of 2 June 1952, the competent bodies of the People's Councils and of the Governments responsible for social policy are empowered to suspend the carrying-out of any illegal action on the part of district social insurance offices and to propose to the Office of the People's Republic that it take a definite decision

in the matter. Similarly, the above-mentioned State bodies are entitled to propose the institution of legal proceedings in accordance with the Act concerning administrative appeals against illegal actions on the part of the social insurance offices of the People's Republic which violate legislative provisions in favour of insured persons.

Insured persons have the right to appeal against any decision taken by district or urban social insurance offices dealing with social insurance rights. Appeals are lodged with the social insurance office of the People's Republic. The decisions given by this office are of an administrative character, against which insured persons have the right to take legal action under the provisions of the Act concerning administrative appeals.

The report contains statistical data showing the amounts paid out for maternity benefits during the period under review.

4. Convention concerning employment of women during the night

This Convention came into force on 13 June 1921

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

¹ Has ratified Conventions Nos. 4 and 41 simultaneously.
² Has ratified Convention No. 89 but has not ratified Convention No. 41.
³ Has denounced Convention No. 4 and ratified Convention No. 41; the subsequent ratification of Convention No. 89 involves the immediate denunciation of Convention No. 41.
⁴ Has ratified Convention No. 41 and denounced Convention No. 4.
⁵ Has ratified Convention No. 41 but has not denounced Convention No. 4; see also footnote No. 2 to Convention No. 1.
⁶ Has ratified Convention No. 41 but has not denounced Convention No. 4.
⁷ Has ratified Convention No. 89; this involves the immediate denunciation of Convention No. 41.
⁸ Has ratified Convention No. 89; this involves the immediate denunciation of Convention No. 41. See also footnote No. 3 to Convention No. 1.
⁹ Has denounced Conventions Nos. 4 and 41.

Afghanistan.

The Convention is not applicable for the reasons stated in the previous report.

Argentina.

For information relating to the total number of inspection visits to industrial undertakings and the total number of infringements of the relevant legislative provisions, the Government refers to the statistical data appended to its report on Convention No. 1.

There were 63 infringements of the provisions of Act No. 11317 of 30 September 1924, which regulates the employment of women and children. Fines imposed by the inspection service in this connection amounted to 3,550 pesos.

Austria.

See under Convention No. 89.

Burma.

Factories Act, 1951 (from 1 January 1952).
Oil Fields (Labour and Welfare) Act, 1951 (from 1 June 1951).

The Convention is applicable to oilfields in addition to factories.

The term "night" has not been defined in the legislation in force but it is generally understood to be the period between 6 p.m. and 6 a.m. No woman is allowed to work in a factory between these hours.

There were some contraventions of the legislation prohibiting the employment of women during the night.

Ceylon (first report).

Schedule to the Subsidiary Legislation (1938), made under the Employment of Women, Young Persons and Children Ordinance (Chapter 108 of the Legislative Enactments of Ceylon), to implement Conventions Nos. 4, 5 and 6.

Employment of Women (Revised Convention) Ordinance No. 16 of 1940 (to give effect to certain provisions of the revised international Convention relating to the employment of women in industrial undertakings), as amended by Ordinance No. 46 of 1941.

The Convention was originally implemented by legislation in the Employment of Women, Young Persons and Children Ordinance in 1923 (Chapter 108, Legislative Enactments of Ceylon). The above-mentioned Ordinance reproduces the relevant Articles of the Convention.

The following details are given under the various Articles of the Convention :

Article 1. The line of division which separates agriculture from industry has been defined in a Proclamation made under the original legislation in 1923, contained in Chapter 108 of the Subsidiary Legislation of Ceylon.

Article 2. Paragraph 2 of this Article has not been incorporated in the legislation at any time.

Article 3. The term "woman" has been defined as a woman of the age of 18 years and upwards. Advantage has, however, been taken of Article 8 of Convention No. 41 and the law is not applicable to women holding responsible positions of management who are not ordinarily engaged in manual work.

Article 4. The legislation does not impose any conditions subject to which employers are allowed take advantage of the exception provided for paragraph (a). As regards paragraph (b) the circumstances envisaged have not arisen in practice and no conditions have been imposed by legislation subject to which employers may take advantage of the exception provided for in this paragraph.

Article 5 is not applicable.

Article 6. Provision has been made in the legislation but, as circumstances demanding exceptions have not arisen, it has not been found necessary to prescribe by legislation any conditions by which employers may take advantage of the provisions of this Article.

Article 7 is not provided for as it has not been considered applicable to the country.

The Ministry of Labour is entrusted with the application of the relevant legislation. Night work is not normally done by women in industries covered by this legislation ; no complaints have been reported or made regarding contraventions of the legislative provisions concerned. Separate inspections under the legislation have not been undertaken, but those under other labour legislation have not revealed contraventions. No statistics are available regarding the number of workers covered by the legislation.

Chile.

In reply to observations made by the Committee of Experts, the report states that up to the present no decision has been taken by the National Congress as to the ratification of Conventions Nos. 41 and 89, thus permitting the denunciation of Convention No. 4 the provisions of which are not fully observed in respect of salaried employees. The national legislation is, however, in complete harmony with the provisions of Conventions Nos. 41 and 89.

The labour inspection service reports that the application of the legislation applying Convention No. 4 is fully satisfactory. The number of women workers covered by the legislation relating to night work was 216,954.

Cuba.

Articles 1, 2, 3 and 4 of the Convention are applied under Sections II, IV, I and V respectively of Legislative Decree No. 5598 of 1934.

The Women's Labour Office and the regional offices have not reported (in the forms which are submitted to them every quarter) any infringements of the regulations or the authorisation of any exemptions.

According to approximate and not very recent data, the employed population is distributed as follows : manufacturing and metal trades, 80.8 per cent. men and 19.2 per cent. women ; transport and communications, 96.0 per cent. men and 4.0 per cent. women ; unclassified industries and trades, 89.2 per cent. men and 10.8 per cent. women.

France.

Algerian Departments.

The total number of persons protected by the legislation during the period under review was 28,092 (17,077 in Algiers, 3,832 in Constantine and 7,183 in Oran).

One exception to the night work provisions was requested (in respect of a fish-preserving factory at Oran) under the Decree of 3 June 1913.

Overseas Departments.

French Guiana.

Generally speaking, the provisions of the Convention are not applicable to French Guiana, where there are no continuous industries and few women are employed in industrial employment.

Guadeloupe.

During the period under review the labour and manpower inspectorate consisted of three officials—a departmental director stationed at Basse Terre, an inspector at Pointe-à-Pitre and an assistant controller at Basse Terre as from 1 October 1951.

Martinique.

The Convention covers approximately 2,000 wage earners.

India.

In 1950 the number of women workers employed in factories covered by the Factories Act, 1948, was 275,791. During 1951 there were only 17 contraventions in Bombay State, where the total number of women workers employed was 65,091.

Italy.

Act No. 1630 of 7 December 1951, giving the authentic interpretation of the definition of Section 13 of Act No. 653 of 26 April 1934.

With reference to the observations made in 1952 by the Committee of Experts on the Application of Conventions and Recommendations, the report states that the Government has decided to apply

once again in full Act No. 653 of 26 April 1934 (which gives effect to the Convention) by refusing all requests for the authorisation of night work by women except in the case of *force majeure* and in the case of undertakings dealing with raw materials subject to rapid deterioration; such cases are in full conformity with the provisions of the Convention.

During the period under review only two exceptions for cases of *force majeure* were authorised. Exceptions were also allowed for the treatment of raw materials, for preserving food and for work in connection with cocoons and artificial fibres, etc. The night period provided by Article 2 of the Convention was reduced to ten hours on account of exceptional circumstances in an undertaking in the cotton industry. In all these cases the exceptions were authorised for short periods only and subject to the necessary measures to protect the health of the women concerned.

The labour inspectors carried out 14,935 inspections, reported 284 breaches of the provisions relating to the prohibition of night work, and issued instructions in 303 cases.

Luxembourg.

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

Portugal.

During the period under review, seven reports were drawn up by the inspection service.

Uruguay.

The Government states that the report does not follow the pattern laid down in the report form because the national legislation has not yet been adapted to conform to the terms of the Convention. The Senate has not yet discussed the Bill which was submitted to it by the House of Representatives in 1938.

In 1951 the Executive Authority submitted a report to Parliament asking for the ratification of a number of international labour Conventions, including No. 89, which revises Conventions Nos. 41 and 4.

Although the night work of women in industry is not prohibited by law, it is very rare in Uruguay.

Yugoslavia.

Measures have been taken to bring the national legislation into conformity with the Convention by inserting, in the latest draft Decree concerning labour relations, provisions which are in harmony with the Convention. This draft Decree consolidates the labour legislation as a whole and adapts it to the new economic system.

The reports from the following countries reproduce the information previously supplied:

France (Metropolitan Departments), Pakistan.

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.

See under Convention No. 1 as regards statistical information.

Austria.

Federal Act of 1 July 1948, respecting the employment of children and young persons (L.S. 1948—Aus. 3), as amended by Federal Act No. 45 of 13 February 1952.

Section 26 of the Federal Act respecting the employment of children and young persons, which deals with the obligation to keep a register of young persons employed, has been amended. Prior to its amendment the Act provided that registers should be kept in undertakings where more than five young persons were employed, whilst the amending text lays down that registers must be kept irrespective of the number of young persons employed. The Government states that this amendment has eliminated the minor discrepancy which existed between the provisions of the Convention and Austrian legislation. The Convention is now fully applied in Austria.

During 1951 the inspection service reported 32 infringements of the legislation applying the Convention.

Belgium.

During the period under review 11 infringements were reported. One decision relating to the application of the Convention was given by a court

of law. The inspection service visited 16,780 establishments employing a total of 146,141 persons covered by the relevant legislation.

Ceylon (first report).

Employment of Women, Young Persons and Children Ordinance No. 6 of 1923 (Chapter 108 of the Legislative Enactments of Ceylon) (L.S. 1923—Cey. 1).

Article 1, paragraph 1. Sections 2 and 4 (1) of the above Ordinance apply the relevant provisions.

Paragraph 2. The line of division separating industry from commerce and agriculture is set out in the schedule to the Proclamation dated 24 May 1924 (Subsidiary Legislation of Ceylon, Chapter 108).

Article 2. Sections 4 (1) and 4 (7) (a) of the Ordinance apply the provisions of this Article.

Article 3. These provisions are applied in virtue of Section 2 and Schedule, Part I, of the above-mentioned Ordinance.

Article 4. Sections 4 (4) and 4 (7) (c) of the Ordinance apply these provisions. No special form of register has been prescribed. Section 4 (4) gives details of the information which the register should contain and requires the register to be made available for inspection at all times.

Articles 5 and 6 are not applicable to Ceylon.

The Ministry of Labour has been entrusted with the application of the relevant legislation since May 1948. Various officials have been appointed as "authorised officials" in the past, all of whom are outside the Ministry of Labour. The question of revising the law and administrative practice, in conformity with the transferred responsibility, is under consideration. The provisions of the Ordinance are kept in view when inspections are made under other labour legislation.

The number of contraventions is negligible. In general, it may be stated that children under 14 years of age are not employed in industrial undertakings.

Chile.

During the period under review, one decision given by a court of law was communicated to the General Labour Directorate.

Cuba.

During the period under review 329 visits of inspection were carried out, as a result of which 50 contraventions were reported. The courts pronounced ten sentences and acquitted seven accused persons. It is not known whether the 50 contraventions in question concerned breaches of the provisions relating to the Convention or whether they were breaches of the other provisions of Legislative Decree No. 647, which provides for penalties in cases where registers have not been kept and where there are no medical certificates or work permits.

Denmark.

The supervision of the application of the Act of 18 April 1925 is carried out by the labour and factories inspection service in respect of the undertakings subject to this Act and by the police in respect of other undertakings. The supervision of the application of the Factories Act, including

any regulations issued thereunder, is entrusted to the labour and factories inspection service.

The Government considers that the national provisions respecting minimum age, which on the whole are in conformity with the provisions of the Convention, are generally observed by industrial undertakings.

Dominican Republic.

Labour Code of 11 June 1951 (L.S. 1951—Dom. 1).

Regulation No. 7676 of 6 October 1951, concerning the application of the Labour Code.

Resolution No. 72 of the Secretary of State of Labour, of 24 October 1951.

As from the date of the coming into force of the Labour Code the legislation which formerly applied the Convention was replaced by the new provisions mentioned above.

Article 1. The national legislation makes no distinction between industry and commerce. Consequently, the provisions of the Labour Code as regards the hours of work of young persons are applied without distinction to both activities. The national legislation makes a distinction between industry and agriculture. According to Section 261 of the Code all work normally carried out in an agricultural undertaking, an agricultural undertaking of an industrial type, or a stock-raising or forestry undertaking, is deemed to be employment in agriculture. On the other hand, any industrial or commercial activities in such undertakings are not deemed to be employment in agriculture (Section 262 of the Code); the transport of fruit, animals or timber to the place where they are processed or sold is considered as employment in agriculture (Section 263).

Article 2. This Article is enforced in the country in virtue of Section 223 of the Labour Code, which prohibits the employment of young persons under 14 years of age. This provision is formal, that is to say, no exception is authorised, not even in industrial undertakings in which only the members of one family are employed.

The Code is so strict in this respect that it even prohibits the apprenticeship of children under 14 years of age (Section 234). The Department of Labour may authorise the apprenticeship of children between 12 and 14 years of age in cases where there is no danger of physical or moral harm; in such cases the Department of Labour does not authorise apprentices under 14 years of age to be employed for more than six hours a day.

Article 3. The legislation contains no provision equivalent to this Article, but this is due to the fact that the principle laid down in the Article is applied as a matter of course. If the employment of children under 14 years of age was forbidden in vocational schools (for example, arts and crafts) the arts and crafts could not be taught. For this reason, the principle set out in Article 3 of the Convention is not prescribed in the legislation but is applied in practice. The employment of children in vocational schools is controlled and supervised by special services of the Secretariat of State for Education.

Article 4. The employment of children under 14 years of age in industry is prohibited. Consequently, it is not necessary to ensure the application of this provision by means of a register.

In cases where children under 14 years of age are permitted to work as apprentices an authorisation is required from the Department of Labour.

As regards the work of young persons between 14 and 18 years of age, the report states that all employers or heads of undertakings must keep registers in conformity with Section 153 of the Labour Code. Paragraph 5 of this section states that the employer must indicate in the register the age and sex of the persons in his employment.

The application of the legislation, regulations and the resolution mentioned above, together with the methods for ensuring the supervision of their application, are entrusted to the Department of Labour under the supervision of the Secretariat of Labour (Sections 390 and 391 of the Code).

The Department of Labour is assisted by local labour representatives (Sections 398 and 399) and by the labour inspection service (Sections 400-410); this enables the Department to ensure the supervision throughout the territory of the Republic of the matters set out in Section 390 of the Code.

The report contains information relating to the activities of the local labour representatives and the inspection service.

Greece.

The workbooks of minors are always issued by the labour inspectors, in conformity with the Compulsory Act No. 191/1936, on the basis of a certificate, issued by the mayor's office or the commune, showing the age of the applicant, as well as a certificate issued by the medical officer.

The Royal Decree of 3 June 1952 provides that apprentices must be over 14 years of age (Section 3), that the regular daily hours of work of apprentices who have reached 17 years of age should be one hour less than those of the technicians with whom they work (Section 11), and that apprentices may not work overtime.

Japan (first report).

Labor Standards Law No. 49 of 5 April 1947 (L.S. 1947—Jap. 3).

Ordinance No. 8 of 31 October 1947, respecting labour standards for women and minors.

School Education Law (No. 26) of 31 March 1947.

Article 1. This Article is applied by Section 8 of the Labor Standards Law. The Law does not apply to any enterprise or office employing only relations living with the employer as members of the family, or to domestic employees in the home.

Article 2. Minors under 15 years of age shall not be employed as workers (Section 56, paragraph 1, of the Labor Standards Law).

Article 3. There are no technical schools for children under 15 years of age.

Article 4. The Labor Standards Law (Section 57, paragraph 1) requires the employer to keep a census register giving the ages of the minors under 18 years of age employed by him.

Article 5. As the Labor Standards Law and the Ordinance on labour standards for women and minors are enforced, the special provisions for the application of the Convention to Japan are not necessary.

The enforcement of the relevant legislation is entrusted to the Labor Standards Bureau of the

Ministry of Labor, the labor standards office in each prefecture, and the labor standards inspection office within the scope of each prefecture. Labor standards inspectors are installed in labor standards offices and in labor standards inspection offices. They have authority to inspect workplaces, dormitories and other buildings attached to workplaces, to examine records and documents, and to question the employers and the workers. In cases of violation of the law they are authorised to exercise the right of a judicial police officer, as stipulated in the Criminal Procedure Law. Violations of Section 56 of the Law (minimum age) are liable to punishment by penal servitude not exceeding one year, or by a fine not exceeding 10,000 yen; violations of Section 57 (keeping of census register) are punishable by a fine not exceeding 5,000 yen. There are at present 2,735 labour inspectors.

The report gives examples of decisions made by courts of law.

Netherlands.

During the period under review 763 reports were drawn up in respect of infringements of the provisions relating to the prohibition of the employment of children. Fines were imposed varying between 0.50 and 350 florins. District officers issued 152 warnings to parents or guardians of children under 14 years of age.

Poland.

Decree of 2 August 1951, respecting the employment and vocational training of young persons in undertakings (L.S. 1951—Pol. 4 C).

Order of the Council of Ministers of 12 April 1952, respecting the admission to employment of young persons between 14 and 16 years of age with a view to their vocational training and future employment.

Instruction of the Minister of Public Health of 25 September 1951, respecting the medical examination of young persons.

Section 2, paragraph 1, of the Decree of 2 August 1951 prohibits the employment of young persons under 16 years of age. This age coincides with that at which young persons finish two years of technical training, in accordance with the new organisation of schools. A second group of young persons finish their basic education at the age of 14 years and then enter employment instead of a technical school. A practical course of vocational training in undertakings is organised for the latter group.

Section 2, paragraph 2, of the above-mentioned Decree authorises the employment of young persons between 14 and 16 years of age with a view to their vocational training and future employment. The conditions for the admission to employment of these young persons are prescribed in the Order of the Council of Ministers of 12 April 1952 issued under Section 2, paragraph 2, of the Decree of 2 August 1951. This Decree provides that undertakings or branches of undertakings must keep registers for young persons between 14 and 16 years of age, containing the following information: (1) the name, Christian name, date of birth and address of the young person; (2) the name, Christian name and address of the father, mother, or guardian of the young person; (3) the date of the periodical medical examination and the observations made by the doctor; (4) the trade in which the training took place and the date of the beginning and end of the vocational training;

(5) the trade of the young person and his classification at the end of the period of training.

The provisions of the Decree of 2 August 1951 which refer to the admission to employment (16 years) or to employment with a view to vocational training and future employment also apply to agriculture.

The application of the Decree of 2 August 1951 is ensured by the Chairman of the Committee for State Economic Planning and by the Ministers concerned.

Switzerland.

Section 18 of the Executive Order of 24 February 1940 enables the federal authorities to grant permits for exceptions, but only within the framework of the Convention. The possibility of transferring this competence to the cantons is now being examined.

The reports of the federal factory inspectors and the labour medical officer for 1949 and 1950 and the cantonal reports relating to the application of the Factory Act during this period have already been forwarded to the International Labour Office. The reports for the following two years will be published in 1953. Extracts from the cantonal reports for 1950 and 1951 concerning the application of the Act respecting the minimum age for admission to employment will shortly be communicated to the Office.

During the period under review 18 decisions were given by courts of law in virtue of the Act respecting the minimum age of workers. The fines imposed varied between five and 100 francs, and totalled 735 francs.

United Kingdom.

The strength of the Inspectorate at 30 June 1952 was 146.

In March 1952 it was necessary to prosecute the occupier of a brick-making factory in Northern Ireland for an offence involving a breach of the Convention.

Yugoslavia.

Decree of 4 February 1952, respecting workbooks to abolish the Decree of 28 December 1948.

Decree of 22 July 1952, respecting apprentices, to repeal the Decree of 1 April 1946 (L.S. 1946—Yug. 1).

Decree of 22 July 1952, respecting technical schools.

Decision of 28 May 1952, issued under the Decree of 4 February 1952, respecting labour registers.

Circular of the Ministry of Labour, No. 951, of 20 February 1951.

Section 2 of the Decree of 22 July 1952, respecting apprentices, is identical with Section 2 of the repealed Act of 1 April 1946. It lays down that only children over 14 years of age may be employed as apprentices.

In conformity with previous legislation, the new Decree of 22 July 1952 respecting technical schools stipulates that the provisions concerning the minimum age for admission to industrial employment do not apply to young persons in technical schools where work is supervised by the competent authorities. This Decree lays down that the conditions for admission to technical schools must be determined by the competent State authorities.

The provisions concerning labour registers mentioned in previous reports have been incorporated in the Decree of 4 February 1952.

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

Czechoslovakia, France, Ireland, Luxembourg, Norway, Uruguay, Venezuela.

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 ²	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 ²	10. 4. 1923

Countries	Date of registration of ratification
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.

See under Convention No. 4.

Austria.

During the period under review certain provisions of the Act of 1 July 1948 (employment of children and young workers) were amended by the Federal Act of 13 February 1952, but there has been no change in the provisions relating to night work. There were 229 infringements of the provisions relating to night work in various undertakings.

Belgium.

During the period under review the inspection service visited 16,780 establishments employing 146,141 persons covered by the legislation. Three infringements of the relevant regulations were reported.

A very limited use was made of the exceptions provided for in Articles 2, 3 and 4 of the Convention. These exceptions were applied in conditions laid down in the national legislation and subject to the control of the social inspection service.

Burma.

Factories Act, 1951 (from 1 January 1952).
Oil Fields (Labour and Welfare) Act, 1951 (from 1 June 1951).

The Convention is applicable to oilfields in addition to factories.

No definition of "young persons" is contained in the legislation but persons between 13 and 15 years of age and those between 15 and 18 years who have been certified as adolescents for the purpose of the Act are not allowed to work in factories, except between the hours of 6 a.m. and 6 p.m. Male young persons between the ages of 15 and 18 years of age who are certified as adults may work day and night.

The term "night" has not been defined by the national legislation but it is generally understood to be the period between 6 p.m. and 6 a.m.

Ceylon.

The Government refers to the report of the Committee of Experts, which pointed out that the legislation in Ceylon applying the Convention incorporates Article 6, which is applicable only to India, and suggesting that this gave rise to circumstances of a constitutional character which merited the consideration of the Governing Body. The Government has been advised that the question has been referred for consideration to the Governing Body. The legislation in Ceylon will be revised in the light of the decision taken in this respect.

During the period under review there was no suspension of the prohibition of night work under Article 7 of the Convention.

The Ministry of Labour has been made responsible for enforcing the provisions of the Convention, with effect from May 1948. The appointments referred to in the Government's report for 1950-1951 still stand, but a revision of the law and administrative practice in conformity with the transfer of responsibility is under consideration.

On 30 June 1952 the number of young persons employed in trades covered by Part II of the Wages Board Ordinance was 1,419.

Cuba.

The Ministry of Labour, the National Office for Women and Young Persons and its provincial offices (through the medium of its inspectors) ensure compliance with Legislative Decree No. 647 of 1934. The data supplied by the inspectors make no special mention of infringements. Periodical visits are made by labour inspectors to industrial establishments. The employment of young persons over 14 and under 18 years of age is exceptional in industry and non-existent as regards night work.

Denmark.

No use has been made of the exceptions authorised under Article 2, paragraph 2, of the Convention.

During the period under review, proceedings were instituted in eight cases of contravention of the legislative provisions, the majority being in the baking industry. Some of these contraventions were reported to the authorities by the local workers' trade organisations.

*France.**Algerian Departments.*

During the period under review the total number of young workers protected by labour legislation in commerce and industry was 25,376 (12,276 in Algiers, 4,320 in Constantine and 8,780 in Oran).

The total number of infringements of the labour legislation relating to young persons was 61.

*Overseas Departments.**Guadeloupe.*

See under Convention No. 41.

Martinique.

See under Convention No. 41.

Greece.

The Convention is applied as a national law, although the Constitution makes no mention of the nature of the laws which ratify international Conventions.

Act No. 2272 of June 1920 (Section 2) lays down that, by Royal Decree, the provisions of the Convention and the laws relating thereto may be consolidated and published as a single text.

The application of the provision relating to the prohibition of night work of young persons under 18 years of age is one of the main preoccupations of the members of the labour inspection corps. These officials examine the lists of the staff working in factories in their areas, control the ages of the young persons mentioned in these lists and prohibit the employment of the young persons concerned between 10 p.m. and 6 a.m.

The exceptions provided for in the Convention are not applied in Greece.

For information relating to the working of the labour inspection service and the composition of the labour inspection corps, the Government refers to its report on Convention No. 1.

The Convention is applied in a satisfactory manner. No special statistics are compiled relating to infringements of the provisions of the Convention. In any case, the reports from the labour inspectors make no mention of any special difficulties in applying the Convention.

India.

See under Convention No. 90.

Ireland.

Conditions of Employment (Glass Manufacture) (Employment of Young Persons at Night) Regulations, 1952.

The above regulations were made in accordance with the provisions of Article 2 (b) of the Convention. Copies of these regulations are appended to the report.

During the period under review three contraventions of the provisions of the Convention were reported and proceedings were instituted in one case.

Italy.

Act No. 63 of 11 February 1952, to amend Act No. 105 of 22 March 1908 prohibiting night work in bakeries.

Act No. 1630 of 7 December 1951, concerning the interpretation of Section 13 of the Act No. 653 of 26 April 1934.

In reply to the observations made in 1952 by the Committee of Experts on the Application of Conventions and Recommendations, the Government refers to its report on Convention No. 4 in which it states that it has decided to apply once again in full Act No. 653 of 26 April 1934, which gives effect both to Convention No. 4 and Convention No. 6.

As regards the application of Act No. 63 of 11 February 1952 (which prohibits night work on Saturday for young persons under 18 years of age employed in bakeries and also provides for an increased fine for breaches of the prohibition of night work), the report adds that enquiries made by the labour inspectors show that the number of infringements has decreased appreciably since the Act came into force.

The supervisory and controlling bodies have endeavoured to ensure that full effect is given to the provisions of the Convention. The exceptions permitted by Article 2 of the Convention were authorised for a total of 68 workers in various provinces in iron and steel, glass, paper and sugar works. The labour inspectors carried out 7,695 inspections, reported 584 infringements of the provisions relating to the prohibition of night work and issued instructions in 168 cases.

Luxembourg.

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

Netherlands.

During 1951 ten reports were drawn up respecting employers who had obliged young persons to work between 10 p.m. and 5 a.m. These reports related to 15 young persons employed in preserved goods factories, bakeries, laundries, etc. Fines were imposed varying between 7.50 and 60 florins. In one case a sentence of five days' imprisonment was imposed.

Poland.

Order of the Council of Ministers of 12 April 1952, respecting conditions for admission to employment, with a view to vocational training and employment of young persons between 14 and 16 years of age.

The Decree of 2 August 1951 (respecting the employment and vocational training of young persons) applies to all young persons employed in industrial as well as in non-industrial occupations. This Decree contains separate regulations for the hours of work of young persons between 14 and 16 years of age, and for those between 16 and 18 years of age.

Young persons may not be employed during the night. The night period is fixed by the above-mentioned Order as the period between 9 p.m. and 6 a.m. The Decree of 2 August 1951 provides for exceptions to the prohibition of night work, but only for male young persons between 16 and 18 years of age.

In virtue of the Act of 20 March 1950, the labour inspection service is the representative body at the local level for the labour and social assistance sections of the district national councils.

During the period covered by the report the general inspection service was reinforced by the addition of technical labour inspectors for certain branches of industry such as coal, chemical, textiles, wood, engineering and metallurgical undertakings. This step was taken in order to ensure the maximum amount of industrial hygiene and safety for workers.

A social labour inspection service has been instituted for all undertakings employing more than 50 workers, and comprises social inspectors for undertakings, departments and groups (workshops) recruited from among workers who follow special training courses for this purpose. The total number of social inspectors is now more than 170,000. The President of the State Economic Planning Committee and the Ministers concerned are responsible for the application of the Decree of 2 August 1951 and the Order of 12 April 1952.

Portugal.

During the period under review 11 reports were drawn up by the labour inspection service.

Switzerland.

The Convention has not the force of a federal law by reason of ratification but its application is ensured by federal legislation.

The Government refers to the request made by the Committee of Experts for information on the progress made at a meeting which the Government intended to convene in 1951 in order to arrive at a practical solution of the problem of night work of bakers' apprentices. By letter dated 16 May 1952 the Government stated that the meeting took place on 13 December 1951 in Berne. It was attended by representatives of the cantons and of employers' and workers' organisations for the baking industry. The Federal Office for Industry, Arts and Crafts, and Labour expressed the view that the provisions of the Federal Act concerning the employment of young persons and women in arts and crafts, and therefore relating to the Convention, should be strictly applied. It was proposed to facilitate the application of this measure by raising the minimum age for entry into

apprenticeship of bakers' apprentices. Furthermore, apprenticeship contracts and regulations would explicitly prohibit young persons under 18 years of age from starting work before five o'clock in the morning.

The report states that it has not been found possible, at least for the moment, to raise the minimum age for entry into apprenticeship of future bakers. The only solution, therefore, is the strict adherence to the provisions of the Act relating to the employment of young persons and women in arts and crafts. A Circular to this effect will be sent to the cantonal authorities.

During the period under review the number of factories covered by the Factories Act showed a slight increase, *i.e.*, from 11,194 to 11,264. There were only two contraventions of the Act, which were punished by fines of 30 and 50 francs respectively. It may be inferred from the small number of penalties and their trivial nature that the infringements were relatively insignificant and that

the least serious of them probably gave rise only to warnings. It is also possible that the Circular of 27 June 1950 addressed to the cantonal authorities (of which mention was made in a previous report) led to good results.

Yugoslavia.

Measures have been taken to bring the provisions of the national legislation into conformity with the Convention. These measures include the insertion in the draft Decree concerning labour relations of provisions which are in harmony with the Convention. This draft Decree adapts labour legislation as a whole to the new economic system.

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

Chile, France (Metropolitan Departments), Pakistan, Uruguay, Venezuela.

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 ¹	2. 2. 1925
Brazil ¹	8. 6. 1936
Bulgaria ¹	16. 3. 1923
Canada ¹	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
Federal Republic of Germany ³	11. 6. 1929
Greece	16. 12. 1925
Hungary	1. 3. 1928
Ireland	4. 9. 1925
Italy ¹	14. 7. 1932
Japan	7. 6. 1924
Latvia	3. 6. 1926
Luxembourg	16. 4. 1928
Mexico ³	17. 8. 1948
Netherlands ²	26. 3. 1925
Nicaragua	12. 4. 1934
Norway ¹	7. 10. 1927
Poland	21. 6. 1924
Rumania	8. 5. 1922
Spain	20. 6. 1924
Sweden ¹	27. 9. 1921
United Kingdom	14. 7. 1921
Uruguay	6. 6. 1933
Venezuela	20. 11. 1944
Yugoslavia	1. 4. 1927

The age of each member of the crew is entered in the manning list which every vessel must keep. The mustering takes place before the superintendents of the mercantile marine offices, who supervise the application of the relevant legislation.

Dominican Republic.

Labour Code of 11 June 1951 (L.S. 1951—Dom. 1).
Regulation No. 7676, issued in application of the Labour Code.
Act No. 3003 of 12 July 1951, respecting harbour and coast guards.

Article 1. This Article is applied under Sections 273, 274 and 275 of the Labour Code.

Article 2. This is applied under Section 223 of the Code and Section 93 of Act. No. 3003. These legislative provisions are in conformity with the provisions of the Convention.

Article 3. This is applied in practice but its provisions are not embodied in the legislation as they are considered to be self-evident.

Article 4. Under Section 85 of Act No. 3003 no person may be employed in the mercantile marine unless he is entered in the seamen's register, kept by the harbourmaster's office at his place of residence, and is in possession of the required certificates showing, *inter alia*, his age and date of birth and proving that he has sailed as an apprentice in Dominican territorial waters. Registers are kept by the competent authorities. A seamen's book is issued to all persons who are entered in the seamen's register, as well as to persons engaged in fishing.

The supervision of compliance with the laws and regulations relating to the minimum age for admission to employment at sea is entrusted to the Secretary of State for War, the Navy and Air, through the medium of the harbourmasters. In addition, an inspection service is maintained in ports, coastal regions and territorial waters.

Because of the strict control which is exercised by the above-mentioned authorities there are no infringements of the relative provisions.

The Government appends to its report copies of the text of Act No. 3003, together with copies of models of the seamen's register, the seaman's book and the fisherman's book.

Federal Republic of Germany.

Seamen's Code of 2 June 1902, as amended by the Act of 30 May 1929 respecting the international Convention fixing the minimum age for admission of children to employment at sea (L.S. 1929—Ger. 8).

Argentina.

See under Convention No. 1.

Cuba.

The report gives information supplied by 17 harbourmasters showing the number of inspection visits carried out and the number of young persons under 18 years of age who were admitted to employment at sea.

Denmark.

Seafarers' Act No. 229 of 7 June 1952.

Section 10, paragraph 1, of the Seafarers' Act, which came into force on 1 January 1953, provides for a minimum age of 15 years for young men and 18 years for young women for admission to employment at sea.

Act of 8 February 1951, respecting the right of vessels to fly the national flag (*Flaggenrechtsgesetz*).

Effect is given to the Convention through the Seamen's Code, as amended by the Act of 30 May 1929. Children under 14 years of age are not admitted to school-ships of the Federal Republic. The age of all seamen, including those under 16 years, must be entered in the ship's register.

The application of the Convention, at home and abroad, is entrusted to the seamen's offices which supervise the engagement of seamen. Contraventions are punishable by fines or imprisonment. No difficulties have arisen in the application of the Convention. No contraventions have been noted and no reports are available from the shipping offices.

Japan.

Mariners' Law No. 100, of 1 September 1947 (L.S. 1947—Jap. 5).

Regulation for the Enforcement of the Mariners' Law (Ministry of Transport Ordinance No. 23 of 1947).

The term "mariner" as defined in Section 1 of the Mariners' Law includes every master or seaman who serves on board any vessel other than a vessel of less than five tons gross, a vessel navigating lakes, rivers or within harbours exclusively, or a fishing vessel of less than 30 tons gross.

Shipowners may not employ young persons under 15 years of age on board unless members of the same family are also employed on board or the work is carried out on a training ship. All seamen's training institutions are supervised by the Government.

Under the Mariners' Law the captain must keep a register of the crew indicating the name, date of birth and working conditions, and this register must be submitted to the authorities who supervise the application of the Law.

This supervision is entrusted to the Minister of Transportation; the bodies carrying out this function are located in Tokyo, and have at their disposal ten regional maritime bureaux, 46 detached offices and 200 branch offices throughout the country. The contracts of engagement of seamen are examined by inspectors, designated by the Minister of Transportation, who are authorised, in order to supervise the enforcement with a maximum of efficiency, to inspect a vessel, to examine books or documents and to question shipowners or any other person on board. Any master who contravenes the provisions of Section 85

of the Mariners' Law is liable to penal servitude up to one year or to a fine of not more than 10,000 yen.

The number of maritime labour inspectors was 146 at the end of June 1952. During the period under review 17,173 vessels and workplaces were inspected, i.e., 70 per cent. of the vessels covered by the Law. Only one violation was reported, involving a young person of 14 years of age employed as a deck rating. During the year, 522,000 contracts of engagement were certified.

Poland.

An Act of 28 April 1952 respecting work on board ships of the Polish merchant navy engaged in international navigation will be applied under orders issued by the Minister of Navigation, and will come into force in 1953.

Venezuela.

Commercial Act of 23 June 1919, as amended in part on 19 September 1945.

Shipping Act of 19 August 1944.

Regulations of 20 July 1951, respecting the seamen's register.

Regulations of 20 July 1951, respecting, *inter alia*, the registration of members of the merchant marine in general and of fishing and pleasure boats.

The Commercial Act (Section 592) lays down that the term "vessel" is considered to be any boat engaged in maritime navigation from one port in the country to another or abroad. This definition corresponds with that given in the Convention.

Section 103 of the Labour Act strictly prohibits the employment of children under 14 years of age.

Under Section 114 of the Labour Act every employer is bound to keep a register, in which he must enter the dates of birth of all the young persons under 18 years of age employed by him.

In conformity with Section 202 of Chapter 7 of the Labour Act the application of the relevant provisions is entrusted to the Ministry of Labour, through the medium of the labour inspection service. Twenty-two labour inspectorates have been established.

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

Argentina, Australia, Belgium, Canada, Ceylon, Chile, Finland, Greece, Ireland, Italy, Luxembourg, Norway, Sweden, United Kingdom, Uruguay, Yugoslavia.

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
Federal Republic of Germany ¹	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

¹ See footnote 2 to Convention No. 2.

Argentina.

See under Convention No. 1.

Belgium.

During the period under review approximately 5,500 seafarers were protected by legislation. Two vessels foundered and compensation for unemployment was paid in 49 cases.

Ceylon (first report).

Merchant Shipping (International Labour Conventions) Act of 31 July 1925 (L.S. 1925—G.B. 5), made applicable to Ceylon by the Merchant Shipping (International Labour Conventions (Ceylon)) Order, 1937.

Merchant Shipping Ordinance (Chapter 260, Legislative Enactments of Ceylon).

As Ceylon does not possess any foreign-going ships, the need for determining the questions under Article 2 of the Convention does not arise.

The Ministry of Commerce and Trade, under which the Customs Department works, is responsible for the enforcement of the law. No decisions were given by courts of law.

Chile.

During the period under review the General Directorate of Labour was notified of one decision given by a court of law with regard to the application of the principles of the Convention; a copy of this decision is appended to the report.

The reports of the maritime inspection service show that during 1951 the following vessels were lost by shipwreck: a steamship, whose crew and officers received compensation amounting to 215,000 pesos; a tug with a crew and officers numbering ten persons in all, the seven survivors of which received compensation amounting to 25,000 pesos and the widows of the three men lost received life pensions; and a schooner, whose crew received compensation fixed by the labour court as no agreement had been reached between the parties.

The number of persons covered by the legislation is 2,051 men and 1,722 officers.

Cuba.

During the period under review the harbour-masters indicated that four vessels had foundered.

Denmark.

Seafarers Act of 7 June 1952.

The above-mentioned Act came into force on 1 January 1953. Section 41, paragraph 2, of this Act supersedes the provisions of the Act of 7 April 1936 concerning unemployment indemnity in case of loss or foundering of the ship.

Finland.

As regards point II of the report form (relating to the question whether ratification gives the force of law to the provisions of a Convention), the Government states that it has not taken a final decision in this matter.

The report adds that three vessels suffered damage in 1951.

France.

The Seamen's Code, the provisions of which are in harmony with those of the Convention, is applicable to Algeria and to the Overseas Departments.

Statistics relating to maritime manpower are appended to the report, showing that the numbers of seamen employed as at 1 July 1951 were as follows: deck department, 100,978; engineroom department, 27,611; catering department, 10,102. The respective figures for staff not serving on board were 11,329, 3,315 and 1,503.

Federal Republic of Germany.

Seamen's Code of 2 June 1902, as amended by the Act of 24 December 1929 respecting the international Convention concerning unemployment indemnity in case of loss or foundering of the ship (L.S. 1929—Ger. 9).
Commercial Code of 10 May 1897, as amended.

Article 1. The definition of the terms "seaman" and "vessel" are contained in the Seamen's Code (as amended by the Act of 8 February 1951 respecting the right of vessels to fly the national flag), and in the Commercial Code.

Article 2. The payment of indemnity in respect of unemployment resulting from the loss or foundering of a vessel is provided for in the Act of 24 December 1929. In the case of the total loss of the vessel, the seaman is entitled to an indemnity of not more than two months' wages. In case of damage to the vessel the seaman is entitled to half his wages during the period required for his repatriation. "Unemployment resulting from shipwreck" is understood to mean unemployment which is a direct result of the loss of the vessel, and therefore covers only the period between the loss of the vessel and the seaman's arrival at the vessel's destination as stipulated in the contract of employment. After his arrival unemployment can no longer be attributed to shipwreck and is considered as the expiration of the contract of employment. The term "wages" is understood to mean only the cash wage stipulated in the contract of employment. Although the seaman's indemnity is limited to two months' wages, if his repatriation takes longer than two months he is also entitled to half his wages for any period in excess of two months.

Article 3. The indemnity constitutes a claim arising out of the contract of employment and is therefore given the same preference as other wage claims arising out of this contract.

The Seamen's Offices at home and abroad are responsible for the application of the relevant legislation and, if necessary, may enforce the observance of this legislation by means of an *ad hoc* ruling, against which the interested parties may appeal to the home courts. The rulings of the Seamen's Offices are binding and non-compliance is subject to penalties in the form of fines or imprisonment. At the time of the signing-off of the seaman, the Seamen's Offices are required to ascertain that the shipowner has carried out all his obligations.

The application of the legislation has not given rise to any difficulties. No contraventions were reported by the Seamen's Offices.

Italy.

During the period 1 July 1951 to 30 June 1952, 21 vessels were either shipwrecked or lost; indemnities were paid to 96 seamen in conformity with Article 2 of the Convention.

Netherlands.

During the period under review six vessels and one tug foundered. All the members of the

crews of these ships received compensation in accordance with the provisions of the Convention.

Poland.

See under Convention No. 7.

Yugoslavia.

Decree No. 84/48 of 27 September 1948, respecting the establishment and termination of labour relations.

Decree No. 11/52 of 5 March 1952, respecting the distribution of wages funds and respecting the earnings of workers and employees in undertakings which form part of the economic system.

Decree No. 16/52 of 29 March 1952, respecting indemnities payable to, and the rights of, temporarily unemployed workers and employees.

Compensation for periods of unemployment which are the result of shipwreck is not provided for in the national legislation. However, instructions issued by the Ministry for the Mercantile Marine, in virtue of Decree No. 84/48, stipulate that the seaman's contract of employment must be drawn up for a specific period which may not be less than six months. In the case of the loss of a vessel by shipwreck before the expiration of the contract the seaman in question is not left without employment, because the industry by which he was employed remains bound by the unexpired contract. If the loss of the vessel coincides with the date on which the contract of employment comes to an end, the seaman is protected (according to the provisions of Decree No. 11/52) by the measures taken by his employer—within the framework of the regulations relating to rates—in agreement with the trade union organisation. In addition, the seaman (like any other person covered by provisions relating to labour relations) is protected against unemployment by the provisions of Decree No. 16/52.

In practice, "loss by shipwreck" is deemed to be the total loss of a vessel or damage to a vessel to such an extent that it is unable to complete the voyage during which the damage occurred.

The application of the above-mentioned regulation is entrusted to the maritime administrative bodies; any disputes which arise are dealt with by the competent courts.

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

Australia, Canada, Greece, Ireland, Luxembourg, Norway, 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
Federal Republic of Germany ¹	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

¹ See footnote 2 to Convention No. 2.

Argentina.

Appended to the report are statistical data compiled by the National Maritime Prefecture showing by categories the number of persons employed on all vessels between 1 July 1951 and 30 June 1952.

Australia.

The number of seamen engaged in Australia during the year ended 30 June 1952 fell to 10,324 and the number of engagements and re-engagements (including officers) was 36,264. The estimated daily average number of seamen (excluding officers) unemployed at the principal ports was 301.

Chile.

A total of 2,051 members of crews and 1,722 officers are registered: this number suffices for the supply of crews to all ships and for the necessary replacements. The number of officers and men engaged on ships is, respectively, 1,673 and 1,805, and the small number of remaining officers and men, 49 and 246, work usually under almost normal conditions, as reliefs for men who are sick, undergoing punishment, on holiday, etc.

Denmark.

A total of 15,282 placings were effected by the public employment offices for seafarers during the period under review.

France.

Metropolitan Departments.

During 1951 the manpower offices and the seafarers' employment offices effected 440 registrations in Dunkirk, 453 in Le Havre, eight in Rouen, 1,054 in Nantes, 533 in La Rochelle, 2,437 in Marseilles and 187 in Sète.

Algerian Departments.

At its meeting held on 6 December 1951 the Algerian Assembly adopted a resolution proposing the extension to Algeria of the Decree of 29 January 1928 respecting seamen's employment offices. According to an enquiry made by the Administration at the request of the Assembly, there is practically no unemployment in Algerian ports; the setting-up of a joint employment office is therefore of no immediate importance. Nevertheless, the Governor-General of Algeria contemplates the establishment in Algeria of a service for the placing of seafarers.

Overseas Departments.

The setting-up of seafarers' employment offices is still governed by the operations of departmental manpower offices. As there are no competent placing bodies, seamen are signed on (in conformity with metropolitan legislation) either by direct engagement or through the medium of the information offices attached to the various trade unions for officers and seamen.

Federal Republic of Germany.

Act of 16 July 1927, respecting employment exchanges and unemployment insurance (L.S. 1927—Ger. 5).

Order of 8 November 1924, respecting seamen's employment exchanges (L.S. 1924—Ger. 8), as amended by the Order of 20 September 1927.

Act of 26 November 1935, respecting employment exchange work, vocational guidance and the placing of apprentices (L.S. 1935—Ger. 11).

Article 1. The definition of the term "seaman" as given in Section 1, paragraph 3, of the Order of 8 November 1924 is identical with that given in the Convention.

Articles 2 and 3. Section 55 of the Act of 16 July 1927 prohibits the placing of seamen as a commercial enterprise for pecuniary gain. This prohibition was defined more strictly in legislation enacted in 1935, 1936 and 1937.

Article 4. The placing of seamen is carried out through the seamen's hiring halls, as authorised by the Seafarers' Council, and also through the general employment offices. Such hiring halls were established jointly by the seamen's and ship-owners' associations and exist in eight ports of the Federal Republic.

Article 5. Each hall has a managing committee, consisting of equal numbers of seamen's and shipowners' representatives, with an independent

chairman. The seafarers' and shipowners' associations have set up a Seafarers' Council (also bipartite), with an independent chairman; the Council is responsible for all questions relating to seamen's employment and for the hiring halls. The Council may nominate the chairman for the management committees if agreement on his nomination cannot be reached by the members of the committee. The over-all supervision of the hiring of seamen is exercised by the Federal Employment Service and Unemployment Insurance Institution.

Article 6. Under Section 12 of the Basic Law of the Federal Republic, the seaman is assured the freedom of choice for his place of employment. Shipowners are also free to choose their crews.

Article 7. Although the Seamen's Code does not contain a model contract of engagement it nevertheless lays down that the seaman must receive from the master of the ship or his representative a certificate with all the relevant particulars pertaining to the engagement. The Code also provides for the official publication of the terms of the contract and its signature at the Seamen's Office, in the presence of the master or of another representative of the shipowner. The seaman must be given an opportunity to examine the contract.

Article 8. The seamen's hiring halls are available to foreign and stateless seamen.

Article 9. There are no regulations covering deck and engineer officers, similar to those applying to seamen. The placing of officers is the responsibility of the Federal Employment Service and Unemployment Insurance Institution.

Article 10. The report states that the Government is prepared to support any measures taken by the International Labour Office to promote the exchange of information on unemployment among seamen and the work of seamen's employment agencies. However, the Federal Employment Service and Unemployment Insurance Institution only began its activities on 1 May 1952 and the compilation of statistical materials is expected to be resumed in due course.

Owing to the recent organisation of the relevant authorities no information is available on the supervision of the working of the seamen's hiring halls and the Seafarers' Council.

Greece.

During the period under review the total number of seafarers and apprentices registered as unemployed was 27,790; of these, 24,194 were engaged during the twelve months and 3,596 were still seeking employment on 1 July 1952.

Italy.

The number of seamen and officers registered with the Seamen's Employment Office on 30 June 1952 was 45,666 (2,452 officers and 43,214 seamen).

Japan.

Seamen's Employment Exchange Act of 11 April 1922 (L.S. 1922—Jap. 2).

Mariners' Law No. 100 of 1 September 1947 (L.S. 1947—Jap. 5).

Mariners' Employment Security Law No. 130 of 10 July 1948.

Ministerial Ordinance for the Public Mariners' Employment Security Office.

Ministerial Ordinance for the Mariners' Employment Security Council.

Enforcement Regulations of the Mariners' Employment Security Law.

Section 6, paragraph 1, of the Mariners' Employment Security Law covers seamen as well as officers. This Law prohibits the placing of seamen for pecuniary gain; contraventions of this provision are punishable by imprisonment up to one year or a fine of not more than 10,000 yen.

Under the Seamen's Employment Exchange Act of 1922 the Government took all necessary steps for the progressive abolition of seamen's employment agencies operated with a view to profit; those still in existence require a special permit from the Bureau of the Director of Communications.

At the time of enactment of the Mariners' Employment Security Law there were no representative organisations of shipowners or seamen capable of operating non-fee-charging seamen's employment agencies and the State therefore established such a service itself. In accordance with Section 57 of the above Law, a central and a number of local mariners' employment security councils were set up which function as consultative bodies of the Minister of Transportation and of the regional maritime bureaux as regards the important matters covered by the Law; these councils are composed of shipowners, seamen and experts on maritime questions. In accordance with Sections 2 and 3 of the Law, seamen have a free choice of ship and the shipowner has a free choice of crew. The Law provides for equality of treatment irrespective of race, nationality, etc.

The supervision of the application of the Law is the responsibility of the Ministry of Transportation and is entrusted to ten regional maritime bureaux and 31 public mariners' employment security offices, the operations of which are closely co-ordinated.

During the period under review, 27,304 persons found employment through the mariners' employment security offices, *i.e.*, 20 per cent. of the total number of seamen in employment.

Netherlands.

The three special agencies dealing with the employment of seafarers indicate that, during the period under review, 12,274 applications for work and 8,982 vacancies were registered, and 7,572 placements were effected.

New Zealand.

The report contains statistical data showing that, between 1 July 1951 and 30 June 1952, 150 persons in the "water transport" group were placed in employment by the national employment service.

Poland.

See under Convention No. 7.

Sweden.

During the period under review there were 64,075 applications for work and 45,732 vacancies; 42,615 persons were placed in employment by the seamen's employment offices.

The public employment facilities for seamen are available without exception to foreign seamen.

As a result, 8,636 such seamen had recourse to these facilities and 5,606 were placed in employment during this period.

Yugoslavia.

Decree No. 84/48 of 27 September 1948, respecting the establishment and termination of labour relations.

Decree No. 16/52 of 29 March 1952, respecting the organisation of the Employment Service.

Article 2. There are no national provisions applying specifically the principles laid down in this Article. However, the terms of Decree No. 16/52 exclude the possibility of seamen being placed for pecuniary gain by any persons, companies or other agencies.

Article 4. The provisions of this Article are applied under Section 3 of Decree No. 16/52, which provides that the local employment offices must possess a special service dealing with the placing of seamen. The head of this service is nominated by the People's Committee on the proposal of the competent authority of the Maritime Administration. This constitutes a guarantee that the work in question is directed by a person having practical experience in maritime matters.

Article 5. The obligation to set up advisory committees composed of seafarers and employers is implemented by those provisions of the above-mentioned Decree which relate to the composition of the managing committees of the employment offices; these committees comprise, in addition to the representatives of the trade unions,

representatives of the producers chosen from among the members of the producers' committees of the People's Committee on which, in the case of coastal regions, the maritime navigation organisations are represented.

Article 7. The necessary guarantees are laid down in the general provisions concerning the drawing up of labour contracts contained in Decree No. 84/48, which also applies to seafarers. This is also explained in connection with Convention No. 22.

Article 8. In accordance with the provisions regulating the employment service there is no discrimination between nationals and foreign workers, regardless of whether or not the latter belong to countries which have ratified the present Convention. The principle of equality is applied in all the legislation relating to labour and social insurance. Foreign nationals may work in the Federative People's Republic of Yugoslavia under the same conditions as nationals, thus complying with the provisions of this Article.

Article 9. The employment service is at the disposal of workers as well as of employees and therefore deck and engineer officers may also make use of it.

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

Belgium, Cuba, Finland, Luxembourg, Norway, Uruguay.

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.

In practice, the minimum age of admission to employment is generally 14 years, and the minimum compulsory education can be acquired only with great difficulty before this age. Therefore, any authorisations to work which are granted by the competent Ministry relate in general to young persons who are over the age indicated.

Austria.

The laws and regulations in force go far beyond the requirements of the Convention. The employment of children under ten years of age in agriculture is prohibited. Children between ten and 14 years of age may only be employed in light work on condition that their health does not suffer, that their physical and mental development and morals are not prejudiced, that the fulfilment of their religious duties is not hindered, and that their attendance at school is not affected. In the Vienna area the employment of children under 14 years of age in agriculture or forestry is strictly prohibited.

Dominican Republic.

- Act No. 114 of 21 December 1917, concerning compulsory education (Section 1).
- Act No. 627 of 16 June 1940, concerning contracts of employment.
- Act No. 2009 of 27 June 1951, concerning education.
- Act No. 2962 of 27 June 1951, concerning compulsory elementary education.

The Government states that school attendance is compulsory for all children between seven and 14 years of age. Exceptions may be authorised by the competent school inspector in the following cases specified in Section 2 of Act No. 2962: when the children are suffering from a contagious disease or from physical or mental deficiency which makes it impossible for them to obtain education in schools—in such cases a medical certificate is required; when the person responsible for the child ensures its education, provided this education is given under the direction of competent teachers; when the person responsible for the child proves that the latter refuses to obey his orders; and when a child is obliged to work for its living.

The school year lasts for ten months and attendance at school may not be less than eight months. The application of Section 223 of the Labour Code, which prohibits the employment of young persons under 14 years of age, is extended to agriculture in virtue of Section 232 in the case of dangerous or unhealthy work.

The application and supervision of the legislation are ensured by the school inspectors and the heads of schools. Provision is made for penalties in the case of failure to observe the relevant provisions; such matters are within the competence of justices of the peace in the first instance and the civil court in the case of appeal.

France (first report).

Metropolitan Departments.

- Act of 28 March 1882, respecting compulsory elementary education, as amended by the Acts of 9 and 11 August 1936 and 22 May 1946.
- Decree of 8 May 1947.

Section 1 of the Act of 28 March 1882, as amended, provides for compulsory primary education for all French and foreign children between the ages of six and 14 years. Section 5 of the Act exempts from this obligation only children receiving a secondary education or attending technical or agricultural schools. The same Act contains another possibility of exemption from school attendance for children between 12 and 14 years of age engaged in agricultural work: this may be authorised by the school inspector at the request of the parents or guardians of the children and for a total period not exceeding eight weeks per year. It may only be granted to children regularly attending school, account being taken of their grades and knowledge. In practice this exemption is never for the full eight weeks per year.

The exception provided for in Article 3 of the Convention may be applied without difficulty since the theoretical and practical curricula of the technical schools are supervised by the administrative authorities. The application of the legislation and regulations is entrusted to the school inspectors.

Algerian Departments.

Article 1. The application of this Article is ensured under the Decree of 27 November 1944 applying the metropolitan legislation in Algeria.

Articles 2 and 3. The provisions which apply are the same as those in the Metropolitan Departments.

Some difficulties are encountered in the application of the legislation owing to a shortage of school buildings in certain rural areas.

Overseas Departments.

The age for the admission of children to agricultural work is regulated as in the Metropolitan Departments.

Certain material difficulties prevent education being given to all children up to the age of 14 years. Nevertheless, up to this age children are only employed on light agricultural work.

Ireland.

The minimum period of operation of national schools for the attendance of pupils in a calendar year was reduced from 40 to 38 weeks (Monday to Friday inclusive). The period of compulsory attendance for children between six and 14 years of age is therefore in practice 190 schooldays, or approximately 9½ months.

During the period under review proceedings were instituted against the parents of children found to be employed in agriculture during school hours, and convictions were obtained in 1,000 cases.

Italy.

The Government states that the National Confederation of Landworkers claimed that in general the minimum age for admission of children to agricultural work was not respected, either because of the lack of appropriate school equipment in rural zones or because the legislation relating to social welfare did not consider boys over 12 years of age as dependent persons but rather as active persons.

In reply to this argument, the report refers to Section 172 of the consolidated legislation relating to elementary education as applied by Royal Decree No. 577 of 5 February 1928, which makes attendance at school compulsory up to the age of 14 years and provides for penalties in cases where this provision is not applied.

The report gives statistics showing the number of schools set up since 1947 and points out that almost all of the 25,000 schools opened between 1947 and 1952 are situated in rural districts. On the other hand, the number of subsidised schools and vocational training schools is constantly increasing.

The report points out that, if social welfare legislation also provides for sickness allowances (Legislative Decree of 19 April 1946) in respect of children as from the age of 12 years, this is because it has been necessary—as regards contributions—to consider rural families as a whole. This means that the benefits of sickness insurance are extended to young workers who might be employed in a

family undertaking outside school hours. Young workers are also protected against the risks of industrial injuries by the legislation of 1927, as amended in 1935, 1937 and 1939.

Japan.

Labor Standards Law of 5 April 1947 (L.S. 1947—Jap. 3).
Ordinance No. 8 of 31 October 1947, respecting labour standards for women and minors.

School Education Law No. 26 of 31 March 1947.

Article 1. This is applied by Section 8 of the Labor Standards Law which does not apply to any enterprise or office employing only relations living with the employer as members of the family or to domestic employees in the home.

Article 2. Minors under 15 years of age may not be employed as workers (Section 56, paragraph 1, of the Labor Standards Law). However, children under 12 years of age may be employed in certain occupations outside school hours on light work which is not injurious to their health and welfare, and subject to the permission of the Administrative Office. The employer is obliged to keep a census register giving the ages of minors under 18 years of age (Section 57 of the above Law). In addition, the employer is required to obtain a certificate from the schoolmaster to prove that the employment does not interfere with the school attendance of the child; he is also obliged to obtain a document proving that the consent of the parent or guardian of the child has been obtained.

School attendance is compulsory between the ages of six and 15 years (six to 12 years in elementary schools and 12 to 15 years in lower secondary schools).

Article 3. There are no technical agricultural schools for children under the age of 15 years.

For information relating to the authorities entrusted with the enforcement of the relevant legislation, labour inspection and infringements of the legislative provisions, see under Convention No. 5.

The Government appends to its report a copy of the text of the School Education Law of 31 March 1947.

New Zealand.

The provision of the Agricultural Workers Act of 1936, which prohibits the employment of children under the age of 15 years, has been extended to market gardens.

Poland.

Decree of 2 August 1951, concerning the employment and the vocational training of young persons in undertakings.
Decree of the Council of Ministers of 12 April 1952, concerning conditions for admission to employment, with a view to vocational training and future employment, of young persons between 14 and 16 years of age.

The report states that the Decree of 2 August 1951 applies to agriculture and prohibits, subject to certain reservations, the employment of young persons under 16 years of age. Young persons between 14 and 16 years of age may be authorised to work provided the work in question is not unhealthy or dangerous and that its maximum duration does not exceed six hours a day and 36 hours a week. Additional hours of work and night work are prohibited for these workers.

The Council of Ministers, in agreement with the Central Trade Union Council, establishes a list of authorised employments and fixes the wages to be paid and the conditions of work.

Young persons up to the age of 18 years must undergo medical examinations twice a year.

The report adds that work effected by young persons in agricultural undertakings belonging to their parents is not considered as paid employment, provided it is not based on a contract of employment.

Attendance at school is compulsory for children between seven and 14 years of age. The school

year lasts from 1 September to the end of June.

Sweden.

Amendment of 23 February 1951 to the regulations concerning compulsory elementary education.

The report refers to the above-named legislation.

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

Belgium, Chile, Cuba, Luxembourg, 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
Ceylon	25. 8. 1952
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
Federal Republic of Germany ²	6. 6. 1925
Greece	13. 6. 1952
India	11. 5. 1923
Ireland	17. 6. 1924
Italy	8. 9. 1924
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 ³	11. 5. 1923
Peru	8. 11. 1945
Poland	27. 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 2 to Convention No. 2.
³ See footnote 3 to Convention No. 1.

Austria.

The scope of the national regulations concerning association has been enlarged by the ratification of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). These regulations apply to all workers without distinction.

Chile.

As regards the observations of the Committee of Experts, the report states that the National Congress has not yet approved the Bill (Message No. 10 of 27 September 1951) which revises Section 431 of the Labour Code so as to permit unions of agricultural workers to amalgamate and federate in the same manner as unions of industrial workers. In so far as Section 470 of the Labour Code is concerned, it should be noted that in practice this provision has not impeded in any way the exercise of the agricultural worker's right of petition, since collective claims can normally be made to the employer except during the short sowing and harvesting periods.

According to information from the inspection services, agricultural workers do not in general show any great interest in setting up trade unions. Consequently, progress in this respect has been rather slight. During 1951 four new agricultural trade unions, comprising a total of 270 members, were legally incorporated.

Denmark.

Article 85 of the Constitution.

Under the above-mentioned Article of the National Constitution the right of association is ensured to agricultural workers in the same way as to other citizens of the country and is not subject to any restriction. The exercise of this right is protected by the courts of law, but no special supervision has been required.

France.

Algerian and Overseas Departments.

Book III of the Labour Code was made applicable to Algeria by the Decree of 3 October 1946 and to the Overseas Departments (French Guiana, Guadeloupe, Martinique and Réunion) by the Decree of 13 March 1948. Under Sections 1 and 2 of Chapter I of this Book, trade unions or associations of persons engaged in the same type of work may be set up freely in industry, agriculture or the liberal professions. Any disputes

which may arise in connection with trade unions are brought before the judicial authorities. The supervision of the relevant legislation is carried out in Algeria by the supervisors of social legislation in agriculture and in the Overseas Departments by the labour and manpower inspectors.

In Guadeloupe there are trade unions of agricultural workers. The trade unions in Martinique are affiliated to the General Confederation of Labour (C.G.T.), the French Confederation of Christian Workers (C.F.T.C.) and the General Confederation of Labour—Labour Force (C.G.T.—F.O.). In Réunion, freedom of association in agriculture has existed since 1884.

Federal Republic of Germany.

Section 9, paragraph 3, of the Basic Law of the Federal Republic of Germany.

Paragraph 3 of Section 9 of the Basic Law guarantees to all persons and to all professions the right to form associations to safeguard and improve their working and economic conditions. Agreements which are designed to restrict or hinder this right are null and void and measures directed to this end are declared illegal. In accordance with this provision no differentiation is made between agricultural workers and those in other professions.

As the above-mentioned provision forms part of the fundamental rights of citizens, it binds the legislator as well as the administrative and judicial authorities. The latter are entrusted with the supervision of its application and in labour matters representatives of employers' and workers' organisations participate in the application of the principle of freedom of association. If necessary, an appeal may be lodged with the Constitutional Court of the Federal Republic.

An extract from the relevant provisions of the Basic Law is appended to the report.

India.

There are at present 60 organisations of agricultural workers in the country, with 33,465 members.

New Zealand.

As at 31 December 1951 there were 15,487 members of the New Zealand Workers' Industrial Union of Workers.

Uruguay.

The constitutional revision which took place in 1951 resulted in the renumbering of the relevant Articles of the National Constitution; these are now Articles 39 and 57.

Venezuela.

During the period under review 14 trade unions of agricultural workers with a total of 1,200 members were incorporated, bringing the number of such unions up to 71 and their membership to 8,000.

Yugoslavia.

The union of agricultural workers now numbers 92,473 members.

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

Argentina, Belgium, Burma, Cuba, Finland, Ireland, Italy, Luxembourg, Netherlands, Norway, Pakistan, Poland, Sweden, Switzerland, United Kingdom.

12. Convention concerning workmen's compensation in agriculture

This Convention came into force on 26 February 1923

Countries	Date of registration of 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
Federal Republic of Germany ¹	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

¹ See footnote 2 to Convention No. 2.

Argentina.

Resolution No. 104 of the Ministry of Labour and Social Welfare, dated 17 April 1951, to amend Resolution No. 136/50 of 24 May 1950.

The above Resolution establishes a new basic maximum wage for the calculation of accident compensation.

Chile.

During 1951, 19,627 accidents were reported.

Denmark.

Notification of the Ministry of Social Affairs, No. 198 of 12 April 1949.

The employer is required to cover the risk concerned with one of the insurance companies recognised by the Ministry of Labour and Social Affairs. The legislation is administered by the Directorate—which deals with the assessment of disablement and the determination of benefits—and by the Industrial Injuries Insurance Council. In some cases an appeal against these decisions may be lodged with the Council and in others

with the Minister of Labour and Social Affairs. Appeals against the decisions of the Council may be lodged with the Minister of Labour and Social Affairs; in exceptional cases, the latter's decisions may be brought before courts of law.

Finland.

Resolutions of the Council of Ministers of 29 November 1951 and 9 May 1952, concerning increases in the benefit rates provided for in the Act respecting accident insurance.

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

France.

Metropolitan Departments.

Act No. 52-898 of 25 July 1952 to increase the benefits paid under workmen's compensation legislation.

The above-mentioned Act contains special provisions relating to agricultural occupations. The annual remuneration or income is now taken into account for the calculation of compensation as follows: 100 per cent. up to 500,000 francs, 33 $\frac{1}{3}$ per cent. from 500,001 to 2,044,000 francs. The Act also increases to 252,000 francs the basic minimum wage used for the calculation of compensation. Special provisions are laid down for persons insured on a voluntary basis.

Algerian Departments.

Act of 17 August 1950, to apply to Algeria the Act of 2 August 1949.

Act No. 52-898 of 25 July 1952.

Decision No. 52-022 of the Algerian Assembly, approved by the Decree of 19 July 1952.

Under the above Acts victims of accidents arising out of employment in agriculture receive exactly the same benefits as those granted to non-agricultural workers in the Metropolitan Departments or in Algeria. However, Decision No. 52-022, which extends the scope of application of the legislation relating to workmen's compensation and occupational diseases by providing benefits for a greater number of accidents, does not affect agricultural workers. The courts of law are alone competent as regards the application of workmen's compensation legislation; this application is controlled by the supervisors of social legislation in agriculture. No difficulties have been encountered in compensating the victims of accidents, as benefits are granted according to judicial decisions.

Overseas Departments.

Act No. 49-1104 of 2 August 1949, to extend to the French Departments of Guadeloupe, French Guiana, Martinique and Réunion the Act of 30 October 1946 respecting the prevention of, and compensation for, industrial accidents.

The scheme for the prevention of and compensation for industrial accidents and occupational diseases introduced under the above Act came into force in these Departments on 1 January 1952. Contributions and benefits under this scheme are the same as those paid in the Metropolitan Departments, but the methods of application are different, due either to the special character of local geographical and economic conditions or to the fact that social legislation in its entirety has not yet been introduced in these Departments.

The legislation applies without distinction to accidents in agricultural and non-agricultural employment. The medical and pharmaceutical

rates payable in connection with industrial accidents are provisionally fixed by Prefectoral Decree. The higher administrative authorities follow closely the implementation of the new measures, which improve considerably the workmen's compensation system in the Overseas Departments. Statistics of industrial accidents and of benefits paid during the first six months of 1952 are appended to the report. The number of workers covered was 5,120 in French Guiana and 67,000 (including 16,000 women) in Réunion.

Federal Republic of Germany.

Federal Insurance Code of 9 January 1926 (L.S. 1926—Ger. 1).

Act of 17 June 1949, concerning the adaptation of social insurance benefits to the new wage and price structure, and concerning measures to safeguard the value of benefits.

Act of 10 August 1949, concerning improvements in the compulsory accident insurance scheme.

Order of 12 May 1950, to extend to certain regions the application of the authority of the Joint Economic Administration of the territory with regard to social insurance.

Act of 22 February 1951, respecting the autonomy of and amendments to the regulations concerning social insurance.

Act of 29 April 1952, respecting allowances and minimum benefits under compulsory insurance and the extension of accident insurance legislation to Berlin.

Ratification has not given the force of national law to the Convention.

Accident insurance for agricultural workers is regulated by the special provisions of Sections 915 to 1045 of the Federal Insurance Code.

The laws and regulations concerning agricultural insurance are basically the same as those for general accident insurance and in addition provide that the employer and his wife, if she is living with him, also come under compulsory insurance. The regulations regarding compensation are basically the same as those for industrial accident insurance; however, the calculation of the annual earnings upon which in most cases benefits are calculated varies according to the average wage paid in various regions.

The administration of accident insurance for agriculture is the responsibility of the agricultural employers' associations and the federal and *Land* insurance offices.

The observance of the regulations is supervised by the highest administrative authority and ensured by legal processes. Under the procedure laid down in the Code, the insured persons and their survivors have the right of appeal in case of dispute.

Statistical data show that in the year covered by the report the number of insured workers was 8,971,507. The number of accidents reported was 256,708, accidents in respect of which a pension was awarded 53,642, and fatal accidents 2,203. The number of persons in receipt of insurance pensions for accidents in agriculture was 192,178 in respect of invalidity pensions, and 30,915 in respect of survivors' pensions.

Ireland.

Statistical data appended to the report show that in 1950 compensation was granted in respect of 2,988 cases, 12 of which were fatal. No compensation was paid in respect of occupational diseases. The total expenditure involved was £156,311.

Luxembourg.

Ministerial Order of 3 August 1951, approving the modifications in the rates of risks relating to insurance against accidents in agriculture and forestry.
Ministerial Order of 14 December 1951, fixing for the year 1952 the average annual wages to be taken as a basis for calculating pensions due in cases of accidents to workers in agriculture and forestry.

Statistical information is contained in the Administrative Report for 1951, published in 1952 by the Accident Insurance Association (Agricultural and Forestry Division), which is appended to the report.

Netherlands.

Various Royal Decrees issued in 1951 and 1952.
Ministerial Decree No. 197 of 6 October 1951.

The number of full-time workers covered by compulsory insurance is now 227,000.

New Zealand.

See under Convention No. 17 for amendments to the legislation applying the Convention.
The number of persons engaged in agricultural and pastoral occupations as at 31 March 1952 was estimated to be 149,000.

Poland.

Decree of 4 August 1951.

The above-mentioned Decree abolishes the liability of small agricultural producers for compulsory insurance. The report adds that, with the reconstruction of the agrarian system, insurance for this category has lost its justification and a new scheme of general insurance for the persons concerned is under consideration.

United Kingdom.

Great Britain.

National Insurance Act, 1951, to increase benefits in respect of children.
Various Amending Regulations, issued in 1951 and 1952, referring to the increase in benefits and to medical certificates.

Only minor changes in points of detail have been made by the above legislative texts; they do not affect the application of the Convention.

Northern Ireland.

National Insurance Act (Northern Ireland), 1951, to increase benefits payable under the National Insurance (Northern Ireland) Act of 1946.
Various Amending Regulations, issued in 1951 and 1952, referring to the increase in benefits and allowances and to medical certificates for industrial injuries.

The number of agricultural wage earners is approximately 21,600 (20,900 men and 700 women).

Uruguay.

Act No. 11610 of 19 October 1950, to amend Sections 7, 12, 20 and 29 of Act No. 10004 of 28 February 1941 respecting compensation for industrial accidents and occupational diseases.

For statistical information see under Convention No. 17.

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

Belgium, Cuba, Luxembourg, Sweden.

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
Italy	22. 10. 1952
Latvia	9. 9. 1924
Luxembourg	16. 4. 1928
Mexico	7. 1. 1938
Netherlands	15. 12. 1939
Nicaragua	12. 4. 1934

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.

Offences against the regulations for the protection of the safety and health of persons in industrial undertakings engaged in painting, varnishing and decorating work, are punishable under the regulations issued under the Industrial Code, in cases where they are not punishable under ordinary penal law.

¹ Conditional ratification.

During 1951 a total of 113 cases of lead poisoning was reported to the competent inspection services.

Belgium.

During the period covered by the report five cases of lead poisoning of a temporary nature were reported. Permits issued for the purchase and use of white lead numbered 3,124.

Cuba.

According to the results of a special medical examination and the past records of lead poisoning up to October 1927 there has been one positive case of lead poisoning among painters.

Greece.

Ministerial Decision No. 24699 of 5 June 1952, to approve the new schedule established by the Social Insurance Institute, which specifies the diseases or poisonings caused by lead and its compounds and the occupations giving rise to them.

A report of the Industrial Hygiene Services states that the industries manufacturing oil colours are no longer using carbonate of zinc and that dioxide of lead is used only for the painting of iron—mainly metallic structures.

Sweden.

One case of lead poisoning was reported during the period under review.

Uruguay.

Decree of 15 September 1952, respecting the use of white lead in painting.

The above-mentioned Decree (issued after the period under review) incorporates in the legislation the provisions of the Convention in full.

Section 5 of this Decree lays down that cases of lead poisoning and of suspected lead poisoning must be reported and be verified subsequently by a doctor appointed by the Ministry of Public Health.

Section 12 provides that the National Institute of Labour and its branch services shall compile statistics relating to lead poisoning among working painters—as regards morbidity, by the notification and certification of all cases of lead poisoning, and as regards mortality, by the methods approved by the Statistics Service.

Yugoslavia.

Decree of 5 March 1952, to prohibit the employment of women and young persons in certain occupations.

According to the procedure followed by the authorities and courts of law, the ratification of a Convention gives the force of law to its provisions. There is no constitutional text on the subject.

As indicated in the report for last year and in the supplementary information supplied to the Conference Committee in 1952, white lead, lead sulphate and all other products containing these pigments are not, as a rule, used in Yugoslavia in the type of work for which their use is prohibited by the terms of the Convention.

The Decree of 5 March 1952 prohibits the employment of women and young persons under 18 years of age in industrial painting work requiring the use of white lead, sulphate of lead and any other products containing these pigments.

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

Afghanistan, Argentina, Chile, Finland, France, Luxembourg, Netherlands, Norway, Poland, 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
Haiti	14. 5. 1952
India	11. 5. 1923
Ireland	22. 7. 1930
Israel	26. 6. 1951
Italy	8. 9. 1924

¹ See footnote 2 to Convention No. 1.

Countries	Date of registration of ratification
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

² See footnote 3 to Convention No. 1.

Afghanistan.

A committee has been set up by the Government to deal with those provisions of the Convention which require a national authority to take specific steps for its implementation.

Article 3. The report states that exceptions are authorised in the case of agriculture and some industrial undertakings such as rug-weaving, etc.

Article 5. Regulation No. 61 provides that the reduction of the statutory hours of work shall not involve any reduction of wages and that overtime must be paid at rates varying between 15 and 25 per cent. higher than normal rates.

Article 6. Reference is made to information supplied under preceding paragraphs, since the Labour and Employment Act makes no provision for other exceptions.

Article 7. The report states that Friday has been officially declared to be the weekly rest day in all establishments throughout the country and that the rest period is granted to the whole staff collectively.

The application of the Convention is entrusted to the Ministry of National Economy as regards the Labour and Employment Act; application is supervised and enforced by means of a mixed inspecting body appointed by and from the Department of Industries, the Ministries of National Economy and the Department of Labour.

No cases have arisen where the courts of law would have been called upon to intervene. No statistical information is available for communication to the International Labour Office.

Argentina.

The text is appended to the report of a decision concerning the payment of hours of work on Saturdays and Sundays in the case of work effected by shifts.

Reference is made to the report on Convention No. 1 with regard to statistical information.

Belgium.

Royal Order of 31 January 1952, to make compulsory the decisions taken on 5 October 1951 by the National Joint Committee for the inland water transport industry in respect of the granting of a weekly day of rest to persons employed abroad in the transport of goods by inland navigation.

The above Order, which was issued under the Legislative Order of 9 June 1945 concerning joint committees, and which amends Section 5 of the Order of the Regent of 22 June 1949, grants a weekly rest day to the workers in question while in employment abroad.

Three decisions were given by courts of law regarding the application of the Convention. A total of 416,523 persons were employed in the 16,780 undertakings visited by the inspection services during the period under review. Twenty-nine contraventions were reported.

Burma.

Factories Act of 1951 (came into force on 1 January 1952). Oil Fields (Labour and Welfare) Act, 1951 (came into force on 1 June 1951).

Work on a weekly day of rest is permitted provided a compensatory holiday is granted during the three days immediately before or after the

day in question; use has been made of this authorisation.

Responsible associations of employers and workers were not consulted, as the partial exceptions authorised under Article 4 of the Convention had already been provided for under existing legislation (Factories Act and Oil Fields (Labour and Welfare) Act).

Eleven contraventions were reported during the period under review.

*Canada.**Alberta.*

Order No. 18 of 1952, issued under the Alberta Labour Act.

The above Order authorises employers in the construction of the trans-mountain pipeline to allow employees eight rest days over an eight-week period, instead of a weekly rest day.

The reports of the administrative bodies responsible for the enforcement of the weekly rest legislation indicate that little or no difficulty is experienced in securing compliance with weekly rest requirements in industrial undertakings. The report shows in detail the progress which is being made in the more general application of the five-day week in industrial undertakings.

Chile.

Decree No. 1001 of 24 November 1951, to amend Decree No. 101 of 16 January 1918 respecting the Sunday rest.

With regard to the provisions of Articles 4 and 6 of the Convention, the report states that the Decree of 24 November 1951 extends to the manufacture of tyres and inner tubes the exceptions to the Sunday rest authorised under the Decree of 16 January 1918. Although a number of decisions were given by courts of law with regard to the matter dealt with in this Convention, only one of these decisions was communicated to the General Directorate of Labour; this dealt with an infringement in a commercial undertaking.

In 1951 there were 6,753 visits of inspection; a total of 590 infringements were reported, mainly in commercial undertakings, as compared with 938 in 1950. This improvement is due to the campaign launched by the services of the Department of Labour to ensure a better application of the relevant provisions.

Denmark.

With regard to Article 6 of the Convention, the report states that exceptions have been granted in particular in the food industry, the chemico-technical industry and in the iron and metal trades.

The supervision of the application of the provisions of the Act of 18 April 1925 concerning young persons is carried out by the labour and factories' inspection service in respect of the undertakings subject to its supervision. The supervision of other undertakings is carried out by the police. In addition the labour and factories' inspection service is responsible for the supervision of the application of the Factories Act, including Regulations issued thereunder.

During the period under review some observations were received from the inspection services and the employers' and workers' organisations

concerned. These observations were based on the exceptions granted during the year with regard to the prohibition of work on Sundays and other statutory holidays. Reports on contraventions were received from the inspection services and resulted in proceedings in four cases. No data is available as to the number of persons covered by the relevant provisions.

France.

Algerian Departments.

Many complaints relating to infringements of the Prefectoral Orders concerning closing hours have been forwarded to the labour inspectorate. Most of these infringements relate to butchers', grocers' and bakers' shops in the Department of Constantine. The necessary measures were taken by the competent services.

Overseas Departments.

French Guiana.

The metropolitan regulations provide for a guaranteed minimum inter-occupational wage which is fixed by the Government; they also lay down that special minimum wages for given trades may be fixed on the proposal of industrial organisations. In Guiana the guaranteed minimum inter-occupational wage alone is applied. There has been no abuse in the use of exceptions authorised by law, since the increase in wages for Sunday work is a sufficient safeguard.

Martinique.

The provisions of the Convention are applied in virtue of Sections 30 to 50 (*b*) of Book II of the Labour Code and of the Decrees of 24 August 1906 and 29 April 1913. The weekly rest is strictly applied in all the undertakings concerned, in conformity with the legislation in force; this is also the case in respect of sugar refineries working on a three-shift system during the season. As a rule, the weekly rest extends from Saturday afternoon to Monday morning; in some cases the weekly work is distributed over a five-day week.

With regard to Article 7, the report states that the provisions of the Convention have not yet been fully implemented. The supervision of the relevant legislation is ensured by the labour inspection services. Approximately 15,000 wage earners are protected by the Convention. No contraventions have been reported. An observation was made with regard to the General Transatlantic Company, which did not ensure weekly rest regularly in the case of officers. Following an intervention by the services concerned this matter was settled.

Réunion.

Prefectoral Order 605/51 Tr. of 23 July 1951, as amended by Prefectoral Order No. 233/52 Tr. of 17 March 1952.

The above Orders replace the Governmental Orders issued in 1936 in application of the Act of 21 June 1936 respecting the 40-hour week, which was extended to Réunion by the Second Decree of 14 December 1936.

Greece.

Royal Decree of 10 May 1951 concerning the weekly rest of the staff of public houses and wine bars, places of entertainment, concerts, etc.

The above Decree applies also to technicians employed in the above-mentioned undertakings; it lays down that they are entitled to 24 hours' consecutive rest in every seven days.

During the period under review Decision No. 217/1951 of the Supreme Court of Appeal prescribed that the term "day" signified any calendar day, that is, the period of 24 consecutive hours beginning and ending at midnight, and not the period between sunrise and sunset.

It is hoped that the compilation of statistics referred to in point V of the report form will be undertaken next year.

The reports submitted by the labour inspection officials in the Athens area show that 3,929 authorisations for Sunday work were granted during 1951. The authorisations issued in the first district cover 8,502 men and 935 women and were granted mainly for the repair and cleaning of machines, construction works such as concrete, etc., stevedoring and some other occupations, in accordance with the Decree of 8 March 1930 concerning the codification of Sunday rest provisions.

India.

Indian Mines Act of 1952.

Various rules issued under the Factories Act of 1948.

Factory rules on the lines of the model rules framed by the Central Government have been issued by most of the State Governments under the Factories Act of 1948. The Indian Mines Act of 1952 only came into force on 1 July 1952, that is to say, after the period covered by the report.

Article 2. Section 28 of the Mines Act of 1952 provides for work on not more than six days in any week. Section 29 provides that the worker who is deprived of the weekly days of rest as a result of authorised exceptions from the provisions of Section 28 shall be allowed, within the month on which the days of rest were due or within the two months immediately following, compensatory days of rest equal in number to the days of rest of which he has been deprived.

Article 4. Exceptions are authorised under Sections 37, 38, 39 and 83 of the Mines Act of 1952 and under Rules 3, 6, 7 and 9 of the Railway Servants (Hours of Employment) Rules of 1951.

During 1950 the number of workers covered by the Factories Act of 1948 was 2,468,184.

Italy.

With a view to ensuring a wider and more general application of the Convention and of the corresponding Italian law relating to the Sunday and weekly rest, the Government has drawn up a Bill to amend Sections 27 and 28 (1) of Act No. 370 of 22 February 1934; the provisions in question concern penalties in the case of contraventions.

In order to ensure the desired results, the Bill provides that fines should be increased and that there should be a minimum and maximum fine of 200 and 600 lire respectively for each worker concerned in the contravention; the total fine should not be less than 800 nor more than 100,000 lire.

As regards infringements under Section 4 of Act No. 370, which deals with the rest period for women and children, the report states that it was

considered advisable to increase the maximum amount of the fine to 3,000 lire for each person concerned and the total fine to not more than 300,000 lire; this was done in order to ensure a more effective legal protection of these workers. The above-mentioned Bill was submitted to the Senate on 15 July 1952.

Labour inspectors were exceptionally active during the period under review: 23,945 visits of inspection were carried out; 511 contraventions were reported and 272 summonses were issued. A number of exceptions were authorised for the changing of the day of weekly rest and the shortening of the period of rest.

Luxembourg.

The annual report of the Labour and Mines Inspection Service for 1951 shows that 35 complaints, followed by 77 special visits of inspection, revealed 14 breaches of the law. Two minor contraventions by a mining undertaking were reported. During 1951, a total of 1,510,327 hours were worked on Sundays for maintenance, repair and preparatory work, of which 1,410,191 were connected with continuous processes in iron-smelting foundries. Fourteen authorisations for productive work on Sundays were granted to undertakings engaged in heavy and medium industry; the number of hours worked was 30,436.

New Zealand.

Quarries Amendment Act, 1951.

Reference is made to the report on Convention No. 1 for details of the above legislation. The Coal Mines Act of 1925 applies to all coal, clay-stone, fire-clay or shale mines and to all works belonging to such mines, but does not include an opencast coal quarry. The definition of "quarry" given in previous reports should be amended to conform with that given in the report for 1951-1952 on Convention No. 1.

During the calendar year 1951, 71 offences concerning Sunday trading were reported. However, this number includes infringements of legislation having a considerably wider basis than the Convention and it is probable that the cases dealt with are chiefly in connection with Sunday sales and therefore are not within the enumeration of industry given in the Convention.

Portugal.

A list of changes in municipal regulations dealing with weekly rest is appended to the report. During the period under review 1,696 infringements were reported.

Sweden.

During the period under review 283 exceptions were authorised, mostly in respect of specified undertakings and only for a short time (maximum of one year). Exceptions are no longer authorised in the case of full-time caretakers but are still permitted in respect of those working part-time.

Switzerland.

During the period under review the number of factories covered by the Factories Act increased

from 11,194 to 11,264, and during the year ending September 1951 the number of factory workers increased from 492,563 to 545,863.

Turkey.

In all the undertakings covered by the Labour Code, internal regulations drawn up in conformity with the provisions of Section 29 of this Code and posted up conspicuously in the undertaking make it possible for workers to become acquainted with the system of weekly rest as provided for in Article 7 (a) of the Convention. By Section 29, paragraph 1, of the Code, the employer is required to draw up internal regulations specifying conditions of work in detail. In addition, a communiqué (No. 5) issued by the Ministry of Labour concerning the manner in which conditions of work must be indicated in the internal regulations provides that data regarding the weekly rest must be included in these regulations.

The officials and inspectors of the competent services exercise constant control to ensure the full application of the Convention but no reports on their work are available at present. The number of workers covered by the Labour Code is 430,000, but no statistics are available as to the number of workers excluded from the scope of the Code.

Uruguay.

The only decisions given by courts of law relate to the recovery of fines. During the period under review, 87 contraventions were noted and the fines imposed amounted to 5,130 pesos.

Venezuela.

Regulations issued under the Labour Act of 30 November 1938.

Section 50 of the Labour Act authorises the executive power, after consultation with the recognised employers' and workers' organisations, to exempt from the compulsory Sunday rest undertakings which must be carried on continuously either for technical reasons or in the general interest; in such cases a compensatory day of rest must be granted during the following week. Use was made of this authorisation on one occasion when the regulations under the Labour Act were adopted; these regulations contain a list of the processes which cannot be interrupted. In addition, use is made occasionally of this exception by the competent authority in particular cases either in the public interest or for technical reasons, and after consultation with the employers' and workers' organisations.

The application of the legislation is entrusted to the labour inspectorate, which carries out constant visits to undertakings. The Advisory Legal Council of the Ministry of Labour has issued several Circulars on the strict application of the legislation concerning weekly rest and remuneration for the day of rest.

Yugoslavia.

Decree of 5 March 1952, concerning the distribution of the wages fund and concerning the earnings of workers and employees in economic undertakings.

Decree of 29 March 1952, concerning the remuneration of workers and employees working for private employers.

Although the method of payment of workers and employees has been modified under the above Decrees, the provisions relating to weekly rest are unchanged. All labour legislation is issued after consultation with the trade unions of the appropriate branches of the Central Council of the Confederation of Trade Unions and the competent economic administration. The right to special rates of pay for work done on the day of weekly rest is established in the Decrees of 5 and 29 March 1952.

The report states in regard to Article 6 of the Convention that it was not possible to send a list of the exceptions granted under Article 4 since this has not yet been compiled.

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

Finland, Ireland, Norway, Pakistan, Poland.

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
Federal Republic of Germany ²	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 ³	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. 2.

² See footnote 2 to Convention No. 1.

³ See footnote 3 to Convention No. 1.

Argentina.

See under Convention No. 7 for statistical information.

Ceylon (first report).

Merchant Shipping Act of the United Kingdom of 31 July 1925 (L.S. 1925—G.B. 5), made applicable to Ceylon by the Merchant Shipping Order, 1937.

Merchant Shipping Assignments, Chapter 260, Legislative Enactments of Ceylon.

Ceylon does not possess any foreign-going ships and the question of practical application does not arise. The Ministry of Commerce and Trade, and under it the Customs Department, are responsible for the supervision of the legislation. In the case of recruitment, the subcollectors of customs and the shipping masters at the various ports rigidly enforce regulations affecting the employment of children and young persons.

No decisions were given by courts of law.

Cuba.

According to the reports supplied by 17 harbour-masters, 1,467 inspection visits were carried out during the period under review, 167 of which were effected in Santa Cruz del Sur and 1,300 in Caibarién.

Denmark.

Act No. 229 of 7 June 1952, respecting seafarers.

The above-mentioned Act came into force on 1 January 1953 and increases to 19 years the age for the admission of young persons to employment as trimmers and stokers.

France.

See under Convention No. 8.

Federal Republic of Germany.

Seamen's Code of 2 June 1902.

Second Ordinance of 8 May 1929 respecting the medical examination of seamen with respect to their fitness for work on board ship (L.S. 1929—Ger. 8 B).

Act of 30 May 1929 respecting the international Convention fixing the minimum age for the admission of young persons to employment as trimmers or stokers (L.S. 1929—Ger. 8 A).

The Convention is applied by the above-mentioned legislation. A summary of the provisions of the Convention is contained not in the muster roll but in the seaman's book. The maritime bureaux are responsible for the application of the Convention. At the time of signing on, these bureaux ensure that no person under 18 years of

age is engaged as a trimmer or stoker. The bureaux may give decisions, against which an appeal may be made. According to Section 129 of the Seamen's Code, both parties must observe the decisions given by these bureaux. The master of a vessel who is guilty of a contravention is liable to a fine of up to 150 marks or to imprisonment. This also applies, under Section 114 of the Seamen's Regulations, to masters who do not keep a muster roll on board.

No difficulties have been reported in the application of the Convention and no breaches of the regulations have been reported.

Japan.

Mariners' Law No. 100 of 1 September 1947 (L.S. 1947—Jap. 5).

Ordinance No. 23 of 1947, for the enforcement of the Mariners' Law.

The term "mariner" as defined in Section 1 of the Mariners' Law includes every master or seaman who serves on board any vessel other than a vessel of less than five tons gross, a vessel navigating lakes, rivers or within harbours exclusively, or a fishing vessel of less than thirty tons gross.

According to the provisions of Section 85, paragraph 2, of the Law a shipowner may not employ a young person under 18 years of age in carrying coal or in stoking.

The provisions of the Law are not applicable to young persons on school-ships or training ships, as they are not covered by "employment relations". All seamen's educational institutions are supervised by the Government. No use has been made of the exceptions provided in Article 3, paragraphs (b) and (c), and in Article 4.

The Law provides that the master must keep a list of the members of the crew employed on board and must include in this list the date of birth and the conditions of employment of each member; the master must obtain the approval of the competent authorities who are required to ensure that the provisions of the Law are respected. Moreover, Section 18 of the Mariners' Law provides that the master must keep the following documents on board: certificate of nationality of the ship or other certificates provided for by Ordinance No. 23, the ship's articles, the log book, the list of passengers and the documents relating to the cargo. Section 12 of the Ordinance contains provisions relating to the ship's articles, the log book and the list of passengers; models of these documents are appended to the report. In accordance with Section 36 of the Mariners' Law, when a contract of engagement has been concluded the master must make an entry in the ship's articles of the working conditions laid down in the contract and must bring it to the notice of his seamen.

This provision also applies when any alteration has been made in the contract of engagement. Section 37 of the Law lays down that the master must also submit the ship's articles without delay to the competent authorities and call upon them to certify the contract of engagement, in the manner approved by the Ordinance. In the case of young persons under 18 years of age, the seaman's book must be attested by the competent authorities.

The supervision of the application of the legislation is ensured by the Minister of Transportation, who acts through the ten regional maritime bureaux and the 246 auxiliary offices. These bureaux may take the measures which they consider necessary with regard to shipowners or seafarers who have committed breaches of the law (Section 101 of the Law). Moreover, the mariners' labour inspectors, who are appointed by the Minister of Transportation, may inspect vessels and examine books or documents, question shipowners or seafarers, etc. At the end of June 1952 these inspectors numbered 146.

During the period under review 17,173 visits were carried out by the inspectors. It is estimated that 70 per cent. of the vessels covered by the Law were inspected. Only two cases gave rise to observations: these were in respect of young persons under 18 years of age who were employed as stokers. Contracts of engagement submitted for approval totalled approximately 520,000; it is not possible to state the number of young persons under 18 years of age who are included in this figure.

Poland.

See under Convention No. 7.

Yugoslavia.

Decree of 5 March 1952, to prohibit the employment of women and young persons in certain occupations.

Section 1 of the above Decree prohibits the employment of young persons under 18 years of age in unhealthy, dangerous or strenuous work. Moreover, Section 2 provides that a special board shall determine, in agreement with the executive committee of the trade union organisation, the jobs in an undertaking, institution or establishment which may not be held by young persons.

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

Australia, Belgium, Burma, Canada, Chile, Finland, Greece, India, Ireland, Italy, Luxembourg, Netherlands, Norway, Pakistan, Sweden, United Kingdom, 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
Federal Republic of Germany ²	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 ³	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. 2.

² See footnote 2 to Convention No. 1.

³ See footnote 3 to Convention No. 1.

Argentina.

See under Convention No. 7 for statistical information.

Australia.

A total of 438 persons were examined during the period under review. Of these 423 were passed as fit, three were deferred and 12 were rejected.

Belgium.

The admission to employment at sea of children and young persons is subject to very strict regulation. Prior to being admitted to State maritime schools, candidates must undergo a medical examination in order to ensure that they are physically fit for the work in question. When a candidate has terminated his specialised studies and before he can be registered in the "Pool" (a reserve from which all crews must be recruited), he must undergo a further examination for his physical fitness by the doctor of this institution. Finally, the candidate seaman is examined by the shipowner's doctor before he signs on, that is, at the beginning of each voyage.

Ceylon.

See under Convention No. 15.

Cuba.

According to the information submitted by 17 harbourmasters, five young persons under 18 years of age were submitted to a medical examination to attest their fitness for employment at sea. In three cases a further examination was carried out after the engagement of the young persons concerned.

France.

See under Convention No. 8.

Federal Republic of Germany.

Seamen's Act of 2 June 1902.

Second Order of 8 May 1929, respecting the medical examination of seamen with regard to their fitness for work on board ship (L.S. 1929—Ger. 8 B).

Act of 30 May 1929, respecting the international Conventions concerning the compulsory medical examination of children and young persons employed at sea (L.S. 1929—Ger. 8 A).

Act of 8 February 1951, concerning the right of vessels to fly the national flag.

The Act of 30 May 1929, by which the Convention was ratified, gives the text of the Convention in an appendix. Moreover, the Act concerning the right of vessels to fly the national flag provides that "seagoing vessels include all cargo and other vessels plying the seas". Finally, the text of the Convention is incorporated in the Second Order of 8 May 1929.

The supervision of the application of the Convention is ensured by the seafarers' agencies (*Seemannsämter*). These may issue orders, against which the persons concerned may appeal before courts of justice. Persons who commit a breach of the law are liable to a fine of 150 marks or to imprisonment. The agencies must ensure that the shipowner has fulfilled his obligations with regard to the seamen. Moreover, all engagements must be made in the seafarers' agencies. The age of the persons concerned must be shown clearly in the muster roll. All seamen must be examined before their first engagement by the medical officer of the shipowner's association. Finally, the seaman receives a health card on which is recorded the date of his next medical examination.

The regulations have been applied without incident and no cases of infringement have been reported.

India.

At the port of Bombay two young seamen were medically examined for employment.

Japan.

Mariners' Law, No. 100 of 1 September 1947 (L.S. 1947—Jap. 5).
Ordinance No. 23 of 1947 for the enforcement of the Mariners' Law.

For information regarding the scope of the Convention, as defined in Article 1, see under Convention No. 15.

Section 81, paragraph 1, of Law No. 100 lays down that a shipowner may not take into sea service any person who does not possess a certificate of health from a doctor designated by the competent authorities, to the effect that he is fit for sea service. However, this provision does not apply in cases where unavoidable necessity arises. As will be seen from the foregoing provisions of the Law, shipowners are obliged to require all seamen, including those who are under 18 years of age, to undergo a medical examination.

The provisions of Article 3 of the Convention are incorporated in Section 54, paragraph 3, of the above-mentioned Ordinance, which fixes the term of validity of the certificate of health at one year and at six years for the examination of colour sense. In cases where the validity of the certificate expires during a voyage the certificate shall be deemed to be valid until the completion of the voyage.

The provisions of Article 4 of the Convention are applied under Section 81 of the Law. In cases where it has not been possible to obtain a certificate of health before the departure of the vessel, steps must be taken to ensure that the person concerned is provided with a certificate at the next port of call. The shipowner may not continue to employ a person who has been refused a certificate of health.

The supervision of the application of legislation is entrusted to the Minister of Transportation,

through the medium of ten regional maritime bureaux and 246 auxiliary offices. These bureaux may take any measures which they consider necessary to deal with persons who commit breaches of the Law (Section 101). Moreover, the mariners' labour inspectors, who are designated for this purpose by the Minister of Transportation, are responsible for administrative matters relating to the enforcement of Law No. 100. These inspectors may, if they deem it necessary, inspect vessels, interview shipowners and seamen, request registers or documents to be produced and question passengers or any other persons on board. At the end of June 1952 the number of mariners' labour inspectors was 146.

The number of vessels inspected during the period July 1951-June 1952 was 17,173, that is, approximately 70 per cent. of the vessels covered by the Mariners' Law. Relatively few infringements were reported as regards persons under 18 years of age, but the actual number cannot be given. The necessary administrative measures have been taken in this respect.

Netherlands.

During 1951, 3,485 seafarers underwent medical examinations.

Poland.

See under Convention No. 7.

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

Burma, Canada, Chile, Denmark, Finland, Greece, Ireland, Italy, Luxembourg, Pakistan, Sweden, United Kingdom, Uruguay, Yugoslavia.

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
Greece	13. 6. 1952
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 Bill concerning insurance against accidents and diseases is still being examined by a special committee.

Statistical data relating to the years 1942, 1943 and 1944 are appended to the report, as well as particulars of three judicial decisions of interest.

Austria.

Federal Act of 25 July 1951, to adapt social insurance to economic circumstances.

According to the new Act certain allowances paid under the insurance scheme were increased threefold as from 16 July 1951.

Detailed statistical information is supplied showing that during 1951 the average number of workers insured against industrial accidents was 1,593,000. The total amount paid out in benefits was 119,886,000 schillings and in kind 45,973,000 schillings.

Belgium.

Act of 10 July 1951, to amend Section 2 of the Act respecting compensation for injuries resulting from industrial accidents.

Royal Order of 11 October 1951, specifying the form of payment of compensation due for accidents.

The above-mentioned Acts supplement the existing legislation relating to social insurance.

Chile.

With reference to the observations made by the Committee of Experts regarding the adoption of the necessary measures to give full effect to Article 5 of the Convention, the report states that no decision has as yet been taken by the National Congress on this matter.

Detailed statistical information shows that 760,228 wage earners were covered by the legislation in 1951. There were 84,050 accidents. Benefits amounting to 124,248,844 pesos were paid during the same period.

Several decisions were given by courts of law and the administrative authorities; copies of 20 of these decisions are appended to the report.

Cuba.

Resolution No. 5 of 1952, concerning preventive measures against industrial accidents and occupational diseases.

The above Resolution does not affect the application of the Convention. Statistical data are given showing that 23,497 accidents were reported in 1950; 15,341 of these accidents were fairly serious, 1,439 serious and 19 fatal. Benefits in cash amounted to 564,682 pesos and in kind to 400,372 pesos.

Finland.

Order of 30 September 1949, to amend the Order of 10 December 1948 respecting accidents suffered in the course of studies.

Resolutions of the Council of Ministers of 29 November 1951 and 9 May 1952, to increase the rates prescribed in the Act respecting accident insurance.

During the period under review, 98,050 accidents were reported.

The total cost of benefits in cash was 779 million marks, and in kind 169 million marks. The cost of the application of the legislation on accident insurance was 343 million marks.

France.

Metropolitan Departments.

Decree No. 51-1215 of 3 October 1951, to revise and supplement the schedules of occupational diseases appended to Decree No. 40-2959 of 31 December 1946, as amended, to issue regulations for the application of Act No. 46-2426 of 30 October 1946.

Decree No. 51-1428 of 29 November 1951, to extend to juvenile delinquents the provisions of the Act of 30 October 1946.

Article 2. Juvenile delinquents have been brought within the scope of application of the Act of 30 October 1946 respecting the prevention of

and compensation for industrial accidents and occupational diseases, as regards accidents which occurred in connection with work carried out by them under conditions defined by the Decree.

Article 3. The staff of municipalities and of public municipal undertakings are now excluded from the scope of the above-mentioned Act, as they have been affiliated to the National Retirement Fund for the staff of local collective groups and are thus covered by a special scheme the terms of which are not less favourable than those laid down by the Act.

Article 5. Under the same Act, after a period of five years a pension may be converted in whole or in part into a lump-sum payment under certain conditions. This provision was not applied in practice until 1952, i.e., five years after the entry into force of the Act; the Circular dated 2 April 1952 defines the manner and spirit in which this provision is to be applied. Attention is drawn in particular to the fact that a lump-sum payment should be offered only in the interests of the person concerned and that an enquiry is to be made in all cases.

The report mentions certain changes in the methods used in making investigations concerning the payment of compensation. During the period under review, 9,302,000 workers were covered by the provisions of the Act of 30 October 1946—out of a total of 10,500,000 who were covered by the Convention. Persons outside the scope of the Act are covered by special social security systems, e.g., those for Government officials, employees of the National Railways, etc. The report also gives statistics of industrial accidents during 1951 and of the benefits paid to the victims of such accidents.

Algerian Departments.

Decision No. 52-022 (see under Convention No. 12) widens the definition of industrial accidents to include all such accidents, irrespective of their cause and of the existence of an employment contract, and includes accidents which occurred on the way to or from the workplace. In addition, the workmen's compensation legislation has been extended to cover domestic workers, commercial travellers, hotel and restaurant employees, conductors of public transport vehicles, etc.

The labour inspection service reported 35,000 industrial accidents during 1951.

Overseas Departments.

See under Convention No. 12.

Martinique.

The number of workers and employees registered with the Fund during the first six months of 1952 was 37,000. The report gives statistics of the benefits paid and of the total number of accidents (4,677, including 21 fatal accidents).

Réunion.

The total number of workers covered was 18,000. The statistics given are for 1950, as those for 1951 could not be compiled owing to lack of staff. The report states that, because of the management of industrial accident compensation by the Social Security Fund, it has been possible to reduce insurance premiums by one-half.

Luxembourg.

Detailed statistical information is given in the Administrative Report of the Accident Insurance Association (Industrial Division) for the year 1951.

Netherlands.

Various Royal Decrees and Ministerial Decrees, issued in 1951 and 1952, in application of the Act of 1921 respecting industrial accidents.

The report contains the following information in connection with the statement made by the Government representative to the Conference Committee in 1952, in response to the observations made by the Committee of Experts. According to Section 17 of the Act respecting industrial accidents, the pension of an injured worker who must have the constant help of another person is increased only when, having regard to the circumstances of the insured person, the pension is insufficient for his maintenance. Article 4 of the Convention is, however, applied in practice by the above-mentioned Act.

Statistical information for 1950 shows that 403,110 accidents were reported, 351 of which were fatal. The total amount paid out was 48,321,618 florins in cash benefits and 6,072,319 florins in kind.

New Zealand.

Workers' Compensation Amendment Act, 1951.
Workmen's Compensation Amendment Act (No. 2), 1951.
Employers' Liability Insurance Regulations, 1951.
Employers' Liability Insurance Regulations, 1951, Amendment No. 1.

Under the new Acts and Regulations the maximum rate of weekly payments has been increased from £6 10s. 0d. to £7 10s. 0d. and the maximum total amount of compensation has been increased from £1,750 to £2,000. The amount that may be drawn during incapacity due to illness resulting from accident, without affecting the £2,000 maximum, was increased from £250 to £300. The absolute maximum amount of compensation has been raised, therefore, from £2,000 to £2,300.

The three-day qualifying period has been abolished and compensation is payable in case of injury, irrespective of the period of incapacity.

Mutual insurance institutions have, in general, been restricted to the field of industry they insured prior to the 1947 Amendment. The employer has the right to insure different parts of his risk with different insurers and to retain the insurer's right to ask for separate estimates and statements in respect of separate business or classes of risk. Insurers may charge an extra premium in the case of an employer failing to take ordinary accident precautions.

Five decisions were given by courts of law involving questions of principle relating to the application of workmen's compensation legislation.

In February 1952 there were 465,728 employees in surveyed industries covered by workmen's compensation legislation; the number of accidents reported in 1951 was 9,018.

Poland.

See under Convention No. 12.

Portugal.

Decree No. 38523 dated 23 November 1951, regulating the position of State employees when involved in accidents on duty, as amended on 15 December 1951.

Decree No. 38539 dated 24 November 1951, to amend certain provisions of Act No. 1952 and of Decree No. 27649, increasing benefits and pensions payable in respect of accidents.

Decree No. 38539 extended the scope of application of the principles of the Convention and granted benefits more substantial than those hitherto in force.

Several decisions concerning the application of the relevant legislation were given by courts of law; copies of these decisions are appended to the report.

The labour inspectorate reported five cases of infringements.

Sweden.

Royal Orders Nos. 585 of 20 July 1951 and 273 of 23 May 1952, to amend the Royal Order of 1 December 1933 respecting the application of the Industrial Accident Insurance Act to persons attending vocational training schools.

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

During the period under review the Industrial Accident Insurance Office paid out 47,541,212 kronor in cash benefits and 6,022,278 kronor in benefits in kind (medical care). The number of accidents reported was 307,376. The administrative expenses incurred by the Industrial Accident Insurance Office amounted to 7,424,212 kronor.

*United Kingdom.**Great Britain.*

National Insurance Act, 1951, to increase benefits in respect of children.

Various amending Regulations and Orders, issued in 1951 and 1952, relating to the increase of benefits, supplementary contributions, extension of insurance schemes, reciprocal agreements, etc.

The report gives detailed information regarding the measures contained in the above-mentioned Regulations, which introduce minor amendments. It is estimated that at 30 June 1950 about 20½ million persons were contributing under the National Insurance Scheme. During the year ended 30 June 1952 about £17 million was expended in benefits, but it is not possible to relate this figure to the number of persons contributing to the scheme. The cost of administering the industrial

injuries scheme during the same period was slightly more than £3 million.

Northern Ireland.

Various amending Regulations, issued in 1951 and 1952, relating to medical examination, benefits, etc., respecting industrial injuries.

Only minor alterations have been made by the above-mentioned Regulations.

The total number of persons insured has increased to 480,000. The total cost of benefits in cash during the year ended 31 March 1951 was £260,000. The number of claims received in respect of accidents was 9,516. The estimated cost of administration for the same period was £56,700.

Uruguay.

Statistical data are given showing that a total of 280,000 employees are covered in addition to persons working for third persons, and particularly those excluded by Article 3 of the Convention. The number of accidents reported was 45,972. The total amount paid out for different categories of benefits was 4,628,433 pesos.

Seven violations were registered and fines imposed by courts of law amounted to 225 pesos.

Yugoslavia.

Decree of 4 April 1952, respecting social insurance contributions.

Decree of 2 June 1952, concerning the establishment of social insurance offices and the provisional administration of social insurance funds.

No special guarantee of the proper utilisation of compensation is required in the case of an injured worker if the degree of incapacity is between 20 and 33⅓ per cent.; this compensation does not represent the basic amount for the subsistence of the worker who as a rule continues in employment corresponding to his working capacity. The employment offices, in co-operation with the organisation for disabled persons and other rehabilitation organisations, are required to find employment for those workers.

The report gives detailed information as regards the working of the social insurance offices, contributions, etc., as modified by the Decree of 2 June 1952.

During the period under review, 74,210 accidents were reported. Benefits in cash—including the value of food ration cards—amounted to 950,444,291 dinars for 1,264,783 insured persons.

18. Convention concerning workmen's compensation for occupational diseases

This Convention came into force on 1 April 1927

Countries	Date of registration of ratification
Austria ¹	29. 9. 1928
Belgium ¹	3. 10. 1927
Bulgaria ¹	5. 9. 1929
Burma ²	30. 9. 1927
Ceylon	17. 5. 1952
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
Federal Republic of Germany ³	18. 9. 1928
Hungary ¹	19. 4. 1928
India	30. 9. 1927
Iraq ¹	26. 11. 1938
Ireland ⁴	25. 11. 1927
Italy	22. 1. 1934
Japan ¹	8. 10. 1928
Latvia	29. 11. 1929
Luxembourg	16. 4. 1928
Netherlands ⁴	1. 11. 1928
Nicaragua	12. 4. 1934
Norway ¹	11. 6. 1929
Pakistan ⁵	30. 9. 1927
Poland ¹	3. 11. 1937
Portugal	27. 3. 1929
Spain	29. 9. 1932
Sweden ⁴	15. 10. 1929
Switzerland	16. 11. 1927
United Kingdom ⁴	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 See footnote 2 to Convention No. 2.

⁴ Has denounced this Convention and ratified Convention No. 42 (revised).

⁵ See footnote 3 to Convention No. 1.

Austria.

See under Convention No. 42.

Belgium.

Royal Order of 11 October 1951, to fix the rates of contributions to be paid in 1950 by the heads of undertakings and craftsmen, in application of the Act of 24 July 1927 respecting compensation for injuries caused by occupational diseases.

Royal Order of 26 November 1951, respecting temporary supplementary allowances payable to certain victims of occupational diseases.

Royal Order of 26 March 1952, to increase the supplementary allowances payable to certain victims of occupational diseases.

Royal Order of 4 July 1952, to grant supplementary allowances to certain victims of occupational diseases.

Ministerial Order of 30 June 1951, to specify the medical conditions that persons suffering from pneumoconiosis must satisfy in order to be entitled to compensation for occupational diseases.

Detailed statistical data for 1951 is supplied showing that 114 certified cases of occupational diseases were reported, 41 of which resulted in permanent incapacity for work and three of which were fatal. During the same period 246 claims for compensation were rejected.

Burma.

Workmen's Compensation (Amendment) Act, 1951, No. L.11 of 27 October 1951.

The above Act came into force on 1 January 1952. It repeals the provisions of the Workmen's Compensation Act, 1923, relating to compensation for anthrax, which is now included in the schedule of occupational diseases appended to the Act of 1951.

There were no claims for compensation in connection with occupational diseases during the year under review.

Chile.

The texts of five decisions given by courts of law are appended to the report.

Detailed statistical data are given, showing that there were 41 cases of occupational diseases (39 of silicosis and two of lead poisoning), two of which were fatal, involving a total expenditure of 3,177,713 pesos.

Denmark.

Statistical data relating to the period under review show that 15 cases of occupational diseases, costing 112,184 kroner were reported. In addition, 74 cases which were reported previously were compensated during the year; the expense involved amounted to 120,183 kroner.

France.

See under Convention No. 42.

Federal Republic of Germany.

Federal Insurance Code of 9 January 1926 (L.S. 1926—Ger. 1).

Act of 17 June 1949, concerning the adaptation of social insurance benefits to the new wage and price structure and their financial guarantee.

Act of 10 August 1949, concerning improvements in compulsory accident insurance.

Order of 12 May 1950, concerning the extension of social insurance legislation to the *Länder* of Baden, Rhineland Palatinate, Württemberg, Hohenzollern and the Bavarian Kreis of Lindau.

Act of 22 February 1951, respecting the autonomy and modification of the social insurance system.

Act of 29 April 1952, concerning allowances and minimum benefits under compulsory insurance and the extension of accident insurance to Berlin.

Third Order of 16 December 1936 and Fourth Order of 29 January 1943, to extend accident insurance to occupational diseases.

Ratification did not give the force of national law to the Convention. The German legislation giving effect to the terms of the Convention was already in existence when the Convention was ratified. Occupational diseases are compensated, in the same way as industrial accidents, under Section 545 of the Federal Insurance Code and various regulations extending the scope of accident insurance.

Preventive medical treatment is granted in addition to general benefits. The beginning of the illness in terms of health insurance is considered as

the date of the accident or, if this is more advantageous to the insured person, the beginning of incapacity in terms of accident insurance.

The list of occupational diseases enumerated in the Convention is also embodied in the existing regulations relating to German occupational diseases.

The application of these regulations is the responsibility of the local insurance associations, the federal and *Länder* authorities, the municipal authorities in the case of towns of over 500,000 inhabitants and the competent industrial medical officers. The competent courts in respect of social insurance and all Government services and authorities are entrusted with the supervision of the working of the services concerned. The application of the terms of the Convention is ensured by legal procedure and departmental supervision.

During the year covered by the report, 33,987 cases of occupational diseases were reported. The amount paid out in compensation was approximately 125 million marks.

India.

The Employees' State Insurance Act, 1948, was brought into force in Kanpur (U.P.) and Delhi. It relates to the payment of disablement and dependants' benefits.

Statistical data are supplied showing the number of cases of lead poisoning and silicosis, as well as the amount paid out in compensation.

Iraq.

See under Convention No. 42.

Italy.

A Bill which has been passed by the Chamber of Deputies extends the benefits and the scope of application of insurance provisions regarding occupational diseases.

Japan.

Labor Standards Law No. 49 of 5 April 1947, respecting the standards of working conditions, compensation for injury caused by industrial accidents and occupational diseases, etc. (L.S. 1947—Jap. 3).

Enforcement Ordinance No. 23 of 1947 of the Minister of Welfare, to supplement Law No. 49 of 5 April 1947, respecting the standards of working conditions, etc. *

Laborers' Accident Compensation Insurance Law No. 50 of 5 April 1947 (L.S. 1947—Jap. 6).

Enforcement Ordinance No. 1 of 1947 of the Minister of Labor, to supplement Law No. 50 of 1947.

The national legislation provides equal treatment for cases of injury as a result of accidents and for "illness contracted because of duty".

Detailed data are given on the general provisions relating to compensation for injuries caused by occupational diseases. The report enumerates the enterprises to which the Labor Standards Law applies; the majority of all kinds of enterprises are included. Family undertakings and domestic servants are not covered by this Law.

The Law requires that, in both the case of injury and of illness arising out of employment, medical treatment must be furnished or paid by the employer. The provisions concerning compensation for temporary and permanent incapacity for work, as well as those relating to benefits in case of the death of a worker, are the same as those for injuries caused by industrial accidents and occupational diseases.

The provisions of the Laborers' Accident Compensation Insurance Law also provide that compensation for medical treatment, incapacity for work, death, funeral rights and lump-sum payments apply automatically to accidents and to occupational diseases. The Law contains a table which divides cases of permanent injury into 14 grades. The Decree for the enforcement of this Law contains a schedule setting out the injuries in each of these grades. The permanent consequences of a number of occupational diseases are set out in the description of these injuries.

Section 35 of Ministry of Welfare Ordinance No. 23 of 1947 lists 38 diseases, or groups of diseases, which are considered to be occupational diseases.

The enforcement of the Labor Standard Law and of the Laborers' Accident Compensation Insurance Law is supervised by the Labor Standards Bureau in the Ministry of Labor and 46 departmental labour standards offices, subdivided into 336 labour standards inspection offices.

The report states that 752 enterprises, employing 10,424,173 workers, are covered by the provisions of the national legislation. Statistical data are supplied for the period April 1951-March 1952 specifying, for the 38 diseases listed in the above-mentioned schedule, the number of cases of occupational diseases, according to 16 groups of industries. Details are given showing that the total amount of compensation paid out for industrial accidents and occupational diseases during this period amounted to 10,761,468,763 yen. The report adds that some suggestions were made by the workers' organisations concerning compensation for silicosis and other occupational diseases.

Luxembourg.

See under Convention No. 17.

Poland.

See under Convention No. 12.

Portugal.

Decree No. 38539 of 24 November 1951, to supplement the legislative enactments of 27 July 1936.

The above Decree extends, in general, the benefits previously granted under Portuguese legislation.

Switzerland.

Ordinance of 10 August 1951, concerning medical examination for fitness for employment with a view to preventing silicosis.

Ordinance of the Federal Department of Public Economy of 10 October 1951, concerning technical measures to prevent and to protect workers against silicosis in iron and steel foundries and foundries for non-ferrous metals.

During the period under review reports were made in respect of 31 cases of lead poisoning (two of which were fatal) costing 136,262 Swiss francs, and eight cases of mercury poisoning, costing 60,157 Swiss francs.

Yugoslavia.

See under Convention No. 17.

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

Cuba, Finland, Norway, Pakistan, Uruguay.

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. 1923
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
Federal Republic of Germany ²	18. 9. 1928
Greece	30. 5. 1936
Hungary	19. 4. 1928
India	30. 9. 1927
Indonesia ³	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 ⁴	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 See footnote 2 to Convention No. 2.

³ 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.

⁴ See footnote 3 to Convention No. 1.

Argentina.

The Employment Injury Compensation Bill, which is before Congress, has been submitted to a special commission for study.

Austria.

Federal Act No. 189 of 25 July 1951, respecting the adaptation of social insurance to economic circumstances (Social Insurance Adaptation Act, 1951).

The agreement on social insurance between Austria and Switzerland signed on 15 July 1950 came into force on 1 September 1951. The text of this agreement is appended to the report.

Belgium.

The report refers to a new Act and a Royal Order relating respectively to compensation for injuries

resulting from industrial accidents and to methods for the payment of social security contributions by victims of industrial accidents.

Burma.

Workmen's Compensation (Amendment) Act, 1951.

The above Act, which provides for an increased scale of benefits and a more realistic schedule of occupational diseases appropriate to Burma, came into force on 1 January 1952. The report describes in detail the organisation of the workmen's compensation system in the country.

Chile.

During 1951, 482 accidents involving foreign workers were reported. Copies of two accident insurance settlement receipts, involving foreign workers, are appended to the report.

Denmark.

Notification of the Ministry of Social Affairs No. 198, dated 12 April 1949, of the Accident Insurance Act (L.S. 1948—Den. 1 and L.S. 1949—Den. 1).

The payment of disablement benefit is not subject to the condition that the claimant must be of Danish nationality. Survivors' benefit is payable subject to the condition that the survivors are Danish nationals or women who were married to Danish nationals or persons residing in Denmark. However, exceptions are granted in respect of nationals of States which provide equality of treatment for Danish nationals and their own nationals as regards the right to benefits under the corresponding legislation, *e.g.*, States which have ratified the Convention.

Egypt.

Act No. 89 of 5 July 1950, respecting industrial accidents, and related Ministerial Decrees (L.S. 1950—Eg. 1).

The above-mentioned Act makes no distinction between national and foreign workers as regards workmen's compensation for accidents. The application of this legislation is entrusted to the Compensation Section of the Labour Department.

Finland.

Resolutions of the Council of Ministers of 29 November 1951 and 9 May 1952, respecting increases in the rates of benefits prescribed in the Accident Insurance Act.

The report refers to the adoption of this legislation.

France.

Metropolitan Departments.

A reciprocity agreement concerning social security was signed between France and the Principality of Monaco on 28 February 1952. During

the period under review, similar agreements came into force between France and Northern Ireland, the Netherlands and the Federal Republic of Germany. The Administrative Agreement No. 4, concluded between France and Italy, concerning surgical and orthopaedic appliances for persons who are disabled as the result of industrial accidents, also came into force during this period. The above-mentioned agreements contain special provisions concerning workers who are temporarily or intermittently employed in the territory of one country on behalf of an undertaking situated in the territory of another country.

The report contains a copy of the text of a decision given by the civil court of Aix-en-Provence which found that the granting by France to Italian workers, who have been victims of industrial accidents in French territory, of the same treatment as that granted to French citizens, does not result from a reciprocal treaty which lapsed because of the existence of a state of war but rather from the adherence by France to the present Convention, which was adopted for the benefit of workers of all countries. The state of war could not, therefore, *ipso facto*, and without the specific denunciation of the Convention, render invalid the special obligations undertaken by France with an international body.

During the period 1 August 1951 to 30 June 1952, 1,133 German and 26,600 Italian workers, as well as 4,282 foreign workers of other nationalities, entered France, in addition to those enumerated in the previous report.

Algerian Departments.

The various conventions and treaties concluded between France and other countries as regards industrial accidents are fully applicable in Algeria, it being understood that the provisions which apply to the citizens of these countries are those contained in Algerian legislation. The rates of benefit payable to victims of accidents and their beneficiaries are fixed by courts of law.

Overseas Departments (French Guiana, Guadeloupe, Martinique and Réunion).

Decree No. 51-1463 of 22 December 1951, for the application of Act No. 49-1104 of 2 August 1949, to extend to the Overseas Departments the social security provisions relating to the prevention of and compensation for industrial accidents and occupational diseases.

Under the above Decree, the Act of 1949 came into force on 1 January 1952; the workmen's compensation system in force in the Overseas Departments is identical with that of Metropolitan France, which, in virtue of the Act of 30 October 1946, makes no distinction between national and foreign workers. However, there remain certain minor differences as regards the details of application of this system either because of local geographical or economic conditions or because the social legislation as a whole has not yet been implemented in these Departments. The report indicates the manner in which the legislation is now being applied in the Departments and gives statistics of accidents and benefits.

As regards French Guiana, see under Convention No. 17.

In Martinique, the Convention now applies to 1,100 foreign workers, most of whom are of British nationality and employed in the sugar

mills, or as domestic servants, agricultural workers or qualified building workers.

In Réunion, 1,388 foreign workers are employed, most of whom are of Chinese, Pakistani and Indian nationality. Only about ten accidents were reported; no separate statistics are kept for foreign workers.

Federal Republic of Germany.

Federal Insurance Code (L.S. 1926—Ger. 1).

Social Insurance Adaptation Act of 17 June 1949.

Act of 10 August 1949, to improve the accident insurance system.

Act of 22 February 1951, respecting the autonomy of social insurance.

Act of 29 April 1952, respecting additional and minimum benefits under the accident insurance system.

Decrees of the Federal Minister of Labour, dated 8 August 1951 and 29 April 1952, respecting the application of international labour Convention No. 19.

Decree of the Federal Minister for Economy, dated 10 July 1952.

Decree of the Federal Minister of Labour, dated 7 August 1952.

Article 1. The legislation of the Federal Republic of Germany makes no distinction between national and foreign workers for the purposes of workmen's compensation for accidents, in so far as the workers or their survivors are resident in the territory of the Republic.

It does, however, provide (*a*) that the benefits of a foreigner may be suspended if he voluntarily and habitually resides abroad; (*b*) that the benefits may be suspended if he is excluded from federal territory in consequence of a verdict in criminal proceedings; and (*c*) that the benefits may be denied to the survivors of a foreigner who at the time of the accident were not habitually resident in the federal territory.

In virtue of the Decrees dated 8 August 1951 and 29 April 1952 the nationals of Members which have ratified Convention No. 19 are not treated as foreigners for the purpose of cases (*a*) and (*c*) above, but as Germans. In order to continue to receive benefits abroad such foreigners (like Germans) have merely to inform the accident insurance institution of their address and to report from time to time to the competent German consul or another specified authority of the Federal Republic.

The benefits payable abroad comprise sickness cash benefits in respect of temporary incapacity for work due to an industrial accident, as well as pensions. The cost-of-living supplements provided for by the Acts of 10 August 1949 and 29 April 1952 are not payable abroad. Provision for the transfer abroad of money for the purpose of paying pensions has been made by the Decrees of 10 July and 7 August 1952.

Bilateral agreements on social insurance, which incidentally cover workmen's compensation for accidents, have been entered into with Austria, France, the Netherlands and Switzerland, and provide for equality of treatment and the unrestricted payment of benefits from one country to the other.

Article 2. The bilateral agreements referred to above contain provisions ensuring the payment of compensation in cases where the accident occurred during temporary employment abroad.

Article 3. Since 1885, workmen's compensation for industrial accidents has existed in Germany, in virtue of federal legislation.

Article 4. In the bilateral agreements mentioned above provision is made for mutual assistance in the application of the principles of the Convention.

The accident insurance scheme is administered by employers' industrial and agricultural associations. Special services or collective associations have been set up for workers employed in public services. Insurance bodies of this nature are supervised by the Federal Ministry of Labour or by the labour ministries of the *Länder*. Insured persons and their survivors have the right to appeal in case of disputes concerning their rights to benefit. The strict application of the laws and regulations is ensured by Government supervision and by the right to appeal.

Statistics on the number of foreign workers in the territory of the Federal Republic of Germany are not available.

Greece.

Act 2113 of 7 May 1952.

Emergency Act No. 1846 of 14 June 1951, which makes substantial changes in the social insurance system and was promulgated subject to the reservation that it should be later sanctioned by Parliament, has been ratified by the above-mentioned Act. The Central Social Insurance Institute is expanding rapidly and now covers three-fourths of the workers of the country, excluding civil servants. The Institute is now preparing regulations to be issued under the new legislation. A recent examination of the files of foreigners indicates that there are now approximately 23,000 foreign workers in Greece.

India.

The Employees' State Insurance Act, 1948, which provides, *inter alia*, for payment of benefits in cases of employment injury, was brought into force in Kanpur (U.P.) and Delhi as from 24 February 1952. A copy of the Act is appended to the report.

Italy.

In addition to the reciprocity agreements concluded with Austria, Luxembourg and the United Kingdom (already mentioned in last year's report), similar agreements have been signed with the Netherlands and the Saar and the ratification formalities are now under way. Negotiations for additional agreements are being held with Argentina, Australia, Denmark, the Federal Republic of Germany, Norway and Sweden.

Japan.

Article 14 of the Constitution of Japan.

Labor Standards Law, No. 49 of 5 April 1947 (L.S. 1947—Jap. 3).

Enforcement Regulations of the above Law (Ministry of Welfare Ordinance, No. 23 of 1947).

Laborers' Accident Compensation Insurance Law, No. 50 of 5 April 1947 (L.S. 1947—Jap. 6).

Enforcement Ordinance of the above Law (Ministry of Labour Ordinance No. 1 of 1947).

Article 1. Article 14 of the National Constitution prohibits, on grounds of family origin, discrimination in economic or social relations. The report interprets this to apply also to discrimination because of nationality. Section 3 of the Labor Standards Law specifically prohibits discrimination against any worker by reason of nationality "in

working conditions". Section 119 of this Law provides for penalties in the form of fines or imprisonment.

Article 2. There are as yet no special arrangements as regards the payment of compensation abroad, but such arrangements will no doubt be included in the various trade agreements now being negotiated by Japan.

Article 3. The report enumerates the workmen's compensation laws enacted in Japan prior to and since the ratification of the Convention.

Article 4. As the period of occupation only came to an end on 28 April 1952, Japan was not in a position during the period under review to arrange for mutual assistance to other ratifying States with a view to facilitating the application of the Convention.

The application of the relevant provisions is entrusted to the Labor Standards Bureau of the Ministry of Labor, through its prefectural offices and inspection offices.

Luxembourg.

Act of 8 December 1951, to approve the Convention of 7 November 1949 for the extension and co-ordination of the application of social security legislation to nationals of the Brussels Treaty Powers.

In addition to the above Act, the report also mentions administrative arrangements to apply the Social Security Convention signed by Belgium and Luxembourg on 3 December 1949. The relevant legislation is appended to the report, together with the report of the Accident Insurance Association for the year 1952.

Netherlands.

During the period under review, two Acts promulgating reciprocity agreements with Germany and Luxembourg came into force, as well as an agreement concerning social security for Rhine boatmen.

Poland.

See under Convention No. 12.

Portugal.

During the period under review, 2,153 temporary and 1,962 permanent work permits were issued to foreign workers.

Sweden.

In response to the observation made in 1952 concerning measures to be taken for the granting of equality of treatment to citizens of Egypt, Peru and Venezuela, the report states that a Royal Order of 15 May 1952 exempts citizens of the above-mentioned countries from the application of the discriminating provisions of Section 27, paragraph 1 (2) of the Act of 17 June 1916 respecting insurance against industrial accidents. The report adds that, in general, whenever a State Member of the International Labour Organisation ratifies a Convention an Order is issued to exempt the citizens of the country in question from the discriminating provisions of Section 27 of the Act.

Switzerland.

During the period under review 404 fatal industrial accidents occurred in Switzerland; 65 of

these involved foreign workers (48 Italian, seven German, nine French and one Netherlands).

Appended to the report are copies of two Orders issued by the Federal Department of Public Economy respecting technical measures taken to prevent and combat silicosis, as well as a copy of the annual report for 1951 of the Swiss National Accident Insurance Fund.

Union of South Africa.

During the period under review, the average number of non-Union natives employed in labour districts in the territory of the Union was 278,000. The total number of accidents to non-Union natives working in the mines in the Transvaal was reported to be 21,733.

United Kingdom.

Northern Ireland.

National Insurance and Industrial Injuries. (Reciprocal Agreement with France) Order (Northern Ireland), 1952.
National Insurance and Industrial Injuries (Reciprocal Multilateral Agreement with Belgium, France, Luxembourg, and the Netherlands) Order (Northern Ireland), 1952.

The above-mentioned Orders give effect in Northern Ireland to agreements entered into by the United Kingdom with France and the Brussels Treaty Powers concerning the reciprocal application of their social security schemes to the nationals of other countries.

Venezuela.

As indicated in the previous report, the relevant legislation contains no discrimination of any kind concerning the nationality of the victims of

industrial accidents. The report gives detailed statistical information on workmen's compensation and other social security benefits paid out from July 1951 to June 1952. During this period 11,500 Venezuelan and 4,800 foreign workers were victims of industrial accidents.

Yugoslavia.

Section 135 of the Social Insurance Act requires private employers to pay the social insurance contributions of all persons in their employ, including foreigners, irrespective of whether or not the latter are nationals of a country which has ratified the Convention. Foreign workers thus have the same rights as Yugoslav nationals as regards social and other insurance. This also follows from Section 2 of the Decree of 4 April 1952, respecting social insurance contributions, under which private employers are required to pay social insurance contributions for all their staff and consequently also for foreign workers.

The Social Insurance Office of the People's Republic supervises the activities of the town and district social insurance offices and has the right to suspend, annul or modify any illegal measures taken by these offices. Trade union organisations as well as insured persons may appeal to the Office of the Republic for final administrative decision, against which a further appeal may be lodged with the courts.

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

Cuba, Iraq, Ireland, Norway, Pakistan, Uruguay.

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	28. 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.

The number of workers covered by the relevant legislation is over 12,500.

During 1951 the inspection services detected 185 infringements of the legislative provisions; a copy of one decision given by a court of law is appended to the report.

Finland.

A tripartite committee has been set up to prepare a report, on the basis of which Parliament

will examine the proposal to revise the legislation relating to work in bakeries.

During 1950, 1,550 visits of inspection (107 at night) were made to 1,289 bakeries, employing 9,215 workers. Twenty-five breaches of the regulations were reported.

Ireland.

Night Work (Bakeries) (Exceptional Work for Limited Periods) Regulations, 1952.

During the period under review the enforcing authorities carried out 2,193 inspection visits in a total of 693 bakeries; one contravention was reported.

Uruguay.

Supplementary information appended to the report gives details concerning the work of the authorities and the bodies entrusted with the practical application of the Convention.

Several decisions were given by courts of law and 157 breaches of the legislative provisions were reported; the fines imposed amounted to 22,565 pesos.

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

Cuba, Luxembourg, Sweden.

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.

In reply to the observations made by the Committee of Experts, the Government has supplied copies of the following texts : Act No. 817 concerning immigration and colonisation and the Regulations issued thereunder on 31 December 1923 ; International Agreements signed with Switzerland on 6 July 1937, with Denmark on 21 September 1937, with the Netherlands on 6 September 1938 and with Italy on 26 January 1948.

Reference is also made to the statement communicated under Convention No. 1.

Austria.

During the period under review the number of passports issued to Austrian nationals wishing to emigrate amounted to 6,149.

Belgium.

As regards the protection of emigrants and their inspection on board ship, the report states that use has been made in one case only of the right to place observers on board ship ; this was done at the request of the shipowners. No breaches of the regulations were reported. The report gives

detailed information concerning the number of emigrants who left the country. There were 2,415 " direct departures " and 5,623 " indirect departures " ; 3,439 of the latter were foreigners. These emigrants were transported on 514 vessels.

Finland.

There were 19,644 Finnish emigrants in 1951.

India.

The duties of the agent appointed to safeguard the interests of emigrants in Burma are being performed by the Labour Welfare Officer in the Indian Embassy at Rangoon.

During 1951, 65 emigrant and 56,518 non-emigrant unskilled workers went to Ceylon. Up to 30 June 1952, 34,003 unskilled workers left for Ceylon ; of these 27 were emigrants.

Ireland.

The number of Irish nationals who emigrated to countries outside Europe during 1951 was 3,567.

Japan.

Between the outbreak of the Pacific war and 30 June 1952, only a small number of persons emigrated from Japan ; the persons in question were invited to Argentina or Brazil by close relations. There was therefore no problem as regards the inspection of emigrants on board vessels during the period under review. If the number of emigrants increases, the Government will consider taking legislative and administrative measures in conformity with the provisions of the Convention.

The Emigrant Protection Law No. 70 of 1896 and Regulations issued thereunder (Ministry of Foreign Affairs Ordinance No. 3 of 1907) contain no provisions as to the simplification of the inspection of emigrants on board ship.

With respect to Article 1, the Emigrant Protection Law defines " emigrants " as persons who, for the purpose of engaging in work, emigrate to foreign countries other than China and Korea ; this term also applies to members of their families who accompany them or emigrate to the place where they are already residing.

The term " emigrant ship " is defined as a ship carrying on board 50 or more emigrants and transporting them to a place determined by order.

Luxembourg.

See under Convention No. 7.

Netherlands.

A table appended to the report shows that a total of 43,997 emigrants left the country during the period under review ; 33,621 of these sailed on vessels chartered by the Government or on other Netherlands vessels.

New Zealand.

The number of permanent residents who left the country for good during the year ending 31 March 1952 was 7,300 (6,816 to British Commonwealth countries and 484 to other countries).

Pakistan.

During the period under review seven skilled labourers emigrated to Burma from the port of Chittagong. Although there were few emigrants many skilled labourers went to Burma (as qualified residents) from this port during the period under review.

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

Australia, Burma, 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
Federal Republic of Germany ²	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 ³	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 2 to Convention No. 2.
³ See footnote 3 to Convention No. 1.

Argentina.
The report reproduces several sections of the Commercial Code and of the *Digesto Marítimo y Fluvial* applying the Convention; these sections refer to the conditions of the contract of employment, the ship's register, jurisdiction and arbitration, engagement and discharge of seamen, discharge certificates, etc.

Australia.
During the period under review 10,324 individual seamen of all ranks and ratings were signed on for vessels in Australian ports; the total number of engagements during the same period was 36,264.

Belgium.
During the period under review, the number of seamen covered by the provisions of the Convention was approximately 3,900. There were eight disputes relating to the application of seamen's articles of agreement.

Chile.
According to the information supplied by the maritime inspection services for the period under review, 2,051 seamen were engaged and 3,773 persons were covered by the provisions of the Convention. The placing of crews and the renewal of contracts were effected without any difficulty.

Cuba.
According to the reports supplied by 17 harbour-masters the number of seamen engaged was 546; 1,467 inspection visits were carried out (1,300 at the port of Caibarién and 167 at Santa Cruz del Sur).

Finland.
During the period 1 July 1950 to 30 June 1951 the number of inspection visits carried out in connection with the engagement and discharge of seamen amounted to 19,733 and 20,740 respectively. There were two infringements of the regulations.

France.
See under Convention No. 8.

Federal Republic of Germany.
Seamen's Code of 2 June 1902.
Regulations of 16 June 1903, concerning the non-application of the Seamen's Code to small craft.
Act of 24 July 1930, respecting seamen's articles of agreement (L.S. 1930—Ger. 6).

The report contains a detailed analysis of the provisions of the national legislation applying the various Articles of the Convention and, in addition, gives the following information :

Article 1. The Act of 22 June 1899, respecting the right of vessels to fly the national flag, has been replaced by a similar Act of 8 February 1951.

Article 2. German maritime legislation contains no concept equivalent to that of "home trade".

Article 3. The seaman is given an opportunity to examine the contract at the time of signing-on at the Shipping Office, when the terms of the engagement are made clear to him. This Office has to make certain that no illegal conditions are included in the articles of agreement. As the terms of the Convention are covered by the Seamen's Code, the supervision of the observance of the latter applies equally to the Convention.

Article 5. At the time of signing-on an entry is made in the seaman's book concerning the duties for which he has been hired. However, this book

does not contain any statements as to the quality of his work or as to his wages.

Article 9. Paragraph 3 of this Article is applied under Section 22 of the Act of 10 August 1951 concerning protection against dismissal.

The Shipping Offices at home and abroad are responsible for the supervision of the observance of the relevant legislation. They may issue *ad hoc* rulings, against which the parties concerned may lodge an appeal with the home courts. In case of failure to comply with such rulings the masters of the vessels concerned are punishable by fines of up to 150 marks or by imprisonment. The Shipping Offices have to make certain, when the seaman signs on, that the shipowner has fulfilled his obligations towards him. No difficulties are encountered in applying existing legislation and no contraventions have been reported.

The reports of the Shipping Offices concerning contraventions are not available. Statistics of the number of seamen engaged are being compiled. The text of the Act respecting the right of vessels to fly the national flag and of the Act respecting

protection against dismissal are appended to the report.

Ireland.

The number of seamen signed on during the period under review was 5,180.

Italy.

During the period under review the number of seamen signed on was approximately 46,000. Of this number, 25,000 were engaged for steam or motor-boats used for passengers, and 21,000 for smaller vessels (fishing and sailing boats).

Poland.

See under Convention No. 7.

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

Canada, India, Luxembourg, Netherlands, New Zealand, Norway, Pakistan, United Kingdom, Uruguay, Yugoslavia.

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
Federal Republic of Germany ¹	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

¹ See footnote 2 to Convention No. 2.

Argentina.

The report gives a detailed definition of "home trade" and "inland navigation".

Belgium.

During the period under review 114 seamen were repatriated, 68 as the result of illness and 46 as the result of shipwreck.

Cuba.

According to the reports supplied by 17 harbour-masters 167 inspection visits were carried out at the port of Santa Cruz del Sur and 1,300 at Caibarién.

France.

See under Convention No. 8.

Federal Republic of Germany.

Seamen's Code of 2 June 1902.
Act of 2 June 1902, concerning the obligation of cargo vessels to take on board seamen who are being repatriated.
Regulations of 16 June 1903, concerning the non-application of the Seamen's Code to small craft.
Act of 14 January 1930, concerning international labour Convention No. 23.

The report contains a detailed analysis of the provisions of the national legislation applying the various Articles of the Convention and in addition gives the following information :

Article 1. The Act of 22 June 1899, respecting the right of vessels to fly the national flag, has been replaced by a similar Act of 8 February 1951.

Article 2. German maritime legislation contains no concept equivalent to that of "home trade".

Article 3. The Seamen's Code provides that the shipowner may either repatriate the seaman or offer him a sum sufficient to cover the cost of his return in a ship of his own choice. If the seaman regards the amount offered as insufficient for his return journey, he may appeal to the Shipping Office abroad, which will decide on the amount to be paid by the master.

The Shipping Offices at home and abroad are responsible for the observance of the relevant legislation. In addition to the penalty for non-observance of the Shipping Office rulings by the master, the Seamen's Code renders a master who leaves a seaman abroad liable to a fine of up to 300 marks or imprisonment of up to three months.

The regulations have been applied and no infringements were reported. The text of the Act respecting the right of vessels to fly the national flag is appended to the report.

Italy.

During the period under review the number of seamen who were repatriated at the expense of shipowners or the public authority was approximately 2,000. However, it is not possible to state the exact number, as the consulates in

maritime zones have not yet sent in their reports for the first six months of the current year.

Poland.

See under Convention No. 7.

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

Ireland, Luxembourg, Netherlands, Uruguay, Yugoslavia.

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
Federal Republic of Germany ¹	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

¹ See footnote 2 to Convention No. 2.

Austria.

Federal Act No. 189 of 25 July 1951, to adapt social insurance to economic circumstances.

Federal Act No. 190 of 25 July 1951, to supplement and amend the Federal Act of 12 June 1947 respecting the transitional period in social insurance (Seventh Amendment to the Social Insurance Transition Act).

Section 1, paragraph 3, of Federal Act No. 190 adds a new section (54 (a)) to the Social Insurance Transition Act of 12 June 1947 and extends the scope of the Austrian compulsory sickness insurance scheme by removing some exemptions prescribed in the previous legislation regarding the liability to insurance. In the past an employee who was in receipt of a pension in conditions specified in the legislation had the right, on his own request, to be exempted from compulsory sickness insurance. This right no longer exists; the new provisions have taken the place of all existing legal provisions concerning exemptions from the liability to insurance by reason of age, occupational or other invalidity, or because the insured person is in receipt of a pension or similar benefit in conditions laid down in the legislation. Moreover, exemption from liability to insurance on the ground that the person concerned enjoys equivalent protection in respect of certain occupations is no longer extended to occupations for which such exemptions are not permitted and which may be carried on by the insured person at the same time as occupations which are not subject to compulsory insurance. The report adds that such extensions of the scope of sickness

insurance in Austria are in full conformity with Article 2 of the Convention, which lays down the minimum rules regarding the scope of a compulsory sickness insurance scheme.

The other provisions of Acts Nos. 189 and 190—in so far as they refer to sickness insurance—are not mentioned in the report, not only because they are of secondary importance but because they concern the rights of certain special contributions or increases in the rates of cash benefits. The report states that all these provisions are in conformity with the Convention.

In 1951, the total number of employees insured under the general sickness scheme was 1,499,000 (as compared with 1,457,000 in 1950); of this number, 1,153,000 were manual workers and 346,000 salaried employees. The total amount paid out in cash benefits was 374 million schillings (280.5 million in 1950), corresponding to 165.20 schillings per insured person (126.80 in 1950). The total expenditure on benefits in kind was 740.8 million schillings (537.9 million in 1950), corresponding to 327.20 schillings per insured person (242.20 in 1950). The total financial resources of the insurance scheme were 1,300.4 million schillings (954.9 in 1950), of which 589 million (422.9 in 1950) were derived from employer's contributions, 625.4 million (457.7 in 1950) from insured persons' contributions, and 86 million (74.3 in 1950) from contributions by the public authorities. These figures do not include statistical data relating to employees in the public transport services (for the most part, federal railway employees).

Chile.

Act No. 10383 of 8 August 1952, respecting compulsory sickness, invalidity, old-age and survivors' insurance, to replace Act No. 4054 of 8 September 1924.

The four days' waiting period for the payment of sickness benefit has been reduced to three days by the legislation introduced during the period under review.

Statistical data are appended to the report showing the number of contributors, benefits granted, etc., classified by branches of economic activity in 1950.

The Government has submitted reports from the managing board of the Fund, in which mention is made of the most interesting cases registered during the period under review regarding the application of Act No. 4054, as well as a court decision concerning the practical application of the Convention.

*France.**Metropolitan Departments.*

Act of 26 September 1951 to increase the rates of temporary allowances, of pensions to aged wage earners and of family allowances. (As regards the Convention in question, this Act increases the wage limit to be taken into account in fixing the maximum amount of contributions.)

Finance Act of 14 April 1952, for the period 1952.

Decrees of 28 September and 5 November 1951, to increase the wage limit prescribed for fixing social security contributions.

Decree of 9 October 1951, to issue public administrative regulations amending the Decree of 31 December 1946 concerning social security disputes.

Decree of 17 November 1951, to amend the Decree of 28 February 1951, to issue public administrative regulations in application of the Act of 29 July 1950 extending the social security scheme to seriously disabled ex-servicemen, war widows, widows of seriously disabled ex-servicemen, and war orphans.

Decree of 12 April 1952 to supplement, with regard to reimbursement for certain special medicaments, the Decree of 29 December 1945 to issue public administrative regulations in application of the Ordinance of 19 October 1945 concerning the application of the social insurance scheme to insured persons engaged in occupations other than agriculture.

Decree of 14 April 1952, to increase the wage limit prescribed for fixing social security contributions.

The Act of 14 April 1952 provides that the wife or husband participating in the undertaking or activity of a non-wage-earning worker can only be covered by the social insurance scheme as a wage earner or an assimilated person if he or she is actually employed in the undertaking or takes part in its activities in a professional and regular capacity and draws remuneration at least equivalent to the guaranteed national inter-occupational minimum wage, such as would be paid to a worker employed during the statutory weekly hours of work established for the occupation in question and corresponding to the normal wage in his occupational category.

The Decree of 17 November 1951 provides that seriously disabled ex-servicemen, war widows, widows of seriously disabled ex-servicemen, and war orphans may join social security schemes either at their own request, automatically through the local primary social security fund, through the national military social security fund with regard to persons covered by this fund, or through the departmental office for ex-servicemen. In cases where the persons referred to above are already entitled to social security benefits, the Act of 29 July 1950 nevertheless provides that they must be members of a social security scheme; benefits in kind under the sickness, long-term sickness and maternity insurance scheme are then granted to them on these grounds.

In the case of hospitalisation for an excessive period the social security fund may refuse to refund hospitalisation expenses for the unjustified stay at the hospital. Such a decision is taken by the fund after joint consultation with the doctor in charge and the medical adviser of the social security scheme. If there is a divergence of opinion the dispute is submitted to a subcommittee under the chairmanship of the Divisional Inspector of Health and including a medical adviser of the social security fund and a member of the regional board for the medical profession.

The Act of 14 April 1952 provides that as from 1 April 1952 the maximum remuneration serving as basis for fixing contributions shall be 456,000 francs. In the event of considerable

variations in the wage index drawn up by the Minister of Labour, the amount in question may be amended by a Decree issued on the proposal of the Minister of Labour, after consultation with organisations which have signed the National Collective Agreement of 14 March 1947.

A statistical survey concerning the working of the sickness insurance scheme is appended to the report. This survey shows that 8,300,000 wage earners and assimilated persons are covered by the general scheme for all risks, 1,200,000 are covered for certain risks (civil servants, employees of the Electricity and Gas Company of France, students and various other categories), and 2,700,000 are insured under compulsory schemes independent of the general scheme (miners, railway employees, men enrolled for naval conscription, agricultural workers, regular soldiers). It is estimated that approximately 17 million persons are entitled to social security benefits (general scheme) in virtue of the rights acquired by the 8,300,000 insured persons mentioned above. The total expenditure in cash benefits amounted to 35,130 million francs, that is, 25,117 million for sickness insurance proper and 10,013 million for long-term sickness insurance. The total expenditure on benefits in kind amounted to 141,344 million francs, that is, 116,725 million for sickness insurance proper and 24,619 million for long-term sickness insurance. The social insurance contributions received amounted to 348,684 million francs, *i.e.*, 132,560 million and 216,124 million respectively from workers and employers. In addition 64 million were received from students.

Algerian Departments.

Decision No. 49045 of the Algerian Assembly, given executive effect by the Order of the Governor-General of 10 June 1949, to set up in Algeria a social security system for non-agricultural wage earners (L.S. 1949—Fr. 4).

Decisions Nos. 51034 and 52041, to supplement Decision No. 49045.

Article 1. The obligation to set up a compulsory sickness insurance scheme based on provisions at least equivalent to those laid down in the Convention will be gradually observed.

Article 2, paragraph 1. Domestic servants are still excluded from sickness insurance because of technical difficulties.

Paragraph 2 (*a*). The legislation lays down that the insured person must have done 30 days' work in the quarter preceding the illness, thereby excluding casual workers from the right to social insurance benefits.

Paragraph 2 (*b*). The wage limit for the calculation of contributions is fixed at present at 34,000 francs per month.

Paragraph 2 (*c*). All benefits which are paid in kind to certain workers are taken into account.

Paragraph 2 (*d*). All outworkers are covered by social insurance.

Paragraph 2 (*e*). No age limit has been imposed in regard to the worker's right to benefit. The children of an insured person are entitled to benefits up to the age of 14 years (18 years in the case of apprenticeship, 21 years in the case of studies and for life in the case of infirmity).

Paragraph 2 (*f*). Only wage earners are entitled to social insurance benefits.

Paragraph 3. Victims of industrial accidents and war pensioners may not receive sickness

insurance benefits in addition to the sums they draw on account of such accidents or war disability.

Article 3. The report states that the measures provided for in paragraph 1 of this Article are applied. The insured person must have complied with a qualifying period of six months or one year, according to the risks covered; the waiting period is ten days. Benefits may be suspended in the three cases provided for in paragraph 3. The payment of benefits is withheld in the case of illness resulting from the wilful misconduct of the insured person.

Article 4. The right to medical treatment and to the supply of medicines and appliances exists as from the first medical diagnosis of the illness. The benefits granted are the same as those given in Metropolitan France; they are payable for a period of six months. The insured person pays 20 per cent. of the cost in all cases. The report states that medical care may be suspended in the case described in paragraph 3.

Article 5. Social insurance beneficiaries include, in addition to the insured persons themselves, the husband and the wife (or wives) and the children.

Article 6. Nine mutual social insurance funds have been set up and are administered by the wage earners and the employers in equal numbers, on an occupational basis.

Article 7. The insured persons and employers pay equal contributions for all social insurance schemes, up to 3.25 per cent. of the wages, with a maximum of 34,000 francs. The public authorities make no financial contribution.

Article 9. The insured person has the right to appeal.

Article 10. The measures provided for in the Convention are not expedient in the non-agricultural sector of Algeria.

Statistical data are included in the report showing that 302,610 wage earners are covered by sickness insurance; 70,000 wage earners are covered by schemes which are more favourable than the general scheme which does not apply to them; and 90 million francs and 564 million francs were paid in benefits in cash and in kind respectively.

Overseas Departments.

The report states that sickness insurance is to be extended to all the Overseas Departments. A Bill to this effect has been tabled in the National Assembly.

French Guiana.

See under Convention No. 17 for statistical data.

Martinique.

The legislative text which is to determine the date of the application of the basic provisions is still being examined by the Government. Collective agreements drawn up for certain trades (persons employed in commerce, retail and wholesale, food, clothing, chemists' shops) provide that, in the case of sickness, full wages are payable during two or three months and half wages during the following two or three months. Certain groups (in particular the General Transatlantic Company) have established individual temporary agreements.

Réunion.

The total amount of benefits in kind amounted to approximately 250 million francs C.F.A. The average amount of the benefits paid to each insured person amounted to approximately 4,200 francs C.F.A.

Federal Republic of Germany.

Federal Insurance Code (Second Book) (L.S. 1924—Ger. 10).
Miners' Insurance Act (L.S. 1923—Ger. 5).

Ordinance of 17 March 1945, respecting the simplification of provisions relating to benefits and contributions (applicable only in the British Zone).

Act of 17 June 1949, to modify the social insurance system.
Directives of the British Military Government (applicable only in the British Zone).

The report states that the above-mentioned legislation is in full conformity with the Convention.

Article 2, paragraph 1. All workers (manual and non-manual, including apprentices) in industrial, commercial and agricultural undertakings, as well as outworkers and domestic servants, are covered by compulsory insurance regulations.

Paragraph 2. The national legislation provides for exceptions in respect of the persons covered by subparagraphs (a) to (f) of this paragraph, as follows:

(a) casual workers whose remuneration is negligible;

(b) non-manual workers whose regular earnings exceed 375 marks per month or 4,500 marks per annum. Payments in kind and any other source of income from work are included in the remuneration and are also taken into account for compensation and insurance purposes. Manual workers are liable for sickness insurance, irrespective of the amount of their wage. However, contributions and benefits are calculated only on the basis of the maximum monthly wage of 375 marks;

(c) the provisions contained in this paragraph of the Convention do not apply, except in the cases already mentioned under (a);

(d) the insurance of outworkers is governed by local regulations;

(e) there is no minimum or maximum age for insurance;

(f) the wife of the employer is not liable to compulsory insurance; the same applies to the son of the employer if he is an apprentice in his father's business and is likely to become a manager of the business when he has finished his apprenticeship.

Paragraph 3. Persons who, in case of sickness, are entitled by virtue of other legal provisions to advantages at least equivalent to those provided for in the National Insurance Act are exempted from compulsory insurance. This is the case, in particular, as regards civil servants (federal, *Länder* or local authorities), who receive their full salary when they are ill.

Article 3, paragraph 1. Cash benefits are granted from the fourth day of incapacity for work for a period of up to 26 weeks. This period can be extended by the Insurance Fund if the medical officer's report certifies that the sickness requires a longer treatment and is likely to be cured within a reasonable period. The period of medical care, as well as the period for the payment of benefits, may be extended to one year by the rules of the

Sickness Insurance Fund; the same applies to hospitalisation.

Paragraph 2. There is no qualifying period and insured persons are entitled to benefits as soon as they become members of the Insurance Fund, that is to say, from the day on which they take up an employment which renders them liable to insurance.

Paragraph 3 (a). Benefits may be withheld wholly or partially if the insured person receives cash benefit from another source, according to whether the amount received is equal to or less than the amount of benefits provided by the Sickness Insurance Fund.

(b) The payment of benefits ceases if, while he is ill, the insured person receives a wage at least equivalent to the cash benefits.

During hospitalisation or treatment in a sanatorium no cash benefits are paid, but an allowance may be granted for dependants.

Paragraph 4. Cash benefits may be refused in case of sickness caused by the insured person's wilful misconduct, or where the insured person is guilty, against the Insurance Fund, of an offence punishable by the loss of civic rights for a period of one year.

Article 4, paragraph 1. The insured person is entitled to medical treatment, the supply of medicaments, and usual remedies as from the beginning of the illness. In this case, there is no time limit to medical care (that is, medical treatment and the supply of medicaments). If an insured person leaves the Insurance Fund while he is undergoing medical treatment, the treatment is continued for at least 26 weeks after his resignation from the Fund.

Paragraph 2. In general, insured persons are not required to pay any part of the cost of medical treatment; however, in some *Länder*, a charge of 0.25 mark is made for a medical certificate.

Paragraph 3. Medical treatment may not be withheld, but if the insured person refuses to comply with the doctor's orders or the instructions relating to the conduct of insured persons while ill he is entitled only to treatment in hospital.

Article 5. The insured person's wife and children receive medical treatment without any time limit, provided they are resident in the country and are not otherwise entitled to medical care. One-half of the cost of medicaments and usual remedies is charged to them, except as regards infectious diseases, which must be reported and for which free treatment is given. Hospitalisation or an allowance may then be granted during a maximum period of 26 weeks. In some *Länder*, the Insurance Fund may grant 80 per cent. of the cost of medicaments, etc., in the case of diseases other than those mentioned above. In the British Zone, the cost of medicaments is borne wholly by the Insurance Fund.

Article 6. The sickness insurance funds are autonomous bodies (with a managing board and meetings of representatives of insured persons and employers), and are under State supervision. There are the following types of insurance funds: local, *Länder*, trade, guild, sea, miners', and auxiliary funds. Insured persons and their employers are represented jointly on the bodies of these insurance funds.

Paragraph 3 of this Article is not applied.

Article 7. Sickness insurance is financed solely by contributions. The insured persons and the employers pay equal shares. The average contribution rate is 6 per cent. of the wage.

Article 9. The insurance offices of the municipalities and local authorities constitute the competent authority in case of disputes concerning insurance; there is a right of appeal to the main insurance offices against their decisions.

Article 10 is not applied.

The report gives the following statistical information for the year 1950. The total number of manual and non-manual workers and officials employed in the Federal Republic averaged 13,827,000 (1,127,900 in agriculture, forestry and stockraising, 7,390,600 in industry, 1,296,000 in commerce, 610,400 as domestic servants and 3,402,100 in other occupations). The total number of persons covered by compulsory sickness insurance was 13,245,000. Moreover, 2,464,000 persons were covered by voluntary insurance.

Because of the structure of the German insurance scheme it is not possible to give the number of insured persons according to trade, economic units or social position. The figures given above include also persons in receipt of unemployment benefits; the total number of such persons was 1,579,800 in 1950. The figure for voluntarily insured persons is made up mainly of non-manual workers whose remuneration exceeded 375 marks per month, self-employed persons, civil servants and persons who remained insured after leaving their employment (married women). The number of dependants covered by the compulsory scheme is estimated at 11 million; 1,256,000 dependants are voluntarily insured. In all, some 28 million persons are protected by compulsory insurance. Cash benefits paid out to compulsorily and voluntarily insured persons and their dependants amounted to 571,180,000 marks, i.e., an average of 35.72 marks per insured person. Benefits in kind (including the costs of preventive action and the public health service) amounted to 1,277,780,000 marks, i.e., an average of 81.34 marks per insured person. Contributions paid by employers in respect of compulsory insurance amounted to 839,504,000 marks; the workers' contributions were the same; contributions paid by voluntarily insured persons amounted to 246,356,000 marks; and subsidies from public funds to 17,105,000 marks.

Luxembourg.

Act of 29 August 1951, concerning sickness insurance for officials and employees.

Grand Ducal Order of 26 November 1951, concerning the election of delegations and managing boards of sickness funds for officials and employees.

Act of 8 December 1951, to approve the Convention to extend and co-ordinate the application of social security legislation to nationals of the contracting parties of the Brussels Treaty, signed in Paris on 7 November 1949.

Act of 12 May 1952, to approve the General Convention and the Special Protocol between the Grand Duchy of Luxembourg and the Netherlands respecting social security, signed in Luxembourg on 8 July 1950.

The Act of 29 August 1951 sets up a sickness insurance scheme for magistrates, officials, State agents and employees, including staff employed for elementary vocational training and higher elementary education, members of the armed forces and clergymen. The Act also covers persons belong-

ing to the Welfare Fund for communal employees and assimilated persons, employees of public undertakings, railway employees, private employees and persons in receipt of pensions. The insurance scheme extends to the dependants of the insured persons.

Benefits include medical treatment and treatment connected therewith; measures for diagnosing illnesses; the supply of pharmaceutical products; the supply of orthopaedic and surgical appliances; periods spent in nursing homes, hospitals and sanatoria; maternity care; and funeral expenses.

In the case of incapacity for work the insured person is entitled, for a period of 26 weeks from the date on which he ceases to be entitled to remuneration, to a daily cash benefit amounting to one-sixtieth of his monthly pay. In the case of maternity, persons who have been insured for over six months are entitled to the same benefit during the six weeks prior to and the six weeks following the birth, provided they leave their work during this period and do not draw wages.

Insured persons are entitled to choose their own doctor and chemist.

Contributions, which are determined on the basis of remuneration, are paid every month by the employer who may deduct the insured person's share of two-thirds from his remuneration.

The insurance scheme is to be administered by a sick fund for officials, by the Welfare Fund for communal officials and employees, by a sick fund for railway employees and by a sick fund for private employees.

The report contains various statistical data concerning sickness insurance benefits paid by the three regional funds and the nine employers' funds which operate in Luxembourg. In 1952 these funds had an average of 86,284 members, of whom 14,916 were members of the sickness insurance fund for persons in receipt of allowances and 7,462 were members of voluntary insurance schemes.

During 1951 cash benefits paid to insured persons in respect of incapacity for work and hospitalisation amounted to 45,901,295 francs; this corresponds to an average of 718.26 francs per compulsorily insured person. During the same period expenditure for benefits in kind amounted to 81,151,718 francs for insured persons (an average of 940.52 francs per insured person) and 64,406,689 francs for their dependants (an average of 746.45 francs per insured person).

For 1952 the total resources of the sickness insurance fund amounted to 204,119,864 francs, of which 57,985,093 were paid by employers, 128,003,098 by insured persons, and 18,131,673 contributed by the public authorities to the sickness insurance scheme for pensioners and by the State for the administrative expenditure of the regional sickness insurance funds.

Poland.

Act of 15 December 1951.

The provision of medical care and other non-cash benefits has been entrusted to the State Health Service. These benefits are payable by the local authorities (national councils, health sections), under the supervision of the Ministry of Health.

United Kingdom.

Great Britain.

National Insurance Act, 1951 (L.S. 1951—U.K. 3).
National Health Service Act, 1952.

Various Regulations and Orders, issued in 1951 and 1952, concerning national insurance, industrial injuries and the National Health Service.

Northern Ireland.

National Insurance Act (Northern Ireland), 1951.

Health Services (Administrative Provisions) Act (Northern Ireland), 1952.

Various Regulations and Orders, issued in 1951 and 1952, concerning national insurance, industrial injuries and health services.

Benefits for a first or only child in the family of a beneficiary of sickness benefits were raised to 10s. a week, and new payments of 2s. 6d. were introduced for each other child in the family, effective as from 30 August 1951. Patients, other than young persons under 21 years of age, expectant mothers and mothers who have borne a child within the preceding 12 months, must now pay a maximum of £1 towards the cost of a course of dental treatment; the maximum charge for treatment involving both the provision of dentures and other treatment is £4 to £5. Specific charges were fixed for the provision of certain types of surgical appliances. As from 1 June 1952 a charge of one shilling was imposed in respect of each prescription filled by a chemist or dispensing doctor; the charge is refunded to recipients of assistance and persons whose means are insufficient to meet the charge. Contribution rates were increased slightly on 1 October 1951.

Expenditure on cash sickness benefits in Great Britain during the year ended 31 March 1951, apart from administrative costs, was about £68.5 million. Similar expenditure in Northern Ireland during the year ended 30 June 1952 is estimated at £2.4 million.

Uruguay.

As a general rule employers do not make any deductions from remuneration in case of absence due to sickness.

Yugoslavia.

Decree of 2 June 1952, respecting the establishment of social insurance offices and the provisional management of social insurance revenues.

In virtue of the above-mentioned Decree, social insurance is no longer administered by the State but by social insurance offices, which are self-governing institutions and are run on a non-profit-making basis. These offices have been established in all districts and towns and in the capitals of the People's Republics and self-governing regions. They are managed by assemblies elected from among the insured population. The assemblies provide benefits and dispose of social insurance revenues according to their rules which they themselves draw up. These rules must be approved by the competent People's Committee or the Presidium of the People's Assembly of the People's Republic, as the case requires. Supervision over the lawfulness of the activities of these offices is exercised by the regular courts, whose decisions are taken in accordance with the provisions of the Administrative Disputes Act. The general supervision of the management of social insurance moneys is the responsibility of the State financial bodies.

Social insurance revenues consist of (a) social insurance contributions paid by State bodies, insti-

tutions and undertakings, co-operative and social organisations and private employers; (b) subsidies from the State budget; and (c) other receipts resulting from special rules.

The report gives monthly statistics of the number of wage earners (1,523,533, including 670,704

in industry and 208,758 in commerce in December 1951), as well as the amount paid out in sickness benefits for each month of the period under review; this amounted to 502,419,689 dinars in June 1952, or an average of 284.9 dinars for each of the 1,764,782 insured persons.

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
Federal Republic of Germany ¹	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
Yugoslavia	21. 5. 1952

¹ See footnote 2 to Convention No. 2.

Austria.

As the legislation which applies to employees in agricultural undertakings is the same as that which covers employees in industry and commerce and domestic workers, the Government refers to the report on Convention No. 24.

In 1951 the total number of agricultural employees insured under the general sickness insurance scheme was 217,000 (227,000 in 1950), of whom 206,000 were manual workers and 11,000 were salaried employees. The total amount paid out in cash benefits was 27.1 million schillings (19.6 million in 1950), or 87.60 schillings per person insured (64.20 in 1950). The total expenditure on

benefits in kind was 68.1 million schillings (51.3 million in 1950) or 220.40 schillings per person insured (167.66 in 1950). The total amount of financial resources was 121 million schillings (84.9 in 1950), of which 55.2 million (38.3 in 1950) were contributed by the employers, 63.4 million (45.0 in 1950) by the insured persons and 2.4 million (1.6 in 1950) by the public authorities.

Chile.

See under Convention No. 24.

Federal Republic of Germany.

See under Convention No. 24.

Luxembourg.

See under Convention No. 24.

Poland.

See under Convention No. 24.

United Kingdom.

See under Convention No. 24.

Uruguay.

According to the provisions of Section 16 of Act No. 10809 (*Estatuto del Trabajador Rural*), employers must provide their employees and their families with the means of obtaining the necessary medical care.

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
Federal Republic of Germany ¹	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

¹ See footnote 2 to Convention No. 2.

Argentina.

Decree No. 4592 of 10 March 1952, to set up the National Wages and Prices Committee.
Decree No. 6998 of 9 April 1952, to approve the internal regulations of this Committee.
Decree No. 7052 of 10 April 1952, concerning the functions of the Executive Council of the National Wages and Prices Committee.

As regards the effect of ratification, reference is made to the information given under Convention No. 1.

In respect of the information requested by the Committee of Experts, the Government points out that in the case provided for in Article 3, paragraph 2 (3), of the Convention, the authorisation granted in exceptional cases by the Directorate of the National Wages Institute is not subject to the conclusion of a collective agreement on this point. Moreover, this condition does not seem to be required under the Convention.

It is interesting to note that employers and workers are represented in the Directorate of the National Wages Institute.

As regards the industries or branches of industries covered by wage fixing machinery, it is pointed out that the system in force in the country is general and that, in the absence of special legis-

lative standards, wages are fixed by collective agreements. These agreements, which number approximately 350, are national in scope and cover all fields of production; they are concluded with the participation of the most qualified representatives of the parties concerned. Consequently it would be useless to supply a list of these industries as all the workers in the country are covered by such agreements.

Legislative provisions exist only as regards the following activities: (1) private chauffeurs: Acts Nos. 12867 and 13270, together with three resolutions issued by the National Directorate of Labour and Social Action; (2) caretakers: Acts Nos. 12981 and 13263; (3) journalists: Acts Nos. 12908, 13503 and 13904; (4) administrative employees of newspaper undertakings: Acts Nos. 12921, 13502 and 13904; (5) agricultural workers: Act No. 12921 and Decree No. 34147/49, together with three ministerial resolutions.

Australia.

Commonwealth.

Conciliation and Arbitration Act, 1952.
Public Service Arbitration Act, 1952.
Coal Industry Act, 1952 (Part V).
Snowy Mountains Hydro-Electric Power¹ Act, 1952.
Defence (Transitional Provisions) Act, 1946-1951.

New South Wales.

Industrial Arbitration Act, 1952.
Coal Industry Act, 1952 (Part VII).

Queensland.

Industrial Conciliation and Arbitration Act, 1952.

South Australia.

Industrial Code, 1951.

Tasmania.

Wages Board Act, 1951.

Victoria.

Factories and Shops Act, 1951.

Western Australia.

Mining Act, 1904-1950 (Part XIII).

The manner in which the Convention was applied during the period did not differ substantially from that of recent years. Reference is made to certain amendments of an administrative nature to the Commonwealth Conciliation and Arbitration Act, the Commonwealth Conciliation and Arbitration Regulations, the Queensland Industrial Conciliation and Arbitration Acts, the South Australian

Industrial Code, the Tasmanian Wages Board Act, and the Snowy Mountains Hydro-Electric Power Act. The other principal changes during the period were as follows :

1. The wage fixing machinery in the coal-mining industry in July 1951 consisted of a Coal Industry Tribunal (for miners) and a Central Reference Board (for craft union employees in the industry). The Tribunal was established by joint Commonwealth-New South Wales legislation (which enabled the constitutional limitations to be overcome) and its decisions had both an inter-state and intra-state (New South Wales only) application. On the other hand, the Board was established by Commonwealth legislation in exercise of the "defence power", and the Board's jurisdiction was exercised in the case of both inter-state and intra-state (all States) disputes. In December 1951 the Commonwealth and New South Wales Parliaments anticipated that the National Security (Coal-Mining Industry Employment) Regulations, which were the legal basis for the establishment of the Central Reference Board, would be declared invalid. Such a declaration was made by the High Court of Australia in April 1952. Consequently, both Parliaments passed similar and complementary legislation amending their respective Coal Industry Acts in order to provide machinery to deal with industrial matters concerning craft unions and to replace that established under these regulations. At the same time the awards, orders, etc., made under the regulations were continued in force until revoked or varied. The jurisdiction of the Tribunal was extended to cover industrial matters previously dealt with by the Central Reference Board. Awards and orders made by the Tribunal have the same effect as if they were made by the Arbitration Court or a conciliation commissioner. However, the Western Australian Government (where in practice the decisions of the Tribunal were not applied) was also not anxious for the industrial relations in its coal-mining industry to be continued under the jurisdiction of the Central Reference Board. Accordingly, in 1948, it passed legislation (Division 1 of Part XIII of the Mining Act) providing for the setting up of a Western Australian Coal Industry Tribunal to handle all disputes in the industry in that State. However, for constitutional reasons this legislation could not operate but, following on the High Court decision, it was brought into effect by Proclamation. The (Commonwealth) Coal Industry Act was further amended in June 1952 to remove any doubts about the power of the Coal Industry Tribunal in so far as its federal jurisdiction was concerned.

2. In June 1952 the (Commonwealth) Conciliation and Arbitration Act was amended in order, *inter alia* :

(i) To provide for appeals to the full Arbitration Court in the following circumstances : (a) an industrial organisation or person bound by an award made by a Conciliation Commissioner may, within 14 days after the date of the award, apply to the chief judge for leave to appeal to the full court. The chief judge may grant leave if, in his opinion, the award deals with a matter of such importance that it should in the public interest be dealt with by the court ; (b) a party to an industrial dispute before a conciliation commissioner may apply to the conciliation commissioner to

remit the matter to the court and the conciliation commissioner may, with the concurrence of the chief judge, so remit it. The chief judge is to be guided by the same principles as in (a). If the conciliation commissioner rejects the application, the aggrieved party may appeal to the chief judge. If the latter upholds the appeal, the matter is then dealt with by the full court ; (c) an organisation or person aggrieved by a decision of a conciliation commissioner refusing to deal with a matter which he considers as being proper to be dealt with by a State industrial authority may appeal to the court against this decision.

In hearing appeals, the court may hear fresh evidence, may remit the matter back to the conciliation commissioner and may call on the latter for a report. It may quash or vary an award or issue a new award.

(ii) To provide that no order or award of a conciliation commissioner shall, except by consent of all parties, take effect until at least 21 days from its making.

(iii) To provide that, where formerly it was in the discretion of a conciliation commissioner whether he should refer to the court a matter of law relating to his jurisdiction, he may now be directed by the chief judge so to do.

(iv) To provide that where a conciliation commissioner has become unable to continue the hearing of a dispute, or the industry in which the dispute has occurred is one of a group which has been transferred to another commissioner, the hearing may be continued before another commissioner.

(v) To extend the right of the Commonwealth Attorney-General to intervene in proceedings before the court, which was formerly limited to those matters in which the court had exclusive jurisdiction, to any matter before the court. This right consequently embraces all matters coming to the court by way of appeal.

(vi) To rescind the provision in the Act whereby the court or a conciliation commissioner was debarred from including in an award a provision authorising an employer : (a) to forfeit or refrain from paying any wages ; or (b) to impose a penalty on an employee.

3. The Public Service Arbitration Act was also amended in July 1952 to provide, *inter alia* : (a) that the Public Service Arbitrator may, on the application of the Public Service Board, appropriate Minister or industrial organisation, and with the concurrence of the chief judge of the Conciliation and Arbitration Court, refer to the full court any matter before him which in the opinion of the arbitrator is of such importance that it should in the public interest be dealt with by the full court. There is a provision for appeal to the chief judge against a refusal to refer the matter ; (b) for an appeal to the full court, with the concurrence of the chief judge, against a determination of the arbitrator where the matter dealt with is of the same importance ; (c) for reference by the arbitrator to the full court of an application for interpretation of a determination.

The report gives statistics relating to the inspections which were carried out by the inspectorates of the Commonwealth and the various States, and to the amounts of arrears of wages which were

recovered by court and other action during the period.

Copies of the report were communicated to the representative employers' and workers' organisations. The attention of these organisations was drawn to the comments in the report of the Committee on the Application of Conventions and Recommendations submitted to the 1952 Session of the International Labour Conference, pointing out the opportunity offered to them under Article 23 of the Constitution of the International Labour Organisation to take advantage of participating in the supervision of the implementation of the relevant constitutional obligations. These organisations were also specifically invited to submit any comments or observations on this report that they considered appropriate.

Belgium.

Royal Orders of 1 March, 3 and 5 April 1952.

The Royal Order of 5 April 1952 consolidates the provisions of the legislation governing homework from the point of view of wages and hygiene, under the title of "The Act to establish the statute of the National Homework Board". The Royal Order of 1 March 1952, issued in application of Section 2 of the Act concerning homework, fixes the number of the members of the National Homework Board at 30, of whom 15 are nominated by the most representative employers' organisations and 15 by the most representative workers' organisations. The Royal Order of 3 April 1952 provides for the appointment of the members of this Board. The report contains a list by groups of activities of the collective agreements in respect of wages, concluded by joint committees and made compulsory by Royal Order. This list shows that 55 agreements were concluded and made compulsory during the period under review. During this same period, 44 contraventions were reported by the social inspection services in application of the legislation respecting wages. Of these cases, four were not followed up, one gave rise to a conviction, and the conclusions in respect of 39 cases are not yet known.

Canada.

Alberta.

Minimum Wage Orders Nos. 17 and 19 of 1952, issued under the Alberta Labour Act.

British Columbia.

Various Orders under the Male and Female Minimum Wage Acts.

New Brunswick.

Order (effective as from 9 July 1951) issued under the Minimum Wage Act, covering male employees in canning or processing fish, vegetables or fruits.

Nova Scotia.

General Minimum Wage Order (effective as from 18 August 1951) issued under the Women's Minimum Wage Act, 1951.

Quebec.

Order in Council No. 1071 of 27 September 1951, to amend Order No. 39 of 1942, issued under the Minimum Wage Act (Forest Operations).

Order in Council No. 1195 (effective as from 3 November 1951) to amend General Order No. 4 issued under the Minimum Wage Act.

Saskatchewan.

Orders Nos. 1 to 10 (effective as from 1 March 1952), issued under the Minimum Wage Act (revision of Orders).

The report contains a list of the Orders which have been made under the various provincial Minimum Wage Acts during the period under review. These Orders provided for higher wage rates for certain groups of workers in the Provinces of Alberta, British Columbia, New Brunswick, Nova Scotia and Quebec.

The 1951 amendments to the Saskatchewan Minimum Wage Act reported last year were proclaimed to be in effect as from 1 March 1952. One of these amendments gives the Board more precise powers in respect to computing and fixing pay for statutory holidays, whether worked or not. The power to deal with hours of work and overtime was removed from the text of the Minimum Wage Act, as all employees to whom this Act applies are now protected by the Hours of Work Act. As a result of these changes a revision of the Orders was undertaken.

Information is given regarding inspection and enforcement in the various provinces. Over \$210,000 in wages was recovered for workers in seven provinces.

Chile.

The report gives a list of the 29 joint employers' and workers' departmental committees which operate in various trades and parts of trades for the fixing of minimum wages. It also contains a list of the minimum wage rates established in various industries. The number of private employees is over 150,000, and the number of workers covered by the special provisions of the Labour Act relating to the fixing of minimum wages was 47,590 during the period under review. A table appended to the report shows the wage claims made and settled during 1951; the number of wage earners who benefited from the wage rates fixed as the result of these claims amounted to 125,544. The resulting increased expenditure for undertakings is estimated at 571,066,385 pesos, excluding the sum of 70 million pesos which undertakings were required to pay for the settlement of the 96 claims which were still pending at the end of 1951.

Cuba.

Various agreements and resolutions taken with regard to minimum wages.

Decrees Nos. 3277 and 4633 of 1951 and 5740 of 1952, concerning the regulation of wages in the ports of Tunas de Zaza and Santiago de Cuba and in the sugar industry.

The agreements, decrees and resolutions mentioned in the report were issued respectively by the National Minimum Wages Board, the Government and the Ministry of Labour. The following agreements of the National Wages Board indicate the approximate number of workers concerned: Agreement No. 145 concerning the minimum wages of dispensers in chemists' shops covers 350 workers throughout the country; Agreement No. 146 concerning chauffeurs of private schools in the province of Havana covers 600 workers; Agreement No. 147 concerning workers employed in the selection of tobacco leaves in the district of Remedios covers 12,000 workers; Agreement No. 148 concerning minimum wages in tanneries covers 3,000 workers; Agreement No. 149 concern-

ing heads of dental services covers ten persons ; Agreement No. 150 concerning laundry and ironing covers 7,000 workers ; and Agreement No. 151 concerning workers in shops for hides and skins and products for the manufacture of shoes covers 1,000 workers throughout the country.

The General Directorate of the National Labour Inspection Service indicates that 89 visits of inspection were carried out, but supplies no further information.

France.

Metropolitan Departments.

Decree of 8 September 1951, to modify the national guaranteed inter-occupational minimum wage.

Decrees of 19 October 1951 and 9 February 1952, to fix the guaranteed inter-occupational minimum wage applicable, on the one hand, in the Departments of Guadeloupe, Martinique and French Guiana and, on the other hand, in the Department of Réunion.

Act of 18 July 1952, concerning variations in the national guaranteed inter-occupational minimum wage, as related to the cost of living.

Order of 22 August 1952 to fix the composition of the subcommittee of the Superior Collective Agreements Board.

Order of 8 October 1951, concerning the guaranteed inter-occupational minimum wage in Algeria.

The guaranteed inter-occupational minimum wage provided for by the Act of 11 February 1950 concerning collective agreements, and first fixed in Metropolitan France by the subsequent Decree of 23 August 1950, has also been fixed in the Algerian Departments and in the Overseas Departments (French Guiana, Guadeloupe, Martinique and Réunion).

These wage rates have been revalorised as a result of the increase in their amount and the reduction of the relevant regional abatements. However, the most important modification in this respect results from the Act of 18 July 1952. A subcommittee set up by the Superior Collective Agreements Board has been entrusted with following the evolution of the cost of living. It is presided over by the Minister of Labour and Social Welfare and includes four workers' representatives, four employers' representatives and one representative of the National Union for Family Associations.

The number of workers in industrial and commercial undertakings mentioned in the previous report had risen to 6,850,000 by 1 April 1952.

The decisions given by courts of law which are mentioned in the report provided for penalties in the case of the breaches of the regulations in force and defined the term "national guaranteed inter-occupational minimum wage".

Algerian Departments.

In accordance with the provisions of the Act of 11 February 1950, as amended, with a view to its application to Algeria, by the Act of 27 February 1951, the guaranteed inter-occupational minimum wage is fixed by Order of the Governor-General, account being taken of the economic possibilities of the country and the opinion of the Superior Algerian Collective Agreements Board. This Board is composed of 15 employers' representatives and 15 workers' representatives who are nominated by the most representative occupational organisations. This regulation has force of law and covers, apart from agriculture, 232,130 workers, of whom 28,092 are women and 25,376

are children and young persons ; these workers are employed in 35,168 undertakings.

In the case of adult workers of both sexes the wage rate was fixed by the above-mentioned Order at 67 francs an hour throughout Algeria (74 and 77 francs in some communes).

The application in Algeria of the minimum wage regulations necessitated much activity by the labour inspection service. On the whole, the wage rates are respected in large undertakings, but contraventions are frequently noted in small establishments. During the period 1 July 1951 to 30 June 1952, 1,600 contraventions were reported in this respect for the whole territory ; proceedings were instituted in 420 cases.

Overseas Departments.

The provisions in force are the same as those applicable in Metropolitan France. Apart from agriculture, they cover approximately 12,000 workers in Guadeloupe, 30,000 in Martinique and 13,700 in Réunion. The wage rates fixed for these adult workers are as follows : 3,320 francs a week for 40 hours' effective work in Guadeloupe, 83 francs an hour in Martinique, and 31.25 francs C.F.A. an hour in Réunion. As a rule these rates are respected. Nevertheless, ignorance as to the provisions of the law has been reported in small undertakings, particularly in Guadeloupe and Martinique. The occupational organisations concerned have reported individual contraventions but have made no general observations.

Federal Republic of Germany.

Act of 11 January 1952, concerning the fixing of minimum conditions of work.

Act of 14 March 1951, concerning homework (L.S. 1951—Ger. F.R. 2).

First Federal Ordinance of 9 September 1951, concerning the application of the Homework Act.

The report gives the following information on the provisions introduced by the Act concerning the fixing of minimum conditions of work and by the Act and Ordinance concerning homework.

Article 1. Effect is given to this Article by the Act concerning the fixing of minimum conditions of employment and under the legislation relating to homework ; the latter provides in particular for the fixing of wages and other conditions of work for homeworkers and assimilated persons, for the fixing of allowances of middlemen who are assimilated to homeworkers, and for the fixing of minimum wages for persons who are not members of the employer's family and are employed by homeworkers or assimilated persons.

Article 2 (a). Trades or parts of trades to which the minimum wage fixing procedure shall be applied are determined by the Federal Minister for Labour, in agreement with the principal Committee on Minimum Conditions of Employment, provided for by the Act. Pending the issue of an Ordinance concerning the procedure of this Committee, it has been decided that the latter shall proceed with the hearing of employers' and workers' organisations.

(b) The minimum wage fixing procedure for homeworkers may be instituted for any trade or part of a trade in which a considerable number of homeworkers are employed, whenever the need for such a procedure is felt. Wages and

other conditions of work, allowances for middlemen, and minimum wage conditions for workers who are not members of the employer's family are fixed by the competent homework committees and are compulsory when approved by the competent labour authorities. Prior to fixing compulsory rates, the homework committees must enable the persons directly concerned and the employers' and workers' organisations to give their opinion in writing and to appear before them.

Article 3 (a). The machinery for the fixing of minimum conditions of employment is determined by the Act, which provides for the participation of employers and workers and for the hearing of the employers and workers concerned.

The minimum conditions of employment are compulsory for both parties and may not be lowered by individual agreement; however, collective agreements have precedence over these conditions. Minimum wage rates thus established are registered by the Federal Ministry of Labour.

(b) Minimum wage fixing machinery for homeworkers is established by the above-mentioned legislation. The parties concerned participate in the fixing of these wages as members of the homework committees or of the wages committees for persons who are not members of the employer's family. The legislation also lays down that the parties in question and the occupational organisations concerned shall be heard. Decisions have force of law and must be registered by the Federal Ministry of Labour.

Article 5 (a). As there is a general wage-scale system in the Federal Republic and as, moreover, the Act concerning minimum conditions of employment only came into force early in 1952, minimum wages have not yet been fixed under this Act. Where requests have been made for the fixing of such wages, an attempt will first be made to reach a settlement through the employers' and workers' organisations.

(b) There are also agreements on wage rates or Ordinances fixing such rates in a more general manner for a large proportion of homeworkers. During the period under review there has been no fixing of wages or allowances.

Article 4 (a). The Act provides for the notification to workers of decisions taken with regard to minimum conditions of work; it also lays down that the supervision of the application of the Act is entrusted to the highest labour authorities of the *Länder*. Workers may appeal to the labour courts; no special time limit is set by the Act in this respect.

(b) As regards homeworkers, compulsory decisions must be brought to the attention of the persons concerned by means of the posting up of a notice in a specified place by the competent labour authorities. The application of such decisions is entrusted to the highest labour authorities of the *Länder*. Any person who would benefit from such decisions may appeal to the labour tribunals. Moreover, the highest labour authorities of the *Länder* or the service appointed by them may request the employer or the middleman who has paid a wage lower than the minimum wage to pay the amount owing. Furthermore, the labour authorities of the *Länder* may bring an action in the courts in their own name to obtain the payment of

amounts owing and the sentence holds good both for and against homeworkers and assimilated persons.

Ireland.

Copies of the Employment Regulation Orders made since 1 July 1951 are appended to the report, together with a statement giving a summary of the provisions of all such Orders in force at the end of the period. The report also contains a table which gives information on the approximate number of workers under the jurisdiction of the joint labour committees, on the minimum weekly wage rates fixed for workers of both sexes in the various regions and on the number of working hours authorised in each of the occupations concerned. The total number of workers in all occupations covered by the relevant provisions is approximately 41,850. In 1951, a total of 1,986 inspections covering 17,422 workers were made and £2,314 in arrears of wages were collected.

Italy.

Act No. 1023 of 28 December 1950, respecting the payment of family allowances for the year 1950.

Act No. 1323 of 20 November 1951, to ratify, with certain modifications, Legislative Decree No. 285 of 22 April 1947, concerning the payment of a cost-of-living adjustment, as well as Legislative Decree No. 1460 of 14 December 1947, concerning the increase in the cost-of-living adjustment.

Act No. 62 of 11 February 1952, providing measures to benefit caretakers and other workers employed in the cleaning of urban buildings belonging to housing co-operatives in which the Government has shares, and to autonomous institutions for workers' dwellings.

The above-mentioned legislation was put into force after consultation with the employers' and workers' organisations concerned, and relates to the remuneration of caretakers, doorkeepers and cleaners of urban dwellings.

The Government states that the Bill referred to in previous reports has been submitted to the Chamber of Deputies by the Minister of Labour. This Bill will regulate the legal relationships between workers and employers and will define the extent to which the terms of collective agreements may be more generally enforced.

The report gives the following figures regarding the number of persons covered by collective agreements in industry¹: 2,265,000 male wage earners, 965,000 female wage earners and 290,000 salaried employees—a total of 3,520,000 persons. The corresponding figures for commerce¹ are as follows: 160,000 male wage earners, 40,000 female wage earners and 250,000 salaried employees—a total of 450,000 persons.

Minimum wages in industry are fixed by national collective agreements supplemented by provincial collective agreements. The determination of minimum wages is on the whole based on the capacity of the workers (skill and specialisation), their occupations or industries in which they are employed, the region where they work, and the cost of living. Details of contractual wage rates are given for three main groups in industry. For each group, a distinction is made between specialised workers, skilled workers, specialised labourers and unskilled labourers. For each of these categories of workers, a distinction is made between

¹ These figures are rough estimates and are not based on the census of 4 November 1951, the results of which had not been established at the end of 1952.

minimum wages for each of the four regional zones of the country. For each of these zones details are given concerning the provinces with the highest, and those with the lowest cost of living.

The following details, which summarise the data given by the Government, show the highest and lowest minimum hourly wage rates in industry for each of the categories of workers concerned. The highest hourly minimum wage rates are as follows: (a) skilled specialised workers, 167.05 lire; (b) semi-skilled workers, 151.01 lire; (c) skilled labourers, 145.58 lire; (d) unskilled labourers, 135.27 lire. The corresponding figures for the lowest hourly minimum wage rates are as follows: (a) 117.21 lire; (b) 102.19 lire; (c) 95.08 lire; (d) 88.25 lire.

The highest minimum hourly wage rates relate to all workers belonging to Group A industries (which include metallurgy, engineering, building and woodworking) in Milan, which is the province with the highest cost of living in regional zone I. The lowest minimum wage rates all relate to workers belonging to Group C industries (which include the processing of wood, sugar, paper, etc.) in Caltanissetta, which is the province with the lowest cost of living in regional zone IV. It should be noted that the statistics do not include workers in the textile industry or workers in very specialised occupations. Wages for these categories of workers are generally higher than those for the other categories.

According to the report minimum wages for women are generally fixed at 30 per cent. below those for men in the corresponding category. Equal pay for work of equal value appears to be the exception. The basic wage for young workers is lower than the basic wage for adult workers in the corresponding category. The wage for a worker between 16 and 18 years of age is 30 per cent. below that of an adult worker; between 18 and 20 years of age it is 10 per cent. below. In the same way, certain allowances which are added to the basic wage are lower for young workers.

The lowest minimum hourly wages for workers in commerce in Italy are those applied in the province of Aquila, namely, 77.34 lire for unskilled male workers, and 72.36 lire for unskilled female workers. Family allowances, which vary with the number of persons supported by the wage earner, should be added to the wage rates given above.

Netherlands.

The report repeats the information previously supplied with regard to the legislation applicable to homework, and states that the conditions laid down in Article 1 of the Convention (trades in which no arrangements exist for the effective regulation of wages and where wages are exceptionally low) do not exist in the Netherlands and that it has not therefore been necessary to apply this legislation.

The Government also indicates the reasons for which it decided to exclude from its future annual reports on the application of the Convention any references to the Extraordinary Decree of 1945 concerning labour relations and to measures taken in virtue of this Decree. This text is only one of the numerous exceptions which the Government deemed necessary to adopt after the libera-

tion of the country, with a view to the reconstruction of the national economy which had been ruined by the war. The main object of these measures was to avoid inflation but also to ensure a reasonable standard of living for all workers during the period of reconstruction. While it has already been possible to abolish several of these exceptional measures, such as rationing and price control, the Extraordinary Decree mentioned above is still in force. However, in view of the fact that the role and effects of the minimum wage fixing procedure prescribed by the Convention differ entirely from the policy of wage control provided for in the Decree in question, the Government considers that this does not give effect to the Convention.

New Zealand.

Minimum Wage Amendment Act of 1951.

The Act of 1951 fixes minimum rates of wages for all adult workers as follows: male workers: (a) if paid by the hour or on a piecework basis, 3s. 9d. per hour or an amount equivalent thereto, having regard to the rate of production of the worker; (b) if paid by the day, £1 10s. 0d. per day, at minimum wage rates; (c) in all other cases, £7 5s. 0d. per week; female workers: (a) if paid by the hour or on a piecework basis, 2s. 6d. per hour or an amount equivalent thereto, having regard to the rate of production of the worker; (b) if paid by the day, £1 0s. 0d. per day; (c) in all other cases, £4 16s. 4d. per week.

The number of workers in factories and shops covered by Minimum Wage Rate Regulations during the year ended 31 March 1952 was as follows: 167,054 factory workers (128,655 men and 38,399 women), 67,200 shop workers (34,400 men and 32,800 women), 29,500 office workers (14,100 men and 15,400 women). During this same period, the arrears of wages recovered as a result of visits by inspectors of the Labour and Employment Department amounted to a total of £1,550.

Norway.

In 1951, 392 employers and 4,181 employees (including 3,241 persons employed in homework and 940 in workshops) were affected by minimum wage fixing machinery. The number of wage earners increased in 1951, particularly in rural districts. This is probably due to the fact that the supply of raw materials improved and that prices reached a comparatively high level.

In conformity with the readjustment of wages, on which an agreement was reached in 1951 between the Confederation of Trade Unions and the Association of Employers, the minimum wage for homework was augmented by a cost-of-living allowance of 89 öre as from 14 April 1951 and 110 öre as from 13 October 1951; in Oslo, for example, the wage for homework in the clothing trade amounted to 206 öre an hour. In the case of piecework, the corresponding cost-of-living allowance was increased by 10.6 per cent. (to 68.2 per cent.) and 12.9 per cent. (to 81 per cent.).

Switzerland.

Orders of 20 November and 27 December 1951, 12 March, 5 and 25 April 1952.

The Orders of 20 November 1951 concerning retail bespoke tailoring for men's civilian clothes,

of 5 April 1952 concerning the women's ready-made clothing and underwear industry, and of 25 April 1952 concerning the men's and boys' clothing industry, have replaced or repealed previous Orders made with a view to fixing minimum wages for homework, by virtue of the Federal Order of 23 June 1943 giving the force of law of collective labour agreements.

During the period under review the Federal Council issued two Orders, dated 27 December 1951 and 12 March 1952, giving the force of law to minimum wage agreements for homework in the hand-made Appenzell embroidery industry and the basket work and cane furniture industry. In addition, the three Orders of 1949 relating to work in the women's underwear and ready-made clothing industry, the manufacture of paper boxes and the ready-made men's and boys' clothing industry, ceased to be in force as from 31 December 1951.

As regards the automatic fixing of minimum wages, in virtue of the Act respecting homework, the Federal Council issued an Order on 27 December 1951 which repeals previous Ordinances relating to the paper goods industry and to hand knitting.

The reports from the cantons concerning the application of the Act respecting homework in 1950 and 1951 are being compiled and when completed will be communicated to the International Labour Office.

The Government appends to its report a copy of a lecture on the application of the Homework Act during the past ten years.

Union of South Africa.

The report contains a detailed list of the wage determinations in operation during the period under review. This list shows the number of employers and workers covered by each relevant decision. The Union is now divided into nine labour inspectorates (instead of eight) and the number of inspection visits has increased.

United Kingdom.

The Acts and Regulations described in previous reports remain in operation. The Trade Boards and Road Haulage Wages (Emergency Provisions) Act of 1940 expired during the year, the emergency having been declared at an end.

The new commission appointed to consider the objection to the establishment of two wages councils for England and Wales and for Scotland, for the retail distribution of bread and flour confectionery, reported that there was no valid reason for excluding bakers' roundsmen, whose exclusion had been the subject of the objection. The question of constituting the wages councils was under consideration at the end of the period under review.

The Catering Wages Commission submitted their eighth annual report covering the period ended 31 December 1951. As a result of the conclusion arrived at by this commission, namely, that owing to the wording of the Catering Wages Act they were unable to recommend any changes which they considered desirable in the wages board machinery, the Minister, after discussion with both sides of the industry, is now taking steps to reconstitute the licensed residential establishment and licensed residential wages board to enable

effect to be given to the proposals agreed to by the organisations.

The report gives details as to the number of establishments (581,001) in various trades or parts of trades affected by the minimum wage fixing machinery. There is still no statutory regulation of wages in the unlicensed branch of the hotel industry, since the reconstitution of the unlicensed residential establishment wages board has not been pursued. Details are given regarding the minimum remuneration effective on 30 June 1952 for the lowest grades of adult workers employed on time work in those trades for which rates of statutory minimum remuneration are in force. The estimated number of workers covered by the statutory wage fixing machinery (other than for agriculture) remains at about three million. The issue of certificates to learners is still restricted to workers in the retail bespoke tailoring trade in England, Wales and Scotland. The number of certificates issued during the year to workers in this trade was 255. The total number of apprentices who were registered during the year by wages councils which had provided special minimum rates for this class of worker was 2,473. This again is a large increase over the figure for the previous year and was mainly due to registrations effected by employers in the hair-dressing trade. The number of permits of exception (including renewals) issued during the year to disabled or infirm workers by wages boards and councils was 669. The total number of workers holding such permits of exception was 1,940 at 30 June 1952. During the year, 41,844 inspections were made under the Wages Councils Acts of 1945-48. The wages of 224,143 workers were examined, six prosecutions were undertaken and £113,115 10s. 0d. was collected in arrears of wages. Under the Catering Wages Act of 1943, 12,938 inspections were made; the wages of 68,793 workers were examined; three prosecutions were undertaken and the amount collected in arrears of wages was £51,028. During the period under review nine decisions were given in courts of summary jurisdiction regarding statutory minimum remuneration, and the various employers were fined a total of £80 and ordered to pay arrears amounting to £347 10s. 4d.

Uruguay.

Act No. 10644 of 4 September 1945, to establish the procedure for carrying out the decisions of wages boards.

Act No. 11718 of 27 September 1951, to fix the minimum wages of sheep shearers.

Decree of 31 July 1952, to fix the wages of workers engaged in the 1952 sugar-cane harvest.

Act No. 10940 of 17 September 1947, to set up the National Board for Essential Products.

The report supplies detailed information on the duties and composition of wages boards which are responsible for fixing the minimum wages of wage earners and employees in commerce, industry, offices and services which are not under the control of the State. In cases where the Government does not set up such boards on its own initiative, it may do so at the request of the persons concerned; the right to petition may be exercised by one-third of the workers employed in any industry or registered trade or by the employers' or workers' organisations which have legal personality or are recognised by the State. These boards consist of seven members, of whom

three are appointed by the Government, two by the employers and two by the workers, with an equal number of substitutes. The representatives of the employers and workers are elected by secret ballot, under conditions which are fully guaranteed. When one of the parties fails to attend the elections the Government officially appoints a representative. The legislation provides for the setting up of wages committees for all home industries; these boards consist of employers' and workers' representatives in equal numbers.

With reference to the information previously supplied as regards the working of wages councils on which employers' and workers' representatives are represented in equal numbers and on equal footing, the Government states that, prior to the meeting of these wages boards discussions take place between the employers' and workers' representatives concerned. Act No. 9910, which was adopted five years before Act No. 10449, sets up wages boards consisting of an equal number of employers' and workers' representatives and presided over by a Government representative; the Act contains a provision for special consultations with the employers' and workers' organisations concerned; this enables the latter to intervene directly. However, Act No. 10449, concerning the election of these boards, also came into force in recent years.

The final paragraph of Section 11 of Act No. 9910 lays down that no oral or written agreement concerning homework will have force of law if it provides for the payment of a wage lower than the prescribed rate; Section 12 of the same Act provides not only for penalties in respect of employers who pay wages lower than those fixed by the board but compels them to pay the sum which would still be due, as well as appropriate damages.

The Act respecting wages boards in no way replaces the Act of 1937 respecting collective agreements, but lays down that wages boards have exclusive competence as regards wages and that no individual or collective agreement is valid if it fixes wages lower than those officially established by the wages board or committee. The wages board alone may, after a summary enquiry, fix a lower wage in specific cases with regard to a worker whose physical or mental

capacities are reduced. Even in the case of workers who receive State pensions in respect of industrial accidents, the payment of a wage lower than the prescribed rate is authorised only after a summary enquiry in conformity with the legislation. As a rule, minimum wages are considered as a matter of public interest and the decisions taken in this respect are compulsory, even in the case of the workers concerned.

The report also supplies detailed information concerning the minimum wage fixing machinery in the country.

In 1951, and in the course of the first six months of 1952, over 22,000 persons throughout the country participated, as employers and workers, in the election of wages boards. The number of persons who are entitled to vote in these elections is at least between 65,000 and 70,000 employees in industry and commerce. The Government points out that, as regards the Convention (No. 52) concerning holidays with pay, it had mentioned that the number of workers covered amounted to 180,000 in industry and 90,000 in commerce. To these figures should be added workers employed in various other occupations. In the district of Montevideo alone 51,000 workers in the building industry are covered by the wages boards system. The relevant statistics are being prepared. Similarly, over 21,000 workers throughout the country are employed in the textile industry, which is fully within the competence of the various wages boards.

A large number of decisions have been taken by courts of law with regard to minimum wages, and fines have been imposed in various cases of contravention. Since the introduction of the Act, over 1,500 awards have been given; 700 of these are still in force. Between 1 July 1951 and 30 June 1952 fines for contraventions of the wages legislation were imposed in 364 cases; the amount of these fines amounted to 23,570 pesos.

A number of documents are appended to the report dealing, in particular, with the payment of overtime in various industries, payments made by the compensation fund for homework, the election of wages boards and the activities of the unemployment fund. The text of Decrees providing for the compilation of wages statistics is also appended to the report.

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
Federal Republic of Germany ³	5. 7. 1933
Greece	30. 5. 1936
Hungary	6. 12. 1937
India	7. 9. 1931
Indonesia ⁴	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 ⁵	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 ²	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 See footnote 2 to Convention No. 2.
⁴ See footnote 3 to Convention No. 19.
⁵ See footnote 3 to Convention No. 1.

Austria.

In addition to the inspection authorities mentioned in previous reports, the labour inspectorate for the transport services is also competent to supervise the application of the Convention. The activities of this inspectorate are governed by the Federal Act of 20 May 1952 respecting labour inspection in transport services.

Federal Republic of Germany.

Act of 28 June 1933, respecting the marking of the weight on heavy packages transported by vessels (L.S. 1933—Ger. 9).

The above Act is still in force. The application of the Act is entrusted to the authorities responsible for the inspection of ports and shipping, *i.e.*, partly the police authorities and partly the federal factory inspectors. Goods for export which do not bear the prescribed marking are weighed and marked by these authorities at the expense of the sender. No statistical information is available as to the number and kind of contraventions.

India.

The administration of the Marking of Heavy Packages Act and Rules, 1951, has not been entrusted to any individual authority. The question of the amendment of this legislation with a view to appointing officers to enforce the observance of the legal provisions is, however, under consideration.

Japan.

Labor Standards Law No. 49 of 5 April 1947 (L.S. 1947—Jap. 3).
Ministry of Labor Ordinance No. 9 of 1947 (Regulations of Labor Safety and Sanitation).
Section 123 of the Ordinance of 1947, to provide for the plain and durable marking of cargoes weighing one ton or more, indicating the estimated weight, if necessary.

The enforcement of the provisions of the law and the regulations is entrusted to the competent agencies of the Ministry of Labor. The inspectors (2,735 in number) have full powers to issue the necessary orders to employers and workers for the prevention of accidents. They are invested with judicial power for the prosecution of offenders.

Netherlands.

During 1951, 4,881 packages were inspected. Of the 1,702 packages received from countries which have ratified the Convention, 878 did not carry an indication of their weight. These contraventions related mainly to iron tubes, iron plates and tree-trunks.

Sweden.

The Labour Inspector in Stockholm reported one contravention involving a shipment of iron pipes and sheet iron which, although weighing over one metric ton, was unmarked. This merchandise had been loaded in Lubeck.

Yugoslavia.

There are no national provisions applying the Convention. However, the Government intends to issue regulations on the matter by means of an appropriate Decree which is at present being drafted.

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

Argentina, Australia, Belgium, Burma, Canada, Chile, Finland, France, Greece, Ireland, Italy, Luxembourg, Norway, Pakistan, Poland, Portugal, Switzerland, Uruguay, Venezuela.

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

The reports from the following countries reproduce the information previously supplied :

Ireland, Luxembourg.

¹ Since the ratification of Convention No. 32 this ratification has lapsed.

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 ¹	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
Greece	13. 6. 1952
Indonesia ²	31. 3. 1933
Ireland	2. 3. 1931
Italy	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 ¹	3. 6. 1931
Venezuela	20. 11. 1944
Yugoslavia	4. 3. 1933

¹ See below under "Summary of Annual Reports on the Application of Ratified Conventions in Non-Metropolitan Territories (Article 35 of the Constitution)".
² See footnote 3 to Convention No. 19.

Ceylon.

The conditions envisaged in the Convention do not exist in the country, and it is not therefore possible to furnish replies in the form required by the International Labour Office. Forced or indirect compulsion to work does not exist in Ceylon.

Denmark.

Forced or compulsory labour within the meaning of the Convention did not exist at the time of the ratification of the Convention, and has not existed since. There are no Acts or other regulations prohibiting the exaction of such labour.

Article 1. Reference is made to the above information.

Article 2. Forced or compulsory labour exists only in prisons and in the armed forces.

All prison work appears to be covered by the exception authorised in Article 2, paragraph 2 (c), as it is carried out exclusively under the supervision and control of the public authority. Prisoners are never hired to, or placed at the disposal of, private individuals, companies or associations.

As regards measures taken by the competent authority to establish and enforce a distinction between forced labour as authorised and other forced labour, it should be noted that all work outside the area of the prisons is subject to the consent of the central administration and that this is only given provided the work is adequately supervised and controlled by the prison authorities. No private individual has any authority as regards work within the prison area.

The Act of 18 June 1951 concerning the organisation of defence provides that military troops may be employed only on work forming part of their training. Where this provision is not applied, the officers concerned are responsible to their superiors; contraventions may be brought before courts of law.

As forced or compulsory labour within the meaning of the Convention does not exist in the country, no decisions have been given by courts of law and no observations have been received by organisations as regards these questions.

Japan.

Constitution of Japan (Article 18).
Labor Standards Law No. 49 of 5 April 1947 (Section 5) (L.S. 1947—Jap. 3).

The above-mentioned provisions guarantee that no person shall be forced to work against his will, except as punishment for crime.

Article 1. There is no law or regulation in Japanese territory which authorises forced or compulsory work against the will of the person concerned.

Article 2, paragraph 1. All types of work or service executed by a person and for which the said person did not offer himself freely are prohibited by Section 5 of the Labor Standards Law, which provides that "the employer shall not force workers to work against their will", and Article 18 of the Constitution of Japan which provides that "no person shall be held in voluntary servitude of any kind except as a punishment for crime".

Paragraph 2. Involuntary servitude imposed as a punishment for crime, to which reference is made above, can only be imposed in accordance with the procedure established by the law (Article 31 of the Constitution): "No person may be held in penal servitude unless he has been found guilty of a crime in the court of law established in conformity with the provisions of the Criminal Procedures Law".

Any work or service demanded of members of the community in cases of emergency, that is

to say, such works or services as may be necessary to prevent further damage threatened by fire or calamity, is permissible when the circumstance necessitating such work or service comes under any of the provisions of the local autonomy law, the law concerning the execution of police duties, the fire service law and other relevant laws which do not conflict with the interest of the community concerned.

Article 4. Section 5 of the Labor Standards Law provides that "the employer shall not force workers to work against their will by means of violence, intimidation, imprisonment or any other restraint on the mental or physical freedom of the workers"; this section prohibits absolutely the imposition of forced or compulsory labour for the benefit of private individuals, companies or associations.

The Government may not have recourse to forced or compulsory labour for the profit of any private undertaking.

Article 5. No concessions such as those set out in this Article have ever been granted in Japan.

Articles 6, 7 and 8. The facilities permitted in these Articles have never been allowed.

Article 9. No forced or compulsory labour as defined in Article 2 of the Convention has ever existed in Japan. Thus, the conditions referred to under paragraphs (a) to (d) of Article 9 are not applicable.

Article 10. Forced or compulsory labour executed as a tax or imposed on delinquent taxpayers, and forced or compulsory labour for the execution of public works, do not exist in Japan.

Articles 11 to 23. As forced or compulsory labour as defined in Article 2 of the Convention does not exist in Japanese territory, the requirements set out in these Articles are not applicable.

Article 24. The Labor Standards Law (Section 5) which prohibits the use by individuals, companies and associations of forced or compulsory labour through unlawful restraint on the mental and physical freedom of any individual, lays down that the inspection service established under Chapter 11 of the Law shall enforce strict inspection of forced or compulsory labour when inspecting conditions of work in workplaces.

Section 106 of the Law makes it an obligation on the employer to inform the workers of the laws and regulations concerning conditions of work, including the above-mentioned provisions.

The inspection service has devoted itself increasingly to the prevention of breaches of the law.

Article 25. Any individual who violates the provisions of Section 5 of the Labor Standards Law may be punished, in pursuance of Section 117 of the Law, with penal servitude of one to ten years or a fine of 2,000 to 30,000 yen. Moreover, the

inspection service may refer the most serious breaches to the prosecutor's office in order that appropriate penalties may be imposed.

Some decisions regarding the violation of Section 5 of the Labor Standards Law have been given by courts. An extract from one of these decisions is given in the report. The accused was a navvy working with 20 other persons on a tunnel at a construction company's yard. The accused received from the manager the authority to supervise the work of the group. He thus came under the definition of employer given in Section 10 of the Labor Standards Law, which provides that an employer is any person who acts on behalf of the owner of the undertaking. On 17 February 1949, when acting in this capacity, the accused struck the faces of A, B and C, who had to be taken to their temporary living quarters to receive treatment. It was the obvious intention of the accused to compel these persons to work, thus imposing forced or compulsory labour by means of violence regardless of the freedom of the workers (10 October 1949, Matsumoto Branch Office, Nagano District, Prosecutor's Office).

The application of the provisions of the Convention is fully ensured by the Constitution of Japan, which, as in modern nations, prohibits the exaction by the State of forced or compulsory labour by means of threat of punishment.

Moreover, by interpreting the term "by threat of punishment" in the wider sense of "unlawful restraint on the mental and physical freedom of the worker by individuals, companies and associations", the Japanese Government has prohibited the exaction of all forced or compulsory labour.

As indicated above, the Government has taken a firm attitude with regard to the exaction of forced or compulsory work, which is considered as an infringement of the fundamental human rights guaranteed under the Constitution of Japan.

Switzerland.

The Convention has not acquired federal force of law as a result of its ratification. Nevertheless, its application was already ensured on 23 May 1940, the date on which its formal ratification was registered, as the legislative provisions mentioned in the previous report had already been promulgated on this date. The Swiss Penal Code of 21 December 1937 only came into force on 1 January 1942, but until this latter date the cantonal penal codes gave similar and equivalent guarantees.

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

Argentina, Australia, Belgium, Chile, Finland, France, Ireland, Italy, Netherlands, New Zealand, Norway, Sweden, United Kingdom, Yugoslavia.

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.

Argentina.

With regard to the observation made by the Committee of Experts, the Government states that the Decree of 11 March 1930 to which the Committee refers is no longer in force, with the exception of Section 6 thereof which does not relate to the Convention. The basic regulations under Act No. 11544 are contained in Decree No. 16115/33, Section 16 of which states that the special regulations shall specify the cases in which, and the extent to which, hours of work may be extended in order to make up for time lost because of reasons for which the employee is not responsible, provided that there is an express agreement between employers and employees, that the reasons for the action taken are considered sufficient by the administrative authorities determined by the Act, and further, that the normal working day shall not, in any case or for any reason, be prolonged by more than one hour daily. Such making up of lost time shall not entail the payment of an increased rate of wages. The report adds that no cases have been reported of an extension of the normal hours of work to make up for time lost for reasons for which the employee is not responsible.

See under Convention No. 1 for information on ratification and statistics.

Chile.

Copies of four decisions concerning infringements of hours of work regulations are appended to the report. During 1951, 6,753 visits of inspection were made to commercial and industrial undertakings and 590 infringements were reported, as against 938 in 1950.

Cuba.

Legislative Decrees Nos. 98 and 110 of 1952.
Resolutions Nos. 125, 127, 137, 141 and 143 of 1952.

The above-mentioned Legislative Decrees and Resolutions concern the extension of the summer

time-table to commerce, offices in general and other activities.

There were 310 visits of inspection ; 73 infringements were reported.

Finland.

The labour inspection report for 1951 shows that there was a total of 25,748 commercial undertakings and offices employing 98,912 persons. Three contraventions were reported during the period under review.

New Zealand.

The annual report of the Department of Labour and Employment for the year ending 31 March 1952 shows that 17,056 inspections of shops and 1,180 inspections of offices were carried out, disclosing 363 infringements of the Shops and Offices Act. In addition, investigations were made into 165 complaints received in respect of alleged breaches ; 58 of these were without foundation. The number of warnings issued was 434 ; no prosecutions were instituted. Requisitions were served on 166 occupiers of shops and offices to comply with various requirements of the Act, such as those relating to heating, lighting and sanitation.

It is estimated that at 31 March 1952 the number of shop assistants amounted to 67,200 and the number of clerical workers to 29,500. A total of 61,244 hours of overtime was worked in 1951 under the Shops and Offices Amendment Act of 1936. A table appended to the report shows that the weekly limit of hours varied between 37½ and 40 in the case of general clerical workers, workers in hotels, insurance establishments, public accountants' establishments, shipping establishments, stock and station agents' establishments, local authorities, etc. The maximum daily hours fixed by these awards and industrial agreements varied between seven-and-a-half and eight.

Uruguay.

Legislative Decree No. 9348 of 13 April 1934, to establish the 5½-day week in chemists' shops in villages.
Decree of 17 February 1951, concerning hours of work of persons employed in broadcasting and theatres.

The only decisions given by courts of law concern the imposition of fines.

The legislation relating to hours of work covers approximately 100,000 employees and workers in commerce. During the period under review 167 contraventions were noted and the fines imposed amounted to 5,580 pesos.

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
Belgium	2. 7. 1952
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.

See under Convention No. 1.

Canada.

During the period under review 2,750 inspections were carried out on ships; 600 requests were made by inspectors for repairs, replacements or examination of gear. Twelve serious accidents to workers were reported, three of them fatal, but in very few cases were these accidents caused by infringements of the regulations.

Chile.

The number of workers covered by the legislation relating to the protection against accidents of workers employed in the loading and unloading of ships is 10,135. A total of 2,821 accidents occurred in 1951 during such operations; 2,747 of these were minor accidents.

Finland.

The Government appends to its report a letter addressed to the Director-General by the Ministry for Social Affairs in reply to the observations made last year by the Committee of Experts. This letter is as follows:

Article 2, paragraph 2 (1). The Government recognises that lighting is not yet satisfactory. However, the Ministry for Social Affairs has given particular attention to the question of improving lighting and has emphasised the importance of this question in its circulars to labour inspectors. In these circulars the term

“safely and efficiently lighted” has been defined as approximately 50 lux with regard to places of work such as quays and the decks and holds of ships, 20 lux in the case of steps leading on board ship and dangerous passages such as crossings of roads and quays in the port, and 10 lux in the case of ways leading to the port. It is noted, finally, that the reorganisation of the lighting system is so extensive a task that it cannot be brought about immediately. In some cases provisional solutions have been made by improving the lighting system by temporary measures.

Article 2, paragraph 2 (2). The provision specifying that wharves and quays shall be kept sufficiently clear of goods to maintain a clear passage to the means of access on board ship is to be found in Section 19, paragraph 2, of the directives. Section 3, paragraph 1, of the directives must be interpreted as specifying that the ways leading through ports must be kept clear of goods and other obstacles.

Article 12. Section 21, paragraph 2, of the directives deals expressly with cases where work is carried out in places where dangerous goods or harmful substances are stored. The observations made in the report of the Committee of Experts concerning the lack of special prescriptions relate only to this Section 21 and not to measures ensuring the application of the provisions in general. It was felt that cases relating to the application of Section 21 are of such special nature that it has not been possible to include detailed prescriptions in the legislation. As a result, labour inspectors must in each individual case where dangerous materials are handled or where work is carried out in places where such materials “have been stowed”, issue the necessary prescriptions as regards the safety of workers. Labour inspectors may thus, in virtue of the legal provisions concerning labour inspections, give directives, written injunctions or, in the most serious cases, prohibit the continuation of such work.

Article 16. The next report will supply information regarding the application of these provisions.

Italy.

During the period 1 July 1951 to 30 June 1952 there were 2,896 cases of temporary incapacity, 120 cases of permanent invalidity and ten fatal cases.

New Zealand.

General Harbour Regulations, Amendment No. 6 of 1935.
General Harbour (Safe Working Load) Regulations.

The provisions of Article 9 of the Convention are generally applied by Clause 52 of the Harbour Regulations, Amendment No. 6, which provides that "the thorough examination of the appliances may be deferred beyond the due date of four months for a period of up to three months, subject to the approval of the Surveyor of Ships and subject also to an inspection of the appliances being made to the extent considered necessary by the Surveyor for the period for which the thorough examination is deferred".

Amendment No. 6 replaces the former Regulation No. 80 and brings the regulations into line with the requirements of Article 11 of the Convention.

Under Article 12 of the Convention, the report gives details of the new provisions dealing with the precautions to be observed in the installation and maintenance of oil pipelines between wharves and bulk oil-storage installations, contained in the Dangerous Goods Regulations of 1951, in particular, Nos. 11, 36, 37, 38 and 117 to 129.

On 31 December 1951, there were 6,568 members

of industrial unions covering water-side employees, stevedores and timekeepers.

Sweden.

During 1950, 3,163 workers were injured in accidents which occurred during the loading and unloading of ships.

*United Kingdom.**Great Britain.*

During the period under review there were 6,754 accidents at docks, wharves and quays in Great Britain, of which 59 were fatal. Legal proceedings were instituted in ten cases and convictions were secured on nine occasions.

Northern Ireland.

During 1951, 138 accidents were reported; none of these, however, proved fatal.

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

India, Pakistan, 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. 6. 1934
Uruguay	6. 6. 1933

Argentina.

In reply to the observations of the Committee of Experts in 1952, the Government refers to Section 1, paragraph 2, of Act No. 11317, empowering the Ministry of Child Welfare to authorise the employment of children between 12 and 14 years when this is considered essential for their subsistence and for that of their parents or brothers or sisters, provided they have satisfactorily fulfilled the minimum amount of schooling demanded by the law. In Argentina primary education is the joint responsibility of the provinces and of the Federal Government, each province establishing its own system which, with slight variations, is similar to that laid down by Act No. 1420. The object of this Act is to ensure that children of school age, i.e., between 6 and 14 years, acquire a minimum of indispensable knowledge. The authorisation of the Ministry of Child Welfare can only be given (a) if the minimum standard of education required by the Act has been satisfactorily reached and the child's attendance at school is no longer considered necessary, and (b)

for employment in urban and rural occupations, provided they are not dangerous or unhealthy (Section 9 of Act No. 11317).

For statistical information provided by the Inspection and Supervision Division, see under Convention No. 1.

Austria.

Federal Act (No. 45) of 13 February 1952, amending the Federal Act of 1 July 1948, respecting the employment of children and young persons (L.S. 1948—Aus. 3).

The Act of 13 February 1952, which amended the Youth Employment Act, has brought the latter Act into harmony with the Convention as regards a discrepancy previously mentioned by the Committee of Experts and the Conference Committee on the Application of Conventions and Recommendations.

In fact, whereas Article 1, paragraph 3 (b), of the Convention authorises the competent authority in each country having ratified the Convention to exempt from its application domestic work in the family performed by members of that family, the original text of Article 1, paragraph 2, of the Austrian Youth Employment Act, 1948, had exempted from the scope of the Act all employment of children and young persons in private households. The new text of Article 1, paragraph 2, of the Youth Employment Act, as amended by the Act of 13 February 1952, excludes from the scope of the Act only the employment of young persons in private households. Thus, Austrian legislation is now in conformity with all the provisions of the Convention. In fact, Article 4 of the Act prohibits child labour in prin-

ciple and admits, as regards domestic work, only the employment in the household of the employer's own children on light tasks of brief duration, even if the employment is a regular one, thus making use of the possibility of exemption provided by Article 1, paragraph 3 (b), of the Convention.

During 1951 the inspection service reported two contraventions of the legislative provisions in establishments for education, arts and entertainment.

Belgium.

During the period under review the number of persons in the 5,952 undertakings visited by the inspection service was 10,603. Three contraventions were reported.

France.

The Government refers to the observations made by the Committee of Experts in 1952, which had

pointed out that no exceptions were authorised by the Convention in the case of undertakings where the employment of young persons and adolescents was dangerous to their lives, health or morals. The Government has therefore decided to amend Section 60 of Book II of the Labour Code. An enquiry is being undertaken among the labour inspection services and the organisations of employers and workers concerned.

Netherlands.

See under Convention No. 2 for information relating to Point II of the report form (effect of ratification).

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

Cuba, 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 ¹	13. 1. 1936
Mexico	21. 2. 1938
Norway ¹	4. 7. 1949
Spain	27. 4. 1935
Sweden ¹	1. 1. 1936
Turkey ¹	27. 12. 1946

¹ The subsequent ratification of Convention No. 96 involved the immediate denunciation of Convention No. 34.

Turkey.

The report states with regard to Article 3 of the Convention that persons acting as intermediaries between agricultural workers and employers are also employed as supervisors of workers in the fields, and that the latter functions exceed the scope of the definition given in Article 1, paragraph 1 (a), of the Convention. However, the employment service, which is responsible for the application of the Convention, authorises such activities only after consultation with the employers' and workers' organisations of the districts where such intermediaries operate. However, it should be pointed out that, with the exception of the workers of Adana, agricultural workers are not yet organised in trade unions. Moreover, the administration has set up an advisory committee consisting of representatives of the Government, of employers and of workers, which meets at least once a year; the exception mentioned above was approved by this committee.

The period of three years within which fee-charging employment agencies should be abolished came to an end on 27 December 1950 and no further authorisations were granted for the establishment of new fee-charging employment agencies.

Intermediaries may not exercise any activities without the authorisation of the employment service administration. They must renew their licences every year and the employment service administration is free to grant or refuse such licences.

Fee-charging employment agencies and intermediaries who have been authorised to carry on

their activities are required to inform the administration of the rates charged, showing clearly the amounts and proportions in which these are received from workers and employers with regard to each category of service. The administration exercises close supervision and changes the rates if required.

With regard to Article 5 of the Convention, the report states that fee-charging employment agencies (Section 66 of the Labour Code) and private employment agencies (Section 68) must inform the competent authority whether or not a fee is charged for the services given. The administrative authorities may abolish such agencies in cases where the required declaration has not been made.

With regard to Article 7 of the Convention the report refers to the information supplied under Article 3.

All operations carried out by the employment service administration are subject to the supervision of the General Supervisory Council of the Prime Minister's Office. This Council exercises constant control over the employment service administration through its supervisors. The report drawn up each year by the Council is submitted to the Grand National Assembly and is examined and adopted by the General Assembly of the State economic bodies in the name of the Grand National Assembly.

In addition, the employment service administration has its own inspectorate. According to the new method of inspection instituted on 14 April 1952, the country is divided into four inspection regions which are assigned to different inspectors, who visit their respective regions each month, supervise all activities, give the necessary instructions with regard to any mistakes discovered and maintain contact with the heads of agencies. These inspectors are attached directly to the Director-General of the employment service administration and submit their reports to him. The labour inspectorate reports have not, as yet, revealed any infringements of the Convention or the national legislation.

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.

Act No. 10383 of 8 August 1952, respecting compulsory sickness, invalidity, old-age and survivors' insurance, to replace Act No. 4054 of 8 September 1924.

In reply to the request of the Committee of Experts for information regarding the progress made in the adoption of the Act to introduce a complete reform of the old-age insurance system, the Government states that this Act was finally adopted on 8 August 1952. The new Act will put an end to the practice of converting old-age pensions into a lump-sum payment, a system which is not in conformity with the Convention. In accordance with the new Act, old-age pensions will be calculated on the basis of 50 per cent. of the monthly wage, 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 age. The total pension may not exceed the basic monthly wages of the insured person. Furthermore, the new Act provides that the present old-age pensions amounting to less than 1,000 pesos will be increased up to this amount. The amount of the pension will be the same for all persons over 65 years of age who were formerly insured, as well as for disabled persons over 65 years of age who have already converted their old-age pensions.

The relevant statistical data are appended to the report on Convention No. 24.

France.

Metropolitan Departments.

Act of 1 September 1951, concerning various measures for the financial reorganisation of the social security scheme.
Act of 26 September 1951, to raise the rates prescribed for temporary allowances, pensions to aged wage earners and family allowances.

Finance Act of 14 April 1952, for the period 1952.

Decree of 9 October 1951, to issue public administrative regulations to amend the Decree of 31 December 1946 concerning social security disputes.

Decrees of 28 September 1951 and 5 November 1951, to increase the wage limit prescribed for calculating social security contributions.

Decree of 19 November 1951, to amend the Decree of 29 December 1945 to issue public administrative regulations in application of the Ordinance of 19 October 1945 concerning the social insurance scheme applicable to insured persons engaged in occupations other than agriculture.

The report reproduces the information supplied under Convention No. 24 with regard to the conditions under which the husband or wife of an employer is covered by the social insurance scheme, and also information relating to the maximum remuneration to serve as a basis for fixing contributions.

Although the resources of the old-age insurance scheme are derived from contributions by insured persons and employers, State participation is provided for certain occupational categories, in particular the special social security scheme for miners.

A bilateral agreement has been signed with the Principality of Monaco and the agreements signed with the Netherlands and the Federal Republic of Germany have come into force.

The Act of 26 September 1951 raised to 28,200 francs per annum the rate of the temporary allowance, and to 104,000 francs (138,000 francs in the case of a married couple) the maximum income, including the allowance, which beneficiaries are allowed to possess in order to be entitled to the temporary allowance.

This Act also increased to 188,000 francs (216,000 francs for a married couple) the maximum income, including the allowance, which beneficiaries are allowed to possess in order to be entitled to the allowance paid to aged wage earners. The last-named allowance has been fixed at 59,800 francs for workers living in towns with more than 5,000 inhabitants, and at 56,400 francs for workers residing elsewhere. This Act also increases to 3,400 francs the rate of the supplementary allowance for beneficiaries living in Paris or in comparable towns.

A statistical survey appended to the report shows that, at 31 December 1951, 8,300,000 persons were insured under the general scheme for occupations other than agriculture, that there were 2,147,159 beneficiaries of various categories, and that the total expenditure (pensions, allowances, benefits in kind, administrative expenses) for the period under review (1 July 1951-30 June 1952) amounted to 151,585 million francs.

Algerian Departments.

Decision No. 52041 of the Algerian Assembly, to provide as from 1 January 1953 for the setting-up of old-age insurance for non-agricultural workers.

In 1949 a scheme was set up for allowances to aged workers who had been in remunerative employment for nine years and were between 50 and 65 years of age. This allowance is at present

fixed at 54,000 francs per annum and applies to wage earners with an income under 150,000 francs.

Overseas Departments (Martinique, French Guiana, Guadeloupe and Réunion).

Act No. 51-1128 of 26 September 1951, to increase the rates of temporary allowances, of pensions to aged wage earners and of family allowances (Section 4).

Decree No. 51-1441 of 13 December 1951 to amend, as regards the Departments of French Guiana, Guadeloupe, Martinique and Réunion, the provisions of Decree No. 48-593 of 30 March 1948, to extend to these four Departments the Ordinance of 2 February 1945, as amended, respecting the organisation on a new basis of allowances to aged wage earners and to modify the old-age pension and invalidity social insurance scheme, and to amend the provisions of Decree No. 50-1410 of 9 November 1950 modifying the above-mentioned Decree of 30 March 1948 and Section 2 of Decree No. 48-603 of 30 March 1948.

Decree No. 51-1525 of 31 December 1951, to amend the provisions of Decree No. 50-1410 of 9 November 1950.

In accordance with the Act of 26 September 1951, the rate of allowances to aged workers in the Overseas Departments now amounts to 59,800 francs in towns with more than 5,000 inhabitants, and 56,400 francs in towns with less than 5,000 inhabitants.

The allowance is only paid if the total personal resources of the worker or the surviving husband or wife (claiming the payment of an annuity), together with the allowance does not exceed 188,000 francs per annum (232,000 francs if the beneficiary is married). If the total of the allowance and the personal resources of the worker, the surviving husband or wife or the married couple exceeds these figures, the allowance is correspondingly reduced.

The Decree of 13 December 1951 provides that during the period of compulsory membership in social insurance the years during which a wage was earned are not taken into account unless the total social insurance contribution was paid in respect of at least one of these years, or unless the claimant can prove by producing a certificate from his employer that he was a wage earner during this period.

The rate of contribution has not been changed since the previous report. The maximum remuneration which is taken into account with regard to membership of social insurance schemes has been increased to 408,000 francs per annum by the Decree of 31 December 1951.

The following statistical information has been supplied: (a) number of registered insured persons during the period under review, 34,460; (b) number of beneficiaries of allowances to aged workers: 9,249 files of accepted claimants, and 7,061 closed files; (c) amount of benefits: 794,013,266 metropolitan francs for French Guiana, Guadeloupe and Martinique, and 120,742,919 francs C.F.A. for Réunion; (d) contributions received: workers' contributions, 415,725,027 metropolitan francs for French Guiana, Guadeloupe and Martinique, and 64,694,868 francs C.F.A. for Réunion; employers' contributions, 657,998,478 metropolitan francs for French Guiana, Guadeloupe and Martinique, and 195,319,523 francs C.F.A. for Réunion.

As regards French Guiana in particular, see under Convention No. 17. The report states that old-age pensions were instituted for all occupations as from 1 July 1948. The number of persons affected by this regulation is the same as that

shown with regard to industrial injuries. Contributions from workers (4 per cent.) and from employers (5 per cent.) amounted to 25,307,718 francs between 1 July and 30 September 1952. No pensions have as yet been paid, as no claimant satisfies the required conditions with regard to length of service. However, a transitional allowance has been granted to aged wage earners; 560 persons benefit from this legislation. The average monthly amount of these allowances is 3 million francs; the total expenditure between 1 July 1948 and 30 September 1952 amounted to 44,444,632 francs.

Italy.

Act No. 218 of 4 April 1952.

Act No. 218, which came into force on 30 April 1952, has strengthened the provisions of the previous legislation which already fully conformed with the Convention. This Act is essentially designed to improve pension rates and to adjust the financial resources correspondingly.

In future, basic pensions will be calculated in terms of the total amount of the contributions paid by the insured person; this amount depends on his rate of wages and time spent in insurance. Pensions will be increased by 10 per cent. in respect of each dependent child under 18 years of age, and a Christmas bonus corresponding to one month's pension will be paid.

If the pensions paid in 1939 are taken as a basis, the present rate is 45 times higher, this increase being compensation for currency depreciation. Minimum rates have been fixed: for example, the annual rate for an old-age or invalidity pension may not be less than 60,000 lire.

The cost of these increases will be covered by a special tripartite contribution, as distinct from that payable for the basic pensions themselves, and allocated as follows: insured persons, 25 per cent.; employers, 50 per cent.; the State, 25 per cent. In addition the State contributes 15 milliard lire, the sum estimated to be required to finance minimum pensions.

The distinctions hitherto made in respect of pensions and contributions between salaried and wage-earning employees have been abolished.

The report contains the following statistics for 1950 and 1951, the data for the latter year being provisional:

	1950	1951
No. of persons insured	5,000,000	5,000,000
No. of pensioners at end of year:		
Old-age	1,232,045	1,324,421
Invalidity	490,225	501,992
Survivors	285,606	343,568
	2,007,876	2,169,981
Receipts (million lire)	108,176	125,820
Expenditure (million lire)	107,815	123,032

United Kingdom.

Great Britain.

National Insurance Act, 1951 (L.S. 1951—U.K. 3).
National Insurance Act, 1951 (Commencement) Order, 1951.
Various Regulations, issued in 1951 and 1952, concerning national insurance.

Northern Ireland.

National Insurance Act (Northern Ireland), 1951.
National Insurance (Commencement) Order (Northern Ireland), 1951.

National Insurance and Industrial Injuries (Reciprocal Agreement with France) Order (Northern Ireland), 1952.

National Insurance and Industrial Injuries (Reciprocal Multilateral Agreement with Belgium, France, Luxembourg and the Netherlands) Order (Northern Ireland), 1952. Various Regulations, issued in 1951 and 1952, concerning national insurance.

The standard rate of retirement pension was increased by the National Insurance Act, 1951, to 30s. a week (20s. for an uninsured married woman) for men over 70 and women over 65 years of age; this increase was also given to men and women under these ages if on 1 October 1951 they were over 65 and 60 years respectively. Lesser increases were provided by regulation where the yearly average of contributions is below 50. The rate for men reaching 65 years of age and women reaching 60 years of age after 1 October 1951 remained at 26s. (16s. for an uninsured married woman). The allowance for the eldest or only child in a pensioner's family was raised from 7s. 6d. to 10s. a week, and an additional allowance of 2s. 6d. was introduced for each child after the first. The increment on a person's own pension earned by staying at work and continuing to pay contributions after reaching 65 years of age (60 for a woman) was raised from 1s. to 1s. 6d. per

week for every 25 contributions paid during the five years after pensionable age. The amount a pensioner under 70 years (65 for a woman) can earn without reduction of pension was increased from 20s. to 40s. Rules governing the reduction of a pension when some other benefit is payable were also modified by regulation.

In addition, the above-mentioned Act reduced the normal State supplements to national insurance contributions and abolished the annual lump-sum grants previously payable by the State to the scheme. Contributions of insured persons and employers were raised on 1 October 1951, when the permanent rates provided in the original Act came into force.

The number of persons in receipt of a retirement pension or a contributory old-age pension in Great Britain on 30 June 1952 was about 4,280,000; the corresponding figure for Northern Ireland at 31 December 1951 was 77,400. In addition, 398,000 persons were receiving non-contributory old-age pensions in Great Britain on 1 January 1952, and 26,400 persons in Northern Ireland on 30 June 1952.

The report from *Poland* refers to the information previously supplied.

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.

Act No. 10383 of 8 August 1952, respecting compulsory sickness, invalidity, old-age and survivors' insurance, to replace Act No. 4054 of 8 September 1924.

The report refers to the above-mentioned legislation.

See also under Convention No. 35.

France.

Metropolitan Departments.

Decree No. 51-1179 of 4 October 1951, to issue public administrative regulations respecting social insurance for agriculture, in application of the amended Decrees of 30 October 1935 and 20 April 1950, the Act of 27 May 1951 and the Decree of 6 June 1951.

Decree No. 51-1268 of 7 November 1951, to amend Decree No. 50-444 of 20 April 1950 concerning the financing of the social insurance scheme in agriculture.

Order of 20 May 1952, concerning social insurance contributions in agriculture as regards apprentices and trainees.

Order of 1 July 1952, concerning the commutation of old-age pensions and allowances under compulsory social insurance in agriculture.

Decree of 5 July 1952, to amend the Decree of 6 June 1951 to fix the system of old-age and invalidity benefits under compulsory social insurance in agriculture.

According to the Decree of 7 November 1951 it is compulsory for wage earners and assimilated persons to belong to social insurance schemes for agriculture, whatever the amount of their remuneration. The maximum value of livestock and farm implements and buildings to be taken into consideration with regard to the compulsory registration of share tenants (*métayers*) under the social insurance scheme has been increased to 250,000 francs.

This Decree also fixes the rate of social insurance contributions in agriculture at 5.5 per cent. to be paid by the wage earner, and at 8 per cent. to be paid by the employer. New provisions have been made relating specifically to the contributions to be paid by share tenants, apprentices, trainees, aged persons, workers with reduced occupational capacity and workers in other occupations, such as foresters, persons employed in the beetroot industry and persons who tap trees for resin.

A statistical survey appended to the report gives information with regard to the following points:

Compulsory old-age insurance. The number of compulsorily insured persons who had paid contributions amounted to 1,288,000 and the number of

pensioners of various categories to 331,768. The total amount paid out in pensions and in benefits in kind amounted to 7,303 million and 202 million francs, respectively. Contributions by employers were 3,001 million francs and by employees 2,144 million francs.

Non-contributory pensions. The payment of allowances to aged agricultural wage earners who are not covered by social insurance is ensured by the old-age funds of the general social security scheme.

Algerian Departments.

Decision No. 49-064 of the Algerian Assembly, which was given executive effect by the Order of 10 September 1949.
Decision No. 52-019 of the Algerian Assembly, which was given executive effect by the Order of 24 March 1952.
Order of 7 July 1952.

Section 27 of Decision No. 49-064 refers, with regard to the fixing of wages in agriculture, to Section 1, paragraph 2, of the Legislative Decree of 30 October 1935 regarding social insurance in Metropolitan France. An aged wage earner drawing an invalidity pension may choose either the pension or the allowance granted to aged workers at the age of 65 years.

In order to be entitled to the allowance, aged wage earners must be 65 years or more and must prove that, after having reached the age of 50 years, they have been employed for at least ten years in one or more remunerative occupations, in one of the three Algerian Departments (as from 1 January 1953 the minimum period of ten years in remunerative employment is to be increased by one unit per annum up to 15 years). Aged workers must also show that they have been registered members of the social insurance scheme for agriculture and must be up to date in their contributions. Aged agricultural workers who hold the medal of honour for agriculture are not required to satisfy these two conditions.

The allowance is fixed at 30,000 francs per annum irrespective of the length of time spent in insurance. A monthly allocation of 12 kg. of hard wheat or bread or a corresponding cash benefit is added to this amount.

The allowance is paid in full only if the total personal resources of the worker do not exceed 80,000 francs per annum or, if the beneficiary is married, the combined resources of the married couple do not exceed 100,000 francs per annum. The allowance is reduced in cases where the amount of the allowance and the personal resources exceed these figures. No account is taken of certain types of resources.

The beneficiary of an allowance must inform the fund of changes occurring in his resources which would involve the reduction or suppression of the allowance; should he fail to do so, he may lose the right to the allowance.

The allowance is financed as follows:

(1) In agricultural undertakings: (a) tax paid exclusively by the employer, that is, tax on the

income from estates which have not been built up, amounting to 30 per cent. of the basic land tax, and tax on the profits from the agricultural undertaking amounting to 20 per cent. of the principal scheduled taxes on profits; (b) worker's contribution, deducted from the wages and amounting to 50 francs per month; (c) employer's contribution, amounting to 50 francs per month for each person in the social insurance scheme.

(2) In agricultural undertakings other than those mentioned above: (a) worker's contribution deducted from the wages and amounting to 50 francs per month; (b) employer's contribution amounting to 50 francs for each person in the insurance scheme; (c) employer's contribution amounting to 2 per cent. of the wages paid to the staff as a whole for the persons covered by the scheme. The public authorities do not participate in the financing of the scheme.

The payment of benefits is effected by the regional mutual social insurance funds for agriculture, which are private bodies administered by boards, two-thirds of whose members represent the employers and one-third the wage earners, elected at the general meeting by their respective associates.

These funds are affiliated with a central body administered by a board consisting of delegates from the regional funds, two-thirds of whom are employers and one-third wage earners, and assisted by a technical board on which officials are represented. The funds are subject to the technical and financial control of the Governor-General of Algeria.

The procedure for appeal and the appointment of the competent authorities are to be fixed by law.

Foreign aged wage earners belonging to countries with which international conventions have been concluded are entitled to the allowance.

The Order fixing the method of paying the allowance was only issued on 7 July 1952; no statistical information can therefore be supplied.

Overseas Departments.

French Guiana.

See under Convention No. 35.

Réunion.

For legislation, see under Convention No. 35.

Italy.

See under Convention No. 35.

United Kingdom.

Great Britain.

See under Convention No. 35.

The report from *Poland* reproduces the information previously supplied.

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.

Act No. 10383 of 8 August 1952, respecting compulsory sickness, invalidity, old-age and survivors' insurance, to replace Act No. 4054 of 8 September 1924.

The report refers to the above-mentioned legislation.

France.

Metropolitan Departments.

Act of 1 September 1951, concerning various measures for the financial reorganisation of the social security scheme.
Act of 26 September 1951, to increase the rates prescribed for temporary allowances, pensions to aged wage earners and family allowances.

Finance Act of 14 April 1952, for the financial year 1952.

Decree of 9 October 1951, to issue public administrative regulations amending the Decree of 31 December 1946 concerning social security disputes.

Decrees of 28 September 1951 and 5 November 1951, to raise the wage limit specified for calculating social security contributions.

Decree of 19 November 1951, to amend the Decree of 29 December 1945 to issue public administrative regulations in application of the Ordinance of 19 October 1945 concerning the social insurance scheme applicable to insured persons engaged in occupations other than agriculture.

Decree of 14 April 1952, to raise the wage limit specified for calculating social security contributions.

The report reproduces the information supplied under Convention No. 24 with regard to the conditions under which the husband or wife of an employer is covered by the social insurance scheme, and also information relating to the maximum remuneration to serve as a basis for fixing contributions.

The amount of the annual pension paid to aged wage earners in towns with more than 5,000 inhabitants was increased to 59,800 francs by the Act of 26 September 1951. It follows that the minimum annual invalidity pension is also fixed at this figure.

The national legislation provides for the financial participation of the State as regards certain occupational categories, particularly in the special social security scheme for miners.

A new bilateral agreement has been concluded with the Principality of Monaco. The agreements signed with the Netherlands and the Federal Republic of Germany have come into force.

A statistical survey of the compulsory invalidity insurance scheme for non-agricultural occupations, which is appended to the report, shows that 8,300,000 persons are insured and that the total number of pensions paid as on 30 June 1951 amounted to 222,029 and on 30 June 1952 to 236,942. The total expenditure with regard to pensions and benefits in kind amounted to 22,013 million francs.

Algerian Departments.

Decision of the Algerian Assembly No. 49-045 of 1949, to institute invalidity insurance.

Article 2, paragraph 1. The insurance scheme does not apply to domestic servants.

Paragraph 2. The wage on which the calculation of contributions is based is at present 34,000 francs per month. All benefits in kind are taken into account. The right to insurance benefits ceases at the age of 60 years. Outworkers have the same rights as wage earners. Only wage earners are entitled to social insurance benefits. In order to be entitled to insurance benefits, the person concerned must have worked at least 30 days during the previous three months; occasional workers are thus excluded from the right to benefit. The cumulation of benefits is possible in the case of different illnesses, and also in the case of retired persons employed in remunerative work and persons with private means, provided the pension or private means is at least equal to the invalidity pension.

Article 3. The insured person is no longer entitled to invalidity insurance benefits when he has reached the age of 60 years.

Article 4. Benefits are granted in the case of invalidity equal to or exceeding 66 per cent.

Article 5. In order to be entitled to benefits, the person concerned must have worked 30 days during the previous three months, and must have been registered with the fund for six months.

Article 6. The insured person who ceases to be covered by compulsory insurance loses the right, six months after he has ceased to work, to benefit from the value of the contributions credited to him.

Article 7. The pension amounts to 30, 40 or 50 per cent. of the remuneration, up to a maximum of 34,000 francs per month.

Article 8. The report states that a disabled person receives benefits in kind from the sickness insurance fund.

Article 9. The right to benefit is forfeited in the case of wilful misconduct. The pension is suspended for as long as the person concerned refuses to follow medical advice.

Article 10. Insured persons and employers pay equal contributions amounting to 3.25 per cent. of the wages, up to a maximum of 34,000 francs, for all social insurance benefits. The public authorities make no financial contributions.

Article 11. The insurance scheme is administered by nine mutual funds whose capital is autonomous. The administrative boards of these funds consist of equal numbers of wage earners and employers. The supervision of the administration of the funds is carried out by the competent services of the Governor-General of Algeria.

Article 12. Insured persons have the right of appeal. A dispute is at present under discussion with a view to settlement.

Article 13. Foreigners and their survivors are treated in the same manner as nationals.

Article 15. The question of frontier workers has not yet arisen in respect of the territory.

The statistical data supplied show that 302,610 insured persons were in employment, and that

there were 11 pensioners. The total expenditure amounted to 6,366,516 francs; receipts are not specialised according to the risk involved.

The public authorities make no contributions.

Overseas Departments.

French Guiana.

See under Convention No. 17.

Réunion.

Legal texts and regulations are being drafted concerning social security in the Overseas Departments.

Italy.

See under Convention No. 35.

United Kingdom.

See under Convention No. 24.

The report from *Poland* reproduces 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.

Metropolitan Departments.

Decree No. 51-1179 of 4 October 1951, to issue public administrative regulations respecting social insurance for agriculture, in application of the amended Decrees of 30 October 1935 and 20 April 1950, the Act of 27 May 1951 and the Decree of 6 June 1951.

Decree No. 51-1268 of 7 November 1951, to amend Decree No. 50-444 of 20 April 1950 concerning the financing of social security for agriculture.

Order of 20 May 1952, concerning social insurance contributions for agriculture, as regards apprentices and trainees.

A statistical survey concerning compulsory invalidity insurance is appended to the report. The number of insured persons who had paid contributions was 1,288,000 and the total number of pensioners of all kinds was 41,248. Expenditure relating to invalidity pensions and benefits in kind amounted to 1,625 million francs. To this figure should be added a fraction of the 460 million francs for administrative expenses which cover invalidity insurance, old-age insurance, expenditure resulting from the registration of insured persons,

the supervision of departmental funds, etc. The total receipts of the Central Agricultural Mutual Assistance Fund and the Central Autonomous Agricultural Mutual Pension Fund amounted to 1,114 million francs, of which 650 million were paid by employers and 464 million by the insured persons.

See also under Convention No. 36.

Algerian Departments.

Decision No. 49-064 of the Algerian Assembly, given executive effect by the Order of 10 September 1949. Order of 24 June 1950.

Article 2. Section 27 of the above Decision refers, as regards the fixing of wages in agriculture, to the Legislative Decree of 30 October 1935 concerning social insurance for agriculture in Metropolitan France. An aged wage earner in receipt of an invalidity pension may choose either the pension or the allowance granted to aged workers at 65 years, the age at which he is entitled to this allowance.

Article 4. An insured person whose working and earning capacity has been reduced by at least two-thirds is considered to be a disabled person.

Article 5. The insured person must have complied with a qualifying period of at least one year prior to the event giving rise to benefits and he must have worked for at least 90 days during the six months preceding the day on which the fund concerned is informed of the accident or sickness.

The following are considered as working days: days on which the insured person has been employed in military duties; days on which the insured person has received daily benefits under the surgical insurance scheme, the maternity

insurance scheme or the invalidity insurance scheme or on which he has received temporary benefits under the legislation concerning industrial accidents; statutory holidays with pay; and days of rest ordered by a doctor because of sickness or accident.

Article 7. The pension is determined irrespective of the amount of time spent in insurance and is fixed as follows: for partial invalidity, 30 per cent. of the average wage for the last three years spent in insurance preceding the first medical notification of the invalidity or, failing this, the years spent in insurance after registration; for total invalidity, 40 per cent. of the average wage; for total invalidity and where the assistance of another person is necessary, 50 per cent. of the average wage.

Article 8. No benefits in kind are paid.

Article 9. The invalidity pension does not cover cases resulting from the wilful misconduct of the insured person or from an act of war, which are covered by special legislation; operations for aesthetic reasons do not give rise to the granting of an invalidity pension. The cumulation of benefits granted by the legislation on industrial accidents and by the legislation concerning military pensions, and benefits granted under sickness insurance, is prohibited. The payment of a pension may be suspended if the earning capacity of the insured person exceeds 50 per cent., and must be suspended if the earning capacity amounts to 66 per cent.

Article 10. The financing of invalidity insurance which is included in the social insurance scheme for agriculture is as follows:

(1) In agricultural undertakings: taxes paid by the employer (tax on the income from estates which have not been built up, amounting to 30 per cent. of the basic land tax, and tax on the profits from the agricultural undertaking amounting to 20 per cent. of the principal scheduled tax); contributions from the workers deducted from their wages and amounting to 50 francs per month; and contributions from the employers amounting to 50 francs a month for each person covered by the social insurance scheme.

(2) In agricultural undertakings other than those mentioned above: contributions from the workers deducted from their wages and amounting to 50 francs per month; contributions from the employers amounting to 50 francs for each person covered by the social insurance scheme; and con-

tributions from the employers amounting to 2 per cent. of the wages paid to the staff as a whole for the persons concerned.

The public authorities do not make any financial contributions.

Article 11. The payment of benefits is entrusted to the regional social insurance funds for mutual assistance to agricultural workers which are private bodies recognised by the public authorities. These funds are federated in a central body, administered by a board consisting of delegates from the regional funds, two-thirds of whom represent the employers and one-third the wage earners. The regional funds are administered by boards with a membership of which two-thirds are employers and one-third wage earners, elected at their respective general meetings. These funds are subject to the technical and financial supervision of the Governor-General of Algeria.

Article 12. The procedure for appeal and the appointment of the competent authorities are to be fixed by law.

Article 13. Foreign agricultural wage earners have the same rights under the sickness insurance scheme as nationals.

The following statistical information concerning compulsory sickness insurance is included in the report: on 30 June 1952, 106,641 agricultural wage earners were registered, 181 invalidity pensions had been settled and 2,400,000 francs paid in benefits.

Overseas Departments.

French Guiana.

See under Convention No. 17.

Réunion.

The report states that texts of laws and regulations for the Overseas Departments are being prepared.

Italy.

See under Convention No. 35.

United Kingdom.

See under Convention No. 24.

The report from *Poland* reproduces 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
Italy	22. 10. 1952
Peru	8. 11. 1945
Poland	29. 9. 1948
United Kingdom	18. 7. 1936

United Kingdom.

For legislation see under Convention No. 35.

The National Insurance Act, 1951, increased the weekly rate of a widowed mother's allowance from 33s. 6d. to 40s. for a widow with one child, with an additional 2s. 6d. for each child after the first. Smaller increases were provided by regulation where the husband's yearly average of contri-

butions was less than 50. The amount a widowed mother may earn without reduction of her allowance was raised from 30s. to 60s. a week, and the amounts of 10s. for the first child and 2s. 6d. for each additional child which are part of the allowance were exempted from reduction. A widow receiving a widow's allowance became entitled to 10s. a week instead of 7s. 6d. for her first child, and to 2s. 6d. for any subsequent children. The amount a widowed pensioner may earn without reduction of benefit was raised from 20s. to 40s. a week. The guardian's allowance was increased from 12s. to 13s. 6d. a week. Rules governing

the reduction of pension when some other benefit is payable were also modified by regulation.

The normal State supplements to national insurance contributions were reduced by the above-mentioned Act, and the annual lump-sum grants previously paid to the scheme by the State were abolished. Contributions of insured persons and employers increased on 1 October 1951, when the permanent rates provided in the original Act came into force.

The report from *Poland* reproduces the information previously supplied.

40. Convention concerning compulsory widows' and orphans' insurance
for persons employed in agricultural undertakings

This Convention came into force on 29 September 1949

Countries	Date of registration of ratification
Bulgaria	29. 12. 1949
Czechoslovakia	1. 7. 1949
Italy	22. 10. 1952
Poland	29. 9. 1948
United Kingdom	18. 7. 1936

United Kingdom.

Great Britain.

See under Convention No. 39.

The report from *Poland* reproduces the information previously supplied.

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
Afghanistan	12. 6. 1939
Argentina	14. 3. 1950
Belgium ¹	4. 8. 1937
Brazil ²	8. 6. 1936
Burma ³	22. 11. 1935
Ceylon	2. 9. 1950
Egypt	11. 7. 1947
Estonia ²	21. 12. 1935
France ⁴	25. 1. 1938
Greece ²	30. 5. 1936
Hungary ²	18. 12. 1936
India ⁵	22. 11. 1935
Iraq	28. 3. 1938
Ireland ¹	15. 3. 1937
Netherlands ³	9. 12. 1935
New Zealand ⁶	29. 3. 1938
Pakistan ⁷	22. 11. 1935
Peru	8. 11. 1945
Switzerland ¹	4. 6. 1936
Union of South Africa ¹	28. 5. 1935
United Kingdom ⁸	25. 1. 1937
Venezuela ³	20. 11. 1944

¹ See footnote 3 to Convention No. 4.
² See footnote 4 to Convention No. 4.
³ See footnote 5 to Convention No. 4.
⁴ See footnote 6 to Convention No. 4.
⁵ See footnote 7 to Convention No. 4.
⁶ Has ratified Convention No. 89; this ratification involves the immediate denunciation of Convention No. 41.
⁷ See footnote 8 to Convention No. 4.
⁸ See footnote 9 to Convention No. 4.

Afghanistan.
The Convention is not applicable for the reasons stated in the previous report.

Argentina.
See under Convention No. 4.

Belgium.
Three decisions to ensure the application of the Convention were given by courts of law. In 16,780 establishments visited by the inspection service, 1,690 persons were covered by the relevant legislation; 18 infringements were reported.

Burma.
Factories Act, 1951.
Oil Fields (Labour and Welfare) Act, 1951.
The Convention is applicable to oilfields as well as factories.
The term “night” has not been defined in the national legislation, but in factories women are only allowed to work between 6 a.m. and 6 p.m.

The term “women” is interpreted to mean all women employed in factories and oilfields without distinction as to the nature of their duties or their age.

Ceylon (first report).
Schedule to the Subsidiary Legislation (1938), made under the Employment of Women, Young Persons and Children Ordinance (Chapter 108 of the Legislative Enactments of Ceylon), to implement Conventions Nos. 4, 5 and 6.
Employment of Women (Revised Convention) Ordinance, No. 16 of 1940, as amended by Ordinance No. 46 of 1941.

The national legislation incorporates the relevant provisions of the Convention which have been set out in Part III of the Schedule to Ordinance No. 16 of 1940, and have been made legally effective under Section 2 of this Ordinance. The report contains the following information regarding the various Articles of the Convention.

Article 1. The line of division separating industry from commercial and agricultural operations has been defined by the competent authority and the definition is set out in the Schedule to the Subsidiary Legislation, 1938 (Section 4 (2)), made under the Employment of Women, Young Persons and Children Ordinance (Chapter 108 of the Legislative Enactments of Ceylon) which implemented Conventions Nos. 4, 5 and 6.

Article 2. The need for substituting the alternative night interval as provided for in paragraph 2 of this Article has not arisen in Ceylon. Paragraph 3 of the Article has no application in the country and has not been provided for in the legislation.

Article 3. The term “woman” has been defined as a woman of 18 years or upwards without reference to the nature of the duties performed.

Articles 4 to 7. See under Convention No. 4.

Article 8. The wording of this Article has been incorporated in the legislation without change. No definition has been adopted to determine “women who are regarded as holding responsible positions of management who are not ordinarily engaged in manual work”; the question will therefore have to be decided by reference to common usage if the need arises.

For information relating to the authority responsible for the application of the relevant legislation, contraventions, inspections and statistics, see under Convention No. 4.

France.

Algerian Departments.

See under Convention No. 4.

Overseas Departments.

French Guiana ; Guadeloupe ; Martinique.

See under Convention No. 4.

Greece.

The Government representative to the Conference Committee in 1952 stated that there were still four Decrees authorising the employment of women at night in a number of industrial undertakings for a certain period of the year. These Decrees have not been repealed but they are not being applied. The Decree of 28 April 1937 provides that the interval between 11 p.m. and 6 a.m., during which the employment of women in textile industries (wool, cotton, silk, etc.) is prohibited, may be substituted for the interval between 10 p.m. and 5 a.m. (Article 2, paragraph 2, of the Convention). This provision is only applied in the textile industries where the two-shift system is in operation ; it is rarely made use of in practice.

Among the infringements reported during the period under review a number related to the

employment of women. Generally speaking, the provisions of the Convention are applied to all women in industrial employment. No complete statistical data are available but it is estimated that women represent one-third of the total number of persons employed in industrial undertakings.

Ireland.

The only exceptions allowed were in respect of 20 farms engaged in the Christmas poultry trade. During the period under review three contraventions were reported, but it was not considered necessary to institute proceedings.

Netherlands.

During 1951 three reports were drawn up relating to the employment of women between 10 p.m. and 5 a.m. The infringements in question related to eight women employed in a preserved-goods factory, a laundry and a pastrycook's establishment. Fines were imposed varying between 10 and 60 florins.

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

Egypt, Iraq, Venezuela.

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
Greece	13. 6. 1952
Hungary	17. 6. 1935
Iraq	25. 7. 1941
Ireland ¹	15. 3. 1937
Italy	22. 10. 1952
Japan	6. 6. 1936
Mexico	20. 5. 1937
Netherlands ¹	1. 9. 1939
New Zealand	29. 3. 1938
Norway	21. 5. 1935
Poland	29. 9. 1948
Sweden ¹	24. 2. 1937
Turkey	27. 12. 1946
Union of South Africa	26. 2. 1952
United Kingdom ¹	29. 4. 1936

¹ Has denounced Convention No. 18 in ratifying this Convention.

Argentina.

During the period covered by the report a decision was given by the Labour Court of Appeal by which tuberculosis, a disease of generic character, is considered as showing specific features from the point of view of inherent risks, as laid down

in Act No. 9688, in cases where the fact of employment has had a direct or indirect influence on the appearance, external manifestation or aggravation of this condition.

Austria.

Federal Act of 25 July 1951, to adapt social insurance to economic circumstances.
Federal Act of 25 July 1951, to amend and supplement the Federal Act of 12 June 1947 to make provision for the transition to the new social insurance law (L.S. 1947—Aus. 5 A).

The report gives information as to the procedure to be followed by the insurance agencies responsible for the collection of contributions. On 16 July 1951 allowances payable to the worker during treatment in a hospital or institution, supplementary nursing benefits which are paid to an injured person who is helpless, and minimum death benefits were increased threefold.

Belgium.

For legislation and statistical data see under Convention No. 18.

The report gives the point of view of the Government as regards the schedule to Article 2 of the Convention relating to poisoning by the halogen derivatives of hydrocarbons of the aliphatic series. The report states that, in accordance with the latitude allowed by the Convention, the national legislation has only provided for cases of chlorinated derivatives of hydrocarbons, as

the other halogen derivatives of the said hydrocarbons are not used in the country. The report adds that the medical services are examining the possibility of adding to the list of occupational diseases poisoning by methyl-bromide and other substances of the same chemical group, used in the manufacture of fire extinguishers.

Denmark.

See under Convention No. 18.

France.

Metropolitan Departments.

For legislation see under Convention No. 17.

The legislative amendments concerning compensation for silicosis and asbestosis mentioned in the previous report are now being completed. Decree No. 51-1215 brought the number of schedules of occupational diseases to 34 by the addition of several diseases to those previously covered.

The report mentions a decision of the Regional Appeal Board of the Paris Social Security General Claims Department, which applied implicitly the principle laid down by Article 1, paragraph 2, of the Convention. However, an appeal against this decision has been lodged with the Supreme Court of Appeal.

During the year 1951 the social security bodies received 5,356 notifications of occupational diseases. The report gives statistics of these diseases and of the occupations which caused them. The text of the new legislation is appended to the report.

Algerian Departments.

An Order of 26 November 1951 extended the schedules of occupational diseases by including lead poisoning, asbestosis, etc. The report contains details regarding these diseases, the occupations giving rise to them and the waiting period required before payment of compensation.

The labour inspection service supervises the application of the various legislative provisions. As the industrialisation of Algeria is still in its initial stages, few cases of occupational diseases have so far occurred.

Overseas Departments.

See under Convention No. 12.

Martinique.

With the exception of painting undertakings, which moreover do not use lead compounds (white lead), there are no industries corresponding to those enumerated in the Schedule to Article 2 of the Convention.

Iraq.

Four cases of occupational diseases were reported and compensation was granted.

Ireland.

Statistical information for 1950 is appended to the report, showing that £5,553 was paid as compensation in respect of 54 cases of occupational diseases.

Japan.

See under Convention No. 18.

Netherlands.

Statistical information is appended to the report showing that 1,152 cases of occupational diseases (11 of which were fatal) were reported. The total expenditure involved was 6,606,591 florins.

New Zealand.

One legal decision of interest was given respecting the claims for compensation under the Workmen's Compensation Act, 1922.

During 1951 reports were made in respect of 342 cases of industrial dermatitis, 11 cases of lead poisoning, three cases of nasal ulcer caused by chrome and one death from lung fibrosis caused by sand dust.

Poland.

See under Convention No. 12.

Sweden.

Act of 30 May 1952, to amend the Act of 14 June 1929, concerning insurance against occupational diseases (L.S. 1929—Swe. 1).

The new Act, which extends the list of occupational diseases, does not affect the application of the Convention.

During the period under review 3,841 cases of occupational diseases were reported.

Turkey.

In accordance with Article 26 of the National Constitution, the force of law is given to the provisions of a ratified Convention.

Statistical data is appended to the report showing that in 1951 the number of cases of occupational diseases reported was 619 (50 fatal) and the amount paid out in respect of medical care and compensation for temporary incapacity was £T 532,436.82.

United Kingdom.

Great Britain.

Workmen's Compensation (Supplementation) Act, 1951. Workmen's Compensation (Supplementation) Scheme, 1951, to provide for allowances to supplement workmen's compensation where the accident occurred before 1924.

Pneumoconiosis and Byssinosis Benefit Act, 1951. Pneumoconiosis and Byssinosis Benefit Scheme, 1952, to provide benefits for total disablement and for death occurring after 31 December 1949, in cases not covered by the Workmen's Compensation or Industrial Injuries Acts.

National Insurance (Industrial Injuries) Prescribed Diseases Amendment (No. 4) Regulations, 1951, to extend insurance against pneumoconiosis to persons employed in the manufacture of carbon electrodes by an industrial undertaking.

These new Acts and Amendment Regulations do not affect the application of the Convention.

Statistical data are given showing the number of cases reported for 1950.

Northern Ireland.

One case of lead poisoning was reported during 1951 and there was only one successful claim in respect of pneumoconiosis.

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

Cuba, Finland, 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

Belgium.

No infringements were reported during the visits of inspection carried out in eight undertakings employing 3,294 persons covered by the legislation.

France.

Overseas Departments.

French Guiana.

The Convention does not apply in the Department.

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

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
Italy	22. 10. 1952
New Zealand	29. 3. 1938
Switzerland	14. 6. 1939
United Kingdom	29. 4. 1936

France.

Metropolitan Departments.

Decree of 12 September 1952, to increase the rates of unemployment allowances.

The report contains the following figures relating to assistance granted to unemployed persons during 1951: State contribution for total unemployment, 2,674,722,141 francs; contribution by the communes 232,768,751 francs; for partial unemployment the respective figures are 280,263,005 francs and 53,311,769 francs for subsidies to communes carrying out works for assisting unemployed persons. The total expenditure amounted to 3,241,065,678 francs.

A draft Decree which is under consideration provides for the institution of a system to enable unemployed persons residing in communes where there is no employment service to be admitted, subject to certain conditions and as individual members, to the benefit of allowances.

The application of legislation relating to unemployment is supervised by the labour and manpower inspection service.

Algerian Departments.

Order of 27 August 1951, to modify the Order of the Governor-General of Algeria of 22 February 1946 to set up advisory boards to the departmental employment agencies, as modified by the Order of 5 July 1946.

Order of 27 August 1951, to modify the Order of the Governor-General of Algeria of 23 December 1946 to prescribe the methods of applying to Algeria the Ordinance of 24 May 1945 and the Decree of 23 August 1945.

The report cites the above-named legislation.

Overseas Departments.

French Guiana.

The provisions of French legislation relating to assistance to workers without employment have not been extended to French Guiana. Owing to geographical conditions in the Department it is not possible to keep a regular check of the employment situation. Moreover, there is a shortage of manpower and there is practically no involuntary unemployment.

See also under Convention No. 2 for information regarding the number of persons employed by 1,330 undertakings.

Guadeloupe.

The legislation in force in Metropolitan France has not yet been extended to Guadeloupe. Special measures are under consideration to provide assistance to unemployed persons.

Martinique.

The legislation in force in Metropolitan France has not been extended to Martinique. There are no local regulations concerning the organisation

of any system for assistance to workers without employment. The Convention is not applied.

Réunion.

See under Convention No. 2.

Ireland.

Social Welfare (Great Britain Reciprocal Arrangements) (No. 2) Order, 1952.
Social Welfare Act, 1952.¹

The total insured population at the beginning of October 1951 was 514,611; 13,602 persons were covered by certificates of exception issued in accordance with Part II (*d*) of the First Schedule of the Unemployment Insurance Act, 1920; 411 certificates of exemption were issued.

The Social Welfare (Great Britain Reciprocal Arrangements) (No. 2) Order, 1952, revises the provisions concerning the insurance of persons employed on ships or vessels.

The total amount of unemployment benefit paid out under the Unemployment Insurance Acts, 1920-48, in the financial year 1951-1952, was £965,695. The State contribution to the Unemployment Fund for the same period was £474,578.

New Zealand.

Social Security Amendment Act, 1951.

Under the above Act, the maximum weekly unemployment allowance has been fixed at £1 15s. 0d. for applicants between 16 and 20 years of age without dependants, at £2 17s. 6d. for all other applicants and at £2 17s. 6d. in respect of the applicant's wife.

During the year ended 31 March 1952 there were 176 applications for unemployment benefit; allowances were granted in 81 cases and total payments amounted to £3,914. Payment of additional benefit for a dependent wife was included in 52 of the benefits granted during 1951-1952. There were two benefits in force as at 31 March 1952.

Switzerland.

Federal Act of 22 June 1951, respecting unemployment insurance.

Regulations of 17 December 1951, issued in application of the above-named Act.

The Federal Act of 22 June 1951 respecting unemployment insurance and the Regulations of 17 December 1951, issued in application thereof, came into force on 1 January 1952 and abrogate former texts relating to unemployment insurance and to assistance to needy unemployed persons.

The report gives the following detailed information regarding the sections of the Federal Act under which the various Articles of the Convention are applied.

Article 1. Unemployment benefits are adapted to increases in the cost of living. Benefits paid to unemployed persons are calculated on the basis of the relevant period of unemployment and take into account the earnings of the insured person and his responsibilities as regards members of his family. For the purpose of benefits, an insured person's earnings may not be higher than his

actual remuneration (up to a maximum of 24 francs a day) which serves as the basis for calculating old-age and survivors' insurance contributions.

The basic benefit is fixed at 60 per cent. of daily earnings for single persons and at 65 per cent. for persons with family responsibilities. Details are given regarding methods for fixing the daily benefit and supplements for persons with family responsibilities. Unemployment assistance is now within the exclusive competence of the cantons and the systems adopted vary in each canton. The cantons have the right to set up public funds and to declare insurance to be compulsory. Insurance is compulsory in 16 cantons and is optional in the remainder. The right to legislate on matters relating to unemployment has been delegated to the communes in four cantons.

Article 2. According to the provisions of Section 13 of the Federal Act of 22 June 1951 workers domiciled in Switzerland, who can be placed in employment and who are engaged in regular wage-earning activities which can be easily controlled, are admitted to insurance. Information is given regarding the categories of persons who are not admitted to insurance (workers under 16 years of age (18 in some cantons) or over 60 years of age, members of the employer's family living in his household, certain owners of large industrial undertakings, persons living abroad, apprentices and disabled persons).

On 1 January 1952 the number of insured persons was 591,709 (including 453,361 male persons). There are no statistics relating to workers not covered by insurance.

Article 3. The new Act does not differentiate between total and partial unemployment. Benefits are payable where partial unemployment lasts for more than one whole day during a pay period of 14 days or half-a-month. For workers in the construction industry, partial unemployment benefit is only paid for the days or half-days on which the worker is wholly unemployed. For other groups of workers who are employed only during certain periods of the year (employees in hotels, restaurants, entertainment undertakings, etc.), benefits are not payable unless the worker has been unemployed for at least 14 consecutive days.

Article 4. In order to be entitled to benefit a claimant must be capable of and available for work, must be registered with the labour office at his place of residence and must report to this office at regular intervals during the period of unemployment. A claimant for benefit must also comply with a qualifying period of six months and have paid his contributions regularly during this period.

Article 5. Sections 26, 28 and 29 of the Federal Act contain provisions regarding conditions for and disqualification from unemployment benefit other than those provided for in Articles 6 to 12 of the Convention.

Article 6. The Act (Sections 24 and 25) prescribes a qualifying period of six months, involving the payment of the required contributions. If the insured person changes to another insurance fund the qualifying periods are added together, provided that the interval between each fund is not more than 30 days. The qualifying period may be as much as 12 months for an insured person who changes funds and whose contributions are in arrears.

¹ Came into effect after the period covered by the report.

Article 7. The waiting period is fixed at one full day of unemployment per calendar year. Special periods are fixed for workers in the construction industry and for seasonal workers.

Article 8. The payment of benefit is suspended when the insured person does not comply with the instructions issued by the Employment Office requesting him to take up the employment assigned to him or to follow a rehabilitation or refresher course to facilitate his placing in employment. The only courses of this nature which now exist are those for stonemasons and for domestic service, which were introduced in 1951 and 1952 respectively in order to deal with the shortage of labour in these two occupations.

Article 9. Unemployed persons are not required to accept employment on relief works. Because of the favourable economic condition of the country such works are no longer subsidised by the federal authorities.

Article 10. Claimants who refuse to accept suitable employment (as defined in the Act) are liable to disqualification from benefit (Section 29 of the Federal Act). Benefit is also suspended in cases of collective labour disputes, loss of employment due to the worker's own fault, absence from work without just reason, failure to seek new employment and fraudulent claims to benefits. Benefits are not payable unless the labour contract stipulates that the employer is responsible for paying them.

Article 11. An insured person may receive 90 daily benefits during a calendar year and 315 daily benefits during four calendar years. In the event of acute and prolonged unemployment, the benefit period may be increased to 120 or 150 days per year.

Article 12. The needs of the claimant are not taken into account.

Article 13. Benefits are always paid in cash.

Article 14. Under Section 54 of the Federal Act the cantons are required to set up autonomous appeals authorities. An appendix to the report lists the cantons which have already appointed such authorities. Under the new Act a supreme appeals authority—the Federal Insurance Tribunal—has been set up at Lucerne to deal with appeals against decisions relating to infringements of the Federal Act and to act as an arbitration authority.

Article 15. Salaried employed persons resident in Switzerland, as well as frontier workers living in Switzerland and employed in another country, are admitted to insurance. An insured person who leaves Switzerland may retain his status as an insured person for a maximum period of three years, but during this period he is not eligible for benefit.

Article 16. Equality of treatment is granted to foreigners, with the exception of those who do not possess a residence permit. The agreements concluded with Austria, Belgium, Czechoslovakia, Denmark, France, Great Britain, Ireland, Italy, Poland, the Netherlands and Sweden remain in force.

The unemployment insurance funds, under the control of the federal authorities and with the collaboration of the cantons, are responsible for

the application of the scheme. The Federal Office of Industry, Arts and Crafts, and Labour is responsible for controlling the application of the legislation.

The Government appends to its report copies of the report of the Federal Council (Department of Public Economy), showing the number of recognised unemployment funds, trade union funds and joint funds, as well as the amount paid in benefits in 1951. In addition to the text of the Federal Act of 22 June 1951 memoranda are given relating to the measures to be taken by the cantons for the application of the Federal Unemployment Insurance Act to compulsory unemployment insurance and to public funds.

United Kingdom.

Great Britain.

National Insurance Act, 1951 (L.S. 1951—U.K. 3).
National Health Service Act, 1952, Section 7 (2).
Various Regulations, issued during 1951 and 1952, concerning national insurance and national assistance.
National Insurance Act, 1951 (Commencement) Order, 1951.
National Insurance and Industrial Injuries (Reciprocal Multilateral Agreement) (Belgium) Order, 1951.

Northern Ireland.

National Insurance Act (Northern Ireland), 1951.
National Assistance (Amendment) Act (Northern Ireland), 1951.
Various Regulations, issued during 1951 and 1952, concerning national insurance and national assistance.
National Insurance (Commencement) Order (Northern Ireland), 1951.
National Insurance and Industrial Injuries (Reciprocal Agreement with France) Order (Northern Ireland), 1952.
National Insurance and Industrial Injuries (Reciprocal Multilateral Agreement with Belgium, France, Luxembourg and the Netherlands) Order (Northern Ireland), 1952.

The Convention continued to be applied smoothly and satisfactorily in Great Britain, with industrial conditions approximating to full employment favouring operation of its unemployment benefit scheme; the position in Northern Ireland was in all essential respects the same as that which obtains in Great Britain.

The rate of dependant's benefit for a first or only dependent child was increased from 7s. 6d. to 10s. a week as from 30 August 1951, while a dependant's benefit of 2s. 6d. a week was made payable for each dependent child in the claimant's family other than the first, in addition to the normal family allowance. Opportunity was given to persons who reached pensionable age after 5 July 1948, and who had already retired from regular employment, to elect to be treated up to 16 January 1952 as no longer retired if they took up employment. The statutory regulations governing the amount of assistance payable to unemployed and other persons under the National Assistance Act, 1948, were further amended by the National Assistance (Determination of Need) Amendment Regulations, 1952, which came into operation on 16 January 1952, and increased the amounts payable. The Government supplies in an appendix a copy of the report of the National Assistance Board for the year ended 31 December 1951.

Decisions of insurance officers or local appeals tribunals may now be reviewed when such decisions are given in ignorance of some material fact. A decision by the National Insurance Commis-

sioner is subject to review only if fresh evidence is submitted.

Statistical data appended to the report show the number of registered unemployed persons on 16 June 1952 (440,054 in Great Britain and 49,569 in Northern Ireland), and the total expenditure from 1 July 1951 to 30 June 1952 for unemploy-

ment benefit (£17,850,000 in Great Britain and £2,048,215 in Northern Ireland). The number of persons receiving assistance on 24 June 1952 who were required to register for employment was 74,841, of whom 41,651 were receiving assistance to supplement unemployment benefit payable under the National Insurance Acts.

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
Italy	22. 10. 1952
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
Yugoslavia	21. 5. 1952

¹ See footnote 3 to Convention No. 19.
² See footnote 3 to Convention No. 1.

Argentina.

See under Convention No. 1 for statistical information.

Austria.

Federal Act No. 45 of 13 February 1952, to amend the Federal Act concerning the work of children and young persons (L.S. 1948—Aus. 3).

The above-mentioned Act removed the discrepancies between the provisions of the Convention and those of Austrian legislation which were mentioned in the report for the period 1949-1950, by adding the employment of girls in underground work to the list of occupations which are prohibited for young persons by virtue of Section 23, paragraph 3, of the Act of 1948. Austrian legislation is thus in full conformity with the provisions of the Convention.

Ceylon (first report).

Mines (Prohibition of Female Labour Underground) Ordinance of 16 April 1937 (L.S. 1937—Cey. 1).

The provisions of Articles 1, 2 and 3 of the Convention are applied under the above-mentioned Ordinance. However, no exemptions have been authorised under Article 3.

The Ministry of Labour is responsible for the application of the above-mentioned legislation. The Inspector of Mines reports cases of non-compliance with the law. No decisions were given by courts of law and no infringements were reported to the competent authorities. No observations were received from employers' or workers' organisations.

Greece.

The Government states that, although the supervision of the conditions of safety in underground mines is the responsibility of the mines inspectors in the Ministry of Industry, the inspectors of the Ministry of Labour are responsible for the application of labour legislation in general and, in particular, the legislation relating to the provisions of the Convention.

The report of the technical labour inspector responsible for the visits of inspection in certain mines in Attica and the island of Euboea indicates that in the course of these visits no women were reported to be present in underground mines.

India.

A Mines Act (No. XXXV) was adopted on 15 March 1952 to amend and consolidate the legislation regulating work and safety in mines; the Act has not yet come into force.

During the period under review visits of inspection without notice were effected by the staff of the Mines Department and, in every case where women were found underground, proceedings were instituted provided there was sufficient evidence for proving the case in court. There was a total of 12 proceedings (five in Bihar, six in Madras and one in Rajasthan); four convictions were obtained and eight cases are still pending.

New Zealand.

Quarries Amendment Act, 1951, to amend the Coal Mines Act, 1925 (L.S. 1925—N.Z. 2) (New Zealand Statutes, 1951).

The above enactment amends the definition of "coal mine" under the Coal Mines Act of 1925 by the exclusion of open-cast coal quarries.

United Kingdom.

The strength of the Inspectorate at 30 June 1952 was 146.

The reports from the following countries either

reproduce or refer to the information previously supplied :

Afghanistan, Belgium, Chile, Cuba, Egypt, Finland, France, Ireland, Netherlands, Pakistan, Portugal, Sweden, Switzerland, Turkey, Union of South Africa, Venezuela.

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).

A new award issued on 27 April 1951 for milk

roundsmen and depot hands in Wellington reduced the hours of work from 44 to 40 per week, which may be spread over seven days.

A recent estimate of the workers covered by the relevant legislation will be found in the reports on Conventions Nos. 1 and 30. Inspectors of factories granted permission for 836,299 overtime hours during the year ending 31 December 1951.

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
Italy	22. 10. 1952
Netherlands	6. 10. 1938
Poland	21. 3. 1938
Spain	8. 7. 1937
Yugoslavia	4. 1. 1946

Netherlands.

Royal Decrees of 11 September and 22 November 1951, 17 and 19 January 1952, and 21 March 1952.

As regards the maintenance of rights acquired by persons affiliated with an insurance institute

of one of the States Members, the report states that as from 1 May 1952 and until the coming into force of the Amending Act, Section 168 of the Invalidity Act is not to be applied.

Thus the practice is already in harmony with the provisions of Article 10, paragraphs 1 and 2, of the Convention.

Yugoslavia.

At present 131 pensions are paid to beneficiaries residing abroad ; 76 of these are in Czechoslovakia, 14 in France and the remaining 41 are in 12 different countries.

The report from *Poland* reproduces the information previously supplied.

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

*France.**Algerian Departments.*

With regard to Article 5 of the Convention, the report states that the hours of work of shifts

employed in the North African glass works are fixed in accordance with the provisions of Section 2 (6) of the Decree of 13 February 1937.

*Overseas Departments.**French Guiana.*

The Convention does not apply in the Department.

New Zealand.

The reference to the decision of the Emergency Disputes Committee, 1950, *Book of Awards*, page 897, should be replaced by the following :

"Agreement under Labour Disputes Investigation Act, 1913, 1951, *Book of Awards*, page 2151".

The reference to the Factories Act, 1946, made under Article 3 in previous reports, should now read "Clause 7 (a)".

The Factories Act, 1946, and the agreement under the Labour Disputes Act, 1913, are adminis-

tered by the New Zealand Department of Labour and Employment.

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

Ireland, 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 ¹	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 below under "Summary of Annual Reports on the Application of Conventions in Non-Metropolitan Territories (Article 35 of the Constitution)".

Japan.

In the course of the second world war, Japan lost all its dependent territories. As a result there no longer exist in Japan either workers belonging to or assimilated to the indigenous populations of the dependent territories, or to the dependent indigenous populations of the home territories. The Convention is therefore no longer applicable.

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

Argentina, Norway.

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
Greece	13. 6. 1952
Israel	22. 8. 1951
Italy	22. 10. 1952
Mexico	9. 3. 1938
New Zealand	10. 11. 1950
Yugoslavia	26. 3. 1953

Argentina.

With regard to the observations made by the Committee of Experts, the report refers to Section 1 of Decree No. 1740/45 which provides that, without any exceptions other than those specified in the Decree, every person who works on account of another in the service of an employer is entitled to a continuous annual holiday with pay of not less than ten days. The report states that this indicates the existence of holiday legislation covering all categories of employed persons, and not solely commercial employees as the Committee of Experts seems to have understood.

The application of the relevant legislation is entrusted to the Ministry of Labour and Welfare

and its regional branches. As regards penalties applied in the case of contraventions, Section 13 of Decree No. 1740/45 provides that, if any employer fails to comply with the provisions of the Decree, he is liable to a fine of between 20 and 200 pesos in respect of each person affected by the contravention.

A decision given on 18 February 1952 by the National Labour Court of Appeals lays down that pecuniary compensation for holidays which are not taken by the worker is permitted only under the conditions stipulated in Sections 7 and 8 of the above Decree. Under Act No. 11729 (Commercial Code) pecuniary compensation for holidays which are not taken cannot be permitted, as holidays are given for the protection of the health of the worker.

Denmark.

Regulation of the Ministry of Labour and Social Affairs No. 353 of 15 August 1951, concerning holiday allowances for persons employed in hotels and restaurants.
Regulation of the Ministry of Labour and Social Affairs No. 161 of 2 May 1952, to determine the value of board and lodging for workers living with their employer and for crews on board ship, under the provisions of Sections 44 and 65 of the Industrial Injuries Insurance Act.

The provisions of the Regulation of 2 May 1952 establish, under the Holidays with Pay Act, the standards for the determination of the value of board and lodging for the computation of holiday allowances.

There are no special public inspection services responsible for the application of the Holidays with Pay Act. However, the labour and factories inspection service gives advice and assistance in the application of the Act; it also receives enquiries concerning the interpretation of the Holidays with Pay Act, as well as complaints concerning its application made by private individuals or by employers' and workers' organisations. During the period under review, no questions of importance were dealt with; proceedings were taken to follow up three cases of infringement of the above-mentioned Act. No data are available on the number of employees covered by the Act.

Finland.

The Government refers to the information submitted to the Office in May 1952 in reply to the observation made by the Committees of Experts, and states that the subject matter of the observation is to be laid before the committee specially set up by the Council of Ministers in 1951 for the study of the revision of the Act concerning annual holidays with pay.

France.

Algerian Departments.

Order of 1 July 1952.

The enforcement of holidays with pay legislation is still difficult because of the fact that control records are not kept regularly.

As a rule workers are only registered when they leave for their holidays. Moreover, particulars of workers who have been employed in an undertaking for a number of years are often difficult to trace from among the mass of detail relating to other workers. These difficulties would be reduced if the provisions of the Decree of 1 August 1936 were amended so as to require the management of the undertaking to re-register their staff in the control records at the end of the period of annual holidays.

Mistakes and difficulties have occurred in connection with the calculation of compensation for the paid holiday. It is also difficult to control the granting and duration of holidays on the basis of

seniority, in cases where the period of service of four years (which gives the right to a supplementary holiday) is not continuous.

The practice of paying compensatory remuneration instead of taking the holiday or of carrying over the holiday to the following year is very prevalent. This procedure seems to be based on the desire of employees to increase their income.

The Order of 1 July 1952 concerning the cumulation of paid holidays will certainly be received with satisfaction by employers and workers. The report states that a certain number of workers take up employment in other undertakings during their paid holidays.

During the period under review, a total of 206,754 adults and 25,376 children were covered by holiday legislation in the Departments of Algeria, Oran and Constantine; 132 infringements of the legislation were reported and proceedings were instituted in 59 cases.

New Zealand.

The report contains extracts from the New Zealand Law Reports and from other documents showing that, according to decisions taken during the period under review, the term "ordinary pay" does not include any sums other than the basic rate fixed by a worker's contract of service; thus, any "penal" payments on account of work on Saturdays or Sundays, etc., or with reference to shift allowances, are excluded.

It is estimated that at 15 April 1952, 607,000 workers were covered by the relevant legislation. Alleged breaches by employers of the Annual Holidays Act, 1944, totalled 549; 359 warnings were issued but no prosecutions were made. Alleged breaches by workers required two investigations resulting in the issue of two warnings; there were no prosecutions.

Arrears of wages under the Annual Holidays Act of 1949, paid at the instigation of the Department of Labour and Employment for the year ended 31 March 1952, amounted to £2,000 2s. 5d.

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

Ireland, Norway.

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
Italy	22. 10. 1952
Mexico	1. 9. 1939
New Zealand	29. 3. 1938
Norway	7. 7. 1937
United States ¹	29. 10. 1938

¹ See below under "Summary of Annual Reports on the Application of Ratified Conventions in Non-Metropolitan Territories (Article 35 of the Constitution)".

Belgium.

There is still a shortage of deck and engineer officers and considerable efforts are being made to encourage more young men to make their careers in the mercantile marine.

Denmark.

The revision of the Shipping Trade Act is still being considered by a special committee.

Finland.

During the period under review certificates of competency were issued to 495 deck officers and 698 engineer officers.

During the same period four persons were fined for infringements of the provisions in force. One of these cases related to the employment of persons who did not have the required competence and in the three other cases the persons concerned held positions as officers in contravention of the provisions in force. Other cases were reported to the authorities, who have not yet taken an official decision on them.

Cases of *force majeure*, which are comparatively numerous and are not included in the above figures, are under the strict control of the authorities who endeavour to settle each case as soon as possible.

France.

Act No. 51-1058 of 28 August 1951.

The above-mentioned Act authorises the replacement of the term "radio telegraphist officer

or operator in the merchant navy" by the term "radio electrician officer or operator in the merchant navy".

The provisions of metropolitan legislation are fully applicable in the Algerian and Overseas Departments.

The following should be added to the nomenclature of certificates: diploma of radio electrician, second class, merchant navy; diploma of radio electrician, first class, merchant navy; certificate of radio electrician officer, second class, merchant navy; certificate of radio electrician officer, first class, merchant navy.

During 1951, 175 diplomas and 1,134 certificates were issued.

New Zealand.

Master and Mates Examination Regulations, 1952.

The above-named Regulations revoke the Rules enumerated in the report for 1949-1950.

During the period under review changes were made in the description of certificates. The number of candidates examined for the master's and mate's certificate was 189; the number of certificates issued was 108. In addition, 360 candidates were examined for the marine engineer's certificate, and 248 certificates of various categories were issued.

Norway.

During the period under review 1,431 certificates of capacity for the various categories of engineer officers in the merchant navy were issued, together with 1,093 master's and deck officer's certificates.

United States.

A copy of the rules and regulations for the licensing and certificating of merchant marine personnel is appended to the report.

During the period under review 1,776 original licences were issued to masters and mates of all categories, together with 6,977 licences for engineer officers and chief engineers in respect of both steamboats and motorboats.

The report from *Egypt* refers to the information previously supplied.

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 collective agreements concluded on 16 April 1948, as amended on 16 March 1950, are still in force.

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
Italy	22. 10. 1952
Mexico	15. 9. 1939
United States ¹	29. 10. 1938

¹See below under "Summary of Annual Reports on the Application of Ratified Conventions in Non-Metropolitan Territories (Article 35 of the Constitution)".

Belgium.
The Bill (referred to in the Government's last report) to increase benefits to seamen in case of

employment injuries has not yet been debated in Parliament. The discussion of this Bill will probably take place in the near future.
The number of seamen covered by the Convention can be estimated at approximately 5,500. During the period under review 114 seamen were repatriated.
No official statistics are kept of seamen who fall ill or sustain injury while serving under a contract of employment.

France.
The amount payable by shipowners can be estimated at 900 million francs.
See also under Convention No. 8.

56. Convention concerning sickness insurance for seamen

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.
Royal Order of 24 October 1936, as amended by the Order of 12 June 1952, concerning the Rules of the Relief and Provident Fund for seamen sailing under the Belgian flag.

In conformity with Section 88 of the Rules of the Relief and Provident Fund for Seamen, sickness benefits have been fixed per working day at rates specified by the governing body of the Fund and approved by the Minister of the Marine. Hitherto, these benefits had been provisionally fixed at rates per calendar day. The governing body of the Fund is at present working out the conversion rate per working day of the former rates (per calendar day); it will at the same time take into account adjustments necessitated by new situations and, in particular, by incorporating in benefits temporary supplements paid by the State. When these new rates have

been approved by the Minister, they will be communicated to the International Labour Office.

With regard to Article 10 of the Convention, which provides that the insured person may appeal in case of dispute regarding his right to benefit, the report states that the former Rules of the Fund provided for a board of appeal; this provision does not exist in the new Rules as it was considered that it was not justified by law, since arbitration tribunals or appeal committees could only be set up if their establishment was explicitly provided for by law. This matter will be dealt with in the Bill which is being prepared and which will shortly be tabled in order to supplement the organisation of social security for seamen in the mercantile marine.

France.

Decree No. 52-297 of 28 February 1952, with respect to bringing the seamen's insurance scheme into harmony with the general legislation on industrial accidents and social insurance.

Act No. 52-898 of 25 July 1952, to amend Section 8 of the Decree of 17 June 1938 respecting the reorganisation and unification of the seamen's insurance scheme (L.S. 1938—Fr. 8).

Under the Decree of 28 February 1952 benefits are payable to foreign seamen resident in France and sailing on French commercial vessels. This Decree also contains provisions regarding the calculation of the qualifying contribution period for entry into insurance and the extension of the assistance of another person in the case of invalidity and sickness.

The Act of 25 July 1952 increases to 252,000 francs the annual minimum wage serving as a basis for calculating daily benefits and pensions, and to 200,000 francs the minimum supplement allowed for the assistance of another person in the case of invalidity caused by an industrial accident.

The estimated number of beneficiaries in 1951 was 35,000. A total of 249 million francs was paid

out in benefits in cash, *i.e.*, 2,100 francs per insured person. Of this total, death benefits amounted to one million francs. Benefits in kind amounted to 1,500 million francs. The resources of the insurance scheme were derived from employers' contributions (500 million francs), contributions from insured persons and pensioners (510 million francs) and contributions made by the public authorities (740 million francs).

The metropolitan legislation as a whole is applicable in the Algerian and Overseas Departments.

United Kingdom.

Various Orders and Regulations, issued in 1952, relating to National Insurance.

The National Insurance Act of 1951, which provides for benefit to be raised for a first or only child of the family of a person claiming sickness benefits, came into force during the period under review. The period in which a claim for attendance allowance is required to be made was extended to three months after confinement instead of 28 days in virtue of the National Insurance (Claims and Payments) Amendment Provisional Regulations of 1952; the regulations regarding confinements taking place outside Great Britain were amended.

The above-mentioned Provisional Regulations of 1952 provided for an extension of from one to three months of the period in which a claim for death grant is required to be made. The report indicates the new inclusive rates and supplements for the persons concerned.

The total number of seamen serving on board ships which are subject to the provisions concerning sickness insurance for seamen is 135,000. The total number of British seamen serving on foreign ships and compulsorily insurable under the National Insurance Acts is not available. Finally, the total number of non-domiciled seamen serving on British ships and not compulsorily insurable under the National Insurance Acts is 57,000.

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 Government refers to the information previously supplied.

TWENTY-SECOND SESSION (GENEVA, 1936)

58. Convention fixing the minimum age for the admission of children to employment at sea (revised 1936)

This Convention came into force on 11 April 1939

Countries	Date of registration of ratification
Belgium	11. 4. 1938
Brazil	12. 10. 1938
Bulgaria	29. 12. 1949
Canada	10. 9. 1951
France	9. 12. 1948
Iraq	30. 12. 1939
Italy	22. 10. 1952
Mexico ¹	18. 7. 1952
Netherlands ¹	8. 7. 1947
New Zealand	7. 6. 1946
Norway	7. 7. 1937
Sweden	6. 1. 1939
United States ²	29. 10. 1938

¹ See footnote 2 to Convention No. 7.
² See below under "Summary of Annual Reports on the Application of Ratified Conventions in Non-Metropolitan Territories (Article 35 of the Constitution)".

Belgium.
The Bill to bring the national legislation into conformity with the provisions of Article 2, paragraph 1, of the Convention has not yet been submitted to Parliament.
The legislation (Seamen's Act of 5 June 1928) requires revision on a number of other points which involve particularly the intervention of the Minister for the Colonies and consultation with shipowners and seamen. The necessary steps are being taken by the Marine Department.

France.
See under Convention No. 8.

Sweden.
Although paragraph 1 of Section 10 of the Seamen's Act lays down that young persons under 15 years of age shall not be employed on

board ship, paragraph 2 of the same section permits the employment of children of 14 years of age (except as trimmers or stokers) on condition that, if the vessel sails west of the Hanstholm-Lindesnäs line, all persons under 16 years of age shall have an uninterrupted rest period of nine hours between 8 p.m. and 8 a.m. Young persons applying for a permit in such cases must prove that they have finished their compulsory education, must have the authorisation of their parents or guardian and must present a medical certificate showing their physical aptitude. This permission, which is granted by the King in Council, has only been given on three occasions since 1948.

United States.
Under the provisions of Section 13 of the Act of 4 March 1915 as amended (46 United States Code, Section 672), it is unlawful to employ any person on board a seagoing merchant vessel of 100 gross tons or over unless he holds a certificate of service which specifies the capacity in which he is authorised to serve, as well as a certificate of identification. The requirements do not apply to fishing or whaling vessels or yachts. At present no merchant mariner's documents are issued to applicants under 16 years of age or to applicants between 16 and 18 years of age without the written consent of the parent or guardian, or to applicants having such consent if their employment as a seaman is not in accord with the child labour laws of the State in which they reside.

The reports from the following countries either reproduce or refer to the information previously supplied :
Iraq, New Zealand, Norway.

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

The reports from the following countries refer to the information previously supplied :
New Zealand, Norway.

Countries	Date of registration of ratification
China	21. 2. 1940
Italy	22. 10. 1952
New Zealand	8. 7. 1947
Norway	26. 8. 1938

60. Convention concerning the age for admission of children to non-industrial employment (revised 1937)

This Convention came into force on 29 December 1950

The report from *New Zealand* refers to the information previously supplied.

Countries	Date of registration of ratification
Bulgaria	29. 12. 1949
Italy	22. 10. 1952
New Zealand	8. 7. 1947

61. Convention concerning the reduction of hours of work in the textile industry

(Not yet in force)

Convention ; the report contains a list of revised references. The hours of overtime worked during the year ending 31 March 1951 amounted to 360,879 for men and 123,069 for women in certain textile industries.

Country	Date of registration of ratification
New Zealand	29. 3. 1938

New Zealand (voluntary report).
No amendments have been made to the legislation or to the arbitrary awards applying to the

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.

During the year 1951, 65,835 workers were employed in the building industry. In 1948 the total number of accidents in this industry was 10,090 (8,810 in 1947), of which 53 were fatal and 128 caused permanent disability.

France (first report).

Metropolitan Departments.

Section 66 of Book II of the Labour Code.

Decree of 9 August 1925, as amended, respecting safety and health measures on building sites and public works.

Decree of 23 August 1947, as amended on 9 September 1950, concerning special safety measures as regards hoisting appliances other than lifts and goods lifts.

Order of 16 August 1951, to lay down conditions for the testing of hoisting appliances.

Decree of 4 August 1935, as amended, respecting the protection of workers in undertakings using electric current.

Order of 9 August 1947, respecting the setting up of a professional body responsible for accident prevention in building and public works.

The report contains a detailed analysis of the relevant provisions of the national legislation.

Article 2. The heads of undertakings who employ persons for construction work must take the necessary safety measures even if the work is only carried out occasionally. The regulations do not provide for exceptions, but the application of certain provisions may be enforced subject to prior notice being given.

Article 3. A certain number of provisions must be posted up and thus brought to the attention of the staff. The heads of undertakings, directors, managers, etc., are responsible for the application of safety and hygiene measures. Fines may be imposed in cases of infringement.

Article 4. The supervision of the application of the safety measures is entrusted to the labour inspectors and, in the case of hydro-electric construction projects, the chief engineers of the Highways Department, who exercise their control under the authority of the Ministry of Labour. In addition, undertakings must belong to the Occupational Accident Prevention Institution for Building and Public Works, the technicians of which exercise a certain degree of influence as regards the supervision of the application of the relevant regulations.

Article 5. The report mentions no exemptions.

Article 6. The drawing up of statistics of industrial accidents is carried out by the social security bodies. The most recent statistics available are those for the year 1949. These indicate that 1,050,000 workers were employed in the relevant undertakings; there were 211,640 accidents, 502 of which were fatal, and 8,378 resulted in permanent disability. The principal causes of these accidents were the following: handling of gear and appliances, fall of worker, shock and blow, hand tools, fall of objects, machine tools incorporating sharp instruments.

Article 7. The report mentions the legislative provisions concerning the construction of scaffolds, and specifies that fixed scaffolds must be braced and stiffened so as to be able to carry loads and to resist wind pressure.

Article 8. The boards and planks which constitute the flooring of a scaffold must be placed closely together without gaps and the flooring of light scaffolds, as well as of mobile and swinging scaffolds of all kinds, must be closely boarded. The various gangways, etc., must be at least 60 cm. in width. Finally, the legislation provides for guard-rails and toe-boards and specifies that these safety devices must be installed in all cases where work is carried out at a height of more than three metres.

Article 9. The legislation provides that every opening must be protected by a guard-rail or a toe-board. The report refers to the provisions respecting the prevention of the fall of workers, of the fall of objects from hoisting appliances and of injuries to workers engaged in the handling of scaffold winches.

Article 10. The legislation contains detailed provisions concerning ladders. It specifies that the lighting must be sufficient to ensure safe conditions of work and of passage. The very detailed provisions of the above-mentioned Decree respecting electricity are designed to ensure the prevention of accidents due to electricity. The report considers that compliance with the provisions prohibiting the dangerous stacking of materials is ensured through the supervision which must be exercised by the head of the building site.

Article 11. The legislation specifies that all the constituent parts and supports of hoisting appliances must be capable of resisting the stresses involved in their use. Slings must be calculated, chosen, arranged and maintained in such a way as to prevent breaking.

Article 12. Hoisting appliances must be tested before use and after any dismantling, repairs or important alterations. Appliances must be thoroughly inspected at least once every 12 months.

Article 13. It is prohibited to place in control of any hoisting appliances workers who do not have full knowledge of the orders and the handling involved, and whose state of health, physical aptitude, eyesight and hearing may render them unsuitable for carrying out these functions.

Article 14. The legislation specifies the conditions under which stationary and mobile tests of hoisting appliances are carried out. Every appliance, etc., must be plainly marked with an indication of the working load for the various cases in which it may be used. The hoisting of loads which are heavier than those marked on the appliances is prohibited.

Article 15. All moving parts must be provided with safeguards. The sale, rental or use of unprotected machinery is not permitted in France. All hoisting appliances which are mechanically driven must be provided with a brake or equivalent device. The instructions laid down by the head of the undertaking must specify the precautions to be taken to avoid the fall of objects from hoisting appliances.

Article 16. Safety belts with rope designed to be fastened to a fixed point must be at the disposal of the workers in certain cases. When work is carried out on hard stones liable to throw off splinters, safety goggles must be provided. The heads of undertakings must ensure that the staff uses the personal safety devices placed at its disposal, and are empowered to order their staff, under penalty, to make use of such devices.

Article 17. In all cases when work is carried out over waterways, ponds and canals, as well as in maritime work, measures must be taken so that any worker who falls into the water may be promptly rescued.

Article 18. Sufficient medical and pharmaceutical materials must be provided in all undertakings and, in addition, on building sites where more than ten workers are employed, first aid must be provided for workers in case of accidents.

Algerian Departments.

Book II of the Labour Code, Sections 65 to 70.
Order of 10 July 1913.
Decree of 15 July 1937, for the application of the Decree of 9 January 1934.
Decree of 9 August 1925, made applicable by the Decree of 22 October 1947.
Orders of the Governor-General of 24 March and 3 November 1950.

The report contains a schematic analysis of the legislative provisions in force. The supervision of the application of these provisions is entrusted to the labour inspection service.

The Governor-General of Algeria may, after making appropriate enquiries, grant exemptions from the legislative provisions on condition that the safety of workers is not endangered.

Extracts of the provisions in force must be posted up and the head of the undertaking is responsible for their application, under penalty of fine.

The number of persons employed in the building industry was 118,915 and the number of accidents was 7,328.

Overseas Departments.

Guadeloupe.

The metropolitan regulations concerning safety provisions in the building industry were applied by Decree No. 48-592 of 30 March 1948.

Building sites in Guadeloupe are generally on a much smaller scale than in Metropolitan France as many buildings are only one-storied wooden structures of light construction. Scaffolds are generally of limited height; the inspection service endeavours to ensure that they are built according to the legislative provisions and regulations in force. Industrial accidents on scaffolds are very rare. Hoisting appliances are seldom used.

The number of persons employed in building work varies from 1,300 to 1,800. As from 1952, the social security authorities will be able to draw up statistics of accidents. The most frequent accidents are those involving injuries to the feet, as many workers do not wear shoes.

The supervision of the application of the provisions in force is entrusted to the labour and manpower inspectors. The courts of law do not seem to have given any decisions concerning questions of principle as regards the application of the Convention. No infringements of the safety provisions on building sites have been noted. No observations on the practical application of the provisions of the Convention have been made by the employers' or workers' organisations concerned.

Martinique.

The provisions of the Convention are applied in virtue of Section 66 (a) of Book II of the Labour Code and of the Decree of 9 August 1925 as amended by the Decrees of 26 November 1934, 13 December 1941, 4 February 1942, 10 August 1943 and 6 August 1948.

No exemptions were granted in Martinique. The application of the legislation and the administrative texts is supervised by the labour inspection service and by the Highways Department in respect of mines, quarries, etc.

It should be noted that building work is often carried out by subcontractors whose names do not appear on the commercial register and who are more or less qualified to undertake the work entrusted to them. The provisions of Section 2 of the Decree of 1925 are not always fully observed, despite the efforts of the labour inspection service. There were no decisions by courts of law and no infringements were reported. No observations were made by the workers' organisations.

Réunion.

The Metropolitan Labour Code is applicable. The provisions in question covered an average of 500 workers in 1951 (with the exception of subcontractors employing only one or two workers) and an average of 700 workers in 1952. The shortage of inspectors has prevented the compilation of general statistics.

Netherlands (first report).

Labour Act of 1919, as amended (L.S. 1922—Neth. 1; L.S. 1930—Neth. 2; L.S. 1935—Neth. 2).
Act of 2 July 1934, to issue provisions respecting safety in the performance of work in general, and safety in factories and workplaces in particular, as amended (L.S. 1934—Neth. 2; L.S. 1949—Neth. 4).

Order of 1938 respecting safety in factories and workshops, as amended by the Royal Order of 9 January 1950.
 Order of 1938 respecting safety in electro-technical undertakings.
 Order of 1940 respecting safety in the use of dangerous tools.

Article 1. The report refers in detail to the national laws and regulations applying the various Articles of the Convention and indicates in particular that the Royal Order of 9 January 1950 supplemented the Order of 1938 by introducing provisions in respect of building work with a view to the ratification of the Convention. The district chief labour inspectors are authorised in certain cases to give instructions concerning the application of the legislative provisions. In order to achieve maximum uniformity, the inspection service has drafted standard instructions covering wooden scaffolds, metal scaffolds, steel construction work, etc. In addition, the Standards Institute has laid down construction standards for hoisting machinery which are designed to ensure conformity with the legislative provisions.

Article 2. The legislation does not provide for any exemptions.

Articles 7 and 8. The persons responsible for building work or any other person designated by them must supervise the application of the provisions concerning the use of scaffolds. The legislation requires precautionary measures to be taken in the use of working platforms, gangways and stairways.

Article 9. Persons working above a height of three metres must be protected by a gallery or platform.

Article 10. Electrical equipment on building sites must comply with the general regulations of the Electro-Technical Safety Order, as well as with the rules for the installation and use of high tension equipment laid down by the Standardisation Commission.

Articles 11 and 12. The legislation contains provisions covering hoisting machinery and appliances. In addition, there are regulations respecting the safety of goods lifts and cables. Hoisting appliances must be examined and tested by a competent and responsible person after their installation and before being used. Such examination and testing must be repeated at least every two months, and after a prolonged period of disuse or after the appliance has been out of order. Chains and accessories must be tested regularly and must be overhauled periodically. All such equipment belonging to an undertaking must be listed in a special register indicating its origin, year of manufacture and delivery, other characteristics, testing load, working load, etc.

Article 13. Young persons under 18 years of age and women are not permitted to operate a crane or winch. Hoisting machinery must not be handled by persons who are not thoroughly familiar with its operation.

Articles 14 and 15. The legislation contains provisions on the safe working load which are the same as those of the Convention. The calculation of this load must be made in accordance with the instructions contained in the rules for the protection of the construction and use of hoisting machinery. Other provisions cover the maintenance of cranes, winches and other similar

apparatus. These appliances must be so constructed as to prevent the sudden fall of the load: they must have brakes or other means whereby the appliance can be stopped instantly. Hoisting appliances must be securely fixed to prevent them from overturning or shifting.

Article 16. The chief district labour inspector may prescribe special measures with a view to avoiding accidents. Measures for the protection of persons differ according to the type of risk involved. In cases where personal safety equipment has been prescribed the worker is compelled to use it.

The labour inspectors are entrusted with the supervision of the application of the legislation. There were no judicial decisions of principle concerning the application of the Convention. Various labour inspection committees set up by the Minister of Social Affairs and Public Health or by the Standardisation Commission study the problems of safety and hygiene.

The report contains statistics of accidents in the building industry for the years 1948-1951. The number rose from 31,000 to 39,000 and the number of fatal accidents rose during the same period from 27 to 37. The accidents are classified according to their cause and effect. The report also states that the number of workers employed in the industry in 1948-1949 was 165,000.

Poland (first report).

Order of the Minister of the Interior and the Minister of Social Assistance, dated 23 May 1935, to issue regulations concerning measures for safety and hygiene in constructional work (L.S. 1935—Pol. 3).

Order of 6 November 1946, concerning general regulations on industrial safety and hygiene.

Order of the Minister of Reconstruction and the Minister of Labour and Social Welfare, dated 21 March 1947, respecting measures for safety in demolition work.

Article 2. The legislative provisions relating to safety in the building industry apply to all work done on the site in connection with the construction, repair, alteration, maintenance and demolition of all types of buildings. There are no exemptions from these legislative provisions.

Article 3. The Orders of 1935 and 1947 provide that vocational training in industrial safety and hygiene is the responsibility of the employer and the worker, within the limits laid down by the regulations. Contraventions of the legislative provisions are subject to penalties (for the employer, imprisonment up to six weeks or fines of up to 3,000 zlotys, or both; for the worker, fines of up to 50 zlotys).

Article 4. The State labour inspection service supervises safety and hygiene in the building industry. In the large towns there are building inspectorates specially assigned to this industry. In addition, the social labour inspectorates of the workers' trade unions play an important part in ensuring safety and hygiene in the building industry. There are at present 1,115 social inspectors of undertakings, 394 departmental social inspectors and 9,284 workshops social inspectors. The authorities carrying out building work, such as the Ministry of Town and Housing Construction and the Ministry of Industrial Construction, have at their disposal a special safety inspectorate which supervises the safety of workers.

Article 5. The Convention is applied in the whole of the national territory.

Articles 7 and 8. Scaffolds and other similar devices are constructed, assembled and dismantled by specialised teams which are to be found in every building undertaking. The legislative provisions in force lay down generally recognised specifications as to the quality and durability of these devices, which are periodically examined by qualified persons. The Orders of 1935 and 1947 contain provisions covering working platforms, gangways, stairways, etc.

Article 9. Openings in the flooring of a building or in a working platform must be protected by a guard-rail at least one metre high and by toe-boards at least 15 centimetres high. The above-mentioned Orders cover work on roofs and precautions to prevent the falls of persons or material. They prescribe the construction of scaffolds for certain types of work on roofs and require the workers to wear safety belts. These measures are compulsory if the work in question is carried out at a height of more than four metres above the ground.

Article 10. The above-mentioned legislative provisions deal with safe means of access to working platforms or other working places. The Association of Polish Electricians has published detailed regulations concerning electrical equipment.

Article 11. Hoisting appliances are covered by the general safety regulations. The Government has recently drafted detailed provisions concerning such appliances. In 1950 an Order concerning electrical crane bridges was promulgated. Detailed provisions concerning cranes and conveyors are now in preparation.

Articles 12 and 13. The examination of hoisting appliances is carried out by the organs of the competent ministries which administer the various branches of the national economy. The provisions in force and those in preparation stipulate that operators of hoisting appliances must be over 18 years of age, and must have a medical certificate showing they are in good health.

Articles 14 and 15. Provisions concerning safe working loads and efficient safeguards are contained in the relevant legislation.

Article 16. The Order of 1946 provides for personal safety equipment for workers and for the proper utilisation of this equipment.

Article 17. The risk of drowning is dealt with in the Order of 1946.

Article 18. Every undertaking has at its disposal suitable first-aid equipment, including a medicine chest, as well as the necessary health officers.

The supervision of the application of these measures is entrusted to the Ministry of Labour and Social Welfare. However, medical and health questions are within the competence of the Ministry of Health. Questions concerning the building industry are dealt with by the Ministers of Industrial Construction and of Town and Housing Construction, who supervise the protection of labour within their competence. The State labour inspectorate ensures compliance with the legislative provisions respecting labour protection and, in particular, the protection of the life, health and welfare of workers.

Statistics of industrial accidents are based on the reports which employers send to the Social Insurance Institution. Statistical tables are drawn up quarterly and annually. There were 10.9 per cent. fewer industrial accidents in 1951 than in 1950, and the coefficient of frequency of such accidents decreased by 21.5 per cent. during the same period. The report contains percentage figures for the various types of injuries and their causes.

Switzerland.

In reply to the observation made by the Committee of Experts in 1952, the Government states as regards Article 12 of the Convention (testing of hoisting machines and tackle before use and their periodical re-examination) that Section 2 of the Ordinance of 22 June 1951 prescribes that cranes and hoisting machines, together with their auxiliary fittings, shall only be employed when in perfect condition. As regards Article 13, paragraph 2 (minimum age of persons in control of a hoisting machine who are responsible for giving signals to the operator), the worker must be at least 18 years of age before he can be placed in control of a hoisting machine. Young persons aged 15 years who have just entered employment are never entrusted with the job of giving signals to the operator.

During the year 1950 there were 24,500 accidents (including minor accidents) in the building industry.

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
Ceylon ²	25. 8. 1952
Czechoslovakia	12. 6. 1950
Denmark ³	22. 6. 1939
Egypt ⁴	5. 10. 1940
Finland ³	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 ³	29. 3. 1940
Sweden ³	21. 6. 1939
Switzerland ⁴	23. 5. 1940
Union of South Africa ⁵	8. 8. 1939
United Kingdom	26. 5. 1947

¹ Excluding Part II.

² Excluding Part IV.

³ Excluding Part III.

⁴ Excluding Parts III and IV

⁵ Excluding Parts II and IV

Canada.

The preparation of index numbers of average hourly earnings and average weekly wage rates, in addition to the existing index numbers of average weekly earnings, is under consideration.

From 1952 the expression "normal hours of work" has been replaced by "standard hours of work" in Canadian statistics, with no change in the meaning. The description of statistics of normal hours of work has been modified to indicate that the figures refer to industries without regard to occupation, whereas the statistics of rates of pay in the same industries refer to the principal occupations. The report giving index numbers of rates of wages for 1951 is in process of preparation.

Denmark.

The statistics of average earnings per hour compiled by industries in manufacturing, construction and transport, in terms of the United Nations *International Standard Industrial Classification of All Economic Activities*, which were mentioned in the previous report, are now compiled annually. The first such compilation, for the quarter beginning 1 July 1951, is appended to the report.

While statistics of hours of work have not yet been compiled, consultations were held with the International Labour Office on this point and discussions will shortly be held between the Government and the Danish Employers' Confederation with a view to establishing the necessary statistical data.

The statutory holiday allowance of 4 per cent. of wages remains unchanged but most industrial workers receive 6.5 per cent. of wages as a holiday allowance in conformity with collective agreements.

The first supplementary triennial statistics of earnings of juveniles for the year 1951 are being prepared. As from March 1952, index numbers of earnings have been published in *Statistiske Efterretninger*.

Egypt.

The Statistical Bulletin of January 1951, containing statistics of average earnings and hours of work, was communicated to the International Labour Office in April 1952. The Bulletins of July 1951 and January 1952 were in the press when the report was despatched.

Index numbers of average earnings and hours of work have not yet been calculated, but this matter will be submitted to a committee which is shortly to be formed and will include technicians from the two Labour Administrations.

Finland.

Resolution of the Council of Ministers of 29 September 1951, respecting the regulation of wages.

The above-mentioned Resolution authorises the Ministry of Social Affairs to compel employers to provide information on wages to the Ministry or its agents.

The report contains recent data for the statistical series mentioned in previous reports.

Ireland.

The report on statistics of average earnings and hours actually worked, entitled *Some Statistics of*

Wages and Hours of Work in 1951, which was referred to last year, has now been published and forwarded to the International Labour Office. A new edition is in preparation and, since June 1951, statistics of rates of wages of wage earners and of certain salary earners have been published quarterly in the *Irish Trade Journal and Statistical Bulletin*. The report also contains statistics of time rates of wages and normal hours of work in certain non-agricultural occupations, as well as statistics of wage rates of agricultural workers.

Netherlands.

As an economy measure the Central Statistical Office has reduced the scope of the annual enquiry into average earnings in manufacturing by eliminating certain of the least important branches of activity from the survey. It has used the figures for a smaller number of establishments in certain other branches, and eliminated data for workers below the age of 21 years.

Statistics of the number of standard eight-hour shifts worked per month in mining have been published in *Statistiek der Lonen*.

Norway.

The publication *Arbeidslønninger* (Wages) has been superseded by *Lønnsstatistikk* (Wage Statistics), the 1950 issue of which is appended to the report.

It was not possible to provide statistics of average hours worked by industries for 1950 but normal hours of work by industries and the general average of hours actually worked in 1950 have been published in *Lønnsstatistikk*.

An attempt has been made to supply information for 1951 which will enable the average hours actually worked by industries to be calculated, but the statistics have not yet been completed.

Quarterly statistics of hourly earnings in industry, building and construction, based on figures furnished by a certain number of private establishments which are members of employers' associations, unaffiliated private establishments, and public establishments, are to be published as from 1951.

It is proposed to omit the complete wage census in 1953, in order to make it possible to build up statistics of wages for important groups of wage earners not now covered.

Sweden.

As from 1950 computations of statistics of annual earnings of workers in mining and manufacturing have been made on the basis of quarterly data, because the statistics of the average number of workers in the annual enquiry proved inadequate. From 1951 the base year of the index numbers of nominal and real wages of workers in mining and manufacturing is to be 1946 instead of 1935 and 1939 respectively.

With reference to the observation made by the Committee of Experts in 1952, the report states that no decision has so far been reached on the transformation of statistics of hours of work in the building and construction industries, but the whole question of the character of statistics of wages is to be considered jointly by the Social Welfare Board, the Swedish Employers' Confederation and the Swedish Confederation of Trade Unions.

The report summarises the methods of quarterly statistics of earnings in mining and manufacturing, and points out that in 1951 data were requested from some 10,000 establishments, 75 per cent of which replied. A summary is also given regarding the division of statistical responsibilities between the Statistical Section and Research Section of the Social Welfare Board.

Switzerland.

The most recent data are given for the statistical series mentioned in previous reports. There has been no change in the nature of these series.

Union of South Africa.

The report contains current statistics of wage rates in selected occupations and of the index numbers of wage rates.

United Kingdom.

Statistics of rates of wages for juveniles have now been published in an appendix to the volume *Time Rates of Wages and Hours of Labour* for 1951.

The reports from the following countries either reproduce or 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 below under " Summary of Annual Reports on the Application of Ratified Conventions in Non-Metropolitan Territories (Article 35 of the Constitution) ".

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 below under " Summary of Annual Reports on the Application of Ratified Conventions in Non-Metropolitan Territories (Article 35 of the Constitution) ".

TWENTY-EIGHTH SESSION (SEATTLE, 1946)

74. Convention concerning the certification of able seamen

This Convention came into force on 14 July 1951

Countries	Date of registration of ratification
Belgium	5. 12. 1951
Canada	19. 3. 1951
France	9. 12. 1948
Netherlands	14. 7. 1950
Portugal	13. 6. 1952
United Kingdom	13. 5. 1952
United States	9. 4. 1953

France (first report).

Metropolitan Departments.

Order No. 4 of 28 February 1952, concerning the certification of able seamen.

The above-mentioned Order provides that no seaman may be enrolled as a member of the crew of a merchant vessel unless he holds an able seaman's certificate. This certificate may be granted either after an examination for competency reserved for seamen over 25 years of age and who have spent 60 months on board ship, 48 of which were served as seaman on board a merchant vessel, or, without an examination, by decision of the Minister of the Mercantile Marine if the candidate holds a certificate of apprentice seaman issued by the maritime apprenticeship services and has served 60 months on board ship, 36 of which were spent in the deck department of a merchant vessel.

The programme of the examination for competency is drawn up by the Minister of the Mercantile Marine. The tests for the first examination will not be held before 28 February 1954.

The certificate of competency may be issued, without any conditions as to age, to all seamen who, at the date of the publication of the Order, have spent a minimum of three years as boatswain or second boatswain on board merchant vessels of over 500 gross tons. In addition, seamen holding an oarsman's special certificate may, within two years and without an examination, receive the certificate of able-bodied seaman, provided they are over 30 years of age and have served 60 months on board ship, 48 of which were spent as seaman on board a merchant vessel.

The issue, without an examination, of the certificate of able seaman lies in the hands of the Minister of the Mercantile Marine, who decides on the application of the person concerned, supplemented by a detailed note from the master of the vessel regarding the candidate's fitness;

this note is transmitted by the Superintendent of Shipping Registration.

As regards seamen holding an oarsman's certificate, the Minister's power is delegated to the Superintendent of Shipping Registration. The Inspector of Maritime Labour may be called upon to check the fitness of a seaman whose proficiency has not been favourably reported upon by the master of the vessel. The issue of oarsmen's certificates will be facilitated, within the two years prescribed in the Order of 28 February 1952, by the organisation in large ports of a series of examinations which will be held for seamen present in the harbour, on board ship or on leave, who have expressed their wish to sit for the examination.

No decisions were given by courts of law and no statistics have been compiled. No observations were received from trade union organisations of shipowners or of seamen.

Algerian Departments.

There are no regulations concerning employment at sea other than those existing in Metropolitan France. These regulations are applicable to seamen registered in Algeria in the same conditions as those in Metropolitan France.

The report drawn up by the Minister of Public Works, Transport and Tourism, who is responsible for the mercantile marine, is valid for Algeria.

Overseas Departments.

Martinique.

Order of 28 February 1952, concerning the certification of able seamen.

The report refers to the above-mentioned legislation and adds that the application of the Convention is controlled by the Superintendent of Shipping Registration, the Shipping Inspector and the Inspector of Maritime Labour.

Réunion.

Seamen's Code of 13 December 1926 (L.S. 1926—Fr. 13).

The report refers to the above-mentioned legislation.

Netherlands (first report).

Royal Order of 5 April 1950 (came into force on 1 April 1951).

The qualifications required for the granting of certificates are indicated in the above-mentioned Royal Order, the text of which is appended to

the report. These certificates are issued after examination. Candidates for such examinations must be at least 20 years of age, must have served at sea in the deck department of a Netherlands vessel for a minimum period of three years and must produce certificates from the masters of the vessels on which they have sailed. The subjects covered by the examination are indicated in detail in an appendix.

The certificates of able seamen are issued without examination, subject to certain conditions. The head of the shipping inspection service may put certificates issued by foreign authorities on the same footing as national certificates.

The Inspector General for Shipping is responsible for the application and supervision of the relevant provisions. No decisions were given by courts of law.

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	23. 6. 1951
Guatemala	13. 2. 1952
Iraq	13. 1. 1951
Italy	22. 10. 1952
Poland	11. 12. 1947

Poland.

Decree of 2 August 1951, concerning, the work and vocational training of young persons in undertakings (L.S. 1951—Pol. 4 C).

Order of the Council of Ministers of 12 April 1952, concerning conditions for the admission to employment of young persons of 14 to 16 years of age with a view to vocational training and future employment.

Instruction of the Minister of Health of 25 September 1951, concerning the medical examination of young workers.

The Decree of 2 August 1951 (Section 6) lays down that young persons must be medically examined before admission to employment in order to determine their fitness for the work on which they are to be engaged.

Young persons already in employment must be medically examined at intervals not exceeding six months. For young miners the interval is three months.

As regards the transfer of the question of medical examinations to the Ministry of Health, the report states that an Instruction of this Ministry dated 25 September 1951 provides that, when visiting undertakings, it is the duty of the labour inspectors to check: (a) whether young persons are examined by a medical practitioner;

(b) whether they are examined at intervals fixed by the medical practitioner; and (c) whether the medical practitioner's recommendations concerning a change of work, etc., are carried out. The labour inspection service must bring any infringements of these requirements to the notice of the health services of the national councils.

Polish legislation makes a distinction between two groups of workers: (1) young persons up to the age of 18 years and (2) adults, *i.e.*, those over the age of 18 years. No special distinction is made for adolescents between 18 and 20 years of age.

Preliminary medical examinations of workers over 18 years of age employed in occupations involving health risks are now carried out in the larger undertakings and especially in those where the work is likely to be detrimental to health. With the development of industrial medical services such examinations are being organised in an increasing number of undertakings.

The Decree of 2 August 1951 concerning work and vocational training applies to all young persons in industrial and non-industrial employment. The national economy is based on the principle that vocational training is essential for all adolescents. This training is given either in trade schools or by means of apprenticeship training in an undertaking.

The President of the State Economic Planning Commission and the Ministers concerned are responsible for the application of the Decree of 2 August 1951 and the Order of 12 April 1952.

For details concerning the organisation of labour inspection, see under Conventions Nos. 6 and 79.

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
Italy	22. 10. 1952
Poland	11. 12. 1947

Poland.

For legislation and general information see under Convention No. 77.

The number of young persons in domestic employment is now very small and in future young persons will not take up this type of work at all, as it offers no possibility of social advancement. It is for this reason that Polish legislation does not deal with this problem. The employment of young persons in itinerant trades was abolished some time ago in Poland, together with any other occupation carried on in the streets or in places to which the public has access.

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
Italy	22. 10. 1952
Poland	11. 12. 1947

Poland.

Order of the Council of Ministers of 12 April 1952, concerning conditions for the admission to employment of young persons of 14 to 16 years of age with a view to their vocational training and future employment.

The Decree of 2 August 1951, which applies to young workers in industrial and non-industrial employment, has been in force since August 1951. It regulates separately the hours of work of young persons between 14 and 16 years of age and of those between 16 and 18 years of age. The hours of work of the first age group may not exceed six a day or 36 a week. The employment of young persons during the night is prohibited. The definition of the night period with regard to this group is defined by the Order of the Council of Ministers of 12 April 1952 as the period between 9 p.m. and 6 a.m. As regards young persons in the 16 to 18 years age group, the Decree of 2 August 1951 (Section 3, paragraph 3) provides for exceptions to the prohibition of night work, but only for boys.

The definition of the night period is determined by the general regulations on hours of work. The Act of 18 December 1919 on hours of work in industry and commerce defines the night period as the interval between 9 p.m. and 5 a.m. and, in undertakings working on the two-shift system, as the interval between 10 p.m. and 4 a.m. In conformity with the Decree of 2 August 1951 the employment of both groups of young persons on overtime work is prohibited.

The labour inspection service is responsible for the application of the provisions relating to the prohibition of night work for young persons. The labour inspectors check hours of work by visits to undertakings and by following up individual complaints made to the inspection offices. Infringements of the statutory provisions are liable to penalties either by legal proceedings or through administrative channels.

Under the Act of 20 March 1950 concerning the uniform territorial organisation of the State, the local inspection service has become an organ of the labour and social assistance sections of the presidiums of the national district councils.

During the period under review, in addition to the existing network of general inspection services a technical labour inspectorate has been organised for different branches of a number of industries such as coal, chemicals, textiles, wood, engineering and metallurgy. The establishment of a technical labour inspection service for the various branches of industry is a new development designed to raise the technical level in industrial undertakings and thus provide maximum health and safety for the workers.

In addition to the State inspection service, there is also a social labour inspection service, which was set up by the Act of 4 February 1950 concerning the social inspection of labour. This service is attached to the Central Council of Trade Unions. It has been established in all undertakings employing more than 50 workers and consists of the social inspectors of the undertakings and of the departments and of groups (workshops), recruited from among the workers in the undertaking who follow special training courses. There are now 170,000 social labour inspectors.

The President of the State Economic Planning Commission and the Ministers concerned are responsible for the application of the Decree of 2 August 1951 and the Order of 12 April 1952.

No decisions were given by courts of law.

THIRTIETH SESSION (GENEVA, 1947)

81. Convention concerning labour inspection in industry and commerce

This Convention came into force on 7 April 1950

Note :

Article 25 of this Convention provides that :

1. Any Member of the International Labour Organisation which ratifies this Convention may, by a declaration appended to its ratification, exclude Part II from its acceptance of the Convention.

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 position of its law and practice in regard to the provisions of Part II of this Convention and the extent to which effect has been given, or is proposed to be given, to the said provisions.

Countries	Date of registration of ratification
Austria	30. 4. 1949
Bulgaria	29. 12. 1949
Finland	20. 1. 1950
France	16. 12. 1950
Guatemala	13. 2. 1952
Haiti	31. 3. 1952
India ¹	7. 4. 1949
Iraq ¹	13. 1. 1951
Ireland ¹	16. 6. 1951
Italy	22. 10. 1952
Netherlands	15. 9. 1951
Norway	5. 1. 1949
Sweden	25. 11. 1949
Switzerland ¹	13. 7. 1949
Turkey	5. 3. 1951
United Kingdom ¹	28. 6. 1949

¹ Excluding Part II.

Austria.

Federal Act of 15 December 1951, to amend the Act of 3 July 1947 concerning labour inspection.

Federal Act of 20 May 1952, concerning labour inspection in transport undertakings.

Article 3. Mines inspectors are responsible not only for inspecting labour conditions in mines but also for supervising the application of provisions relating to the granting of concessions, the protection of landed property and in general the protection of the public interest with respect to the mining industry.

Article 4. The mining authorities are under the control of the Federal Ministry of Commerce and Reconstruction.

Article 5. Instructions are being prepared with a view to promoting collaboration between officials of the labour inspectorate in mines and employers and workers.

Article 7. By reason of their duties other than labour inspection, officials of the mining authorities

are required to have passed the three State examinations in legal sciences. They must also have successfully completed the course of studies of the Graduate School of Mines at Leoben and worked for one year under the supervision of an established official of the mining authorities.

Article 8. At 30 June 1952 the staff of the general inspectorate included 122 men inspectors and 12 women inspectors. The latter are responsible, in particular, for ensuring the protection of homeworkers, although the Act concerning labour inspection does not specifically assign different duties to men and women inspectors. In transport undertakings men and women inspectors do not have different duties. Of the two women inspectors in this service one is responsible for supervising the way in which the legal provisions for the protection of workers are applied to women employed in transport undertakings subject to inspection. There are no women inspectors in the mines inspectorate.

Articles 9, 10 and 11. At 30 June 1952 the labour inspection staff included 84 specialists and technicians, made up as follows: 6 doctors, 16 civil engineers, 21 chemical engineers, 17 electrical engineers, 18 mechanical engineers, and 6 mining engineers.

The staff for the inspection of mines is composed of mining engineers; if necessary other specialists may be called upon to assist it. The mines inspectorate includes 20 inspectors, of whom four are attached to the central mines authority and 16 to the district offices. The latter are given suitable premises and motor cars; their travelling expenses are reimbursed.

Article 12. Inspectors are empowered to enter at any time premises where workers are employed, as well as any premises made available to workers by an employer for welfare purposes. They may carry out any enquiry which they consider necessary and may ask for information to be submitted to them in writing. They have all the powers of inspection provided for in this Article and must present their official credentials on request.

Article 13. Mines inspectors are empowered to order alterations to the installation to protect the health and safety of workers.

Article 14. Employment injuries and cases of occupational disease in mining undertakings must be notified to the mining authorities.

Article 15. Inspectors are prohibited from operating or having any interest in undertakings

under their supervision. They are liable to penalties for revealing or using for profit any commercial or manufacturing secrets or processes which may come to their knowledge in the course of their duties. The observance of professional secrecy is required.

Article 16. Mines must be inspected at least once a year and in the case of work which is particularly dangerous to the health and safety of the workers at least once a month.

Article 17. When an infringement is noted, the labour inspector must request the employer or his representative to remedy the situation in conformity with the relevant legal provisions. If such a request is not carried out, the inspection service must notify the competent authority so that appropriate legal action may be taken. The same procedure applies in the case of transport undertakings.

Articles 18 and 19. The provisions of these Articles are fully applicable to the mines inspection service.

Articles 20 and 21. A report on the work of the general labour inspectorate is published annually and deals with the following subjects: organisation and staff of the inspectorate; occupational accidents and diseases; statistics of workplaces inspected, workers employed and inspection visits; measures for the prevention of occupational accidents and diseases; statistics of infringements; and a list of the relevant legal provisions and international conventions. The report also contains special articles prepared by labour inspectors on various problems concerned with the protection of workers.

Information concerning clauses (c), (d) and (e) of Article 21 is given in the survey of inspection activities in transport undertakings. From 1 July 1951 to 30 June 1952, a total of 11,118 accidents and 170 presumed cases of occupational diseases were reported in these undertakings.

The mines inspectorate has not hitherto been in a position to prepare an annual report on its activities because of insufficient staff, but efforts are being made to do so in future.

Copies of the labour inspection report for the years 1950 and 1951 and the text of the new legislation are appended to the report.

Finland.

A copy of the transitional volume (Reports for the Period 1939-1949) of the series of annual reports which was published before the war is appended to the report.

France (first report).

Act No. 46-2294 of 19 October 1946, respecting regulations for public servants.

Act No. 46-2426 of 30 October 1946, respecting the prevention of, and compensation for, industrial accidents and occupational diseases (L.S. 1946—Fr. 12).

Decree of 16 January 1947, to determine the higher officials, remuneration, regulations and competence of the staff of the medical labour and manpower inspection service.

Decree No. 48-567 of 30 March 1948, respecting the powers and duties of labour and manpower inspectors in the Departments of Guadeloupe, French Guiana, Martinique and Réunion.

Decree No. 50-1304 of 20 October 1950, to issue public administrative regulations concerning the special staff regulations for the labour inspectorate.

Order of 15 March 1948, respecting relations between hygiene and safety committees and technical social security committees.

Circular Tr. 23/46 of 27 November 1946, respecting the competence of the general inspectorate of labour and manpower.

Circular Tr. 16 and 84 S.S. of 5 March 1948, respecting collaboration between labour inspectors and safety supervisors of the regional social security funds as regards preventive measures.

Circular of 2 April 1948, respecting relations between the labour and manpower inspection service and the medical labour and manpower inspection service.

Circular of 3 December 1949, respecting relations between the medical labour inspection service and the labour inspection service.

Article 2. Industrial undertakings are subject to labour inspection, which was instituted in 1874. The following undertakings are, however, inspected by special officials, placed for this purpose under the authority of the Ministry of Labour: mines and quarries (Labour Code, Book II, Section 95, entrusts their supervision to mining engineers); undertakings for the manufacture, transport and distribution of gas and electricity; road and rail transport undertakings; harbours, naval yards, etc.; undertakings (such as arsenals) within the jurisdiction of the Ministry of National Defence (Labour Code, Book II, Section 94).

Article 3. Labour inspection, which was originally limited to the supervision of the application of labour conditions, industrial hygiene and safety, employment of apprentices and protection of wages, has developed, along with the growth of social legislation, to cover at the present time the protection of manpower (Act of 10 August 1932); supervision of employment (Ordinance of 24 May 1945); works committees (Ordinance of 22 February 1945); staff representatives (Act of 16 April 1946); medical services (Act of 11 October 1946) and supervision of the application of collective agreements (Act of 11 February 1950).

Under this last-named text, labour inspectors act as chairmen of the regional conciliation commissions. Following a custom which dates from 1936 labour inspectors often act as advisers, conciliators and sometimes even as arbitrators.

Article 4. The labour inspection service is placed under the supervision of the general inspection service which exercises final control over the external labour and manpower services from the technical, disciplinary and administrative point of view.

Article 5. Co-operation between the labour inspection service and other inspection services is left to the initiative of the officials concerned. Co-operation with social security bodies is laid down in various texts, as follows: Ordinance of 4 October 1945; Act of 30 October 1946; Order of 15 March 1948; Ministerial Instructions of 25 March 1947, 1 and 5 March 1948.

The inspection service co-operates, at the national and local level, with various private organisations which deal with the prevention of industrial accidents and occupational diseases, fire prevention, etc.

Article 6. Labour inspectors are subject to the general regulations for public servants which lay down rules for recruiting, remuneration, promotion, discipline, holidays, etc., and also grant trade union rights to public officials and protect them against threats, insults and libel. Decree

No. 50-1304 contain special regulations for their recruitment and promotion.

Article 7. The officials of the labour inspection service are recruited from among the students of a training centre for labour and manpower inspectors. Candidates for admission to this centre must pass a competitive examination and must satisfy a number of requirements concerning their education, previous activities as public officials, technical and practical training and experience. After a probationary period of one year candidates who pass an examination become members of the labour inspection service. The subsequent training of labour inspectors is carried out by their departmental heads and by means of instructions, issued by the central authority, and publications and pamphlets, etc.

Article 8. The labour and manpower inspectorate comprises 37 women inspectors who are usually assigned to the supervision of commercial establishments, clothing factories, etc.

Article 9. Section 101 (a) of Book II of the Labour Code authorises the creation of a medical inspection service and the assignment of consulting engineers to the labour directorate.

The medical inspectorate of labour was set up by the Act of 31 October 1941 and the Decree of 16 January 1947, which provides for a medical inspectorate of 44 officials. The latter, in close co-operation with the labour inspectors, see that the industrial hygiene and public health legislation is fully applied; they carry on constant activity for the protection of workers at their places of employment; and they hold medical examinations in connection with vocational guidance, reclassification and rehabilitation. Co-operation between the labour and the medical inspection services is laid down in the Ministerial Instructions of 2 April 1948 and 3 December 1949.

The Hygiene and Safety Service is headed by a divisional inspector who is at the same time a consulting chemical engineer, and by two other engineers who specialise in mechanics and electricity. These officials examine technical questions relating to hygiene and safety, and seek the assistance of other consultative organisations such as the Industrial Hygiene Committee, the Safety Committee, the Committee for the Classification of Safety Devices for Dangerous Machinery, etc. These Committees study the draft legislation and regulations drawn up by the Hygiene and Safety Service. Finally, the various organs of the regional social security funds and their consulting engineers and supervisors co-operate with the Hygiene and Safety Service and with the labour inspectors.

Article 10. In accordance with the Decree of 20 October 1950 the labour inspection service includes one general inspector, 16 divisional inspectors, 84 departmental inspectors and 242 principal inspectors and inspectors. Fourteen of the divisional inspectors are entrusted, in the territory for which they are responsible, with the supervision and co-ordination of the services placed under their control. In every department the external labour and manpower services are under the authority of a departmental director. The number of labour inspectors is sufficient to ensure the full and periodical supervision of the undertakings covered by the labour regulations in

force. In the case of small-scale undertakings the inspectors are assisted in their task by a varying number of supervisors.

Article 11. The labour inspectors have at their disposal administrative offices which are equipped to meet their requirements and those of their collaborators. These offices are open to the public. The travelling and incidental expenses of the inspectors are reimbursed in accordance with the scales for public servants fixed by the Minister of Finance.

Article 12. The labour inspectors are empowered to enter freely all the undertakings to which the relevant legislative provisions apply, so as to carry out the supervision and the enquiries entrusted to them (Section 105 of Book II of the Labour Code). They are also empowered to enter premises where homeworkers carry out work which is dangerous to their health. The inspectors may carry out any examination, test or enquiry which they deem necessary in order to satisfy themselves that the legal provisions are strictly observed.

Under Section 106 inspectors may require the production of registers, books or similar documents. They supervise the posting up of notices. Under paragraph 4 of Section 105 they may remove, for the purpose of analysis, samples of substances used and of materials distributed or utilised. Ministerial circulars, and particularly that of 1 February 1892, recommend inspectors to carry out their duties with tact and firmness.

Article 13. Section 107 of Book II of the Labour Code provides that inspectors are empowered to draw up official reports on violations of the regulations. In principle, they are not obliged to grant the employer a delay or issue a warning before taking official note of a violation. Inspectors may always order alterations to the installation or measures with immediate executory effect, with a view to protecting the health of the workers.

Article 14. Section 23 of the Act of 30 October 1946 provides that the primary social security funds shall immediately report an industrial accident to the labour inspector responsible for the supervision of the undertaking. The regional funds must also inform the labour inspectors of the results of their enquiries into problems of prevention.

Article 15. The regulations for public servants prohibit labour inspectors from having any interest in an undertaking under their supervision which may be liable to jeopardise their independence. Section 102 of Book II of the Labour Code requires labour inspectors to take an oath, prior to taking up their duties, not to reveal any manufacturing secrets. In addition, all public servants are bound to observe professional secrecy.

Article 16. As a general rule the undertakings covered are visited once a year in accordance with annual inspection schedules drawn up by the labour inspectors and supervisors.

Article 17. As stated above, Section 107 of Book II of the Labour Code empowers inspectors to draw up official reports of infringements. Inspectors do not generally take immediate action except in cases of wilful infringements or of criminal negligence. Their intervention is usually of a preventive rather than a repressive character.

Article 18. Violations are dealt with in accordance with Sections 158 to 177 of Book II of the Labour Code, which provide for penalties imposed by the courts in accordance with the penal law in force. Sections 178 and 179 of the Code provide for penalties in cases of obstruction of labour inspectors in the performance of their duties.

Article 19. Sections 108 to 110 of Book II of the Labour Code require labour inspectors to draw up annually a statistical report of the industrial working conditions in the area assigned to them. In addition, they are required to supply reports on the application of the Order of 12 December 1951 concerning the use of noxious substances, of the Decree of 16 October 1950 concerning the medical prevention of occupational silicosis and of the Decree of 29 December 1948 concerning the prohibition of the use of certain solvents containing hydro-carbides of benzene.

Articles 20 and 21. In accordance with the Instructions of 25 July 1949, the publication of the annual report to the central authority, which had been interrupted during the war period, will shortly be resumed. The outline of this report contains the various headings enumerated in Article 11 of the Convention.

Articles 22, 23 and 24. Commercial workplaces are supervised by the labour inspectors under the same conditions as industrial workplaces.

Article 26. There was no dispute concerning the scope of application of the Convention.

Article 29. The Overseas Departments have an inspection service which is organised on the same basis as that of the Metropolitan Departments (Decree of 30 March 1948).

There were no court decisions relating to the application of the Convention.

Algerian Departments.

The total number of inspectors and controllers is 36, five of whom are women. The service is at present being transformed and will shortly be governed by the regulations covering metropolitan inspectors.

There are 35,168 establishments liable to inspection and they employ 231,630 workers. In 1951 inspection visits were made to 16,661 establishments employing 191,184 workers.

Overseas Departments.

French Guiana.

There is one inspector assisted by two supervisors. Systematic inspection is carried out only in large undertakings and in cities; other undertakings are only visited occasionally. The small number of undertakings does not allow of a specialised inspector being assigned to technical services (highways, electricity, ports).

Guadeloupe.

The labour inspectorate consists of one departmental director, one inspector and one assistant supervisor. The chief engineer and the engineers for highways are responsible for inspection of certain branches of activity: work in ports, production, transport and distribution of electricity, and transport in general.

No observations have been made by employers' or workers' organisations regarding the application of the Convention or the application of Acts, Orders and Regulations issued pursuant to the Convention.

Martinique.

The inspection system at Martinique is carried out in the same way as in France. The service includes a departmental labour director, one inspector, one principal supervisor, one supervisor and one assistant supervisor.

Réunion.

Labour inspection has been carried out since 1917. The inspectors are also responsible for supervising the application of social legislation in agriculture. The labour inspectors are attached directly to the Ministry of Labour and the Ministry of Agriculture. There is no medical inspector at present.

India.

Regular training courses are given to junior factory inspectors by the office of the Chief Factories Adviser. Factory inspectors have been sent for training to the United Kingdom, Australia and New Zealand under various technical assistance schemes.

Most of the States have agreed to appoint medical inspectors but in several cases this has been held up for financial reasons. The office of the Chief Factories Adviser, which has on its staff experts and specialists in various fields and which works in close co-operation with the State inspectors, has recently obtained from the United States, under the Point Four Programme, the services of an Industrial Hygiene Unit, together with the necessary field equipment, to assist in carrying out industrial hygiene surveys in various hazardous occupations.

While the enforcement of the Factories Act, 1948, is generally satisfactory, the question of strengthening the inspection services is constantly under review by the State Governments. Steps are also being taken to appoint medical inspectors of factories. One State Government (Travancore-Cochin) has reported that suggestions which have been received from labour unions for the appointment of more inspectors of factories are receiving attention.

Sweden.

Royal Decree No. 517 of 30 June 1952, to modify the Instructions to the Workers' Protection Board dated 17 December 1948.

Royal Decree No. 518 of 30 June 1952, modifying the provisions of Section 22 of the Instructions to the Labour Inspection Service dated 18 June 1949.

The above-mentioned legislation relates to the remuneration of officials in the workers' protection services.

During the period under review the workers' protection services published "Instructions respecting the supervision in the communes of the legislative provisions concerning workers' protection".

The members of the general labour inspection service are empowered henceforth to use their own automobiles for their official inspection trips and are reimbursed for the expense incurred.

Copies of the above-mentioned Royal Decrees and Instructions are appended to the report.

Switzerland.

In reply to the observation made by the Committee of Experts in 1952, the report indicates that the annual inspection report for 1951 was published in the January 1952 issue of *La Vie Economique* and contains, *inter alia*, the particulars enumerated in Article 21, points (b), (d) and (e), of the Convention. The staff of the labour inspection service is also referred to each year in the Year Book of the Swiss Confederation.

The head of an undertaking registered as a factory obstructed the entry into his establishment of two assistants of a federal factory inspector. He was prosecuted by the cantonal authorities and fined 300 francs in virtue of Section 286 of the Swiss Penal Code.

Copies of the Report of the National Accident Insurance Fund for 1951 and of the January 1952 issue of *La Vie Economique* are appended to the report.

United Kingdom.

Great Britain.

There were 22 factory canteen advisers attached to the Factory Inspectorate in August 1952. The number of divisions in the local organisation of the Factory Inspectorate is now 13 and the authorised numerical strength of the Inspectorate is 380.

Copies of the annual reports of the Ministry of Labour and National Service for 1951 and the Principal Electrical Inspector of Mines for 1950 are appended to the report.

Northern Ireland.

Regulations and Orders (Nos. 51, 125 and 179) made under the Factories Act in 1951.

Copies of the report of the Chief Inspector for 1951 and of the above-mentioned Regulations and Orders are also appended to the report.

The report from *Norway* reproduces 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
Cuba	25. 6. 1952
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

Austria (first report).

Basic Act of 21 December 1867.

Act of 15 November 1867 concerning associations, as amended on 28 August 1951 (Act of 1951 concerning associations).

Article 2. The setting-up of organisations of employers and workers is at present governed by the provisions of Sections 4 and 5 of the Act of 1951. The competent authority must be informed of the setting-up of each association; the rules of the associations must be in conformity with the provisions of Section 4, paragraph 2 (see below under Article 3). In conformity with the provisions of Section 6 of the Act of 1951, the setting-up of an association may be prohibited for a period of four weeks. After this period, the organisation may be instituted and may begin its activities (Section 7).

Article 3. In accordance with Section 4, paragraph 2, of the Associations Act, the rules of an association must indicate: (a) the purpose of the association, its resources and the methods by which the latter are obtained; (b) the manner in which the association is formed or modified; (c) the registered office of the association; (d) the rights and duties of its members; (e) the managing bodies; (f) the conditions for the adoption of resolutions and the issue of official documents and notifications; (g) the settlement of disputes arising from the affairs of the association; (h) the external representation of the association; and (i) the procedure concerning the dissolution of the association.

The law imposes no restrictions as to the objects which an association may pursue, apart from those which may be in conflict with the law.

Article 4. In the event of the dissolution of an association, the following provisions are applicable: in the case of immediate danger to public order or safety the district administrative authorities or, in the absence of such authorities, the federal police authorities, may suspend the activities of a union which has not been established in accordance with the law or which is liable to dissolution under the terms of Section 28, paragraph 2, of the Act. The reasons for such dissolution are given in Section 24, which provides that an association may be dissolved when it carries out activities coming under the Penal Code, when it encroaches upon the functions of the legislative or executive authority, when its activities exceed those laid down in its statutes, or when it ceases to fulfil the purposes for which it was legally constituted. Appeal may be made against such decisions.

Article 5. Occupational organisations are free to affiliate with international organisations.

Article 6. There are no special provisions concerning federations and confederations of employers and workers.

Article 7. The conditions for the acquisition of legal personality are those required for the constitution of associations.

Article 8. As regards the right of association, Sections 14 to 19, 28 and 29 of the Act of 15 November 1867 concerning associations are applicable. The Act of 29 January 1907 concerning the penal protection of the right to vote and the right to associate provides for imprisonment or fines which may be imposed on persons who try to break up meetings or interfere in elections.

Article 9. The provisions of the Act concerning associations are applicable to the police without any restrictions. Austria has no armed forces.

The right to associate freely is guaranteed under Section 12 of the Basic Act of 1867; should this right be violated the persons concerned may appeal to the court which deals with constitutional disputes.

Iceland (first report).

Constitution of 1944.

Trade Organisations and Labour Disputes Act of 1938.

Since 1874 the Icelandic Constitution has provided for freedom of association and Article 73 of the present Constitution contains similar provisions. Other relevant provisions are embodied in the Trade Organisations and Labour Disputes Act No. 80 of 11 June 1938.

Article 2. Article 73 of the Constitution provides that all persons shall be free to organise for any lawful purpose without seeking permission, while the Trade Organisations and Labour Disputes Act specifies that it shall be open to all persons to form industrial organisations for the purpose of protecting the interests of the working classes and wage earners generally. Workers' and employers' organisations are not required to comply with any specific formal conditions in regard to their formation.

Article 3. Apart from the constitutional requirement that an organisation shall have been formed for a lawful purpose, workers' and employers' organisations are not subject to any conditions in the matter of their constitutions or programmes.

Article 4. The Constitution provides that no organisation may be dissolved by decision of the Government, but an organisation may be banned temporarily, in which event legal proceedings must forthwith be brought before the courts of justice for the dissolution of the organisation. There is no record of any organisation having been banned temporarily under this provision.

Article 5. The Trade Organisations and Labour Disputes Act provides that it shall be open to all persons to form federations of industrial organisations for the purpose of protecting the interests of the working classes and wage earners in general. There are no specific legal provisions concerning the right of workers' or employers' organisations to join international federations, but any official ban or interference in this matter would unquestionably be deemed to be contrary to the Constitution.

Article 6. In the absence of specific legal provisions concerning the rights of federations of workers' or employers' organisations, the Government considers that the regulations which are applicable to the organisations themselves also apply in this case.

Article 7. In order that an organisation may acquire legal personality, it is only necessary that it should have a formal constitution and a responsible board of management capable of representing it.

Article 8. As stated above, the Icelandic Constitution guarantees the right of organisation for any lawful purpose. Should the legality of the aims of any organisation be disputed, proceedings must be instituted in the law courts with a view to its dissolution.

Under the Constitution unarmed persons have the right to hold meetings, but public open-air meetings may be banned if they are likely to lead to riots.

Article 9. The members of the police are entitled to organise for the purpose of furthering their

interests and they have made use of this right. Iceland has no armed forces.

The ratification of the Convention has not brought any change in the relevant legislation. No general measures have been taken to ensure that workers and employers may exercise the right of organisation without official interference, seeing that this right is guaranteed by the Constitution and the legislation, as well as by the respect which the nation has always shown for the rights of the individual.

No decisions were given by courts of law regarding the matters covered by the Convention.

Netherlands.

The Government was informed of a complaint laid before the United Nations by the occupational organisation *De Eenheidsvakcentrale* with regard to an infringement of freedom of association which the Government is supposed to have committed in respect of the right of officials to affiliate with this and certain other organisations.

Sweden.

With regard to Article 9 of the Convention, the report states that the Swedish Police Federation, in collaboration with other national organisations of salaried employees in the service of local administrations, carried out, in the spring of 1952, negotiations with an association of Swedish municipalities on questions concerning wages. In co-operation with a conciliation commission appointed by the Government, these negotiations led to the conclusion of an agreement with the employer on 20 May 1952. The Police Federation is also taking part in negotiations for the drafting of standard service regulations for salaried employees in the service of local administrations; these negotiations have not yet been concluded.

With reference to the observations made by the Committee of Experts in its report to the 35th Session of the Conference, the Government supplies in an appendix to its report a list of cases brought before and decided upon by the Labour Court in respect of alleged infringements of the right of association. The texts of the decisions given in this connection are appended to the report. As there is a large number of these decisions, only those given after the ratification of the Convention by Sweden, that is, on 25 November 1949, are included. They give, however, a general idea of the nature of previous decisions in this field.

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

Finland, Norway, United Kingdom.

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
Belgium	16. 3. 1953
Bulgaria	29. 12. 1949
Canada	24. 8. 1950
Cuba	29. 4. 1952
Czechoslovakia	12. 6. 1950
France	15. 10. 1952
Guatemala	13. 2. 1952
Iraq	22. 6. 1951
Italy	22. 10. 1952
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

Australia.

The report supplies the following statistical information concerning the activities of the Commonwealth Employment Service during the period under review :

1. Applicants for employment : (a) new registrations : 479,826 ; (b) referred to employers : 373,549 ; (c) placed in employment : 262,775.
2. Vacancies, new notifications : 387,886.
3. Persons given advice or information : 537,198.
4. Directable migrants placed in first employment after entry into Australia : (a) displaced persons : 3,255 ; (b) Dutch agreement migrants : 1,183 ; (c) Italian agreement migrants : 3,855 ; (d) German nationals : 59.

There are 118 local employment offices, 12 specialised employment offices and 246 agents in small country centres.

Canada (first report).

Unemployment Insurance Act, 1940 (L.S. 1940—Can. 2).
National Employment Service Regulations, 1949.

Prior to the introduction of the Unemployment Insurance Act in Parliament, the assent of all provincial Governments was obtained to make the necessary amendments to the Canadian Constitution. The Act applies in all parts of Canada.

Article 1, paragraph 1. Under the Act of 1940 the Unemployment Insurance Commission is required to provide and operate a national employment service, and in particular : (a) to organise, maintain and administer a National Employment Service which is available free of charge to all residents of Canada ; (b) to collect information on employment vacancies and applications for employment and to make such information available at the employment offices ; (c) to establish regional divisions and employment offices within each division ; (d) to establish a National Employment Committee for the purpose of advising and assisting the

Commission in carrying out the purpose of the Employment Service, and to establish regional and local committees in a similar manner and for the same purposes ; (e) to make regulations authorising loans towards the travelling expenses of workers travelling to places where employment has been found for them through an employment office.

Paragraph 2. With a view to achieving full employment and development and use of productive resources, the National Employment Service co-operates with other Government departments, provincial Governments and private organisations to ensure the best organisation of the employment market. Its functions in this respect include the organisation of a system of clearance orders and applications on a national scale, the movement of workers to areas of better employment opportunities, the seasonal movement of workers to meet the demands of agriculture, the furthering of vocational training, special services to handicapped workers, and the dissemination of statistics and labour market information.

Article 2. See under Article 1, paragraph 1.

Article 3. Employment offices are established wherever population and economic conditions indicate a need ; their size is in proportion to the nature of the local economy. The work of all offices is assessed on a continuous basis by means of a point system related to the various operational functions of the office. On the basis of this method, information is obtained on which decisions are taken regarding the upgrading or downgrading of offices or the need for more or fewer offices in a given area. In the event of opening a new office or closing an existing office, the necessary adjustments are made in the areas for which adjacent offices are responsible.

Article 4, paragraph 1. The Unemployment Insurance Act states that the National Employment Committee shall include members appointed after consultation with workers' and employers' organisations in equal numbers. Regional and local committees are similarly constituted. The Unemployment Insurance Commission has approved additional representation, on national, regional and local committees, of women and ex-servicemen, and of agricultural representatives in farming communities. Such membership, however, must never be so large as to cancel the employer-worker majority of these committees. The chairmen of all committees are usually not associated with either employers' or workers' organisations but are selected for their impartiality and standing in the community. All committees are constituted as voluntary advisory bodies and members are not paid for services.

Paragraph 2. The National Employment Committee consists of nine members and a chairman. Certain of the members are appointed to form an executive committee to deal with recommen-

dations from regional and local committees and to perform other duties. The report gives details regarding the composition, functions and procedures of regional and local advisory committees.

Article 5. As members of all advisory committees are appointed by the Commission after nominations have been obtained from organisations of employers, workers, etc., their advice reflects the attitude of the organisations concerned towards all problems which they are called upon to consider. So far as placing operations are concerned, there is no discrimination for or against workers or employers, except that ex-servicemen with overseas service are given preference, subject to their having the necessary qualifications. Otherwise, the only criterion is suitability for the job.

Article 6. The National Employment Service is operated from the Unemployment Insurance Commission through the executive director to the respective regional superintendents of the five regional districts, and from them to the managers of the local employment offices within their respective regions.

At the head office in Ottawa an Employment Branch acts in an advisory capacity to the executive director. It consists of two main divisions—the Employment Specialists Division and the Analysis and Development Division—and includes also an Adviser on Women's Employment and an Administrative Service. The latter deals with clearance, transportation accounts and miscellaneous functions which are outside the scope of the two main divisions. The Employment Specialists Division comprises occupational specialists on various industries and services and on different classes of workers, such as handicapped workers, young persons, executive and professional workers, and ex-servicemen. The work of the Analysis and Development Division involves the study and analysis of statistics, operational reports and employment market reports, dissemination of information, study and advice on procedures, and development of new procedures and methods.

Regional and local offices are organised on a similar basis to the Employment Branch at the head office, except that the duties carried out by several head office officials may be entrusted to one official only.

The functions of employment officers are to register all persons who apply for employment and maintain good relations with employers' and workers' organisations, to solicit applications for workers and subsequently to follow them through until placings are effected or the applications cancelled. These officers maintain files of applications for employment and applications for workers, select workers with qualifications best suited for the employment available, and refer such workers to the employers concerned. They receive applications from employers for workers who cannot be found locally and, on request, direct them to other offices where suitable workers may be available. Applications for employment made by workers with special qualifications which are not in local demand may, if the worker so requests, also be passed on to other areas where such workers may be needed.

Occupational mobility is promoted by the nation-wide coverage of the Employment Service and the advancing, under certain conditions, of transportation costs on behalf of employers. In the

case of serious local unemployment, the Commission may receive special authorisation to provide transportation at public expense to unemployed workers when employment is available in other areas. The National Employment Service also organises, in co-operation with the provincial Governments, regular seasonal movements of agricultural workers. Transport is arranged at nominal cost to the workers, the bulk of the expenses being shared by the provincial and the national Governments. Similar arrangements have been concluded with certain States of the United States. In conjunction with the Department of Citizenship and Immigration, the National Employment Service also takes a major part in the movement and placement of newly arrived immigrants.

All National Employment Offices are required to submit regularly operational and informational statistics and narrative reports, which are collected at regional and head office levels. Information in narrative form is obtained from employers, trade unions and other sources. The release of this information is made at all levels of the organisation according to demand.

Unemployment insurance functions are performed in all National Employment Offices, the staffs of which are familiar with both employment and unemployment insurance procedures. One of the statutory conditions with which an insured person must comply in order to become entitled to benefit is that "he is capable of and available for work but unable to obtain suitable employment". It is the task of the Employment Service to determine whether work is available or not, and to test the bona fides of the applicant by offering suitable employment, if available, or to certify that no suitable work is available, if that is the case. Employment officers also work closely with relief and special service organisations in dealing with the problems of unemployed persons.

As an example of National Employment Service co-operation with other bodies in maintaining employment at the highest possible levels, the report refers to special campaigns initiated with the assistance of service clubs, municipalities, newspapers and radio stations to stimulate winter employment, when unemployment becomes serious in certain areas owing to severe climatic conditions.

Article 7. Special arrangements exist within the Employment Service to deal with the employment of the following classes of workers: (a) executive and professional workers; (b) university graduates and undergraduates; (c) handicapped persons, including the aged; (d) young persons and persons in search of first employment; (e) ex-convicts; (f) ex-servicemen who served during the war; and (g) women.

Officials are designated to deal with these categories of applicants at the head office, regional offices and local offices, although at all levels an official may be responsible for more than one classification. They maintain close relations with organisations related to their fields.

In regard to industrial and occupational specialisation, the same pattern is followed throughout the service, with specialists dealing with one group of industries or occupations at the national, regional and local levels. An attempt is made to allow these officials to develop their knowledge

of the industries with which they are concerned, e.g., by means of visits to the plant in representative industries.

The Employment Service plays a major role in the Canadian immigration programme and co-operates closely in this with the Immigration Branch of the Department of Citizenship and Immigration. Its activities include the reception and placing of immigrants, either as individuals or in groups. In addition, Employment Service officials carry out on behalf of immigrants a heavy volume of welfare work for which they have established close liaison with public bodies and religious and welfare organisations.

Article 8. Vocational guidance and the placing of juveniles is a function of the Special Placements Division of the National Employment Service. In some larger centres special youth centres are operated; in smaller communities no separate facilities are provided but vocational guidance and placing assistance are provided by the Special Placements Officer. Close co-operation is maintained by officials with schools and provincial educational officials. A testing programme is being designed at present to aid in assessing the aptitudes of young and aged workers.

Article 9. The staff of the National Employment Service is recruited and appointed by the Civil Service Commission of Canada in the same manner as that used for other Government departments. The Civil Service Commission consults the Unemployment Insurance Commission in the preparation of public notices announcing a vacancy for an employment officer. Appointment is based solely on qualifications and aptitude, except for certain preferences extended to veterans of the Canadian armed forces. Members of the staff of the Unemployment Insurance Commission who are suitably qualified sit on boards which interview applicants for employment in the service. Appointments to higher positions within the service are made mostly by promotion. Immediately on appointment, and regularly after that, employment and administrative officers are provided with staff training. A special branch of the Commission is available for this purpose and works closely with the specialists in employment matters when preparing staff training studies and procedures.

Article 10. Measures taken to encourage the use of employment service facilities include press releases, radio programmes, the Commission's annual report, the inclusion of employment news and statistics in the *Labour Gazette* and in the publications of various employers' and workers' organisations. Pamphlets are issued regularly, often providing the basis for informative talks by employment service officials to employers' and workers' groups. Close liaison is maintained at all levels with employers' organisations, large individual employers and trade unions. The Commission provides staff for handling exhibits at trade fairs and exhibitions. The fact that registration is a condition for eligibility for unemployment benefits ensures the use of the service by a large proportion of workers, but it is sought also to attract uninsurable workers by every means possible.

Article 11. The National Employment Service maintains close relations with private employment agencies not conducted with a view to a

profit. Such agencies are chiefly conducted by trades schools, universities, professional associations and trade unions as an extension of the services provided for their pupils or members. The Employment Service endeavours to work out locally, or on a national scale, some operating procedure by which the resources of the organisation and of the Employment Service are pooled. The Employment Service also works closely with the agents or agencies used by large employers or associations of employers in certain industries such as lumbering, contracting, etc.

Article 12. There are no areas in Canada which are excluded from the operation of the Unemployment Insurance Act.

The application of the Unemployment Insurance Act of 1940, under which the National Employment Service is operated, is entrusted to the Unemployment Insurance Commission, which is responsible to the Minister of Labour of Canada in this respect.

The Commission maintains a staff of travelling supervisors for the purpose of carrying out regular inspections of all National Employment Offices.

The *Labour Gazette*, the official publication of the Department of Labour of Canada, publishes monthly statistical information concerning activities of the National Employment Service; copies are supplied regularly to the International Labour Office.

No questions of principle regarding the application of the Convention have been raised.

The Canadian unemployment insurance programme, which includes the operation of the National Employment Service, has been endorsed and is supported by the interested organisations.

Netherlands.

During the period under review the regional employment offices received requests for employment from 729,400 male workers and 119,400 women workers, of which 358,100 and 67,200 respectively were placed. Offers from employers related to 400,500 male workers and 116,000 women workers.

New Zealand.

As indicated in the reply submitted by the New Zealand Government to the 35th Session of the Conference in response to the comments made by the Committee of Experts, the Government has invoked its right to charge fees for services provided only in cases falling outside the scope of the Convention, namely, for the provision of hostel accommodation and home aide services.

With regard to the second comment by the Committee of Experts concerning the training of employment service staff, special staff training officers are attached to the various Departments, including the Department of Labour and Employment, and draw up training programmes. Training covers such matters as departmental knowledge and skills, public service knowledge, training to meet changes in departmental activity and organisation and methods, supervision, and skill in instruction. It includes on-the-job training as well as off-the-job training, by means of group instruction by lectures, lessons and discussions. Other functions of the staff training officers include analysis of the knowledge and skill

required for various positions, follow-up on the progress of training, preparation of syllabuses for training courses, etc.

Of the 26 district offices in operation during the period covered by the previous report, one—that of Taumarunui—has been suppressed, leaving a total of 25 covered by the present report.

The number of private registry offices had further declined to 11 on 31 March 1952. The number of placings effected by the National Employment Service during the year ended on 31 March 1952 was 23,350 (17,151 males and 6,199 females). On 31 March 1952, 16 men and 12 women had not been placed in employment.

Norway.

The work of revising the Employment Act is to be started in the near future by a committee specially appointed for this purpose.

During the period under review, agreements have been signed with the Netherlands and France on the exchange of trainees.

The employment service is developing the placing of partially disabled persons. At the two largest employment offices and at six county employment offices, specialists (employment consultants) have been appointed for this group of applicants. The committee appointed by Royal Resolution of 24 October 1947 to examine the question of the employment of partially disabled persons has completed its work. Among its conclusions it suggests the appointment of employment consultants in all counties. There is no serious problem with respect to war disabled except as regards seamen. A special institute for the treatment of partially disabled persons, and particularly seamen, has been in operation since the war and works in collaboration with the employment consultants. During the past year the vocational training section of this institute has increased its activities and steps have been taken to organise a centre for the sale of goods made at home. Measures have also been taken to make it possible to give prompt aid to districts afflicted by the poliomyelitis epidemic. In addition, the Ministry of Social Affairs (Directorate of Health) has appointed a temporary employment consultant for tubercular and blind refugees. The consultants also co-operate with the various humanitarian organisations which give aid to convalescent and partially disabled persons.

During the period under review, two employment offices have started their own occupational guidance departments. Thus, 15 employment offices now have such departments and five institutes for occupational psychology are also in operation, including one started during the past year.

As indicated in the previous report, the use of the employment service is voluntary but the legislation provides that the Government may force private employers to make use of the service in certain cases. Thus, contracts made by the State with contractors under the present defence programme must include a provision that all manpower is to be employed through the public employment offices, in accordance with a directive governing, *inter alia*, the method of recruitment of labour over and above the contractor's permanent labour force, the advance notice given to employment officers, housing accommodation, etc.

During the period under review a new joint employment office has been set up to serve three municipalities. There are now 694 municipal employment offices in operation, 56 of which deal only with the placing of workers. Twenty-six of these offices serve 76 municipalities. In 593 municipalities the work of the employment service is carried out by officials of the social insurance funds and in 45 municipalities special employment officers have been appointed. During the period under review, the public employment service received 221,809 applications for work and 228,328 offers of vacant posts, and effected 185,471 placings.

Sweden.

Royal Order No. 674 of 19 October 1951, to amend the instructions applicable to the provincial employment offices.

As the legislation satisfies the provisions of the Convention it has not been considered necessary to give force of law to these provisions. Nothing in the legislation infringes the provisions of the Convention. The officials of the services concerned have been informed of the provisions in force and of the interpretation to be given to them. Instructions as regards the application of these provisions are given to all officials or prospective officials of the employment service. In addition, these questions are covered and discussed in the vocational training and refresher courses organised by the employment offices for their staff and prospective staff. The close supervision carried out by the competent authorities as regards the activities of the employment service makes it possible to ensure the fullest application of the legislative provisions in force.

Following a partial reorganisation the number of local offices was reduced by one—from 212 to 211—and the number of members of county employment committees from six to five. Under the terms of the Order of 19 October 1951 these committees must include a chairman and five members nominated for a maximum period of three years on the proposal of the Directorate of the National Employment Service. This number may be increased by Royal Order, if necessary.

At the national and regional level there are special advisory committees for women workers.

During the period under review the National Employment Service received 1,711,914 applications for work and 1,317,437 offers of employment, and made 1,095,679 placings.

Turkey (first report).

Labour Act No. 3008 of 8 June 1936 (L.S. 1936—Turk. 2). Act No. 5448 of 30 November 1949, to ratify Convention No. 88.

Act No. 4837 of 25 January 1946, respecting the organisation and duties of the Employment Exchange Department (L.S. 1946—Turk. 1), as amended by Act No. 5562 of 1 March 1950.

Act No. 4886 of 11 February 1946, to ratify Convention No. 96 concerning fee-charging employment agencies.

Act No. 5543 of 16 February 1951, to ratify Convention No. 2 concerning unemployment.

Article 1. In accordance with Section 63 of the Labour Act (No. 3008) and Act No. 4837, an Employment Exchange Department has been set up to assist workers and employers in finding suitable employment and workers. According

to Section 64 of the Labour Act, the employment service is to perform the following duties free of charge : to collect data on economic activities of all kinds as well as on the liberal professions ; to deal with offers of and applications for labour ; to take either general or local measures to prevent social disorders, while noting fluctuations in wages and comparing them with the cost of living ; to publish lists of employers and workers belonging to the various industries and categories ; to take the necessary measures to improve workers' vocational qualifications and to obtain skilled workers ; and to co-operate in the conclusion of contracts of employment.

Article 2. According to Section 1 of Act No. 4837, the Employment Exchange Department is a State institution, attached to and controlled by the Ministry of Labour ; it is a body corporate, autonomous from the point of view of administration and finance.

Article 3. The Ministry of Labour designates, on the recommendation of the Director-General of the Department, places where appropriate branch offices may be established and the provinces or municipalities to be included in their administrative areas. At the outset such offices were created mainly in the areas where the working population was concentrated. Since then, on the recommendation of the I.L.O. Mission which visited Turkey in 1949 and thanks to the collaboration of a United States expert, the number of these offices has been increased from 13 to 21, thus permitting a better coverage of all areas of the country. At present the total number of offices of the Department is 42 ; this number can be expanded each year according to the development of the Department.

Article 4. Section 10 of Act No. 4837 provides for the organisation of an advisory board. This board is composed of one representative each from the Ministries to which establishments employing workers are attached, one representative from the Ministry of Health and Social Welfare, one representative from each of the provincial general assemblies and municipalities which make grants towards the expenses of the Employment Exchange Department, and representatives in equal numbers of employers' and workers' organisations, according to a roster approved by the Ministry of Labour. The advisory board meets at least once a year and examines the annual report of the Employment Exchange Department, makes recommendations for its improvement, and examines the extent to which such recommendations have been implemented.

Under Act No. 4837, regional advisory committees must be established ; they will, however, only be set up when the regulations providing for them have been approved by the Council of State.

Article 5. The general policy of the Employment Exchange Department as regards the placing of workers in available employment is determined, after consultation with workers' and employers' representatives, by the advisory board.

Article 6. The Employment Exchange Department registers applicants and ascertains the worker's qualifications by means of an interview, based on the procedures and forms used by the United States Employment Service, which have been adapted and in the use of which the staff are

being trained. The Department attaches great importance to the visits of employers and to arrangements made with them in order to ensure notification of vacancies. The results of such activities have been increasingly satisfactory.

The Department has examined with care the question of transfer of workers from one region to another where suitable employment opportunities exist, and has effected certain individual transfers. This question, which is of vital importance to Turkey, will be further examined by a specially appointed committee of experts. As there is no migration of workers to or from Turkey no special measures have been taken in this field.

The Employment Exchange Department performs a social service by providing hostels in various parts of the country for unemployed workers without homes.

Article 7. The organisation of the employment service has not yet reached a sufficient stage of development to permit, in most cases, of the provision of specialised arrangements for particular occupations or industries. Some of the offices deal only with one occupation (household work). In some other offices, persons belonging to certain occupations are received and interviewed by officials specialised in their occupational field.

As regards disabled persons, although efforts are being made to ensure their placing, no special service for their rehabilitation has as yet been established.

Article 8. A vocational guidance service, operated on an experimental basis and for the summer months only, was established in Ankara in June 1951, in collaboration with the Ministry of National Education. Similar services also function in Istanbul and Izmir.

Article 9. New regulations respecting officials and employees, which came into force on 1 February 1952, ensure stability of employment for the staff of the Employment Exchange Department. These regulations, which have been distributed to the staff, lay down conditions of recruitment, appointment, promotion, etc. Employment service staff are recruited on the basis of an entrance examination. Staff training is given by the heads of branch offices and the directors and inspectors of regional offices. Courses are organised in Ankara from time to time to enable the staff of the Department to acquire the necessary knowledge of new methods and the use of forms, and also to gain experience from the foreign experts working in the Department.

Article 10. The Employment Exchange Department co-operates to the largest possible extent with the employers' and workers' organisations at the national and regional levels. It maintains contact with the Confederation of Labour Unions and other regional unions, in order that they may be kept informed of the activities of the service. Thanks to a common publicity programme many workers are applying to the service for new employment. The Department also keeps in touch with the chambers of commerce and of industry and other employers' organisations, and organises employers' visits to employment offices so as to ensure co-operation with them.

Article 11. In Turkey there are no private employment agencies not conducted with a view to profit.

Article 12. The Convention is applied in all parts of the country.

The enforcement of laws and regulations relating to this Convention is entrusted to the Ministry of Labour. The work of the Employment Exchange Department is supervised by the inspectors of the Ministry. All the activities of the Department are subject to the control of the general assembly of State economic bodies through the medium of the competent departments. The Department also has an inspection service which, according to a new system adopted on 14 April 1952, divides the country into four inspection areas. In paying monthly visits to the regions to which they are assigned the inspectors control the activities of the employment offices, give the staff the necessary instructions and correct their mistakes.

During the period under review the 42 employment offices in the country registered a total of 108,399 applicants for work and 82,938 vacancies, and effected 44,825 placings. Activities in these respects are reported each year to the advisory board of the Employment Exchange Department and to the Supervisory Council. No decisions were given by courts of law.

United Kingdom.

Northern Ireland.

Regulation No. 78 of 7 May 1952, issued under the Employment and Training Act (Northern Ireland) of 1950.

Article 4. One new standing committee has been set up—the National Advisory Committee on the Employment of Older Men and Women. It consists of representatives of employers and workers, of research and medical services, of voluntary organisations interested in the problem and of the Government department concerned. It is to advise the Minister in promoting the employment of older men and women who, on account of age alone, meet with special difficulties in obtaining or retaining employment, and to focus the attention of the different interests represented so as to secure a co-ordinated approach on a wider front.

An advisory committee for the whole of Northern Ireland and eight regional advisory committees have now been set up.

Article 6. The following information is given concerning the role of the employment service in

promoting mobility of labour to and from the United Kingdom.

There are at present no regular organised schemes for assisting the emigration of United Kingdom nationals to any part of the Commonwealth other than Australia and New Zealand.

During 1951 the Ministry made arrangements to transfer 3,185 workers from the Irish Republic.

The official recruitment of European workers for employment in the United Kingdom came to an end except for the recruitment of Italian men for underground coal-mining. Under this scheme, which was terminated in May 1952, over 1,200 men were taken into the mines. In addition, from the latter part of 1951 until 30 June 1952, 4,182 Italians were brought to the United Kingdom and employed as unskilled workers in other essential industries. During 1951 about 37,000 individual permits for workers resident abroad were granted.

Article 7. Appointments offices are now located only in London, Manchester and Glasgow.

Article 9. The training of the staff in respect of industrial information, which was formerly given by means of study groups, is now given through visits to local industrial establishments. This curtailment in staff training is intended to provide economy in manpower.

The numbers of free employment agencies are : 11 regional offices ; 1,037 employment exchanges ; 113 branch employment offices ; 120 local agencies ; 1,169 youth employment offices, of which the local education authorities were responsible for 827 and the Ministry for 342 ; 1 technical and scientific register ; 3 appointments offices ; 11 regional nursing appointments offices ; and 140 local nursing appointments offices. The transfer of responsibility for the youth employment service to local education authorities has practically been completed.

The average number of applicants registered for employment in Great Britain during the period of 12 months ended 30 June 1952 was 337,126. The number of outstanding vacancies at 4 June 1952 was 305,067. The number of persons placed in employment during the year ended 4 June 1952 was 2,734,749.

In Northern Ireland the average number of persons registered for employment at employment exchanges during the period under review was 28,466, and the total number of persons placed in employment was 27,026.

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 ¹	5. 10. 1950
Belgium ²	1. 4. 1952
Cuba ¹	29. 4. 1952
Czechoslovakia ¹	12. 6. 1950
Guatemala	13. 2. 1952
India ²	27. 2. 1950
Ireland ²	14. 1. 1952
Italy ¹	22. 10. 1952

Countries	Date of registration of ratification
New Zealand ²	10. 11. 1950
Pakistan ²	14. 2. 1951
Switzerland ²	6. 5. 1950
Syria	1. 12. 1949
Union of South Africa ²	2. 3. 1950

¹ Has ratified Convention No. 4 but not Convention No. 41.
² This ratification involves the immediate denunciation of Convention No. 41.

Austria (first report).

Order (German) of 30 April 1938 on hours of work (L.S. 1938—Ger. 6) and Order of 12 December 1938 issued in application thereof.

Federal Act of 1 July 1948, respecting the employment of children and young persons (L.S. 1948—Aus. 3), as amended by Federal Act (No. 45) of 13 February 1952.

The Government states that, as Austria has ratified both Conventions Nos. 4 and 89, the latter would appear to have practically replaced the provisions of Convention No. 4. In future, therefore, the Government will report only on Convention No. 89.

The German Hours of Work Order is still in force in Austria under the Constitutional Act of 1 May 1945 (*Rechts-Überleitungsgesetz*). The Government has prepared a Bill on hours of work fully corresponding to the provisions of the Convention; this Bill was submitted to the National Council on 18 November 1950. However, the Social Committee of the Council has not yet been able to complete its discussions on the Bill. The report states that the Hours of Work Order is in conformity with the provisions of the Convention except for a slight divergence indicated below.

As regards the prohibition of night work of female young persons, the provisions of the Federal Act of 1948 on the employment of children and young persons are applicable. The provisions in respect of female employees under 18 years of age are in complete conformity with the Convention, and even go beyond the protection provided for by the Convention.

Article 1. The Government repeats the information previously supplied as regards Article 1 of Convention No. 4.

Article 2. Section 12, paragraph 1, of the Hours of Work Order provides for all employees over 18 years of age, without distinction of sex, an uninterrupted rest period of not less than 11 hours after the daily hours of work. Statutory exceptions from this rule are provided only for undertakings falling outside the scope of the Convention, i.e., for hotels and restaurants and other branches of the hotel industry, and in transport.

Section 19 of the Order provides that female wage-earning employees (*Arbeiterinnen*) over 18 years of age shall not be employed at night between 8 p.m. and 6 a.m. In undertakings where the work is organised in shifts they may be employed up to 11 p.m. Subject to the giving of notice in advance to the labour inspectorate, the early shift may normally begin not earlier than 5 a.m., provided that the late shift ends correspondingly earlier. The labour inspectorate may authorise the late shift to end normally not later than midnight if the early shift begins correspondingly later.

The Government states that the only point in respect of which there is lack of harmony with the provisions of the Convention is that the Order does not provide that the competent employers' and workers' organisations must be consulted if a shift is authorised to end after 11 p.m. However, according to Austrian administrative practice it is the rule that in all such cases the institutions representing the employers' and workers' interests are consulted before exceptions are authorised.

The nightly rest period of employees under 18 years of age is regulated, for either sex, by the provisions of the Federal Act of 1948 respecting the employment of children and young persons, as follows: young persons must be granted, after the daily hours of work, an uninterrupted rest period of not less than 12 hours (Section 16); the employment of young persons between 8 p.m. and 6 a.m. is prohibited (Section 17, paragraph 1); in undertakings working in shifts, young persons over 16 years of age may be employed up to 10 p.m. during alternate weeks (Section 17, paragraph 3); the provisions of the Bakery Workers' Act (Section 17, paragraph 5) shall apply as regards the nightly rest of bakers.

Article 3. Section 19 of the Hours of Work Order regulating the nightly rest period for women (between 8 p.m. and 6 a.m.) refers only to female wage-earning employees (*Arbeiterinnen*) over 18 years of age, whereas the other provisions of the Order (including those relating to the 11 consecutive hours' nightly rest) apply to all employees (*Gefolgschaftsmitglieder*) over 18 years of age; the term "employee" covers wage-earning employees as well as salaried employees and persons employed under a contract of apprenticeship or any other contract for the purposes of training.

As regards employees under 18 years of age, see under Article 2.

Article 4, paragraph (a). The Hours of Work Order and the Employment of Young Persons Act prescribe that the labour inspectorate must be informed without delay by the owner of the undertaking when use is made in cases of emergency of the exception from the provisions concerning the nightly rest of women and young persons respectively.

Paragraph (b). According to Section 20, paragraph 2, of the Hours of Work Order, the labour inspectorate may, on proof of urgent need, authorise exceptions to the provisions concerning the nightly rest (between 8 p.m. and 6 a.m.) of female wage-earning employees (above the age of 18 years) for a fortnight at a time, but not for more than 40 days in any calendar year, provided that the uninterrupted rest period is not less than ten hours.

Article 5. No use has been made of this exception.

Article 6. See the information supplied under Article 4, paragraph (b). Exemptions from the provision laying down 11 consecutive hours' rest may also be authorised by the labour inspectorate in case of urgent need, in accordance with Section 12, paragraph 1, of the Hours of Work Order. No use is, however, made of this possibility in view of the provisions of the Convention.

Article 7. No use has been made of this exception.

Article 8. According to Section 1, paragraph 2, the Hours of Work Order does not apply to (a) persons holding general power of attorney and representatives of any undertaking who are entered in the commercial register or the register of co-operative societies; (b) other salaried employees in positions of management who are in charge of not less than 20 employees or whose annual earnings exceed the maximum limit fixed by the Salaried Employees' Insurance Act for liability to insurance at the time in question;

(c) employees in pharmacies who are trained chemists.

These exceptions also cover all female employees over 18 years of age.

Articles 9 to 11. These Articles are not applicable to Austria.

As regards the authorities who are entrusted with the application of the Convention the report repeats the information previously supplied with regard to Convention No. 4.

No decisions have been given by courts of law. During the calendar year 1951, the labour inspection services reported 229 infringements of the provisions relating to night work (in respect of both men and women) in various branches of industry. No observations were received from employers' or workers' organisations.

India.

Indian Mines Act, 1952.

In reply to the observations in 1952 of the Committee of Experts on the Application of Conventions and Recommendations, the report states that heavy pressure of work in Parliament prevented the adoption, before the opening of the 35th Session of the International Labour Conference, of the legislative amendments to the Factories Act, 1948, designed to ensure harmony between the national legislation and the Convention. However, the Government hoped to pass this amending legislation during the November 1952 session of Parliament.

The discrepancy between the provisions of the Convention and the Mines Act, 1923, which prohibits the employment of women on underground work but does not prohibit their employment above ground during the night, has been removed by the Mines Act, 1952, which came into force on 1 July 1952. Section 46 of the Act prohibits the employment of women between 7 p.m. and 6 a.m.; under special circumstances the Government may permit their employment at other hours provided that no woman is employed between 10 p.m. and 5 a.m.

The number of women employed in factories in 1950 was 270,924 and the number employed in mines in 1951 was 109,607.

New Zealand (first report).

Factories (Consolidation) Act, No. 43 of 12 October 1946 (L.S. 1946—N.Z. 4).

Coal Mines Act, 1925 (L.S. 1925—N.Z. 2), as amended by the Act of 1937 (L.S. 1937—N.Z. 2 A).

Mining Act, 1926 (L.S. 1926—N.Z. 1), as amended by the Act of 1937 (L.S. 1937—N.Z. 2 B).

Quarries Act, 1944.

Woollen Mills Labour Legislation Suspension and Modification Order, 1946.

Quarries Amendment Act, 1951.

The Government refers to information previously supplied in voluntary reports and adds the following details.

The Quarries Amendment Act, 1951, modifies the definition of "coal mine" in the Coal Mines Act, 1925, by the words "but does not include an open-cast coal quarry". The definition of "quarry" has been extended by the inclusion of open-cast coal quarries (for details, see under Article 1 of the report for this year on Convention No. 1). For information concerning the authorities respon-

sible for the application of the Convention, the Government refers to the report on the application of Convention No. 41 for the period 1945-1946.

On 31 March 1952 the number of women employed in factories registered under the Factories Act, 1946, was 38,399. According to a national employment service estimate, 45,300 women were employed in manufacturing. This figure includes 52 in mining and 878 in building and construction; in both cases, the women were employed solely in clerical and administrative duties.

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

Switzerland (first report).

Federal Act of 18 June 1914, relating to work in factories (B.B. Vol. IX, 1914, p. 269).

Federal Act of 31 March 1922, relating to the employment of young persons and women in arts and crafts (L.S. 1922—Switz. 2).

Administrative Order of 3 October 1919, issued under the Factory Act (L.S. 1919—Switz. 4), as amended by Federal Resolution of 7 September 1923 (L.S. 1923—Switz. 3).

Administrative Order of 15 June 1923, respecting the application of the Federal Act relating to the employment of young persons and women in arts and crafts (L.S. 1923—Switz. 1 A).

The Convention has not acquired force of law as the result of ratification. Nevertheless, the application of the Convention was guaranteed on 6 May 1950—the date on which the ratification was registered—for at this date the above-mentioned legislation was already in force.

Article 1. According to a decision given by the Federal Tribunal prior to the period under review, by which the administrative authorities are still guided, the industrial character of an undertaking is not determined by the way in which the work is organised or by the kind of goods produced; an undertaking is classified under industry if it is not of an agricultural or commercial nature. This classification corresponds to the customary division of the economic system which covers agriculture, commerce and industry.

Article 2. The Factories Act (Section 66) and the Act relating to the employment of women and young persons in arts and crafts (Section 3) define the term "night" in the same way as does Convention No. 41.

Article 3. In principle, the night work of women is totally prohibited by the above-mentioned Acts. This prohibition does not apply to undertakings in which only members of the same family are employed. By the term "women" is meant women employed in the undertakings covered by these Acts, irrespective of the nature of their duties, with the exception of those referred to below in respect of the application of Article 8 of the Convention.

Article 4. The exception provided for under Article 4 (a) of the Convention (*force majeure*) is permitted by the Act relating to the employment of women and young persons in arts and crafts (Section 4 (1)) but not by the Factories Act. The exception provided under Article 4 (b) of the Convention (raw materials subject to rapid deterioration) is permitted by the Act relating to the employment of women and young persons in arts and crafts (Section 4 (2)), but no use is made of this exception.

Article 5. The exception provided under this Article of the Convention (serious emergency when required in the public interest) is not permitted under the Factories Act but may be allowed in virtue of the Act relating to the employment of women and young persons in arts and crafts (Section 6); however, no use is at present made of this exception.

Article 6. The nightly rest period may be reduced to ten hours under both the Factories Act (Section 66) and the Act relating to the employment of women and young persons in arts and crafts (Section 5). No use is made of this exception.

Article 7. This Article is not applicable to Switzerland.

Article 8. The report states that, under the Order applying the Factories Act (Section 3), "persons to whom the owner has assigned an important function in the conduct of the undertaking or an agency outside the premises" are not classified as workers within the meaning of the Act. There is no similar provision in respect of the employment of women and young persons in arts and crafts. Nevertheless, the principle laid down in the Factories Act and which is in conformity with the Convention, is also applied under the Act relating to the employment of women and young persons in arts and crafts.

Articles 9 to 11. These are not applicable to Switzerland.

The cantons are responsible for the application of the relevant legislation, under the supreme control of the Federal Council, exercised through the Federal Department of Public Economy and, in particular, through the Office of Industry, Arts and Crafts, and Labour to which the federal factory inspectors are attached. The reports of the inspectors and of the labour medical officer for 1949 and 1950 have been communicated to the International Labour Office. Subsequent reports covering the years 1951 and 1952 will be published in 1953. Extracts from the cantonal reports relating to the application of the Act concerning the employment of women and young persons in arts and crafts in 1950 and 1951 will be communicated at a later date.

Neither the federal nor the cantonal authorities have been called upon to give a decision in disputes relating to the scope of the Federal Act concerning the employment of women and young persons in arts and crafts, nor has the Federal Tribunal had to give a decision concerning the scope of the Factories Act during the period under review.

The number of undertakings covered by the Factories Act rose by 70—from 11,194 to 11,264. There is no recent information regarding the total number of undertakings subject to the provisions of all the laws ensuring the application of the Convention. However, the fact that 60,000 undertakings (employing one million workers) are covered by compulsory accident insurance gives an idea of the increase in production in Switzerland, with the exception of agriculture.

The Convention is observed by Switzerland. The few infringements which were committed were punished. The federal authorities were notified of 25 convictions for breaches of the prohibition of night work for women. No convictions were notified for breaches of the Act relating to the employment of women and young persons in arts and crafts. Penalties in the form of fines ranged between 10 and 600 francs, the total amounting to 2,320 francs. Although this figure is higher than in previous years, it does not appear to be unduly high. This is due to the combination of a favourable economic situation and a manpower shortage, which are only temporary phenomena, and to the firm determination of the competent bodies to protect women workers irrespective of the national economic situation. The full texts of the judgments in question are not available, either because the tribunals only communicate extracts relating to the operative part of the judgment or because details regarding the motive for the conviction are not given. However, it may be assumed that several of the infringements were committed not during the hours prohibited by the Convention but during the interval between 8 p.m. (5 p.m. on Saturdays and the day before public holidays) and 10 p.m., which is covered by the term "night" as defined in the national legislation. Moreover, some of these convictions may have been for failure to observe the minimum duration of the period of nightly rest laid down by the Convention and the legislation.

Union of South Africa.

The report repeats information previously supplied on the application of Convention No. 41. During the period under review a few exemptions were granted, but in no case was work permitted after 10 p.m. Two hundred inspectors have been appointed to assist in the administration of the Factories, Machinery and Building Work Act, 1941, the Wage Act, 1937, and the Industrial Conciliation Act, 1937.

90. Convention concerning the night work of young persons in industry (revised 1948)

This Convention came into force on 12 June 1951

Countries	Date of registration of ratification
Cuba ¹	29. 4. 1952
Czechoslovakia	12. 6. 1950
Guatemala	13. 2. 1952
India ¹	27. 2. 1950
Italy ¹	22. 10. 1952
Pakistan ¹	14. 2. 1951

¹ Has ratified Convention No. 6.

India (first report).

Factories Act, 1948 (L.S. 1948—Ind. 4) and Rules made thereunder.

Mines Act, 1952.

Employment of Children Act, 1938 (L.S. 1938—Ind. 5), as amended up to 15 September 1951.

Article 1, paragraph 1. The application of the Convention is restricted in India to factories as defined in the Factories Act, to mines to which the Mines Act applies and to railways and ports.

Paragraph 2. This does not arise.

Paragraph 3. No exemption has been granted. The Factories Act does not cover workplaces where work is carried on by the owner only with the aid of his family.

Article 2, paragraph 1. (a) Sections 70 and 71 of the Factories Act, 1948, prohibit the employment of children and young persons between the hours of 7 p.m. and 6 a.m. As this provision is not strictly in accordance with the definition of the term "night" in the Convention the Act is being amended accordingly.

(b) The Mines Act, 1952, prohibits the employment of young workers under 18 years during the period between 6 p.m. and 6 a.m.

(c) Section 3 (2) of the Employment of Children Act, 1938, prohibits the employment of children between 15 and 17 years of age in occupations (i) connected with the transport of passengers, goods or mails by railway, and (ii) under a port authority within the limits of any port, unless the periods of work of such children for any day are so fixed as to allow an interval of rest for at least twelve consecutive hours, which shall include at least seven consecutive hours between 10 p.m. and 7 a.m.

Paragraph 2. *(a)* Section 71 of the Factories Act applies to children who have not completed their 15th year and to young persons who have completed their 15th but not their 18th year and who have not been certified as fit to work as adults.

(b) Under Section 45 of the Mines Act the employment of children who have not completed their 15th year is prohibited.

(c) Under Section 3 (1) of the Employment of Children Act no child who has not completed his 15th year shall be employed in any occupation connected with the transport of passengers, goods or mails by a railway or at a port.

Paragraph 3. *(a)* Under Section 70 (2) of the Factories Act young persons between 15 years and 18 years of age who have not been certified as fit to work as adults are to be treated as children in respect of whom night work between 7 p.m. and 6 a.m. is prohibited. There is at present no such prohibition in the case of young persons who have been certified to be fit to work as adults. The Act is therefore being amended with a view to prohibiting the employment of all adolescents under 17 years during the night irrespective of whether they are otherwise treated as children or adults.

(b) The employment of young persons under 18 years of age during the night is prohibited under Sections 40 (2) and 44 (1) of the Mines Act, 1952. In the case of young persons who have been certified as fit to work as adults, the central Government may by notification in the *Official Gazette*, vary the night period in suitable cases, but the banned interval of seven hours, *i.e.*, between 10 p.m. and 5 a.m., should always be maintained.

(c) Under Section 3 (2) of the Employment of Children Act the employment of children under 17 years is prohibited during a period of twelve consecutive hours, including at least seven consecutive hours, between 10 p.m. and 7 a.m.

Article 3, paragraph 1. The report refers to information given under Article 2 above.

Paragraph 2. Section 3 (2) of the Employment of Children Act provides for the employment during the night of children under 17 years as apprentices or for the purpose of receiving vocational training in such circumstances and in accordance with such conditions as may be prescribed. No use has, however, been made of this provision.

Paragraph 3. This does not arise.

Paragraph 4. This has no application to India.

Article 4, paragraph 1. No use has been made of this paragraph.

Paragraph 2. Section 3 (2) of the Employment of Children Act empowers the competent authority to suspend the operation of these provisions in the case of emergencies of an unforeseen character. Section 7 (2) *(g)* provides for the framing of rules in this respect. No such rules have yet been framed, and no such exemption has been provided for in the Factories Act and the Mines Act.

Article 5. This has not been utilised.

Article 6, paragraph 1. (a) These provisions are applied by Section 108 of the Factories Act, Section 62 of the Mines Act and Section 3 *(e)* of the Employment of Children Act.

(b) This is applied by Section 2 *(n)* of the Factories Act, Section 2 (1) of the Mines Act and Section 2 *(b)* and *(bb)* of the Employment of Children Act.

(c) This is applied by Sections 92 to 99 of the Factories Act, Sections 63 to 74 of the Mines Act

and Section 4 of the Employment of Children Act.

(d) Section 8 of the Factories Act, Section 5 of the Mines Act and Section 6 of the Employment of Children Act provide for the appointment of the necessary inspecting staff.

(e) Section 73 of the Factories Act, Section 48 of the Mines Act and Section 3 (d) of the Employment of Children Act provide for the maintenance of the necessary registers.

Paragraph 2. This is applied.

Article 7. This has no application to India.

Article 8. See under Articles 2, 3 and 6 above.

The Factories Act is administered by the State Governments through their factory inspectors. The State Governments are empowered to make rules for the purpose of carrying into effect the provisions of the Act. Every district magistrate is an "inspector" for his district and State Governments may appoint other public officials as "additional inspectors".

The Government of India has set up an organisation under the Chief Factories Adviser to advise it and State Governments in their administration of the Factories Act and on other matters connected with factory legislation and conditions. The officers of this organisation have been appointed by the State Governments as inspectors under Section 8 (1) of the Act.

The Mines Act is administered by the Government of India through the Chief Inspector and the Inspector of Mines. District magistrates may also exercise the powers and perform the duties of inspectors subject to general and special orders

from the Government. The Factories Act and the Mines Act give inspectors certain powers of entry, exemption, etc.

The Employment of Children Act, 1938, as amended in so far as it relates to ports and railways, is administered by the Chief Labour Commissioner (Central). The Chief Labour Commissioner, the regional labour commissioners and the labour inspectors (Central) have been appointed as inspectors of railways. In regard to ports, the administration of the Act is carried out by the labour inspectors appointed by the Government of India. The Chief Labour Commissioner submits annual reports on the working of the Act in ports and railways.

No decisions by courts of law have been brought to the notice of the Government.

Reports on the working of the Factories Act and the rules framed thereunder are issued by the various State Governments annually. Reports for the period under review have not yet become available. The numbers of children and adolescents employed in factories covered by the Factories Act during 1950 were 7,764 and 23,694 respectively.

The Mines Act, 1952, came into force with effect as from 1 July 1952 and annual reports of the working of the Act will become available only from next year.

Annual reports on the working of the Employment of Children Act, as amended in 1951 with a view to giving effect to the provisions of the Convention in so far as ports and railways are concerned, will also become available only from next year.

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

THIRTY-SECOND SESSION (GENEVA, 1949)

96. Convention concerning fee-charging employment agencies (revised 1949)

This Convention came into force on 18 July 1951

Note :

Article 2 of this Convention provides that :

1. Each Member ratifying this Convention shall indicate in its instrument of ratification whether it accepts the provisions of Part II of the Convention, providing for the progressive abolition of fee-charging employment agencies conducted with a view to profit and the regulation of other agencies, or the provisions of Part III, providing for the regulation of fee-charging employment agencies including agencies conducted with a view to profit.

2. Any Member accepting the provisions of Part III of the Convention may subsequently notify the Director-General that it accepts the provisions of Part II ; as from the date of the registration of such notification by the Director-General, the provisions of Part III of the Convention shall cease to be applicable to the Member in question and the provisions of Part II shall apply to it.

Countries	Date of registration of ratification
Cuba ¹	3. 2. 1953
Finland ^{1 2}	22. 12. 1951
France ¹	10. 3. 1953
Guatemala ¹	3. 1. 1953
Italy ¹	9. 1. 1953
Netherlands ¹	20. 5. 1952
Norway ^{1 2}	29. 6. 1950
Pakistan ¹	26. 5. 1952
Sweden ^{1 2}	18. 7. 1950
Turkey ^{2 3}	23. 1. 1952

¹ Has accepted the provisions of Part II.

² Has ratified Convention No. 34.

³ Has accepted the provisions of Part III.

Norway (first report).

Act of 27 June 1947, respecting measures to promote employment (Chapter IV) (L.S. 1947—Nor. 2).

With regard to Articles 1 to 7 of the Convention the report indicates that Norway has accepted Part II of the Convention which provides for the total abolition of fee-charging employment agencies conducted with a view to profit. The provisions already existing in Norway go considerably further than the standards laid down in the Convention. According to Section 26 of the Act of 27 June 1947, private employment agencies are prohibited, whether or not they are fee-charging, with the exception of certain non-fee-charging employment agencies. Fee-charging employment agencies have been prohibited by law since 1929. Private employment agencies which had previously been granted a licence to operate in accordance with the Act of 12 June 1896 respecting shipping offices, domestic registry offices and employment agencies were requested to cease their activities by 26 June 1952. Accordingly, all private employment agencies have now ceased to operate.

As regards Article 8 of the Convention, the report states that Section 35 of the Act provides for penalties to be imposed on persons who contravene the provisions prohibiting the operation of private employment agencies. Unless the offence calls for a more severe punishment, the penalty consists of a ban on further activities, accompanied by a fine or by imprisonment up to three months, or by both fine and imprisonment.

With regard to Article 9 of the Convention, the report refers to the information supplied under Articles 1 to 3.

The implementation of the provisions concerning private employment agencies, contained in the Promotion of Employment Act, is entrusted to the Directorate of Labour and its subordinate bodies. Public employment agencies exercise constant supervision as regards activities which might conceal private employment service operations or commercial establishments ; private organisations and private persons whose activities may be assumed to come under Section 26 of the Act are subjected to close examination. Where required by circumstances, cases are referred to the police for investigation. Services exercising activities which are normally carried out by employment agencies, but in which the relationship between the undertaking and the workers has been arranged in such a way that it is difficult to terminate their activity, are required under Section 34 of the Act to send regular reports on their activities to the Directorate of Labour.

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

The report states that there is no further information concerning the manner in which the Convention is applied in Norway (Point V of the report form).

Sweden (first report).

Act of 18 April 1935, to issue certain provisions respecting employment agencies (L.S. 1935—Swe. 1).

Royal Notification of 28 June 1935, to issue provisions respecting nurses' registry offices.

Royal Notification of 10 February 1939, respecting the extension of permits required to exercise placing operations carried out with a view to profit.

Act of 31 August 1940, to amend Section 4 of the transitional provisions of the Act of 18 April 1935 (L.S. 1940—Swe. 2).

Act of 30 June 1947, to amend the Act of 18 April 1935.

Act of 10 December 1948, to amend the transitional provisions of the Act of 18 April 1935.

Article 3. The Act of 18 April 1935 provides that placing operations may not be carried out

with a view to profit. However, under the transitional provisions of this Act, the holder of a licence who was conducting an employment agency with a view to profit at the end of 1949 may obtain a renewal of his licence from the State Employment Board ; the extension is for one year but may not in case any be prolonged beyond 1 January 1955.

The Royal Notification of 10 February 1939 provides that the annual renewal of these licences may be granted, until further notice, only to employment agencies for musicians, theatre artistes, domestic servants, staff employed in hotels, boarding-houses and restaurants, persons engaged in the care of the sick, and agricultural workers.

Article 4. The supervision of employment agencies conducted with a view to profit is exercised by the higher authorities by means of inspection visits. The inspectors examine, *inter alia*, the registers which agencies are bound to keep in respect of applications for work and vacancies. The monthly reports submitted by the agencies to the supervisory authorities also ensure the permanent control of placing operations. Before renewing a licence the authorities consult the organisations of employers and workers concerned.

Article 5. No use has been made of the exceptions authorised under this Article. The Act of 1935 provides that, in case of operations for the placing of persons in employment abroad or for the placing in employment in Sweden of aliens resident abroad, permits shall be granted solely in the cases and subject to the conditions prescribed by the Government in pursuance of an agreement with the foreign State concerned. No such agreements

have as yet been concluded. However, musicians, theatre artistes, etc., are not covered by these provisions.

Article 6. The supervision of fee-charging employment agencies not conducted with a view to profit is exercised through the examination of the annual reports submitted by the agencies in question and through the regular control of the accounts of these agencies.

Article 7. Investigations are carried out by the competent authority in cases where it is suspected that the services rendered are not gratuitous.

Article 8. Penalties are prescribed in Section 8 of the Act, and Section 4 provides that the competent authorities are empowered to withdraw a licence in the case of employment agencies conducted with a view to profit.

Article 9. See the information supplied under Article 5.

The application of the relevant legislation is ensured by the State Employment Board as regards the Act of 18 April 1935, and by the Medical Board as regards the Notification of 28 June 1935.

At the beginning of 1936, when the ratification by Sweden of Convention No. 34 was registered and when the Act to issue provisions respecting employment agencies came into force, 155 persons held licences for exercising placing operations with a view to profit. In 1951, 35 private agencies held licences and early in 1952 only 22 agencies.

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

97. Convention concerning migration for employment (revised 1949)

This Convention came into force on 22 January 1952

Countries	Date of registration of ratification
Cuba	29. 4. 1952
Guatemala	13. 2. 1952
Israel	30. 3. 1953
Italy	22. 10. 1952
Netherlands	20. 5. 1952
New Zealand	10. 11. 1950
United Kingdom	22. 1. 1951

New Zealand (voluntary report).

Immigration Restriction Amendment Act, 1951.
Immigration Restriction Regulations, 1930, Amendment No. 7.

The above Act amends the Immigration Restriction Act of 1908 by modifying the definitions of the terms " Minister ", " collector " and " officer of customs ". By virtue of the Amendment Act, 1951, control of immigration and enforcement of the legislation and regulations is transferred to the Department of Labour and Employment.

Under the enlarged scheme of assisted immigration, married men and their dependent wives and children are accepted.

Under the migration agreement concluded between New Zealand and the Netherlands, 937 single men and 163 single women arrived in the country under a contributory assisted passage scheme. In addition, a large number of unassisted Dutch immigrants arrived under Government entry permits.

During 1951, 2,663 displaced persons immigrated into New Zealand.

The Migration Advisory Council has continued to give advice and guidance. The changeover in the administration of the Immigration Restriction Acts has facilitated the co-ordination of immigration policy, which is now dealt with as a whole by one department only.

Employers, the immigration welfare committees and many individuals have assisted in arranging accommodation where necessary for immigrants.

Following changes in the transport arrangements for migrants from the United Kingdom, the number of assisted immigrants from this country during 1951 was somewhat smaller.

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

98. Convention concerning the application of the principles of the right to organise and to bargain collectively

This Convention came into force on 18 July 1951

Countries	Date of registration of ratification
Austria	10. 11. 1951
Brazil	18. 11. 1952
Cuba	29. 4. 1952
Finland	22. 12. 1951
France	26. 10. 1951
Guatemala	13. 2. 1952
Iceland	15. 7. 1952
Pakistan	26. 5. 1952
Sweden	18. 7. 1950
Turkey	23. 1. 1952
United Kingdom	30. 6. 1950

Sweden.

- Act of 28 May 1920, respecting conciliation in labour disputes (as amended).
- Act of 11 September 1936, respecting the right of association and of collective bargaining.
- Act of 17 May 1940, respecting the right of collective bargaining of local government officials.
- Notification of 4 June 1937, respecting the right of collective bargaining of central government officials.

Effect is being given to the Articles of the Convention by practice as well as by legislation. The right of association and of collective bargaining, long recognised in the practice followed by employers' and workers' organisations, has been embodied in the Right of Association and Collective Bargaining Act of 1936. The provisions of this Act and of the Conciliation in Labour Disputes Act of 1920 serve to strengthen and support voluntary negotiation between employers and workers.

Article 1. The Right of Association and Collective Bargaining Act prohibits the abuses described in this Article as infringements of the right of association. Trade unions keep a careful watch on attempts by employers to infringe the right of association; the comprehensive character of Swedish trade unions constitutes a guarantee that this protection will be effective. Cases of actual infringement of this right may be brought before the labour courts, which can sentence the guilty person to pay a heavy fine, compensation to the individual worker concerned for loss suffered as a result thereof and moral damages to the trade union concerned for interference with its activities.

The report refers to an appendix concerning provisions in the Act relating to what is called the "supervisors' clause". Under these provisions it is permissible to stipulate in a collective agreement that a foreman shall not join an association organised for the defence of the interests of employees subordinate to him as against the employer. The term "foreman" is defined to include any representative of the employer who directs, distributes and supervises work carried out by employees subordinate to him and in which he does not take part except incidentally. The appendix gives a history of the "super-

visors' clause", which shows that the legal provisions in question simply embody a widely established practice, without prejudice to the right of foremen to become members of supervisors' organisations.

Article 2. Occupational organisation is so highly developed in Sweden that the associations on both sides of industry are well able to supervise these conditions themselves.

Articles 3 and 4. The Act respecting conciliation in labour disputes provides for the appointment of eight conciliators whose services are available to assist employers' and workers' organisations in settling differences between them if agreement cannot be reached by direct negotiation. There are about 20,000 collective agreements now in force in Sweden.

Article 5. According to information collected in 1948, 79.5 per cent. of defence personnel are organised in the Salaried Employees' Central Organisation and 22.2 per cent. in the National Federation of Civil Servants. About 90 per cent. of the police force are organised, the great majority in the Swedish Police Federation, while senior police personnel (2 per cent.) are affiliated to the Swedish Central Organisation of University Graduates.

Cases have been brought before the labour courts involving the application and interpretation of the "supervisors' clause" or the question of whether a particular employee was or was not really a supervisor. Most of the cases involved small undertakings and unorganised employers and it would appear that the application of the clause in large-scale industry has not given rise to considerable friction. The appendix to the report contains a list of 24 cases decided by the labour courts since 1936, with details regarding each case.

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

United Kingdom (first report).

- Trade Union Acts of 1871-1940.
- Trade Union Acts (Northern Ireland) of 1871-1940.
- Conciliation Act of 1896.
- Industrial Courts Act of 1919.
- Industrial Disputes Order of 1951 (L.S. 1951—G.B. 4).
- Conditions of Employment and National Arbitration Order (Northern Ireland) of 1940 (L.S. 1941—G.B. 3).

Effect is being given to the Articles of the Convention by common law, legislation and practice. At common law there is no restriction on the right to organise for a lawful object. That the usual objects of a trade union (which term includes an organisation of employers as well as of workers) are lawful is established by the Trade Union Acts, 1871-1940, and the Trade Union Acts (Northern Ireland) 1871-1940. Provisions of the Conciliation Act, 1896, enable the Minister of Labour and

National Service (in Northern Ireland the Minister of Labour and National Insurance) to encourage and promote voluntary negotiation between employers and workpeople. The Industrial Courts Act, 1919, and two orders made under emergency powers, namely, the Industrial Disputes Order, 1951, and the Conditions of Employment and National Arbitration Order (Northern Ireland), 1940, also contain provisions designed to strengthen and support the machinery for voluntary negotiation in connection with disputes relating to terms and conditions of employment.

Article 1. Workers in the United Kingdom enjoy adequate protection against acts of the type described in this Article by virtue of the strength of their trade union organisations and also by the widespread acceptance on both sides of industry of the principles underlying the Article. In addition, the services of the Ministry of Labour and National Service, including facilities for conciliation and arbitration, are available if desired to assist in preventing or settling differences which may arise because of such acts. The Minister may appoint a court of enquiry under the Industrial Courts Act to enquire into the causes and circumstances of a trade dispute arising from such acts, and he has also powers of investigation under the Conciliation Act. In Northern Ireland the Minister of Labour and National Insurance provides similar services and has similar powers.

Article 2. Adequate protection against the acts described in this Article is enjoyed by virtue of the collective organisation among both employers and workers and by the widespread acceptance on both sides of industry of the principle of non-interference in each other's affairs, which is characteristic of the United Kingdom system of industrial relations. The services of the Ministry of Labour and National Service (in Northern Ireland the Ministry of Labour and National Insurance) are also available to assist in the prevention or settlement of differences which may arise from such acts.

Articles 3 and 4. The fundamental principle underlying the policy of the Government in the field of industrial relations is that questions relating to terms and conditions of employment should be resolved by representatives of both sides of industry through their own joint negotiating machinery. The services of the Ministries are available to assist in the development of such machinery. The duties of the Ministries' Industrial Relations Officers include: (a) the encouragement and support of existing voluntary negotiating machinery; (b) assistance in the formation of new machinery where necessary; (c) the giving

of advice, where desired, on all matters relating to the functioning of such machinery; (d) the maintenance of continuous contact with the state of relations between employers and employed.

A trade dispute shall not be referred to arbitration until any machinery in the industry concerned which is appropriate for the settlement of the dispute has been exhausted. These provisions are designed to ensure that full use is made of the voluntary machinery for the settlement of terms and conditions of employment.

Article 5. The provisions of the Convention are considered unsuitable in relation to members of the armed forces. Members of the police forces below the rank of superintendent are, with minor exceptions, automatically members of the appropriate Police Federation. The Police Federations (one for England and Wales and one for Scotland) were established under the Police Act, 1919, for the purpose of considering and bringing to the notice of the police authorities all matters affecting the welfare and efficiency of members, other than questions of discipline and individual promotion. The Act provides that the Federations shall be entirely unassociated with any body or persons outside the police service, and policemen are prohibited from being members of trade unions having among their objects control or influence of pay, pensions or conditions of service of any police force. The situation is broadly the same in Northern Ireland.

In March 1952 the Trades Union Congress drew the attention of the Minister of Labour and National Service to a situation where one employer required a written undertaking from his employees not to join a trade union while in the firm's employment. The Minister appointed a court of enquiry under the Industrial Courts Act, 1919, to enquire into the matter. Following the court's report (issued after the period covered by the present report) and after further discussions in which the firm's attention was drawn to the principles of the Convention, the firm informed the Minister that they would no longer insist upon the undertaking from their employees.

Again, in March 1952 the Trades Union Congress drew the attention of the Minister, in connection with Article 2 of the Convention, to the rules of various staff associations in certain insurance companies. After careful consideration, the Minister informed the Trades Union Congress that it did not appear from the information available that the provisions of Article 2 were being contravened.

THIRTY-FOURTH SESSION (GENEVA, 1951)

99. Convention concerning wage fixing machinery in agriculture

This Convention is not yet in force

Countries	Date of registration of ratification
Mexico	23. 8. 1952
New Zealand	1. 7. 1952

New Zealand (voluntary report).

- Industrial Conciliation and Arbitration Act, 1925.
- Industrial Conciliation and Arbitration Amendment Act, 1936.
- Industrial Conciliation and Arbitration Amendment Act, 1943, as amended by the Statutes Amendment Act, 1948 (L.S. 1948—N.Z. 4).
- Agricultural Workers Act, 1936.
- Dairy Products Marketing Commission Act, 1947.
- Agricultural Workers Wages Order No. 2 of 1951.
- Agricultural Workers (Farms and Stations) Extension Order, 1949, Amendment No. 3.
- Agricultural Workers (Orchardists) Extension Order, 1949, Amendment No. 2.
- Agricultural Workers (Tobacco Growers) Extension Order, 1949, Amendment No. 2.
- Agricultural Workers (Market Gardeners) Extension Order, 1950, Amendment No. 2.

Article 1, paragraph 1. The Industrial Conciliation and Arbitration Act is comprehensive in scope and may be applied to all types of workers. Its wage fixing machinery has been applied to certain types of essential agricultural workers (shearers, drovers, musterers and threshing mills employees), but the Court of Arbitration has declined in the past to apply this machinery to other agricultural workers.

However, since 1936 the other types of agricultural workers have been provided with such machinery through the Agricultural Workers Act. This Act establishes machinery for workers on dairy farms and provides that this machinery may be extended with modifications to other types of agricultural workers. Such extensions have been made to workers in market gardens, orchards, tobacco growing, farms and stations used for the commercial production of wool, meat or grain (including seed).

Paragraph 2. Before extending wage fixing machinery under the Agricultural Workers Act, the organisations of employers and workers concerned must be consulted (Section 20 of the Act).

Paragraph 3. No exclusions such as those authorised in this paragraph are provided for in New Zealand law.

Article 2, paragraph 1. Payment in the form of allowances in kind is authorised by the Agricultural Workers Act, Extension Orders and Awards.

A typical form is provision whereby the minimum cash wage is fixed, plus free board and lodging, or, where such board and lodging is not provided, a prescribed cash allowance in its place is payable in addition to the cash wage.

Paragraph 2. The value of such allowances is established at the same time and by the same methods as those by which the minimum wage is fixed. The value is thus varied periodically in accordance with the cost of living and other factors and is on a fair and reasonable basis (Section 14 of the Agricultural Workers Act).

Article 3, paragraph 2. The machinery used has been established by statute. As mentioned above, the long-established machinery of the Industrial Conciliation and Arbitration Act is used by certain types of agricultural workers. At the time of the enactment of the Agricultural Workers Act in 1936, the Minister of Labour consulted the farmers' organisations. There was no organisation representative of dairy-farm workers in existence at that time but the Act was designed, among other things, to provide these workers with special wage fixing machinery for their benefit.

Paragraph 3. Section 14 of the Agricultural Workers Act, as amended, provides for minimum rates of wages to be determined having regard to the prices fixed by the Dairy Products Marketing Commission Act, 1947. Following the fixing of these prices employers' and workers' organisations are consulted and, on the basis of the results of their negotiations, an Order-in-Council is issued laying down minimum rates of wages for different classes of workers on their farms. As regards the position of other agricultural workers the employers' and workers' organisations take part in the operation of the machinery on the basis of complete equality (Section 20 of the Agricultural Workers Act). In the case of agricultural workers who utilise the Industrial Conciliation and Arbitration Act machinery, complete equality and full participation in the operation of the machinery is likewise secured.

Paragraph 4. Section 21 of the Agricultural Workers Act lays down that it is an offence for an employer to pay his workers less than the appropriate minimum rates prescribed by the wage fixing or extension orders for the time being in force. A similar provision is to be found in Section 129 of the Industrial Conciliation and Arbitration Act.

Article 4, paragraph 1. Copies of the latest regulations, orders and agreements are distributed

to the district offices of the Department of Labour and Employment, where they are available on demand to employers and workers. Copies are also supplied to the New Zealand Workers' Union which makes them available to members. Employers are kept informed of new orders through their organisations. Sections 5 to 7 of the Agricultural Workers Act and Section 101 of the Industrial Conciliation Act contain provisions relating to the appointment and duties of inspectors. Section 21 of the Agricultural Act and Section 129 of the Industrial Conciliation and Arbitration Act provide for penalty clauses.

Paragraph 2. Section 19 of the Agricultural Workers Act and Section 30 of the Industrial Conciliation and Arbitration Amendment Act, 1936, provide that civil proceedings for the recovery of wages payable under the Act may be taken by an inspector on behalf of the person entitled to payment. Section 4 of the Industrial Conciliation and Arbitration Amendment Act, 1943, as amended by the Statutes Amendment Act, 1948, provides that the balance of moneys payable by an employer to a worker may be recovered in the same manner as a penalty for a breach of the award or agreement; proceedings may be begun within two years after the date on which the moneys became due and payable.

The Department of Labour and Employment is responsible for the administration of the Agricultural Workers Act. Supervision is exercised through the inspectorate and enforcement is ensured through proceedings for offences taken by the inspector and heard before a magistrate.

Out of an estimated total labour force at 31 March 1952 of 149,000 persons engaged in farming pursuits, it is estimated that there were 80,000 wage earners.

An extract from the annual report of the Department of Labour and Employment for the year ending 31 March 1952 showed that, as regards wage rates, there was only one amendment to the various wage fixation and extension Orders during the year in question. The Agricultural Workers Wages Order (No. 2), 1951 (Statutory Regulation 1951/234) raised the wage rate for adult dairy farm workers. As regards rate workers' permits, the report shows that 373 permits were issued in 1951 and 336 in 1952. Current weekly wage rates for adult workers are as follows : dairy farms, £7 13s. plus £1 8s. 9d. for board and lodging; farms and stations, £6 7s. 6d. plus £1 8s. 9d. for board and lodging; orchards : males £8 1s., females £5 6s. 4d.; tobacco : males 3s. 5d. per hour, females 2s. 3d. per hour; market gardens : males £7 6s. 8d. per week, females £4 17s. 6d. per week.

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, Cuba, Denmark, Finland, France, Federal Republic of Germany, Greece, India, Ireland, Italy, Luxembourg, Mexico, New Zealand, Norway, Pakistan, Sweden, Switzerland, Turkey, Union of South Africa, United Kingdom, United States, Venezuela, Yugoslavia.

Other information on this point has been supplied by the following Governments :

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 reports have been communicated to the Central Council of Polish Trade Unions.

Uruguay. Copies of the report on Convention No. 2 have not been communicated to the representative organisations, as the employers' and workers' organisations concerned have been represented for a number of years on the Committee which examines annually the agenda of the International Labour Conference ; the annual reports are read out in this Committee.

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 1951 to 30 June 1952.

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

New Zealand.

Tokelau Islands.

The islands consist of three small coral atolls governed by New Zealand through the High Commissioner for Western Samoa. A census taken on 25 September 1951 revealed a total population of 1,580. The inhabitants are closely allied to the Samoans in language and culture.

The natural resources of the islands are limited by the lack of fertility of the soil, which permits only an agricultural subsistence economy and the production annually of a certain amount of copra for export. There are no known mineral resources. Apart from the preparation of copra for export no industries exist, and therefore no necessity has arisen for the supervision of labour and employment conditions. No labour is recruited in the area for employment elsewhere in the Pacific. The general isolation of the islands and the limited nature of the economy have combined to produce an extremely simple pattern of living and a stable society in which there is freedom from many social problems. The concepts of unemployment, sweated labour or exploitation are unknown in these islands, where adequate security and safeguards against oppression are provided by the social structure. To provide the islanders with the necessary basis for improvements in standards of living, a comprehensive programme of capital construction was put into effect. This provided for the erection of a hospital ward and 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. The programme has now been completed by the finishing of the copra shed and hospital at Fakaofo. A new surf-boat has also been provided under the development programme. Other works planned include anti-filaria cam-

paigns, the provision of more water tanks and catchment areas, and the provision of additional ventilation in the copra sheds.

With the passing of the Tokelau Islands Departure Regulations, 1952 (1952/21), residents over the age of 12 years must obtain a permit from the Administrator before departing from the islands. This measure was designed and introduced solely as a safeguard to the islanders themselves, as by it steps may be taken to ensure that only those islanders who have an adequate knowledge of English and who are capable of living in European fashion will be able to go to New Zealand.

Owing to the simple nature of the social structure in the islands, the application of any of the Conventions ratified by New Zealand is not considered appropriate.

Portugal.

Angola.

During the period 31 July 1951-30 June 1952, 224 breaches of the timetable of hours of work were reported; fines were paid in respect of each one of these breaches and it was not necessary to bring the defaulters before the courts.

Although the employers' organisations claim that the development of Angola necessitates constantly increasing activity, and have protested against the fines imposed in cases where the established hours of work have been exceeded, the services responsible for the supervision and the application of the legislation have decided to insist upon the recruitment of a larger number of workers whenever this is necessary for a specific task, in conformity with the existing timetable.

S. Tomé and Príncipe.

The principles established in the Convention are strictly applied, and for this purpose the competent authorities ensure strict supervision.

2. Convention concerning unemployment

France.

French Equatorial Africa.

Two employment agencies have been established in Brazzaville (Order of 15 March 1952) and Libreville (Order of 17 June 1952). These agencies are public and free, and function under the authority of the labour inspectorate.

French Settlements in Oceania.

The Convention is not applicable in the territory.

French Somaliland.

Order No. 160 of 6 February 1937, Section 1.

Information regarding unemployment is communicated to the International Labour Office annually, and not every three months, because of the special position of the territory with regard to the unemployment problem.

Many indigenous wage earners leave their employment for personal reasons and, in view of the situation, do not always find it possible to get another job when they decide to resume work.

The services of the labour office are entirely free. During the period under review the office received 51 applications for employment but was unable to place any of the applicants.

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

Morocco.

During 1951 the employment agencies placed 24,533 persons in employment, of whom 12,712 were Moroccans and 11,821 were Europeans.

There is no unemployment insurance in Morocco where there has been no unemployment for 12 years. In case of need appropriate measures will be taken to provide assistance for unemployed persons.

New Caledonia and Dependencies.

During the period under review the principal unemployment agency of the town of Noumea received 75 applications for employment and effected 22 placings. During the same period the information bureau of the agricultural service received 57 applications.

Togoland.

During the period under review 56 applications for employment were received by the placement bureau.

In practice, these applications were not followed up as the persons concerned were either beginners without any experience or employees and workers who could not be placed in employment because of their lack of skill in their trades.

Tunisia.

Unemployment regulations are being examined, with a view to obtaining concrete legislative solutions at the local level, due account being

taken of the international standards established by the Convention.

United Kingdom.

Barbados.

The Bureau of Employment and Emigration continues to function mainly as a centre for the engagement of unemployed workers for employment in the United States of America. During the year under review 635 men were selected from the live register of the Bureau and sent to the United States. During the same period 1,719 persons registered for the first time as unemployed.

British Guiana.

During the period under review 2,352 adults and 409 juveniles were registered; 1,980 vacancies were notified and 1,587 were filled. As there is no special system of unemployment insurance in the colony, there is no particular incentive for all the unemployed to register and accordingly the number of persons registered does not give a full picture of the existing number of unemployed persons. It is estimated, however, that in the period ending 30 June 1952 the number of unemployed persons between the ages of 16 and 65 years did not exceed 12,000.

Cyprus.

During the period under review the labour exchanges dealt with 54,061 applications for employment. The number of vacancies notified was 32,879, of which 31,821 were filled.

It is still difficult to estimate the number of unemployed persons in Cyprus, but it is felt that when a census of employment and production was taken in December 1950 roughly 17,000 persons, or 7 per cent. of the working population, were without employment. If an allowance of 3 per cent. is made for frictional unemployment, it would appear that about 4 per cent. of the working population were either chronically unemployed or were normally underemployed in December 1950.

Gambia.

Ordinance No. 10 of 1951, to provide for the setting up of an employment exchange and for the registration of employees in Gambia.

The above Ordinance provides for the registration of all employees including agricultural workers, domestic servants and apprentices, in employment and prior to employment. Provision is made for the issue of renewable certificates of employment containing, *inter alia*, the description of the holder and particulars of his employment.

Registration under the provisions of the Ordinance was started on 1 May 1952. No useful information, statistical or otherwise, concerning unemployment for the period covered by the report can therefore be given.

The application of the above-mentioned legislation is entrusted to the Principal Registration Officer (Labour Officer).

Gibraltar.

A labour advisory board, equally representative of employers and workers, was appointed in April 1952. During the period under review 3,475 applications for employment were received; the number of vacancies notified was 8,708 and 8,235 persons were placed in employment. Unemployment during the period under review has been maintained at a very low level. The average rates of registered unemployment for men was 0.38 per cent. and for women 1.61 per cent.

Jamaica.

During the period under review the Kingston Employment Bureau registered 4,190 unemployed persons and placed 3,990 persons in employment.

Kenya.

Article 1. There were 845 applications for employment from Europeans, 238 of whom were placed. There were 1,451 applications from Asians, 476 of whom were placed; and 31,263 from Africans, 23,386 of whom were placed.

Article 2. There are now 14 free public employment exchanges for Africans in the colony, 10 in the urban areas and four in the native land units. In places where no exchange exists, the district commissioner's offices act as sub-exchanges. There are in addition one European exchange and four Asian exchanges.

Leeward Islands.

There are no legislation and no administrative regulations applying the provisions of the Convention in the colony. The straitened economy and financial circumstances of the islands only permit the establishment of labour departments in the two larger islands, and in both cases the staff is very small indeed. However, the opportunities of employment in these small islands, whose economies are based almost wholly on agriculture, are strictly limited, and the availability of employment is almost certainly well known to the majority of the working population.

An unemployment survey conducted in Antigua in July 1950 showed that 4,800 persons were unemployed. A committee was appointed by the administrator of Antigua in August 1949 to examine the possibility of introducing a contributory scheme of social insurance and allied services. The committee submitted its report in June 1952, and the administration is now considering the recommendations made. The Government participates in the recruitment of workers for employment in agriculture in the United States by a scheme now controlled by the British Caribbean Regional Board. On 30 June 1952 a total of 649 workers from the colony were employed under this scheme.

Malaya.

With reference to the statement in previous reports that there was provision for the institution of a free Government employment exchange service in the draft Development Plan of the Federation of Malaya, the report states that two employment exchange officers from the Ministry of Labour in the United Kingdom have now arrived in the Federation. Both officers have

been seconded to the Federation Government for a period of three years to advise on the organisation and establishment of an employment exchange service.

Despite the sharp fall in the price of rubber in May 1952 and the subsequent closure of some smallholdings, the labour affected has been absorbed by the larger plantations and other places formerly suffering from a shortage of labour. A plan is at present under discussion by the Federal Government for the employment of unemployed persons on public works and for the encouragement of food production, should a further fall in the price of rubber lead to large scale unemployment. No unemployment statistics are available.

Malta.

During the period under review 13,717 applications for employment were received by the agencies and 2,196 persons were placed in employment. The number of vacancies notified was 2,919.

Mauritius.

The number of unemployed persons (civilian and ex-servicemen) registered at the three public employment agencies were as follows: 1,397 in September 1951; 1,197 in December 1951; 1,423 in March 1952; 964 in June 1952.

During the period under review 5,089 vacancies were notified and 4,839 persons were placed in employment.

Nigeria.

With regard to Article 2 of the Convention, the report states that at the end of the period under review reconsideration was being given to the functions of juvenile and adult employment exchanges generally: in regard to the former the need was dictated by the recent adoption by the Government of the system of entry to the junior ranks of the civil service by way of competitive entrance examinations; and in regard to the latter by the failure (particularly in Lagos, the capital of the country) of an important objective of the employment exchange, which was to check the migratory movement of labour from the rural areas.

A very detailed table appended to the report illustrates the work carried out by the various employment exchanges in the year under review.

Northern Rhodesia.

During the period under review 7,328 Africans were registered at the labour exchanges, and of these 3,895 were known to have been placed in employment; 8,831 vacancies were notified by employers.

Arrangements have been made for the Registry to pass particulars of applicants for employment to local labour officers, who are then able to submit details to possible employers in their districts.

St. Helena.

The average number of unemployed persons during the period under review was 91 per week.

St. Lucia.

The Labour Department, in conjunction with its other duties, functions as a free labour bureau with the co-operation of organised labour and some

employers. The number of applications received for employment during the period under review was 820; 630 vacancies were notified and 629 persons were placed in employment.

St. Vincent.

One central employment exchange is established as the Department of Labour for the whole colony. The area served by this exchange is 150 square miles with a population of about 68,000. Frequent visits are paid to the rural areas, when statistics are collected. The labour advisory board, on which employers and workers are represented, advises on all such matters.

Sierra Leone.

During the period under review there were 23,056 applications for employment; 22,531 vacancies were notified and 21,428 of these were filled. These figures do not include 28,462 casual vacancies filled through the Port Labour (Harbour) Pool which came into operation on 1 February 1952.

Singapore.

During the period under review there were 14,732 applications to the labour exchange for employment; 24,320 vacancies were notified and 9,830 persons were placed in employment.

The Seamen's Registration Bureau continued to make smooth progress. During the period under review 1,264 seamen were registered (859 Chinese, 306 Malays, 92 Indians and seven others). A total of 8,305 seamen were employed through the Bureau (5,005 Chinese, 3,079 Malays, 209 Indians and 12 others).

Tanganyika.

As regards Article 2 of the Convention, the report states that 21 labour exchanges were operating in 1951, during which period 6,848 Africans were placed in employment or pre-

employment training. This number was made up of 2,745 tradesmen, 396 ex-schoolboys, and 3,707 unskilled workers. In addition 10 Europeans and four Asians were placed in employment.

The number of Africans who were registered on the books of the employment exchanges at the end of the year as unemployed was 4,436, but some of these are known to have found work and failed to inform the authorities.

Trinidad and Tobago.

During the period under review there were 3,746 new registrations for employment; 2,258 vacancies were notified and 1,218 persons placed in employment.

Uganda.

The annual report of the Labour Department for the year 1951 contains the following passage: "Notwithstanding the general condition of full employment which inevitably discounts the value of a labour exchange, the central labour exchange in Kampala has slowly but steadily increased its business. The experiment of placing clerks trained in exchange work in other stations has met with only limited success, and at the end of the year all labour exchange clerks had been withdrawn, except for those at Jinja, Mbale, Masaka and Fort Portal".

Applications submitted to employers by all exchanges were 2,794 as compared with 1,786 for the previous year.

Zanzibar.

During the period under review 419 applications for employment were received, 336 vacancies were notified and 329 persons were placed in employment. Of the persons for whom employment was not found, no record is available as to their subsequent work history and it is probable that the majority found employment by their own efforts.

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

France.

Cameroons.

Decree of 23 August 1945, concerning the employment of Europeans or assimilated persons in private undertakings of the Cameroons.
Orders of 20 September 1952.

The distinction between industrial and commercial undertakings on the one hand and agriculture on the other hand is in conformity with the definition given by the Convention; this distinction is the result of custom and is not defined by regulation.

Sections 58 and 59 of the Decree are designed to implement the provisions of Article 3 of the Convention. Section 58 reads: "All women are entitled to a rest period of 12 consecutive weeks during the period preceding and following childbirth, and this interruption of employment

may not be considered as breaking the contract of employment. During this period women are entitled to the wages they were receiving at the time when they ceased to work, including benefits in kind". Section 59 reads: "During the period of one year as from the birth of the child the mother is entitled to rest periods for nursing. The total length of these periods may not exceed one hour per working day".

The breaking of a contract of employment by an employer during the specified period of 12 weeks, as well as any other violation of the provisions of the above-mentioned sections, constitute infringements which are subject to a penalty of a fine of between 200 and 1,500 francs, which is doubled in the case of a repetition of the offence.

Apart from the penalty, the rights of the employee are ensured by the civil courts. The Orders of 20 September 1952, which are applicable as from 1 September 1952, provide for the

payment of a maternity allowance of 15,000 francs C.F.A. at the time of birth.

The application of the relevant provisions is ensured by the labour inspectorate. No decisions have been given by courts of law.

French Equatorial Africa.

The provisions of the Convention, which was ratified by Metropolitan France, have not been extended to the territory, where there are no regulations concerning the employment of women before and after childbirth. Moreover, such regulations would be unnecessary as African women are not as a rule wage earners. The information previously supplied relates essentially to expatriated women of Metropolitan France.

French Establishments in India.

Decree of 6 April 1937 (Sections 33 and 34) to issue regulations respecting the conditions of employment in French Establishments in India (L.S. 1937—Fr. 8).

According to this Decree women are entitled to a rest period of eight consecutive weeks preceding and following childbirth. During the first four weeks they are entitled to half their wages. The absence from work during the eight weeks in question may not be grounds for the termination of the contract of employment by the employer, who is liable to the payment of damages if he terminates it for this reason. During the year following childbirth women are entitled to a rest period of 30 minutes each morning and each afternoon in order to nurse their children.

In practice the provisions of the Convention are only applied in the three textile factories of the territory. In virtue of a collective agreement concluded in 1946 the managements of these factories undertake to grant to women at childbirth an allowance equivalent to their total wages, plus the cost-of-living allowance, for a period of 36 working days.

The rest period of eight weeks established by the above Decree in the case of childbirth may be extended and such extension may not give rise to dismissal. In all cases women are entitled to the free services of a doctor and a midwife.

During the period 1 July 1951 to 30 June 1952, of the 2,191 women employed in the textile factories of Pondicherry 473 benefited from this legislation.

French Somaliland.

The application of the provisions of the Decree of 22 May 1936 is fully ensured and is extended to agriculture.

During their absence from work women wage earners are entitled to half their wages and the food allowance (in practice, its cash equivalent), which are paid by the employer.

In the case of indigenous workers, medical costs and the expenses resulting from childbirth are paid by the indigenous medical assistance scheme, the services of which are supplied free of charge.

The labour inspectorate is responsible for the supervision of the application of the legislation and has reported no breaches in this respect during the period under review. No decisions were given by the courts of law. No observations were made by employers' or workers' organisations.

French Settlements in Oceania.

In all private undertakings women are entitled to one month's rest with pay before childbirth and another month's rest with pay after the event. During the next following two months they may only be employed on light work (Local Order of 24 March 1924, as amended by the Order of 27 December 1950). This scheme is that applied to persons employed in public services.

No observations have been made by the local trade union organisations.

New Caledonia and Dependencies.

Decree of 2 March 1939, Chapter V, Sections 43 to 47.

All the undertakings and all the works enumerated in Article 1 of the Convention, with the exception of agriculture, are covered by the provisions of the above Decree, which are as follows:

"In all industrial and commercial undertakings and their branches, whatever they may be and whether public or private, even if they are vocational training or welfare organisations, the employment of women during the four weeks following childbirth is prohibited" (Section 43).

"During the year following childbirth, women in these undertakings who nurse their children are allowed one hour per day during the hours of work for this purpose. This hour is granted in addition to the rest periods provided for the staff as a whole and is divided into two periods of 30 minutes, one in the morning and one in the afternoon, which may be taken by the mothers at hours established by agreement between them and their employers. Failing such an agreement these hours are taken in the middle of each working period" (Section 44).

"The mother is always able to nurse her child in the undertaking. The conditions of the place where the mother can nurse her child are established, according to the size and nature of the undertaking, by the Order referred to in Section 47. In undertakings where the employers make available to their women workers and employees, within or near the workplace, a room for nursing which complies with the conditions set out in the Order mentioned below, the period of 30 minutes is reduced to 20 minutes" (Section 45).

"Heads of undertakings in which there are more than 50 women over 15 years of age may be required to install, in or near their undertakings, rooms for the nursing of children. It should be possible for these rooms to shelter a number of children under one year of age, corresponding to the number of women over 15 years of age employed in the undertaking according to the proportion generally observed for all women over 15 years of age in the commune. Sections 75 and 76 of this Decree apply to the above provisions. Claims made in this respect are submitted to the Colonial Health Council, which gives a decision as to the period" (Section 46).

"An Order issued by the Governor in Private Council shall establish measures for ensuring the application of this chapter and particularly the conditions for the equipment, hygiene and supervision of the rooms set aside for the nursing of children who are wholly or partly breastfed" (Section 47).

It should be noted that these provisions are reinforced by provisions in collective agreements for industry and commerce, the text of which is as follows: "Women employees and workers who are pregnant shall cease to work four weeks before childbirth and shall resume their work four weeks after childbirth. During this period they shall be entitled to their full wages" (Section 31 of the collective agreement for industry

and Section 23 of the collective agreement for commerce). All pregnant women in the territory are entitled to free pre-natal and post-natal visits, as well as to childbirth services.

The supervision of the application of the provisions of the Decree and the collective agreement are ensured by the labour inspector. No decisions were given by courts of law during the year.

4. Convention concerning employment of women during the night

France.

French Equatorial Africa.

The provisions of the Convention concerning the night work of women have been made applicable to French Equatorial Africa by the Decree of 28 December 1937, which was promulgated in the territory by the General Order of 8 February 1948.

French Establishments in India.

The legislation in force protects 2,191 women employed in the three textile factories of Pondicherry.

French Somaliland.

The prohibition of night work applies to all women without any distinction as to the nature of their work.

The exceptions authorised under Article 4 of the Convention are not applicable at present to French Somaliland; there are therefore no regulations concerning such exceptions.

The provisions of Article 6 are not applicable in the territory, where the influence of seasons is scarcely felt.

In spite of climatic conditions no use has been made of the exception authorised in Article 7.

Morocco.

The supervision of the application of the labour legislation in industrial and commercial under-

takings and in the liberal professions is ensured by the labour inspectors and controllers. Labour inspection agents may enter, at any time of the day or night, any undertakings covered by the labour legislation in order to supervise the application of this legislation. They may draw up reports which are accepted as valid unless the contrary is proved. These agents are bound by professional secrecy. As regards hygiene and safety they may require the enforcement of any measures which they consider necessary for the application of the legislation.

Two deputy divisional inspectors (one in the north and the other in the south) ensure the control and co-ordination of the inspectors and controllers. A divisional labour inspector controls the whole territory. On 30 June 1951 there were 17 inspectors and 21 labour controllers, in addition to the divisional and deputy divisional inspectors. All these agents come under the Directorate for Labour and Social Questions. The labour inspectors and controllers are recruited by competition.

The report supplies the following statistical information: in industry there were 9,259 labour disputes relating to 16,689 claims, 11,882 of which were fully satisfied, 1,750 partly satisfied and 3,057 not satisfied. In commerce there were 3,227 disputes relating to 6,246 claims, 3,947 of which were fully satisfied, 846 partly satisfied and 1,456 not satisfied. There were 50 disputes in the liberal professions relating to 111 claims, 65 of which were fully satisfied, four partly satisfied and 42 not satisfied.

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

France.

French Establishments in India.

Decree of 6 April 1937, to issue regulations respecting the conditions of employment in the French Establishments in India, Part III (L.S. 1937—Fr. 8).

In virtue of the above text children under 14 years of age may not be employed in industrial undertakings even when those undertakings are vocational training establishments. Manual or trade instruction to children under 14 years of

age may not exceed three hours a day. No young person under 18 years of age may be admitted to employment unless he holds a certificate of physical fitness issued without charge by the doctor appointed by the head of the territory.

In the three textile undertakings in Pondicherry the application of this provision causes no difficulty in practice. It is difficult, however, for the labour inspectorate to control the ages of children whose birth was not registered by the civil authorities or of children born abroad.

The Convention is partly applied in practice in the territory.

French Somaliland.

The supervision of the application of the relevant regulations is entrusted to the labour inspector who has not reported any breaches during the period under review. No decisions have been given by the courts of law. The employers' and workers' organisations have not made any observations.

Madagascar.

By order of the Justice of the Peace (with extended competence) of Ambositra (Madagascar) an employer was fined 1,800 francs for a breach of the regulations respecting minimum age (following a report made by the labour inspector of Fianarantsoa).

United Kingdom.

Barbados.

During the course of inspection visits a few cases were discovered where children under the prescribed age (14 years) were employed in industrial undertakings. Appropriate action was taken in each case.

Cyprus.

Following last year's representations of the Labour Advisory Board for the revision of the Employment of Children and Young Persons Law (Cap. 211), the Commissioner of Labour has prepared a draft Bill which is under consideration by the Government. Six contracts were endorsed by the Department in 1951. The number of prosecutions instituted against employers in 1951 was 242. The number of convictions obtained was 232.

Gibraltar.

Education Ordinance, No. 13 of 1950.

According to the above Ordinance the school-leaving age was raised to 15 years as from 3 September 1951. The Employment of Women, Young Persons and Children Ordinance was therefore amended by raising the minimum age of entry into industrial employment from 14 to 15 years. No contraventions were reported during the period under review.

Gilbert and Ellice Islands.

Ordinance No. 6 of 1951.

The employment of children under 12 years of age is prohibited except for light work of an agricultural or domestic character in their own families; the employment of any persons under 15 years of age is prohibited in any industrial organisation or on board ship. Young persons under 16 years may not be employed underground in a mine and young persons under 18 years may not be employed during the night in any industrial undertaking.

Leeward Islands.

In Antigua several instances have come to light where children under the age of 14 years have been

engaged in supervising animals in connection with the transportation of sugar canes, but action is being taken by the Labour Department in collaboration with the Education Department to prevent the continuance of this practice.

Malaya.

A new Labour Code which seeks to apply the main provisions of this Convention is now in draft form. There were six prosecutions during the year, four of which were successful. The Chief Inspector of Machinery comments that there is great difficulty in obtaining evidence; it is almost impossible to trace the children concerned and reliable identity is difficult to establish in the case of children too young to possess an identity card.

Malta.

Employment of Children Regulation Ordinance, 1944. Industrial Training Act, 1952.

Sections 3 and 4 of the Ordinance provide for the employment of apprentices and learners. A register is prescribed to include details of any person employed who is under the age of 17 years. There is also provision for regulations concerning training schemes, two of which have already been issued. The enforcement of the Ordinance and of the Industrial Training Act is entrusted to the Department of Labour. A team of inspecting labour officers, under the direct supervision of the enforcement officer, visits all industrial undertakings in Malta approximately twice a year.

St. Lucia.

With reference to the report of the Committee of Experts to the 35th Session of the Conference, it is stated that during the period under review no progress was made in regard to the promulgation of regulations under the Employment of Children Restriction Ordinance, 1939, or the investigations into the employment of child labour.

Singapore.

In its report to the 35th Session of the Conference the Committee of Experts asked for information on the local circumstances which were held to justify Section 9 (2) of the Children and Young Persons Ordinance, No. 18 of 1949, under which the employment of children under twelve years but over eight years of age is permitted on light work of an agricultural or domestic character. In a note from the Colonial Office, appended to the report, it is stated that, despite the intensive development of school facilities in recent years, universal compulsory education below a stipulated age is not yet practicable in Singapore. In these circumstances, the employment of children of school age cannot be absolutely prohibited; and Section 9 (2) is completely in accord with Article 18 (1) of the Social Policy in Dependent Territories Recommendation (No. 70), 1944, and indeed follows the wording of that Article. The whole of Section 9 of the Ordinance and the Rules made thereunder (mentioned in the report for 1950-1951) reflect the effect given by the Singapore Government to international regulations for the protection of children and young persons. As stated in the Government's report for 1951-1952, proposals for

the revision of the legislation are under consideration, with a view to raising the minimum age for all forms of labour.

Tanganyika.

During 1951, 84 prosecutions were instituted and 79 convictions obtained in respect of offences committed in contravention of the provisions of the

Employment of Women and Young Persons' Ordinance (Chapter 82 of the Laws) and subsidiary legislation.

Trinidad and Tobago.

Provision was made in the colony's 1952 estimates for an additional post of labour inspector with effect from 4 July 1952.

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

France.

French Establishments in India.

The number of young workers protected by labour legislation is at present 117 in the three textile factories of Pondicherry.

French Somaliland.

As the prohibition of night work by children is general it was not considered necessary to define the line of division specified in the last paragraph of Article 1 of the Convention.

There are no exceptions concerning the night work of children over 16 years of age in the industries defined in paragraph 2 of Article 2.

The matter dealt with in Article 3 (2) of the Convention is not relevant as there are no mines in the territories.

There are no regulations which provide for the use of the exception mentioned in Article 4.

No suspension of the prohibition of night work in the case of minors has been granted in application of Article 7.

The exact number of workers protected by the regulations cannot be given at present, but it would appear to be small.

No breaches of the provisions of the Convention have been reported. No use has been made by the heads of undertakings of the exceptions authorised under Articles 2, 3 and 4.

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

United Kingdom.

Gibraltar.

The minimum age is fixed at 15 years. During the period under review, no persons under the age of 16 years were engaged for employment on locally registered ships.

Gilbert and Ellice Islands.

Ordinance No. 6 of 1951.

The above Ordinance provides that young persons under 18 years of age may not be employed on any ship as trimmers or stokers or in any kind of work on board unless they have been certified as fit by a qualified medical practitioner. The

masters of vessels are required to keep a register of all young persons engaged.

See also under Convention No. 5.

Malaya.

A new Labour Code which is designed to apply the main provisions of this Convention has been drafted.

North Borneo.

On 30 June 1952 there were 92 vessels on the colony's Register of Shipping; all but 16 of these vessels were under 100 tons net tonnage.

Trinidad and Tobago.

See under Convention No. 5.

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

France.

French Establishments in India.

There are no special regulations. No seamen and no vessels are registered in the ports of French India.

French and foreign vessels which make use of these ports are in practice subject to the maritime laws and regulations of Metropolitan France.

The application of the Convention does not seem to be necessary.

French Somaliland.

The Convention is applicable in respect of all seamen enrolled on ships registered in France. As practically no vessels are registered in Djibouti, with the exception of tugs which would have to

be replaced immediately in the case of loss, the application of the Convention in the territory would be unnecessary.

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

French West Africa.

Unemployment benefits in the case of shipwreck are provided for in Metropolitan France by the Act of 15 February 1929, which has not been promulgated in French West Africa. A paragraph providing for such compensation will be added to the next decision respecting the conditions of engagement of African seamen.

New Caledonia and Dependencies.

There are no regulations governing the subject matter of the Convention in the case of vessels registered in New Caledonia. The metropolitan legislation, which is in conformity with the provisions of the Convention, applies to vessels registered in a French port. The relevant text is the Act of 13 December 1926 to issue the Seamen's Code (Section 42).

The application of the regulations is entrusted to the head of the Shipping Registration Service. No decisions were given by courts of law or other courts.

There were no cases of unemployment compensation in respect of vessels registered in France.

As regards vessels registered in New Caledonia the Convention is effectively applied in the case of shipwreck, but such cases are extremely rare.

No observations were made by the employers' and workers' organisations.

Tunisia.

There are no legislative provisions corresponding to the Convention.

The maritime regulations are applied in the territory by the Directorate of Public Work

(Maritime Service and the Merchant Marine and Fishing Service); this Directorate has a central service in Tunis comprising two administrators of the shipping administration detached from Metropolitan France.

Harbourmasters and masters of vessels, in addition to their normal duties, act throughout the territory as local services under the authority of their immediate superiors. The relevant texts are at present being reviewed and the new regulations will be based largely on French legislation.

United Kingdom.

Barbados.

Imperial Merchant Shipping Act, 1894.

United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925.

Merchant Shipping (International Labour Conventions) (Barbados) Order No. 1950 of 1951.

The above Order applies the Convention, with the modification that vessels under 250 tons gross registered tonnage and engaged in inter-colonial trade are not included in the scope of the provisions of the Convention. Many of the schooners registered in Barbados are owned by men whose entire capital is invested in their vessels. If such a vessel is sunk the owner has no money to pay the wages of the crew until their return to the "proper return port".

North Borneo.

See under Convention No. 7.

Gibraltar.

During the period under review no locally registered ship was wrecked or lost.

Solomon Islands.

At present 435 persons are employed in vessels.

9. Convention for establishing facilities for finding employment for seamen

France.

French Establishments in India.

See under Convention No. 8.

French Somaliland.

The employment service is gratuitous.

No observations concerning the application of the Convention were made during the period under review.

New Caledonia and Dependencies.

There are no laws or regulations in New Caledonia concerning the placing of seamen. Article 2

of the Convention is irrelevant. Should there be any regulations on this matter their application would be entrusted to the head of the Shipping Registration Service. No decisions were given by courts of law.

The Shipping Registration Service merely refers seamen wishing to enrol to the various shipowners.

No observations were made by the employers' and workers' organisations.

Tunisia.

See under Convention No. 8.

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

France.

Cameroons

Decree of 7 January 1944, to issue regulations governing native labour in the French Cameroons (L.S.1944—L.N.1).
Decree of 23 August 1945.

The Decree of 7 January 1944 prohibits the employment of children under 12 years of age (Section 3). This Decree also lays down that children between 12 and 14 years of age may be employed only in light work and that their employment is subject to a permit issued by the district officer specifying the nature and length of the work to be carried out.

In addition, the Decree of 23 August 1945 concerning the work of Europeans provides that children may not be employed in an undertaking unless they are over 14 years of age (Section 60).

The provisions of the Convention are respected. As regards the children of expatriated workers who as a rule live in urban centres, the age of admission to employment coincides with the age for leaving elementary school.

In the case of indigenous children, employment in agriculture is normally restricted to children living at some distance from the school. However, in the case of children attending school, exceptions for periods not exceeding one week are frequently granted to pupils to enable them to help their parents during the harvesting period, should the parents so request. In the case of children who

are not attending school and are in employment, it should be noted that the permit issued by the district offices must specify the nature and duration of the work to be carried out; whether the work in question is light, for example gathering or sorting seeds, and is essentially seasonal.

The labour inspectorate is responsible for supervision. No breaches of the regulations have so far been reported.

French Equatorial Africa.

The employment of children is regulated throughout the Federation by an Order of 8 October 1951, the application of which is ensured by the labour inspection services. No infringements of the provisions of the Order have so far been reported.

French Establishments in India.

There is no legislation in the territory dealing with the subject matter of the Convention.

Although attendance at elementary schools is not compulsory, parents living in the country are inclined to send their children under 14 years of age to the village schools rather than to employ them in agricultural work.

Morocco.

The provisions of the Convention are not applied under Moroccan legislation.

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

France.

French Settlements in Oceania.

There are no provisions in the territory to restrict the rights of association and combination of agricultural workers; these rights are recognised in France.

French Somaliland.

The Acts of 21 March 1884 and 12 March 1920 are substantially applied in the territory.

Supervision is entrusted to the labour inspectorate. No decisions were given by the courts of law. No observations were made by employers' and workers' organisations.

Morocco.

Dahir of 24 December 1936, to authorise the setting up of occupational unions or associations.

The setting up of occupational unions or associations, solely for the study and defence of the economic, industrial, commercial and agricultural interests of their members, is authorised. Unions which have been legally set up may, if this is provided for in their statutes and provided they do not distribute profits even in the form of bonuses to their members, buy, rent, loan or

distribute such objects as are necessary to their members in the exercise of their occupation, such as raw materials, tools, instruments, machinery, fertilisers, seeds, plants, animals and animal fodder. They may also lend their services gratuitously for the sale of produce resulting exclusively from the personal work or undertakings of members and they may facilitate this sale by means of shows, advertisements, publications, grouping of orders and despatch, although these operations may not be carried out under their name and responsibility. These unions may meet freely with a view to studying and defending their economic, industrial, commercial and agricultural interests.

New Zealand.

Cook Islands.

Industrial Union Regulations, 1947.

An Industrial Union of Workers has been registered and covers all classes of workers. As mentioned in the previous year's report, the above Regulations give the right of association to all workers, whether engaged in industry or agriculture. Union membership is not compulsory, but the two largest employers give preference to unionists under the terms of their agreements.

The Union is affiliated to the New Zealand Federation of Labour; officers of the Federation assisted in its formation and, it is understood, give advice and assistance to the local executives on request.

United Kingdom.

Cyprus.

Law No. 15 of 1952 to amend the Trade Unions Law, 1949.

The effect of this amendment is that no person under the age of 18 years may be a member of a trade union and no member of a trade union who is under the age of 21 years may be appointed to the committee of management. At the end of the year 1951 there were four registered trade unions of agricultural workers, with a total paid-up membership of 1,318.

Grenada.

Trade Unions and Trade Disputes Ordinance 1951, No. 20 of 1951.

Trade Unions Rules, 1952.

The report refers to the above-mentioned legislation.

Hong Kong.

The New Territories Agricultural Workers' Union has now ceased to function following the transfer of the Government Agricultural Station,

and its registration under the Trade Unions and Trade Disputes Ordinance has been cancelled. One small union of workers engaged in dairy-farming—the Hong Kong Graziers' Union—is still functioning; it has about 100 members.

Leeward Islands.

On 31 December 1951 the only workers' organisation registered under the laws of the Presidency of Antigua had a paid-up membership of 7,474, the majority of whom were agricultural workers.

Mauritius.

Out of 60,000 labourers, there are 6,600 who are paying members of unions.

St. Vincent.

Under the Trade Unions Ordinance No. 3 of 1950, as amended by Ordinance No. 33 of 1951, workers engaged in agriculture have the same rights of association and combination as those enjoyed by industrial and other workers.

Singapore.

As from October 1951, the Department of the Trade Union Adviser has become a branch of the Labour Department, Singapore, under the over-all control of the Commissioner of Labour.

12. Convention concerning workmen's compensation in agriculture

Belgium.

Belgian Congo and Ruanda-Urundi.

The Government states that there is no accident compensation scheme in the territory applying specifically to agriculture, and refers to the report on the application of Convention No. 17.

France.

Cameroons.

In 1951 the number and nature of accidents occurring in agriculture were as follows: four accidents involving temporary incapacity of less than ten days; four accidents involving temporary incapacity of more than ten days. This total of eight was 0.24 per cent. of the total number of industrial accidents.

French Somaliland.

Decree of 22 May 1936 (Sections 36 to 38), to regulate native labour in French Somaliland (L.S. 1936—Fr. 3).
Order No. 1024 of 19 November 1940.

The application of the above-mentioned texts to compensation for agricultural accidents gives rise to no special remarks. The provisions of the Decree of 22 May 1936 and of Order No. 1024 are applicable in the same manner as in the case of accidents occurring in industry and commerce.

Supervision is entrusted to the labour inspectorate.

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

French Establishments in India.

There are no mechanised agricultural undertakings in the territory and the legislation is rarely applied. The Convention is applied.

New Caledonia and Dependencies.

Decree of 9 October 1951 (to amend the Decree of 15 May 1950).

The scope of application of the regulations covers all the 3,000 wage earners in agriculture, stock-raising and forestry.

In the course of 1951 four accidents were reported, only one of which resulted in permanent incapacity.

See also report on Convention No. 17.

Togoland.

Order No. 610-52 of 2 August 1952.

In 1951 there were 262 agricultural wage earners in private undertakings and 761 in public undertakings.

The services of the Ministry for Overseas France are at present examining legislation. It should be pointed out that, in order to facilitate the intervention of the labour inspector, the Order of 2 August 1952, the text of which is appended to the report, made compulsory the reporting of industrial accidents in all occupations.

New Zealand.

Cook Islands.

Further drafting of the relevant regulations has been temporarily suspended until a formula has

been devised covering the compulsory insurance of all employers against the risk of accidents to their employees. In the meantime, enquiries are continuing on the subject in order ultimately to establish a scheme which will meet the requirements of the Convention.

Western Samoa.

During the year under review further enquiries and investigations were carried out regarding labour conditions in the territory, with the object of implementing a comprehensive system of workers' compensation. However, it has not been possible to formulate a scheme which would be conceded as acceptable to insurance companies in New Zealand. In the meantime, enquiries continue to be made on this subject in order ultimately to establish a scheme which will meet the requirements of the Convention.

United Kingdom.

British Guiana.

As a result of certain recommendations made by the Committee appointed on 24 March 1950 to examine the working of the Workmen's Compensation Ordinance, 1934, the Government has prepared a Bill which will shortly be introduced in the Legislative Council. During the period under review 9,482 accidents to agricultural workers involving incapacity for three days and over were notified.

British Honduras.

During the period under review a Bill was prepared to amend existing workmen's compensation legislation. The number of accidents reported was 279; none of these was fatal. Compensation paid out amounted to \$5,627.34.

Gilbert and Ellice Islands.

Ordinance No. 6 of 1949.

Section 5 of the Ordinance provides that, if in any employment personal injury by accident arising out of the employment is caused to a workman, his employer shall pay compensation in accordance with the provisions of the Ordinance. The term "workman", as defined in the Ordinance, includes agricultural wage earners.

Since the legislation was enacted only one accident to workmen engaged in agriculture (involving five workmen) has been reported. The number of workmen employed in agriculture is very small, and at the beginning of 1952 was only 252.

Kenya.

Workmen's Compensation (Rules of Court) Rules, 1952.
Workmen's Compensation (Excepted Persons) Order, 1951.
Workmen's Compensation (Amendment) Regulations, 1951.

The exclusion of permanent civil servants from the provisions of the Order is due to the fact that they are eligible for pensions or gratuities under other pensions legislation quite as favourable, in the case of accidents, as the Workmen's Compensation Ordinance.

Revised administrative instructions and procedure for handling workmen's compensation cases have been issued to all the Government

officers concerned (Labour Department Circular No. 6/1952). The number of males employed in agriculture and covered by the Ordinance was 131,399 at the end of 1951. With the addition of women and juveniles, most of whom live with their male relatives on farms and estates and do seasonal work, the total figure is 209,021. These figures are based on an annual census of employment which is now carried out in November of each year. The figures in previous reports have been approximate estimates of males only.

A summary of the nature of accidents involving agricultural workers and resulting in permanent disability during the period under review is appended to the report and shows that there was a total of 117 accidents, of which four were fatal.

Leeward Islands.

During the period under review the number of agricultural workers covered by the relevant legislation was estimated at 3,151 in Antigua and 6,917 in St. Kitts-Nevis-Anguilla. Reports on compensation show a total of 88 accidents in St. Kitts in 1951, one of which was fatal. The total amount paid out in compensation was \$1,963.69. There were two claims in the Presidency of Montserrat in 1951; a sum of \$563.76 was paid. In the British Virgin Islands one workman employed by the Agricultural Department was awarded compensation amounting to \$88.86 during the year 1951-1952.

See also report on Convention No. 17.

Malaya.

The draft of a new Workmen's Compensation Bill has now been published in the *Government Gazette* and will be introduced in the Legislative Council at its next session.

During the period under review there were 1,137 accidents, 89 of which were fatal. The amount paid out in compensation for accidents was \$316,639.05. There were 313,365 workmen employed on plantations on 30 June 1951.

Mauritius.

Workmen's compensation amounting to 27,000 rupees was paid in respect of 409 cases of injury, and compensation amounting to 17,000 rupees was paid in respect of nine fatal accidents.

North Borneo.

The Workmen's Compensation Ordinance, 1950, came into operation on 1 July of the same year. A report has been made on the first year of operation of the Ordinance and there is nothing to add to the previous report except to record the sympathetic acceptance of the legislation and a rapidly growing realisation of the necessity to report accidents. Statistics are compiled for each calendar year and are not readily available for the period under review.

The Ordinance applies to employment on any estate or plantation on which not less than 20 persons are employed on any one day in the year. The number of workers so employed at the end of 1951 was 10,163. Accidents to agricultural workers which were reported in 1950 numbered 47 and a total amount of \$1,103.42 was paid out in compensation. There was one fatality, but as

the person killed had no dependants no compensation was paid. There are no benefits in kind.

Northern Rhodesia.

See under Convention No. 17.

St. Lucia.

Accidents and Occupational Diseases (Notification) Ordinance, No. 3 of 12 February 1952.

It is at present too early to report on the working of the new legislation. Separate statistics are not available as to the number and nature of accidents occurring in agriculture.

St. Vincent.

Provision is made in the Workmen's Compensation Ordinance No. 21 of 1939, as amended by Ordinances Nos. 8 of 1943, 5 of 1949 and 11 of 1952, for the payment of compensation to workers employed in agriculture for injury arising out of and in the course of their employment. The Compensation for Injuries Ordinance, No. 75 (revised edition, 1926) and the Notification of Accidents and Occupational Diseases Ordinance, No. 24 of 1952 are also applicable.

Seychelles.

A Bill for an Ordinance has been received and is under examination.

Sierra Leone.

The draft of the revised Workmen's Compensation Ordinance which, if accepted, will apply to agricultural workers, has been under consideration by the Government.

Singapore.

The draft of a new Workmen's Compensation Ordinance was completed during the period under review. The Ordinance has not yet been enacted,

but it is designed to extend the benefits of workmen's compensation to all workmen engaged in manual labour and to all non-manual workmen employed at a salary of less than \$400 per month, subject to a few specified exceptions. The schedule of industrial diseases will be considerably extended and the procedure for obtaining compensation will be improved. The rates of compensation will be increased.

Solomon Islands.

Workmen's compensation legislation has been enacted but has not yet been brought into force. The scope of the legislation includes agricultural workers.

Tanganyika.

The labour enumeration which was held on 31 July 1951 showed the number of African employees in agricultural undertakings to be as follows: 186,040 adult males, 16,436 adult females, 32,408 juveniles—a total of 234,884 persons.

During the calendar year 1951, 313 accidents were reported in respect of agricultural workers, as follows: 13 fatal, 71 causing partial disability and 229 causing temporary disability.

No instances of deliberate failure to pay compensation assessed by the Labour Department have come to light.

Trinidad and Tobago.

The Committee appointed to study and to make recommendations for the revision of existing legislation governing workmen's compensation is still considering the question. Detailed statistics on workmen's compensation are not available. Accidents reported in compliance with the Factories' Ordinance, 1946, show that 1,686 persons were disabled for more than three days and three persons died from injuries received. The figures for the preceding year (1950) were 1,708 and six respectively.

13. Convention concerning the use of white lead in painting

France.

French Establishments in India.

The number of painters protected by the legislation is 57, distributed among the three textile factories, private workshops and public works.

French Somaliland.

Decree of 28 December 1937, to extend to the French Overseas Territories other than Martinique, Guadeloupe, Réunion and the mandated territories of Togoland and the Cameroons, the provisions of the international labour Convention concerning the use of white lead in painting.

No exceptions have been authorised.

There are no industries carrying out the types of work dealt with in paragraphs 1 and 2 of Article 2 of the Convention.

As French Somaliland has no industries likely to make regular use of paint made up of white

lead or sulphate of lead, it has not been deemed necessary to supplement the general prohibition by special regulations such as those prescribed in paragraphs 1 to 4 of Article 5.

No cases of lead poisoning have been reported in Somaliland during the period under review.

The application of the provisions of the Convention and of the laws and regulations is ensured by the labour inspector.

In the course of visits to undertakings where painting operations are carried out the inspector verifies the composition of the pigments in use and has so far reported no breaches.

No decisions were given by courts of law.

It is difficult to determine the number of workers covered by the regulations in force as painters work on a casual basis and, as a rule, solely on repairs to cars and buildings.

No observations were made by employers' or workers' organisations.

Morocco.

Order of the Vizier of 15 March 1952, to determine special measures for the protection of workers employed in the application of paint in the form of spray.

Article 2. No exceptions have been granted in respect of artistic painting or fine lining.

Article 3. Industrial painting carried out in Morocco does not involve the use of white lead, sulphate of lead or any products comprising these pigments; the employment of young persons under 18 years of age and of women has not therefore been prohibited up to now. Nevertheless, a draft text which is at present being prepared provides for this prohibition.

Article 4. The prohibition specified in Article 1 has been applied since 1926.

Article 5. I. (a) No special provisions exist at present. A draft Order providing for special health measures in industries where the employees are exposed to lead poisoning is to be promulgated in the course of the first quarter of 1953; this text reproduces the provisions contained in this paragraph of the Convention. *(b)* The application of paint in the form of spray on small and average sized objects must be effected inside a cage or hood, with the worker standing outside, and the atmosphere within the cage or the hood must be constantly renewed by means of mechanical suction. If it is not possible to apply these provisions, the spray painting must be done in a cabin the walls, floor and ceiling of which are waterproofed, and the cabin must be provided with a suction system by means of which fumes and vapours may be exhausted as they are produced and the air may be renewed. Should it be impossible to install a system for collecting the fumes (for example, in the case of shipbuilding and repairing), the workers must be equipped with breathing apparatus or masks. *(c)* There is no special provision in this respect; the draft Order mentioned under paragraph *(a)* prohibits the dry rubbing down and scraping of paints containing lead pigments.

II. (a) The Order of the Vizier of 25 December 1926 concerning general measures of protection and health applicable to all industrial and commercial undertakings requires employers to make suitable wash places available to their staff. *(b)*

Heads of undertakings must supply their workers with overalls which can be closed at the neck, wrists and ankles, as well as a head covering. *(c)* Lockers must be made available to workers; these lockers should include one compartment for working clothes and another for clothes worn outdoors.

III. (a) In conformity with the regulations concerning occupational diseases, any case of illness having the nature of lead poisoning must be reported to the supervisory municipal or local authority by the doctor responsible for diagnosis. *(b)* No worker may be admitted to employment in spray painting without a doctor's certificate showing that he is fit for this employment; this certificate must be renewed one month after the worker's engagement and subsequently at least once every six months.

IV. A draft Order of the Director of Labour and Social Questions, which is to be issued in application of the Order mentioned in paragraph *I (a)*, will fix the terms of a notice indicating the danger of lead poisoning and the precautions to be taken to avoid such poisoning and to prevent its recurrence. This notice must be posted up in workplaces.

Article 6. The labour inspection agents are entrusted with the supervision of the application of the regulations. No special measures have proved necessary and the employers' and workers' organisations have not therefore been consulted. Furthermore, very little use is made of white lead and no permits to import sulphate of lead have been granted in Morocco, where the importation and buying of products with a lead content of five per cent. or more is regulated by the Dahir of 9 May 1931.

Article 7. There have been no cases of lead poisoning in Morocco. Import permits for paints containing lead pigments other than sulphate of lead are only granted when the proportion of lead in these products is very small.

The customs directorate only frees products containing lead if a special import permit has been issued to the importer.

The text of the Order of the Vizier of 15 March 1952 is appended to the report.

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

*France.**French Establishments in India.*

Decree of 6 April 1937 (Sections 22 and 29), respecting the conditions of employment in the French Establishments in India (L.S. 1937—Fr. 8).

The above text lays down that a worker shall not work on more than six days of the week. The weekly rest period must consist of at least 24 consecutive hours and must be granted on Sunday. Nevertheless, this rest period may be given on a day other than Sunday, or to all or part of the staff in rotation if the simultaneous rest period on Sunday would be prejudicial to the interests of the public or would interfere

with the normal working of the undertaking. The necessary permits are granted by the District Officer, after consultation with the employers' and workers' organisations concerned. In virtue of these provisions a certain number of undertakings have been authorised to grant the weekly rest by rotation. Special exceptions may be granted by order of the District Officer in the case of specialists employed in factories with continuous processes. The weekly rest may also be suspended in the case of employees engaged in urgent work. Two local Orders issued under the above Decree provide for the supervision of rest days and supplement the nomenclature of undertakings which are authorised to grant the

weekly rest in rotation. In cases where the collective rest period is not granted on Sunday, the employer is required to post up notices showing the days and hours of weekly rest granted to employees and workers and to keep a special register indicating the names of employees or workers subject to a special rest scheme.

These regulations are observed under the strict supervision of the labour inspectorate. During the period under review the system of weekly rest by means of rotation was authorised in hotels, restaurants, bars, and undertakings for the supply of lighting, the distribution of drinking water, and transportation by land other than rail transport. On three occasions commercial employers were granted exceptions because of local holidays.

The legislation is in conformity with the Convention and is applied in the territory.

French Somaliland.

Decree of 22 May 1936 (Section 18), to regulate native labour in French Somaliland (L.S. 1936—Fr. 3).
Order of 9 June 1937 (Section 1).

Section 1 of the Order of 9 June 1937 provides for the possibility of granting the weekly rest on any day of the week and by rotation in undertakings where all the employees cannot be absent at the same time. The provisions of Articles 6 and 7 of the Convention are not applied in the territory.

The labour inspectorate is responsible for supervision. No contraventions were reported. No decisions were given by courts of law.

Regulations similar to those contained in the Convention are applied in the territory. These provisions are sufficiently wide and have also laid down that, in principle, the weekly rest should be on Sundays. Moslem feast days are nevertheless holidays under the conditions previously reported.

No observations were made by employers' and workers' organisations.

Togoland.

Some services or undertakings which, because of their continuous character, are compelled to employ some of their staff on Sunday, grant a compensatory rest period of 24 hours in the following week.

Portugal.

Angola.

During the period under review 94 breaches of the regulations relating to the weekly rest were reported; in each case fines were paid and it was unnecessary to bring the persons in question before the courts.

Portuguese Indies.

The principles established in the Convention are covered by Legislative Order No. 1133 of 13 July 1944 and not (as indicated in the summary of reports submitted to the 34th Session of the International Labour Conference in 1951) by Legislative Order No. 1113.

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

France.

French Establishments in India.

The maritime service of the territory is governed by the metropolitan laws and regulations. The application of the Convention does not arise.

French Somaliland.

Supervision is entrusted to the inspector of shipping. No decisions were given by courts of law.

French West Africa.

Captains and chief engineers are all European officers; the application of the relevant regulations gives rise to no difficulties.

New Caledonia and Dependencies.

There are no regulations in New Caledonia for the application of the provisions of the Convention to ships registered in the territory. On the other hand, ships registered in France are subject, in New Caledonia, to the metropolitan legislation which applies the provisions of the Convention, namely, Section 114 of the Act of 13 December 1926 respecting the Seamen's Code, as amended by the Act of 11 April 1942.

The application of these regulations is entrusted to the head of the Shipping Registration Service. No decisions have been given by courts of law or other courts.

In substance, the provisions of the Seamen's Code are applied also to ships registered in New Caledonia.

No observations were received from the employers' and workers' organisations concerned.

United Kingdom.

Barbados.

See under Convention No. 8.

Gilbert and Ellice Islands.

See under Convention No. 7.

Malaya.

A new Labour Code to ensure the application of the main provisions of this Convention is at present in draft form.

North Borneo.

See under Convention No. 7.

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

France.

French Establishments in India.

There are no regulations in the territory for ensuring the compulsory medical examination of children and young persons employed on board ship. Recruiting for maritime service is not effected in the French Establishments in India and the application of the Convention does not therefore arise.

French West Africa.

The Local Order No. 707 of 30 January 1952 regulates in the territory the conditions of physical fitness required in the case of seamen prior to their enrolment and the medical examinations which they must undergo in the course of their employment.

French Somaliland.

The Convention does not apply to French Somaliland as only adults are authorised to work on board ship, in virtue of the Order of 13 September 1938.

New Caledonia and Dependencies.

There are no regulations in New Caledonia applying the provisions of the Convention to ships registered in the territory. On the other hand, ships registered in France are subject to the metropolitan legislation (Section 1 of the Order of 25 May 1943 and Section 8 of the Seamen's

Code), which provides for compulsory medical examinations whatever the age of the person concerned.

These texts require that a seaman shall be medically examined before being engaged for the first time for work on board ship and that before being registered on the muster roll he should undergo another medical examination.

The application of these regulations is entrusted to the head of the Shipping Registration Service.

No decisions have been given by courts of law or other courts.

The provisions contained in the above-mentioned texts are in fact applied to all ships registered in Noumea. There have so far been no cases of the employment of children.

No observations have been received from the employers' and workers' organisations concerned.

Tunisia.

See under Convention No. 8.

United Kingdom.

Barbados.

See under Convention No. 8.

Gilbert and Ellice Islands.

See under Convention No. 7.

North Borneo.

See under Convention No. 7.

17. Convention concerning workmen's compensation for accidents

Belgium.

Belgian Congo and Ruanda-Urundi.

Royal Order of 27 March 1951, fixing the rate of contribution for the year 1950-51.

Ordinance No. 23/131 of 10 May 1951, respecting the payment of the insurance contribution for the period 1951-52.

Royal Order of 10 June 1952, fixing the insurance contribution for the third period and subsequent periods.

Ordinance No. 23/185 of 11 June 1952, respecting the recovery certificate, to apply Sections 22 and 23 of the Decree of 1 August 1949 (L.S. 1949—Bel. 11).

Ordinance No. 23/206 of 21 June 1952, respecting the payment of the insurance contribution, to apply Section 30 of the Decree of 1 August 1949.

Ordinance No. 23/185 of 11 June 1952 is designed to simplify the formalities required to give effect to this Ordinance so as to incorporate in a single new report form all the recovery certificates for persons who were not incapacitated for more than 60 days.

The Provincial Governors have issued a number of implementing orders fixing the value of the remuneration and the equivalent value of payments in kind.

Article 1. The victims of industrial accidents or their beneficiaries receive compensation under conditions at least equal to those laid down in the Convention.

Article 2. The exceptions provided for in paragraph 2 of this Article are grouped under two categories: (1) persons whose employment is of a casual nature outside the employer's undertaking; homeworkers; and members of the employer's family who work exclusively on his behalf and who live in his house. These exceptions do not appear in the legislation. If a person whose employment is of a casual nature, a homeworker or a member of the employer's family is employed under a contract of work with the employer, the legislation is applicable; (2) non-manual workers in respect of whom no maximum remuneration has been fixed with a view to defining the scope of application of the legislation. However, the lump-sum compensation provided for by the legislation is limited to 60,000 francs per year.

Article 3. Seamen and fishermen are covered by the legislation. No exception has been provided for, except as regards domestic servants who are not covered by the legislation. However, domestic servants in the service of an employer who also employs other workers are covered by the Decree. The legislation assumes that in this case the domestic servants and household staff are not exclusively employed as such.

Article 4. Belgium has declared the Workmen's Compensation (Agriculture) Convention, 1921 (No. 12) applicable to the Belgian Congo, but applies to the category of accidents in question the provisions of Convention No. 17 so as to unify the system.

Article 5. In case of death a pension is paid to the widow of the worker and a temporary annuity until the age of 16 years to every child under that age. In case of permanent incapacity the worker receives (a) an annual allowance which, in the case of seriously injured persons may be supplemented by an additional allowance during the period between the healing of the injury and the expiration of the period for review of compensation (three years); (b) a life annuity payable from the time of review.

The victims or their beneficiaries are not allowed to request all or part of the pension to be paid in a lump sum, except in two cases: (a) where the incapacity is less than 15 per cent., or (b) where the beneficiaries leave permanently the territory of the Belgian Congo or Ruanda-Urundi to take up residence abroad.

After consultation with the Territorial Administrator the insurer may, on the expiration of the period of revision (three years), grant a lump-sum payment equal to the capitalised value of the pension which remains to be paid.

Article 6. Compensation is payable from the day of the accident but is not at the expense of the insurer until the 61st day. During the first 60 days the obligation to pay compensation rests with the employer, who must pay the insurer or the sick worker at least two-thirds of his wages and must also provide the required medical, surgical, pharmaceutical and hospital care, as well as such prosthetic or orthopaedic appliances (with the exception of dental plates) as may be required. The employer is obliged to pay the compensation but, under the Decree of 1 August 1949, he must insure himself with the Colonial Invalidity Fund (official body) or with an approved mutual industrial accident and occupational disease compensation society.

Article 8. The legislation requires employers to report to the Territorial Administrator within 15 days any industrial accident which has caused or is liable to cause either the death of the victim or his incapacity for work for a period of at least 15 days. A copy of the report must be sent to the labour inspection service. A certified copy of the official report must be communicated to the Public Prosecutor who may order any appropriate measures to be taken. A doctor must examine the victim. The Territorial Administrator must satisfy himself that this provision is applied and must designate a doctor if necessary. The doctor draws up a medical certificate containing the initial diagnosis; he indicates the probable duration of the incapacity and gives details as

regards the injuries and affections from which the worker is suffering. The medical certificate must be appended to the notification. If incapacity for work continues beyond the probable duration estimated at the time of the first diagnosis, a certificate of prolonged incapacity must be drawn up. The attendance of a doctor is necessary to certify death, healing or recovery.

Daily compensation for temporary incapacity is paid by the Administrator in accordance with instructions received from the insurer.

In case of death or permanent incapacity the Administrator must draft a compensation agreement and submit it to the parties concerned. If they are in agreement, the Administrator draws up a detailed official report and submits the agreement to the court of first instance for the parties' approval. The judge supervises the conformity between the agreements and the relevant legal provisions. In the absence of agreement or in the case of an appeal the Administrator transmits the file to the Public Prosecutor, who calls the parties before the competent tribunal.

The parties may also, prior to going to court, bring the case before the competent provincial medical committee. This committee, which is purely advisory in character, is entrusted with assessing the degree of incapacity caused by industrial accidents and with determining the time required for the healing of the victim's injuries. Further, the committee gives such advice as it may consider appropriate as regards the causes and consequences of the accident. This committee is composed of an equal number of doctors representing the Government, employers and workers. Its reports are considered to be equivalent to those of an expert. The parties continue to be entitled to have recourse to the courts.

A request for a review of compensation on the basis of a diminution or an improvement in the degree of incapacity for work of the victim may be made during a period of three years, dating from the final decision or the date of the agreement between the parties.

When a prosthetic or surgical appliance is supplied to the victim of an industrial accident, the statutory fixed rates for permanent incapacity are automatically reduced by 15 per cent.

Article 11. The provisions ensuring the payment of compensation in the event of the insolvency of the employer are the following: insurance for the payment of the benefits provided for by the Decree of 1949 is compulsory either with the Colonial Invalidity Fund, which is a public institution guaranteed by the colony, or with an approved mutual society of employers. A guarantee fund has been set up in connection with the Colonial Invalidity Fund for the purpose of making good any deficiency of an uninsured employer. All insurers contribute to the resources of this Fund. The injured worker or his beneficiaries may apply to the Colonial Invalidity Fund for assistance. The Fund must pay compensation to the victim and may claim the reimbursement of such payments from the uninsured employers. The claims of the victims and of the beneficiaries are guaranteed by a privilege. For the purpose of protecting the victim against the insolvency of insurers, the legislation contains a certain number

of provisions requiring deposits in proportion to the number of workers, the blocking of reserves, and subjecting the insurers to a certain measure of supervision.

The administrators of the territory designate the doctors who are entrusted with an examination of the victim, make provisional payments of benefits, submit proposals for the amicable settlement of compensation claims and for transmitting them to the Colonial Invalidity Fund, draw up official reports regarding agreement between the parties and transmit such reports to the court of first instance for endorsement. In case of dispute the file is submitted to the Public Prosecutor.

The court of first instance approves the agreement drawn up by the parties and verifies that it is in accordance with the law. In case of dispute the court grants a provisional allowance to the victim.

The labour inspector carries out his task of inspection and supervision.

The courts of law are responsible for dealing with all matters relating to the compensation of industrial accidents which are required to be submitted to them for approval. There were no decisions of principle as regards the Decree which were contrary to the intentions of the legislator.

The legislation came into force on 1 July 1950. The report contains the following statistics: number of workers actually insured: (a) Colonial Invalidity Fund (on 31 December 1951): 363,500 workers (4,390 employers) (676 undertakings had not communicated the number of their insured workers when the report was drawn up); (b) Mutual Society of Employers of the Belgian Congo and of Ruanda-Urundi: 200,395 workers (131 employers); (c) Joint "Union" Fund: 39,810 workers (7 employers); (d) Social Solidarity Fund of the Belgian Congo and of Ruanda-Urundi (110 employers). (As this latter fund only began to operate on 1 July 1951 the Department has not yet received a report covering the first period of its working.)

In regard to cash benefits the figures are as follows: total amount of expenses for benefits in cash: Colonial Invalidity Fund: 1,600,600 francs; Mutual Society of Employers of the Belgian Congo and Ruanda-Urundi: 4,042,926 francs; Joint "Union" Fund (30 June 1952): 156,063 francs. The insurance inspection services will take steps in the near future to ensure the supply of more detailed information as regards the average amount of expenditure for cash benefits per worker as defined by the legislation.

The report states that it is premature to supply statistical information on benefits in kind, as all the information covering the period 1 July 1950-30 June 1951 has not yet been received and the mutual and joint societies have not followed the same methods in drawing up their balance sheets.

The number of accidents reported was 3,688 (2,228 cases of temporary incapacity, 328 of permanent incapacity, 246 fatal and 886 in which the results of the accident have not yet been defined). The report contains detailed statistics of the number and nature of the accidents classified according to type of occupation.

The competent services have no detailed information at their disposal enabling them to calculate the total cost of the application of the legislation.

The employers' and workers' organisations made no observations on the practical application of the provisions of the Convention or on the application of the national legislation implementing these provisions. However, the employers, as represented by their mutual insurance societies, have requested that the equalisation of benefits at the minimum level fixed periodically by the Provincial Governors be carried out at regular dates, and preferably annually. If this is not done the work of the insurer who is responsible for calculating benefits according to the scales is rendered more difficult.

France.

Cameroons.

Despite the complexity and shortcomings of the legislation in the field of prevention as well as in that of compensation, the labour inspection service has undertaken a systematic campaign with a view to obtaining the notification of and compensation for accidents. The regulations apply without distinction to workers, employees and apprentices employed by undertakings or establishments of any nature whatever, whether public or private. It was not found necessary to make use of the exceptions provided for in Articles 2 and 3 of the Convention.

As regards African workers, compensation for industrial accidents is ensured by the Decree of 7 January 1944 and the Implementing Order of 14 February 1944. The victims of industrial accidents receive their full wages during the first three days of incapacity and half their wages plus food after this period. In the case of permanent incapacity a benefit calculated in accordance with the scale appended to the Decree is granted to the victim. For every percentage of invalidity a sum is paid equal to ten days' wages at the time of the accident. Simple prosthetic appliances are paid for by the employer. In the case of fatal accidents the compensation payable to the dependants is equal to the wages for 500 working days. Attention is drawn to the wide scope of this legislation, which covers all branches of activity of the territory and all the accidents arising out of or during employment. These provisions constitute an important step forward in comparison with the restrictive regulations in force in other territories. They demonstrate the possibility of defining very widely the scope of application and of adopting a single text valid for all types of activities. The relatively primitive character of the civil status of the population, the instability of the workers, the absence of written contracts and, in the event of fatal accidents, the problem of beneficiaries arising from the nature of the African family and from the rules of succession, explain the difficulties likely to be encountered in introducing any system of pensions and justify the lump-sum compensation system for the moment. The principal consideration is that accidents are compensated with the greatest possible speed and that benefits are settled as quickly as practicable; the labour inspection service does all in its power to achieve these results. Nevertheless, the present system constitutes a step towards the establishment of pensions for industrial accidents. The registration of workers eligible for pensions will become less and less difficult; with the progressive

institution of a system of control as regards accidents, it will become easier to establish the identity of the workers concerned. The Government is therefore endeavouring to adopt legislation which is in conformity with the provisions of the Convention and is awaiting the appropriate moment to draw up special legislation respecting compensation for industrial accidents.

As regards expatriated workers, compensation for industrial accidents governed by the Decree of 23 August 1945 is based primarily on the principle of an amicable settlement. Here, also, the system of benefits is in force and the employer is permitted to propose the amount involved. The evaluation of benefits is the responsibility of the administrative authority, generally the labour inspector, who also supervises its payment and in case of dispute transmits the file of the accident to the civil court. The procedure followed is based in all cases on a definite lump-sum settlement. In actual practice, many of the difficulties have been overcome and in fact private employers refer the question to the insurance companies whose policies guarantee the workers benefits equivalent to those provided for by the social security system in force in Metropolitan France, as laid down in particular in the Acts of 30 October 1946 and 2 August 1949, at rates which are fixed in francs C.F.A. The policies proposed by the Technical Association of Metropolitan Accident Insurance Companies, which are the largest in number, provide for full guarantees (death, permanent or temporary incapacity, medical, pharmaceutical and hospitalisation expenses, funeral and legal expenses). On the other hand, certain companies (in particular British companies) often limit themselves to a single lump-sum payment, the total amount of which rarely exceeds one million francs C.F.A. However, this latter practice is in the process of disappearing and at present does not represent any more than approximately 6 per cent. of the total accident insurance policies signed at Douala. Thus the practice followed is becoming more and more in keeping with metropolitan legislation.

The administrative and judicial authorities supervise the application of the above-mentioned texts, the control of which is entrusted to the labour inspectorate. As regards African workers, a particularly strict system of supervision was inaugurated in close collaboration with the health service, heads of subdistricts and central police offices. Any injuries must be reported immediately. For the follow-up procedure a card-index is used similar to that introduced by the social security system. The reporting of an accident has thus become a formality which employers no longer omit. In addition stricter medical control has been secured.

As regards European employees the labour inspection service has so far been able to act effectively and all disputes arising in connection with compensation for accidents have been settled; the employers do not dispute the validity of the 1946 legislation as constituting the relevant legislation.

French Establishments in India.

Decree of 6 April 1937, to issue regulations respecting the conditions of employment in the French Establishments in India (Part XII) (L.S. 1937—Fr. 8).
Local Order of 26 November 1941.

In accordance with Section 63 of the above Decree accidents sustained by workers and employees in the course of or arising out of employment in all branches of industry, commerce or agriculture entitle the victim or his beneficiary to the payment of compensation. This compensation is at the expense of the employer, on condition that the interruption of work lasts more than four days; it may be refused to any victim who has caused the accident wilfully.

The first two sections of the Local Order specify the conditions of application of the Decree. The employer is responsible, irrespective of the place where the work is carried out on his account or under his responsibility and if the accident occurred during the existence, under any conditions whatever, even on a trial or apprenticeship basis, of a contract of service whether valid or not. The worker must be habitually engaged in a given profession or trade. The existence of a written employment contract approved by the administration is required.

Section 3 of the Order lays down the method for the payment of benefits to the victim or his beneficiaries. Sections 4 to 8 describe the procedure for reporting the accident. Sections 8 to 11 relate to the procedure followed by the courts with a view to settling temporary benefits, lump-sum payments, pensions and various expenses. Section 12 relates to cases where the employer has taken out insurance. The final provisions of this text regulate the action to be taken, benefits, requests for review and the provision of legal assistance. These texts are strictly applied in practice. In the absence of any general regulations on social security it is not possible to implement the Convention in full.

During the period under review 52 industrial accidents were reported and registered by the labour inspection service.

French Somaliland.

In the case of absence from work of a wage earner because of an industrial accident or occupational disease the employer is responsible for paying (a) half the wages and the food rations of the victim during one month; (b) medical and hospitalisation expenses; (c) a compensatory benefit calculated according to the provisions of Order No. 1024 of 19 November 1940.

There is no difference whatever between the methods of compensation for industrial accidents and for occupational diseases.

Victims of industrial accidents which result in permanent, partial or total incapacity are allowed to submit claims for a compensatory benefit, which is calculated according to the seriousness of the disablement which they have sustained.

The degree of invalidity is fixed by the labour inspection service after consultation with the doctor of the Medical Service for Natives. The metropolitan scales of percentages of incapacity, as related to the various types of injuries, are used in fixing the degree of invalidity.

Pensions for industrial accidents and occupational diseases, as calculated on the basis of Decree No. 1024 mentioned above, are compulsorily converted into a lump sum according to the capitalisation scale adopted by the Deposit and Consignments Office.

Supervision is entrusted to the labour inspector, to whom all reports of accidents and diseases must be reported.

There were no decisions by courts of law.

As regards the application of the Convention, it should be borne in mind that French Somaliland has practically no manufacturing or processing industries using the toxic substances covered by the Schedule to Article 2 of Convention No. 18. The only possible disease would be anthrax infection caused by the handling of infected animal skins. No case of this kind was reported during the period under review.

No observations have been made by employers' and workers' organisations.

Madagascar.

The number of accidents reported during the year 1951 was 1,294. The causes of these accidents were as follows: surface vehicles, 203; falls of various objects, 196; falling and slipping, 174; handling of goods or objects, 136; machine-tools, 84; miscellaneous causes, 157. The rest of the accidents were unclassified. The results of these accidents were as follows: temporary incapacity, 906; permanent incapacity of less than 50 per cent., 85; permanent incapacity of over 50 per cent., 8; permanent total incapacity, 1; deaths, 89. The results of the rest are unknown.

New Caledonia and Dependencies.

Decree of 9 October 1951, to amend the Decree of 15 May 1930 to issue public administrative regulations respecting liability for accidents (L.S. 1930—Fr. 9).

The Decree of 9 October 1951 widened appreciably the scope of application of the Decree of 15 May 1930 by including, in particular, home-workers and workers carrying out work of a casual nature outside an undertaking. In future, "accidents sustained in the course of or arising out of employment in any place whatever entitle the victim or his beneficiaries, under the conditions defined by the present Decree, to compensation at the expense of any employer in all cases where proof has been established that the victim was engaged in any work, even on a trial or an apprenticeship basis, and whether or not there existed a valid contract for the hiring of services. Nevertheless, the present provisions only apply to agricultural and forestry undertakings under the conditions indicated under Chapter II of the present Decree".

Only pensions which are less than the very small amount of 500 francs per year may be converted into a lump sum, in accordance with an official rate laid down under Section 32 of the Decree.

Compensation in the case of temporary incapacity is paid from the day of the accident. An increase of 25 per cent. in the pension is provided for in cases where the incapacity is such that the injured person requires the constant help of another person. The injured person has the right to claim from the employer either the provision or the renewal of such prosthetic appliances as may be necessitated by his disablement or the payment of compensation to cover their acquisition or renewal. This compensation is added to the amount of the pension.

The scope of application of the regulations in force includes practically all the workers in the territory.

Out of a total number of 193 accidents reported, the 189 accidents in industry to which the present regulations apply had the following consequences: temporary incapacity of less than five days, 14; temporary incapacity of from five days to one month, 86; temporary incapacity of more than one month, 2; permanent incapacity of less than 50 per cent., 5; consequences unknown, 82. In addition there were four deaths.

No observations were made by employers' or workers' organisations.

St. Pierre and Miquelon.

In case of total permanent incapacity where the victim is obliged to have the constant help of another person for the ordinary acts of life the pension is increased by 20 per cent.

Togoland.

According to the prevailing jurisprudence the metropolitan legislation applies to European workers in Togoland. African workers are legally covered by the general legislation and are only entitled to the civil damages provided for by Sections 1382 and following of the Civil Code, as the Act of 9 April 1898 has not been promulgated in Togoland.

In fact, no use has been made of this means of recourse and practice has resulted in a system of workmen's compensation on the following lines. During temporary incapacity the employer pays the victim his wages in full. Medical care, which is theoretically payable by the employer, is in most cases borne by the Medical Service for Natives. In case of permanent incapacity the employer pays compensation in the form of a small lump sum in one payment. The amount in question is fixed either by agreement between the parties or, in case of dispute, by the labour inspector and in the last instance by the Arbitration Council.

This system has serious disadvantages. The free care supplied by the Medical Service for Natives results too often in expense to the territory which should be borne by the employer or his insurer. In addition, compensation in the form of a lump-sum payment—which may be preferred by the employer, who is thus freed from all further obligations, and which may also be preferred by the beneficiary, who is impressed by the importance of the sum to be paid—is not the best theoretical means of compensating the injury sustained.

Order No. 610-52 of 2 August 1952 makes the notification of industrial accidents compulsory. The text of this Order is appended to the report on Convention No. 12.

Tunisia.

Decree of the Bey, dated 24 August 1952.

This Decree applies industrial accident insurance to Tunisia as from 1 July 1953; this measure satisfies the provisions of Article 11 of the Convention.

New Zealand.

Cook Islands.

See under Convention No. 12.

Western Samoa.

See under Convention No. 12.

*Portugal.**Angola.*

During the period 31 July 1951 to 30 June 1952 five cases of industrial accidents were reported. The practical implementation of the principles of the Convention did not meet with any difficulties.

Portuguese Guinea.

As no industrial accidents were reported in connection with non-indigenous workers, the courts were not called upon to give any decisions in this matter. On the other hand, in four cases proceedings were instituted under the terms of Decree No. 16199 of 6 December 1928 (Native Labour Code) in connection with accidents involving native workers.

The principles of the Convention are applied.

S. Tomé and Príncipe.

Ordinance No. 1723 of 10 May 1952.

The above-mentioned Ordinance abrogates Order No. 977 of 26 February 1947 and constitutes the new industrial accident regulations referred to in the previous report, under which more effective protection is afforded to native workers in this field.

During the period under review 76 lawsuits were instituted by the General Native Trustee for the purpose of obtaining life pensions, compensation and benefits; in 41 cases a decision has already been given.

The total amount paid out in life pensions, compensation and benefits was 40,988.70 escudos.

*United Kingdom.**Aden.*

A minor amendment to the local workmen's compensation legislation was enacted in July 1952. This will be referred to in the next annual report on Convention No. 17.

Barbados.

Workmen's Compensation (Amendment) Act, 1951.

The above Act came into force on 2 July 1951. The number of accidents reported during the period under review was 616, of which ten were fatal. The benefits paid amounted to \$25,027.17. No estimates are available in respect of the total cost of the application of workmen's compensation legislation. The question of making membership of an insurance fund compulsory is still under consideration.

Bechuanaland.

The total number of employees covered by the provisions of the Convention was 3,000 in agriculture, 1,800 in domestic service, 1,400 in Government service, 200 in building undertakings, 1,800 in industry and trade, and 140 in mining.

The Government adds that one union, the Francistown African Employees' Union, was registered in 1949. This organisation is open to all African employees except those employed by the Government and the railway administration and originally had a membership of 200. This Union, which has never shown much activity and

for the past year or two has been completely inactive, is now a union in name only. The Government feels that no useful purpose will be served by supplying the union with copies of annual reports.

Bermuda.

The operation of the Social Security (Sickness and Workmen's Accident Benefits) Act, 1949, remains suspended because funds for implementing the Social Security Act have still to be provided by the legislature.

British Guiana.

See under Convention No. 12.

British Honduras.

See under Convention No. 12.

Cyprus.

During the year 1951, £9,908 was paid in compensation, that is, an estimated average of 2s. 6d. per worker. During the same period 493 accidents were reported, seven of which were fatal, four resulted in permanent total incapacity, 19 in permanent partial incapacity and 463 in temporary disablement. Fifty-six cases which occurred in 1951 had not been settled by the end of the year and are not included in the above figures.

Fiji.

The total number of workmen, excluding seamen, fishermen and agricultural workers, is given at 16,357. During the period under review 310 accidents were reported, eight of which were fatal.

Gibraltar.

Employment Injuries Insurance Ordinance (No. 10 of 1952), and the following regulations made thereunder:
Employment Injuries Insurance (Benefit) Regulations, 1952.
Employment Injuries Insurance (Claims and Payments) Regulations, 1952.
Employment Injuries Insurance (Medical Certification and Treatment) Regulations, 1952.
Employment Injuries Insurance (Collection of Contributions) Regulations, 1952.
Employment Injuries Insurance (Determination of Claims and Questions) Regulations, 1952.
Employment Injuries Insurance (Refund of Contributions) Regulations, 1952.

Ordinance No. 10, which is based substantially on the United Kingdom National Insurance (Industrial Injuries) Act, 1946, was enacted on 13 March 1952, and came into operation on 7 July 1952, after the period covered by this report. However, in order that the latest information may be made available to the International Labour Organisation, the report is being compiled as if the Ordinance had come into operation at the time of its enactment.

All employment in Gibraltar, including that of domestic servants, seamen and fishermen, is insurable under the Ordinance, except as regards members of the armed forces, civil servants engaged outside Gibraltar, non-manual workers earning over £500 per annum, and family workers (husband, wife, father, mother, etc.). Adequate provisions are made for the payment of weekly pensions or gratuities and of increased benefits according to the nature of incapacity, nationality and residence.

Compensation is payable from the Employment Injuries Insurance Fund established under Section 45 of the Ordinance, and into which equal and compulsory contributions are paid by employer and worker. The Fund is administered by the Employment Injuries Insurance Board, and also defrays the cost of such medical, surgical and pharmaceutical aid (including artificial limbs) at a hospital in Gibraltar as are considered by a prescribed medical officer or practitioner to be necessary in consequence of the injury.

The legislation is administered by the Director of the Labour and Welfare Department; the immediate supervision is entrusted to the Insurance Officer and an inspector. About 21,000 workers are covered by the insurance scheme.

Gold Coast.

Returns submitted by employers on 31 December 1951 indicated that at least 215,464 persons were engaged in wage-earning employment, of whom approximately 169,000 were covered by provisions regarding workmen's compensation. Benefits in cash, as recorded by the Labour Department from April 1951 to March 1952, amounted to £24,188, or an average of 2.92 shillings per insured person. During the same period 120 fatal and 2,400 non-fatal accidents were reported.

Grenada.

During 1950 (the 1951 figures are not available) artisans, apprentices, etc., employed by the Government numbered 1,400; porters, etc., in business places numbered 311. There were two cases involving the payment of compensation amounting to \$120.90 during the year ended 30 June 1952.

Jamaica.

A draft Bill for the amendment of the Workmen's Compensation Law was laid before the legislature towards the end of the period under review. The Bill proposes (a) to raise the limit of remuneration which determines the sphere of application; (b) to widen the coverage of the Law; (c) to reduce the minimum qualifying period of incapacity; (d) to increase the maximum amount of compensation payable in case of death or permanent incapacity; and (e) to increase the maximum monthly wages upon which the calculation of awards may be based.

Available statistics for the year ended 31 December 1951 show that 38 establishments reported accidents for which compensation was paid, that 657 accidents were reported six of which were fatal, and that a total amount of £6,668 was paid in compensation, i.e., £184 4s. 4d. per person.

Kenya.

As regards the scope of application of the Convention, the report states that the total number of wage-earning and salaried employees or apprentices engaged in undertakings of all kinds was 344,910. The total expenditure in benefits in cash amounted to £10,511 15s. 0d. The total average expenditure in benefits in cash per wage earner covered by the legislation was £4 12s. 6d. The number of accidents reported was 2,273, of which 97 were fatal, 561 caused permanent

total and permanent partial disablement and 1,615 caused temporary total and temporary partial disablement.

Leeward Islands.

In Antigua the total number of workmen, employees and apprentices was approximately 5,887. All these workers are covered by the general provisions in the workmen's compensation laws. In St. Kitts-Nevis-Anguilla it is estimated that the number of workers covered by the provisions of the Act is 3,156. In Antigua 66 claims involving a sum of \$776.24 (i.e., \$1.36 per person) were settled by the administration in respect of its employees in 1951-1952. In St. Kitts-Nevis-Anguilla cash benefits paid to workers amounted to \$2,922.39 in 1951-1952. The amount paid out in compensation in Montserrat in 1951 in respect of one claim was \$563.77; one similar payment in the Virgin Islands amounted to \$88.86. In Antigua 31 accidents were reported during the period under review. The total number of occupational injuries which occurred at one factory during 1951 was 2,066. In St. Kitts-Nevis-Anguilla 218 accidents occurred; two accidents were reported in Montserrat during 1951.

Malaya.

The draft of the Workmen's Compensation Bill has now been published in the *Government Gazette* and will be introduced in the Legislative Council at its next session. There are no complete and reliable statistics to show the total number of workmen, employees and apprentices covered by the existing workmen's compensation laws. The total cost of cash benefits paid out during the period under review in respect of fatal accidents and accidents resulting in permanent incapacity, whether total or partial, was \$682,900. During the period under review 1,831 accidents were reported, 93 of which were fatal.

Malta.

The report contains an extract from the Director of Labour's annual report for 1951, as well as relevant statistical tables, which show that the balance standing to the credit of the workmen's compensation fund at the end of the financial year 1950-1951 was £11,200; 1,344 claims were made in 1951; 158 of these were rejected. Claims were made in respect of 14 fatal accidents; three of these claims were rejected and one was still pending at the end of the year.

The Employment Injuries Insurance Bill was read a first time; this Bill seeks to repeal the Workmen's Compensation Ordinance and to replace it with more modern and comprehensive provisions. New regulations under the United Kingdom National Insurance (Industrial Injuries) Act were issued in the United Kingdom extending the scope of the scheme for industrial injuries to cover the employment of Maltese seamen serving in ships which are owned or registered in Great Britain.

Mauritius.

Out of an insurable total labour force of 30,710, the number covered during the period under review was 28,710. Total benefits paid in cash were 65,138.07 Rs., i.e., an average of 127.90 Rs.;

509 accidents were reported, 15 of which were fatal.

Nigeria.

With regard to Article 2 of the Convention, it might be of interest to note that at the end of the period under review legislation was under consideration to eliminate the differential treatment which now exists between locally-engaged civilian employees of the Crown and those of departments of the United Kingdom Government (*e.g.*, the Tropical Testing Establishment, Port-Harcourt, Nigeria) on the one hand, and other local employees of private and public undertakings on the other. At present the former are protected for compensation purposes under the United Kingdom Injury Warrants, but if the legislation is adopted they will, like the latter, be covered by the Nigerian law.

A problem that is likely to remain for some time to come is the absence of reliable statistics—a problem which rapid economic and industrial development in recent times has tended to aggravate. Consequently, it still remains impossible to state with any degree of accuracy the number of workers covered by the provisions of the Workmen's Compensation Ordinance. However, from returns rendered by 181 undertakings mainly concerned with mining, building, printing and transport, about 97,000 workers would appear to be so covered in those establishments.

It might be of interest, for comparison purposes, to note that estimates put the population of the territory at 30 million and that 500,000 persons are in regular wage-earning employment. By far the greatest majority of the workers in the country are self-employed as peasant or subsistence farmers.

During the period under review the sum of £6,791 13s. 2d. was paid as compensation to 589 workers in Government service, the average cost per beneficiary being £11 10s. 7d.

During the same period 537 accidents were reported in Government services; 24 of these accidents were fatal. In the first quarter of the year 93 accidents were reported in non-Government undertakings; six of these accidents were fatal.

A total of £1,388 ls. 0d. was paid as compensation to 93 non-Government injured workers in the period 1 July 1951 to 30 September 1951.

North Borneo.

The total number of workers, employees and apprentices employed by all undertakings and establishments will not be known until the analysis of the results of the census which was taken in June 1951 is completed. At the end of 1951 the number of workers in 83 non-agricultural undertakings where more than 20 workers were employed was 10,502. Of this latter number 72 were industrial and commercial establishments and employed 7,347 workers, and 11 were Government establishments where 3,155 workers were employed.

The number of workers covered by the legislation has been estimated at 12,000; this includes the above figures and also the number at places of employment employing fewer than 20 persons. The total cost of benefits in cash for the year 1951 was \$20,812.17, representing an average of \$169.20 per accident compensated, or less than \$2 per person. During the year 147 accidents

were reported, eight of which were fatal; compensation was paid in 123 cases. The report gives detailed statistics relating to these accidents.

See also Convention No. 12.

Northern Rhodesia.

Article 5. A lump sum is payable in case of permanent incapacity of up to and including a degree of 35 per cent.

Article 7. Section 65 of the Ordinance provides for a constant attendance allowance if the workman's permanent disablement is of such a nature that he is unable to perform the ordinary acts of life without the constant help of another person. An order for the payment of such an allowance may be revised if good cause is shown by either the workman or the employer.

Article 8. An agreement for the payment of compensation in the form of a lump sum may be reviewed on certain grounds, on the application of the workman or the employer within a period of six months.

Article 9. The maximum liability of employers in respect of medical aid to African workmen is £75 and £275 to non-African workmen.

Article 10. Employers are liable for the supply, maintenance, repair and renewal of artificial limbs and appliances necessitated by an accident, up to a maximum of £125.

The benefits actually paid during the period 1 March 1951 to 29 February 1952 were £67,916 13s. 9d. This figure does not include the cost of medical aid supplied by those employers who have approved medical aid schemes.

During the insurance year 5,193 compensable accidents were reported; of these 70 were fatal and 373 resulted in permanent disablement.

Neither the administration costs of employers exempted from insurance nor the internal administration costs of insured employers are known. Insurance premiums paid for the year 1951-1952 amounted to £188,772 12s. 4d.¹, and of this the insurers are required to pay 1 per cent. to revenue. The administration expenses of insurers, including commission to agents but excluding the 1 per cent. revenue, amounted to £27,043 7s. 3d.¹

Nyasaland.

During 1951, 83 accidents were reported, of which ten were fatal and 21 serious.

The total amount paid out in compensation was £489; claims in respect of six deaths and six serious injuries are still pending.

Southern Rhodesia.

Government Notice No. 998 of 7 December 1951.

The legislation does not give any definition of employment which is of a casual nature and not for the purposes of the employer's trade or business. An outworker is considered to be any person to whom articles or materials are given out by any employer to be made up, cleaned, washed, ornamented, finished, repaired or adapted for sale on premises not under the

¹ These figures are exclusive of those of one insurer whose returns had not been received when this report was prepared and whose premium income is likely to be in the region of £2,500.

control of the employer. Paragraph 2 (c) of Article 2 is not applicable. There is no differentiation between manual and non-manual workers; the limit of remuneration which applies to both has been raised to £100 per month.

Article 4 of the Convention is not applicable, as agricultural workers are covered by the Act.

Compensation for permanent incapacity is paid in the form of a pension unless the amount of compensation is small, when a lump sum may be paid. The Commissioner and the Native Affairs Authorities are competent to decide that a lump-sum payment is to be made. No legal guarantees are normally required but investigation is made to ascertain that a lump sum will be used by workmen or dependants for the maintenance of normal living standards or towards the acquisition of some asset which will be of benefit. As compensation is payable from the Workmen's Compensation Insurance Fund, which is a State fund, the question of financial insolvency does not arise.

The total cost of benefits for the year ending 31 March 1952 was £178,843; there are no benefits in kind. The cost of insurance, which is covered by premiums collected from employers, amounted to £252,132.

St. Lucia.

For legislation see under Convention No. 12.

No reliable statistics are available with regard to the total number of persons employed by all undertakings and establishments covered, but it is estimated that approximately 19,000 persons fall within this category. Benefits paid in cash during the period under review amounted to \$3,613.03, that is, 19 cents per person covered by legislation. The number of accidents reported was 305, none of which was fatal.

St. Vincent.

See under Convention No. 12.

Sarawak.

The statistics given in the report indicate that 9,797 persons employed in various undertakings are covered by workmen's compensation legislation. There were five industrial accidents; the total cost of benefits in cash during the period under review was \$1,539.82, i.e., an average cost of \$307.96 per accident.

Sierra Leone.

Cash compensation paid in the year ended 31 December 1951 amounted to £4,984 17s. 11d., i.e., an average per person of £7 11s. 6d. During the year six fatal and 652 non-fatal accidents were reported.

See also Convention No. 12.

Singapore.

The total number of workmen, excluding seamen, fishermen and agricultural workers, employed in the period under review was 121,553, of whom 103,216 were covered by the Workmen's Compensation Ordinance. The total cost of benefits in cash was \$222,003.52, or an average cost of \$2.15 per person. The number of reported fatal accidents was 66; there were 96 cases of perma-

nent partial disablement and 2,321 cases of temporary disablement.

See also under Convention No. 12.

Tanganyika.

The Workmen's Compensation (Amendment) Regulations, 1951, were made by the Governor in Council on 30 November 1951, published as Government Notice No. 332 of 14 December 1951, and came into force as from 1 January 1952. The effect of these Regulations was to reduce materially the statutory charges for medical aid to workmen and to achieve parity with the rates charged in Kenya and Uganda.

The report contains very detailed statistical information indicating that the total number of workmen, employees and apprentices employed by all enterprises, undertakings and establishments, including seamen, fishermen and agricultural workers, covered by the general provisions of the workmen's compensation legislation is approximately 465,000. This figure is based on the results of the labour enumeration held on 31 July 1951. The decrease of 25,000 from the figure of 490,000 given in the previous report is due entirely to fluctuations in the working population.

The total amount paid out in cash benefits was E.A.Shs.340,528/38; the report indicates in detail the compensation paid for each category of injury. The average cost of benefits in cash per injured person was E.A.Shs.222/50. If the cost of benefits in cash is averaged over the 465,000 employees covered by the legislation, the average cost per person is approximately 73 cents (100 cents = 1 E.A. shilling). No information is available as regards the total costs of benefits in kind.

There were 1,613 accidents; the report contains detailed statistics of these accidents, classified by causes (machinery, transport, etc.). The number of compensable mining accidents reported was 83. Detailed statistics relating to these accidents have not been included in the report because they are not available; they will be included in an appendix to the 1951 report of the Department of Mines which will be sent to the International Labour Office. In future years detailed statistics of mining accidents will be included in this report.

No details are available as regards the cost involved by the application of the legislation, but it is borne from general funds voted to the Labour Department. No special staff is employed.

No observations have been made by workers' or employers' organisations as regards the application of the legislation.

The text of the Workmen's Compensation (Amendment) Regulations of 1951 is appended to the report.

Trinidad and Tobago.

See under Convention No. 12.

Uganda.

The total amount paid out in compensation, in conformity with the Convention, was Shs. 227,928/20.

The number of accidents reported was 1,897. It is not possible to classify these accidents according to their nature.

18. Convention concerning workmen's compensation for occupational diseases

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

Decree of 1 August 1949, respecting compensation for injuries resulting from employment accidents incurred and occupational diseases contracted by native workers (L.S. 1949—Bel. 11 A.).

Royal Order of 4 June 1951, to supplement the schedule of occupational diseases.

Article 1. The victims of occupational diseases receive the same compensation as that provided for by the workmen's compensation legislation. The rates of compensation are the same for injuries resulting from industrial accidents or occupational diseases. Section 3 of the Decree of 1 August 1949 defines an occupational disease as follows: "The expression 'occupational disease' means any disease which is caused by the performance of a contract of employment, a contract of apprenticeship, a service agreement in river navigation or a contract of learnership. The occupational diseases to which this Decree applies shall be specified by Royal Order. The industries, professions, employments or operations in which these diseases give rise to compensation shall be specified by the Governor-General".

An occupational disease differs from an industrial accident, which the legislator defines as occurring in the course of or arising out of the performance of a contract of employment, a service agreement in river navigation, a contract of apprenticeship or learnership. On the other hand, the Decree establishes the following presumption: "Every employment accident which occurs in the course of the performance of a contract shall be presumed to arise out of its performance unless there is proof to the contrary" (Section 2).

As regards review, the compensation for employment accidents and that of occupational diseases are governed by a different procedure. For employment accidents the period of review is three years; for victims of occupational diseases this period is prolonged to ten years (Section 28).

Article 2. The following diseases are defined as occupational in the Belgian Congo and Ruanda-Urundi: poisoning by lead, its alloys or compounds and its sequelae; poisoning by mercury, its amalgams and compounds, and its sequelae; anthrax infection; poisoning by arsenic and its compounds, and its sequelae; poisoning by carbon bisulphide and its sequelae; poisoning by benzene, its homologues, their amino- and nitro-derivatives, and its sequelae; poisoning by hydrocarbons of the aliphatic series, their homologues or chlorine derivatives, and its sequelae; pathological manifestations due to: (a) radium and other radioactive substances; (b) X-rays; epitheliomatous cancer of the skin; pneumoconiosis caused by industrial dusts, where it results in death or permanent total or partial incapacity for work arising out of the person's engaging in the occupation, and the sequelae of such disease; acute dermatoses caused by handling Kambala wood; ulceration of the tegument caused by work involv-

ing the manufacture or use of chromic acid and alkaline chromates and bichromates; poisoning by hydrocyanic acid.

The list of poisonings classified as occupational in the Belgian Congo and in Ruanda-Urundi indicates that it is in fact the Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42) which is applied. Certain occupational diseases were added because they arise out of local conditions. Poisoning from phosphorous has not been included because the use of this product does not give rise to the same difficulties as formerly.

The methods for supervising the application of the provisions of the Convention are identical to those in force as regards Convention No. 17. The courts have not made any decisions concerning questions of principle which involve the application of the Convention.

The number of workers employed in industry, work or operations in which diseases may give rise to compensation cannot be determined as the contributions paid by the employers also cover compensation for industrial accidents and occupational diseases. On the other hand, all bodies dealing with compensation have not as yet compiled final statistics for the first annual period covering the application of the Convention and ending 30 June 1951, and have not followed a uniform procedure in setting out their information. The fatal cases indicated in the report on Convention No. 17 include victims of occupational diseases, as it is not as yet possible to draw a definite line dividing employment accidents from occupational diseases.

No observations were made by the employers' and workers' organisations.

*France.**French Establishments in India.*

Despite the absence of regulations this question is dealt with in private undertakings according to the general principles of the local legislation concerning workmen's compensation. Several collective agreements concluded since 1946 contain provisions which are in accordance with the Convention.

During the period under review the labour inspectorate did not receive any complaints concerning occupational diseases.

It does not appear appropriate to apply the Convention.

French Somaliland.

See under Convention No. 17.

New Caledonia and Dependencies.

The regulations concerning industrial accidents are contained in the Decree of 15 May 1930, amended by the Decrees of 26 May 1934 and 9 October 1951. Compensation for occupational diseases has not as yet been applied to the territory of New Caledonia.

*Portugal.**Angola.*

No case of occupational disease was reported during the period under review.

The practical application of the principles of the Convention has not met with any difficulty.

S. Tomé and Príncipe.

During the period under review no actions regarding this question were brought as no cases of occupational disease were reported.

See also under Convention No. 17.

19. Convention concerning equality of treatment for national and foreign workers as regards workmen's compensation for accidents

*France.**French Settlements in Oceania.*

Under the regulations in force French and foreign nationals in Oceania receive the same treatment.

Morocco.

For information regarding the organisation of the inspection service, the report refers to the information given under Convention No. 4.

All decisions of courts of law given in regard to industrial accidents are communicated to the Directorate of Labour and Social Affairs. If this Directorate finds that the court has not ruled in favour of foreign workers who are nationals of countries which have ratified the Convention, or of their dependants, it asks for the rectification of the decision.

New Caledonia and Dependencies.

The territory of New Caledonia applies the reciprocity agreements concluded between France and the other Powers, although these agreements are limited to Metropolitan France.

*Union of South Africa.**South West Africa.*

No differentiation whatsoever is made between national and foreign workers with regard to the payment of compensation and no statistics are kept covering European foreign workers.

The statistics in regard to foreign natives in the territory and their distribution are approximately the same as those indicated in the report for the period 1949-1950.

Accidents in mines or works causing death or serious personal injury are reportable. "Serious personal injury" is injury causing incapacitation for 14 days or more.

There were no fatalities among foreign natives during the year and only eight cases of reportable injury during the period.

There are no recognised organisations of employers or workers in the territory.

*United Kingdom.**Barbados.*

Workmen's Compensation (Amendment) Act, 1951 (1951-4).

This Act came into force on 2 July 1951. There is no organised immigration scheme for foreign workers (the number of which is small) and no statistics are available regarding the number and nature of accidents in the case of such workers.

British Honduras.

See under Convention No. 12.

Gibraltar.

For legislation see under Convention No. 17.

The Employment Injuries Insurance Ordinance (No. 10 of 1952), which was enacted on 13 March 1952 and brought into operation on 7 July 1952, established a compulsory contributory workmen's compensation scheme applicable both to British and foreign workers. The Ordinance provides for equality of treatment between British and alien workers, except that in the case of an injured person who is not a British subject not normally resident in Gibraltar and who sustains disablement assessed at 35 per cent. or more, a disablement gratuity is paid instead of a disablement pension. Similarly, death benefits payable to dependants of persons who are not British subjects and not normally resident in Gibraltar are paid by way of gratuity instead of pension. The number of foreign workers (including domestic servants) to whom the provisions of the legislation apply is 13,600. The total insurable labour force numbers approximately 21,000.

No representations have been received from employers' or workers' organisations within the colony, but a Spanish official labour organisation has expressed gratification at the manner in which the insurance scheme has been introduced and is being administered.

Kenya.

Five accidents to foreign workers were reported during the period under review. Four of these accidents were of a very ordinary nature and resulted in no incapacity and therefore no claims for benefits. Only one was of a serious nature, in respect of which the sum of 13,000 shillings was paid in compensation.

Malaya.

For legislation see under Convention No. 17.

During the period under review the total number of claims for workmen's compensation, in which the Department of Labour acted on behalf of workmen, was 3,068, including 282 fatal accidents. The amount paid out in compensation was \$999,540, of which \$665,600 was for fatal cases.

According to returns collected from employers, on 30 June 1951 there were 107,307 Malaysians, 183,136 Chinese, 204,754 Indians, 265 aboriginals

and 2,735 other persons in employment in the Federation as "labourers" as defined in the Labour Code and the Ordinance in force.

Malta.

See under Convention No. 17.

North Borneo.

The Workmen's Compensation Ordinance, 1950, applies without distinction to any person who comes within the scope of the Workmen's Compensation (Application) Order, 1950, without regard to his country of origin. It has not been considered necessary, therefore, to attempt a statistical estimate of the number of foreign workers. It might be added that there is difficulty in interpreting the term "foreign worker" in relation to the colony. The census taken in June 1951 showed that as many as 11 per cent. of the persons enumerated were born outside North Borneo. In addition, nearly 22 per cent. of the persons enumerated can be regarded as nationals of another country.

St. Vincent.

Provision is made in the Workmen's Compensation Ordinance (No. 21 of 1939), as amended by Ordinances Nos. 8 of 1943, 5 of 1949 and 11 of 1952, for the payment of compensation to workers, with certain exceptions, for personal injury by accidents arising out of and in the course of employment. According to the Workmen's Compensation (Amendment) Ordinance No. 11 of 1952, legally engaged civilian employees of Departments of Her Majesty's Government in the United Kingdom come within the scope of the workmen's compensation legislation of the colony.

Such persons previously received compensation for injuries under United Kingdom injury warrants. Compensation payable to such legally engaged civilian employees will continue to be paid from United Kingdom funds.

Singapore.

The returns made by employers on 31 March 1952 regarding persons in their employment provided the following figures for labourers (*i.e.*, skilled or unskilled manual workers but not including clerks, shop assistants, domestic servants, self-employed workers, etc.): 84,747 Chinese, 21,665 Indians, 5,819 Malaysians (Sumatrans, Javanese, etc.) and 717 others.

Solomon Islands.

Legislation has been enacted but has not yet been brought into force.

Southern Rhodesia.

See under Convention No. 17.

Uganda.

The total number of non-indigenous Africans in Uganda is approximately 365,693. Of these, probably 120,000 to 160,000 are adult males of working age, although accurate figures are not available at present.

The annual enumeration of employees, which covered all known employers of five or more employees, showed that some 53,068 non-indigenous Africans were employed in 1951. During the period covered by the report, 241 accidents to non-indigenous persons were reported and final settlement of compensation has been effected in 189 cases.

21. Convention concerning the simplification of the inspection of emigrants on board ship

Australia.

Nauru, New Guinea, Norfolk Island, Papua.

As ships registered in the territory do not engage in the emigrant trade, and as emigration as

envisaged under the terms of the Convention does not take place, the Convention has no practical application.

22. Convention concerning seamen's articles of agreement

France.

French Establishments in India.

See under Convention No. 8.

French Somaliland.

The Seamen's Code (Act of 13 December 1926) promulgated in the territory lays down conditions for seamen which go beyond the requirements of the Convention.

The provisions of the collective agreement of 30 November 1950, which applies in French Somaliland, are in accordance with those of the Convention.

In point of fact, the number of registered seamen who enrol on ships based in Djibouti is very small and the application of the Convention does not therefore give rise to any difficulties in the territory.

No observations were made by the employers' or workers' organisations.

New Caledonia and Dependencies.

The Seamen's Code (Act of 13 December 1926), which is in accordance with the provisions of the Convention, applies in New Caledonia only to vessels registered in Metropolitan France. The only legislative provisions as regards articles of agreement applying to vessels registered in the territory are contained in the Commercial Code. In actual fact, however, shipowners have adopted the provisions of the Metropolitan Seamen's Code.

The application of the Seamen's Code gives effect to all the guarantees provided for by Articles 1 to 7 of the Convention.

Any disputes are settled according to the procedure laid down in the above Code. An attempt at conciliation is made in the first place before the head of the Shipping Registration Service. If this fails, the matter is brought before the justice of the peace.

There were no decisions by courts of law or other courts.

The provisions of the Convention are applied by all shipowners having vessels which by reason of their tonnage come within the scope of the Convention. The supervision of the hiring of seamen is carried out by the Shipping Registration Service.

No infringements of the provisions of the Convention were noted.

No observations were made by employers' or workers' organisations. However, it appears that the seamen would favour the enactment of a Seamen's Code for New Caledonia.

*United Kingdom.**Barbados.*

The report of the harbour and shipping master indicates that during the period under review 1,475 seamen were engaged and 1,407 were discharged.

Fiji.

During the period under review 592 seamen signed articles of agreement.

Gibraltar.

The Convention would appear to be well observed. During the period under review 1,449 seamen were engaged; no contraventions were reported.

Hong Kong.

During the year under review 24,489 seamen were engaged and 22,797 seamen discharged by

the Mercantile Marine Office. About 80 per cent. of these engagements or discharges were for ships engaged in coastal trade, i.e., trade as far north as Japan and as far south as Singapore and ports in India and Pakistan.

The number of seamen engaged or discharged before consular officers is unknown but it is unlikely to be large, as many ships registered in the United States, the Philippines, France, the Netherlands and the Scandinavian countries, etc., sign on in their respective home ports.

Chinese registered ships, having no consular officers, are required to engage or discharge crews at the Mercantile Marine Office.

The demand for the issue of Hong Kong seamen's discharge books has not abated during the year. The reason for this is twofold: first, shipping firms engaging crews in Hong Kong insist on official records of sea service being produced before seamen are engaged; and secondly, seamen not in possession of Hong Kong seamen's discharge books, if discharged at a port abroad, will have difficulties with the Immigration Department when re-entering Hong Kong.

For these reasons and because of the fact that thousands of Northern Chinese seamen have come into Hong Kong, these discharge books are issued only to bona fide seamen who have documentary evidence of war service in the Allied cause or who have sailed out of Hong Kong from 1947 onwards, and to Chinese seamen who have signed articles of agreement with foreign vessels.

North Borneo.

On 1 June 1952 the register of shipping listed 16 ships of more than 100 tons net tonnage; the documentation of seamen is being carried on according to the principles of the United Kingdom Merchant Shipping Act.

Solomon Islands.

As a further safeguard for seamen serving in ocean-going vessels employers are now required to give an assurance that adequate and approved welfare facilities are provided in overseas ports.

Trinidad and Tobago.

A few ships registered in the colony and engaged in inter-colonial trade carry articles of agreement in conformity with the provisions of this Convention, although there is no compelling legislation. The drawing up of draft legislation, which was postponed during the second world war, is now in progress.

23. Convention concerning the repatriation of seamen*France.**French Establishments in India.*

No local regulations exist on the subject matter of the Convention. The repatriation of seamen is governed by the metropolitan laws and regulations.

The Convention is of no practical interest to the territory.

French Somaliland.

As no vessel equipped in Djibouti leaves the territorial waters the question of the repatriation of seamen does not arise on the local level.

Under the Act of 16 April 1928, seamen who sail on French vessels have the right to be repatriated to French Somaliland on the expiry of their term of service.

No observations were made by employers' or workers' organisations.

New Caledonia and Dependencies.

For ships registered in France the metropolitan legislation applies (Act of 13 December 1926 (Seamen's Code), Sections 87-90); this legislation satisfies all the provisions of the Convention.

As regards vessels registered in New Caledonia the relevant legislation is that of the Commercial Code (Sections 258 and 262). In actual fact, the provisions of the Seamen's Code are applied.

The provisions of Articles 1 to 5 of the Convention are given effect to by the metropolitan legislation and also by local custom. The authori-

ties entrusted with the repatriation of seamen are, in New Caledonia, the head of the Shipping Registration Service, and abroad, the French consul. There were no decisions by courts of law or other courts.

No practical difficulties arose as regards the repatriation of seamen. Some 40 seamen were repatriated during the period under review.

No infringements of the regulations were noted. No observations were made by employers' or workers' organisations.

Tunisia.

See under Convention No. 8.

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

France.

French Somaliland.

In the case of sickness which is not attributable to work native wage earners receive free medical care from the Medical Service for Natives. Employers must reimburse medical expenses under the Decree of 22 May 1936, as supplemented by Order No. 1024 of 19 November 1940 (Sections 36 and 37).

As regards European staff recruited under contract, custom provides for the reimbursement by the employer of medical, pharmaceutical and hospitalisation expenses to the person concerned and to his family, regardless of the cause of the sickness or accident.

The provisions of Articles 3 and 4 of the Convention are not applied.

The territory is fully covered by the provisions of Article 10, paragraph 1, of the Convention. By reason of the small density of population, its degree of development and of local customs, it does not appear possible at the present stage to provide even for a simplified application of the provisions of the Convention. Wage earners receive benefits equivalent to those which would be granted under sickness insurance, thanks to the Medical Service for Natives which gives free care to the persons concerned.

There were no decisions by courts of law.

No observations were made by employers' or workers' organisations.

Morocco.

See under Convention No. 10.

St. Pierre and Miquelon.

Expenses for hospitalisation and treatment in the official medical centres of the territory cover 80 per cent. of the total cost for an insured person, his spouse and his dependent children.

United Kingdom.

Barbados.

It is not practicable at present to set up a system of compulsory sickness insurance. There is virtually full employment in the agricultural industry for about five months of the year during

the reaping season. Thereafter, only a comparatively small proportion of these workers remain in regular employment. There seems little prospect for some time to come of the territory being able to undertake the obligations of the Convention.

Cyprus.

The rules relating to the management of the Cyprus Government Social Insurance Fund have been revised and the scope of the fund has been widened by the inclusion of the employees of the Cyprus Airways Limited. The scheme covers 2,723 contributors and 5,651 dependants. The total cost of benefits in cash to contributors during the period 1 July 1951 to 30 June 1952 was £6,189, i.e., an average cost per insured person of £2 5s. 0d. The total cost of benefits in kind during the same period was £2,904, i.e., 6s. 8d. per insured person including dependants. The financial resources of the scheme were £10,605 during the period, £5,170 being contributed by employers and a similar amount by insured persons. It is not possible to calculate the contributions of the public authority, as patients are treated in Government institutions or by Government medical officers, and no administrative expenses are charged to the fund.

Dominica.

Industry in the territory is in its infancy and is confined to the manufacture of agricultural products. Agriculture is the main occupation and, owing to the casual nature of employment and local conditions generally, it has not been possible to introduce legislation to give effect to the terms of the Convention.

Hong Kong.

The Convention has not been applied in the colony for reasons which have been stated in previous years. Nevertheless, the population has access to medical facilities the scope of which has again been extended in the period under review. Free hospitalisation is provided by the Government and by private institutions subsidised by the Government for persons who are unable to pay. In addition to hospitals, the Government

runs polyclinics in the urban areas and dispensaries in Kowloon, the New Territories and Hong Kong, for which a fee of one Hong Kong dollar per person is usually charged. Facilities at the dispensaries include domiciliary midwifery service and, in most cases, maternity beds. During the period under review, evening clinics run on the same lines have been opened for the benefit of persons who are unable to attend during the day. Thirteen Chinese welfare associations in various districts of the colony have now established their own free medical clinics which include Western and Chinese herbal medical treatment and dental care, while the trade unions have increased the number of free medical clinics for their members and one group has recently established a small maternity home.

Voluntary societies, either independently or subsidised by the Government, provide various types of medical facilities. These include, *inter alia*, an anti-tuberculosis sanatorium, which was originally given by a Hong Kong philanthropist, and a trachoma clinic.

A number of employers, including the Government, provide free medical advice and attention for sick employees; for example, one of the large dockyards runs clinics for its workpeople. A smaller number of employers, again including the Government, pay salary or wages during sickness.

St. Vincent.

Free medical and hospital treatment are provided in certain cases by the Government, and voluntary

sickness insurance schemes are operated by friendly societies and trade unions. A sum of \$15,000 was provided by the Government during the year for public assistance to needy cases, which is administered by the Public Assistance Office.

Singapore.

There is no system of compulsory sickness insurance in Singapore.

In July 1951 returns were submitted by 594 employers of labour in 30 different industries. From these returns it appeared that 43 per cent. of the employers gave free medical treatment to their employees, and 65 per cent. granted them paid sick leave.

Solomon Islands.

There are no legislative provisions for the application of the Convention and, in the present state of development of the territory, none is required. No indigenous worker is under any economic necessity to work for wages; other workers are locally domiciled members of the local civil service or overseas officers serving on contracts. Indigenous workers who become ill are treated and maintained at the employer's expense and their wages remain payable during sickness until such time as contracts are terminated. On the termination of a contract the worker is treated and maintained in hospital free of charge.

25. Convention concerning sickness insurance for agricultural workers

United Kingdom.

Barbados.

See under Convention No. 24.

Cyprus.

Consideration was given to the practicability of introducing some measure of island-wide social insurance, for which there is an increasing public demand. The advice of the British Middle East Office in Cairo was sought and advisers from the Office visited Cyprus in December in 1951. Investigations into the social and economic background of Cyprus were carried out and statistical information obtained. The advisers submitted their report in February 1952 and their recommendations are being studied by the Government.

Malaya.

The work of the Committee for Medical and Health Facilities in Rural Areas, alluded to in

previous reports, was suspended in December 1950 as it was not considered at that time to have a direct bearing on the outcome of the emergency. The Committee was reconstituted in 1951 and the work handed over to the member responsible for health questions and the Director of Medical Services.

St. Vincent.

See under Convention No. 24.

Singapore.

During the period under review the number of agricultural workers in Singapore Island was estimated to be approximately 1,447.

Solomon Islands.

See under Convention No. 24.

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

Australia.

New Guinea and Papua.

The extension of the Convention to New Guinea is being re-examined after the recent amendment to the Native Labour Ordinance, 1950, which was assented to in October 1952.

France.

French Equatorial Africa.

The minimum wage rates of African workers were revised by the Orders of 21 February 1952 (Middle Congo), 29 March 1952 (Oubangui-Chari) and 5 April 1952 (Tchad).

The daily rates now in force are, according to area : unskilled labourer, 56 to 130 francs ; skilled labourer, 75 to 143 francs ; skilled worker, 84 to 240 francs ; highly skilled worker, 320 to 439 francs. The minimum monthly rates for employees are, according to area : first category, 1,600 to 3,200 francs ; third category, 2,950 to 4,900 francs ; sixth category, 11,000 to 14,000 francs.

French West Africa.

The only point of interest is the increase in the daily minimum wage rates, which on 30 June 1952 varied in the principal centres of the Federation from 60 to 187.20 francs.

New Zealand.

Cook Islands.

There are regulations for fixing wages in all trades and further consideration will be given to extending the terms of the Convention to the Cook Islands in the near future.

United Kingdom.

Barbados.

Wages Board (Bridgetown Shop Assistants) (Amendment) Decision, 1952.

Wages Board (Bridgetown Shop Assistants) (Amendment) Decision, 1952, No. 2.

Wages Board (Amendments) Regulations, 1952.

The effect of these Decisions has been to increase the minimum wage rates of shop assistants in Bridgetown ; the report contains details of the minimum rates. Experience has shown that, by and large, the Decisions of the Board have worked to the advantage of the employee. However, there have been one or two dismissals by employers who claimed to be unable to keep their full staff when required to pay employees a minimum rate above the actual rates which they were hitherto paying.

British Guiana.

Minimum Wages (Georgetown and New Amsterdam Watchmen) (Amendments) Order, No. 26 of 1951.

Labour (Conditions of Employment of Certain Workers) Ordinance, No. 5 of 1952.

Fair Wages (Amendment) Rules, No. 1 of 1952.

Under Order No. 26 of 1951 rates of wages for watchmen have been amended and overtime rates fixed for certain classes. Ordinance No. 5 of 1952 prescribes minimum rates of wages for various categories of workers in hotels, restaurants and wine parlours. The Fair Wages Rules No. 1 of 1952 provide for the posting up of notices informing workers of rates of wages and conditions of work.

During the period under review the Government appointed advisory committees to investigate the wages and conditions of employment of persons engaged in drug stores, hardware stores, grocery stores, dry-goods stores, garages and cinemas. An advisory committee was also appointed to investigate conditions of employment and to make recommendations with regard to persons engaged in watching or guarding premises. These advisory committees have completed their deliberations and their reports are under consideration by the Government.

Cyprus.

In November 1951 two Orders under the Minimum Wage Law were enacted affecting office and commercial employees and female workers employed as packers, graders and sorters of agricultural produce in the Nahieh of Paphos.

Dominica.

It is estimated that about 5,000 agricultural workers are covered by a voluntary agreement made between the employers' union and the Dominican trade union (General Workers). The minimum rates effective from 10 June 1951 for an eight-hour day are : men, 96 cents ; women, 72 cents ; juveniles, 60 cents.

A similar agreement made between the Government of Dominica and the Dominican trade union covers approximately 2,000 unskilled construction workers.

Gibraltar.

The current minimum basic wage is 40s. for an adult unskilled worker, 51s. for a tradesman in the building industry and 63s. for a skilled artisan in engineering trades. A supplementary cost-of-living allowance varying from 24s. to 48s., is paid to adult male workers. These rates are based on a 44-hour, five-day week. The number of men covered by the above uniform minimum rates is approximately 7,500 out of a total of some 13,000 industrially employed.

As stated in last year's report, 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 it was not the Government's wish to make regulations under the Ordinance unless it were satisfied that efforts to secure minimum wage agreements by voluntary negotiation for workers in private industry and commerce had proved abortive.

Gilbert and Ellice Islands.

Ordinance No. 6 of 1951.

The Ordinance makes provision for the fixing of minimum wages by the Resident Commissioner, who has powers under the Ordinance to appoint advisory boards to assist in the determination of fair minimum wage rates where he considers such boards are desirable.

Gold Coast.

A wages board has been established in the retail trade. The board has started to function but has not yet made any recommendation.

Grenada.

Wages Council Ordinance, No. 4 of 1951.
Wages Council (Clerks) Order, No. 58 of 1951.
Wages Regulation (Clerks) Order, No. 7 of 1952.

The Labour Minimum Wage (Shop Assistants) Order, 1947, has been repealed.

During 1950 there were 5,340 agricultural workers, 517 spice workers, 1,400 Government road workers and 668 shop assistants and clerks. Government road workers are not covered by a minimum wage but the Government, in keeping with its policy of establishing priority of wages between road and agricultural workers, has from time to time paid these workers the rates of wages applicable to agricultural workers. The report gives details of the minimum wages applicable to the above groups of workers.

Hong Kong.

During the five years following the reoccupation of the colony the position regarding wages and other conditions of service has continued to improve, largely as a result of negotiated agreements and the general stabilisation to be expected over so long a period. During the period under review the cost of living has been fairly steady. The unsettled conditions in the Far East, which caused the earlier fluctuations, have been followed by more stable conditions which in turn have resulted in smaller variations of the cost of living.

Restrictions on trade and increased competition in Far Eastern markets have had their effect on many of the smaller business concerns (including manufactories) in the colony. This in turn has resulted in retrenchment of staff or even in the complete closing of those businesses which had insufficient capital. Although the employment situation has thus worsened, wages for workers still employed show very little change. These factors, combined with the more stable cost of living referred to above, have left the workers' purchasing power virtually unaffected. It has not, therefore, been necessary to consider setting up a trade board in any industry.

Wages for approximately 35,000 workers in Government employment and in industry have been consolidated by the addition of about two-thirds of the previous cost-of-living allowance. This makes for greater stability, improved overtime and pensions, while at the same time reducing the variable factor of take-home pay to less than 17 per cent. of the total.

Jamaica.

Minimum Wage (Bread, Bun and Cake Bakery Trade) (Country Parishes) Proclamation, 1951.
Advisory Board (Hotel Trade) Regulations, 1951.

The above-mentioned Proclamation prescribes, *inter alia*, hours of work and minimum wages for different categories of workers. The Regulations provide for the establishment of an advisory board for the hotel trade; the duties of the board include, among others, advising the Government in respect of minimum wages.

During the period under review 2,505 inspection visits were made; there were 92 prosecutions and arrears amounting to £4,966 16s. 7d. were settled voluntarily after inspection visits. Arrears paid by order of the court amounted to £755 8s. 6d.; and fines amounting to £79 19s. 0d. were imposed for breaches of the law by employers.

Kenya.

An Order concerning minimum wage rates came into force on 1 June 1952.

There are as yet no reliable statistics indicating the exact number of workers covered by minimum wage orders, but it is estimated to be approximately 50,000.

Malta.

Conditions of Employment (Regulation) Act, 1952.

This Act repeals the former Hours of Employment and Shops Ordinance in so far as wage fixing is concerned, and applies in full the provisions of the Convention. Part III of the Act enables the Minister to set up wages councils in those trades or parts of trades, including home-working trades, where no adequate machinery exists for the effective regulation of the conditions of employment and where, having regard to those conditions existing among the workers concerned, it is expedient that such councils should be established. Before appointing a wages council the Minister is required to publish a notice of intention to appoint a council, allowing at least 21 days within which objections from any person or organisation may be made to him. Wages councils set up under the Act consist of not more than three independent persons, not more than three persons representing the employers and not more than three persons representing employees. The council has power to hear witnesses and to take evidence on oath.

Proposals made by wages councils are published and representations may be made within a period of not less than 21 days on any matter contained in the proposals. The proposals are finally submitted to the Minister, who makes a wage regulation Order giving effect thereto. So far, only two wages councils have been set up covering approximately 1,000 employees. The enforcement of the Act is entrusted to labour officers under the supervision of the Director of Labour. Employers are required to keep appropriate records.

Mauritius.

Section 5 of Government Notice No. 230 of 1948 has been cancelled and replaced by Government Notice No. 136-52.

Nigeria.

Minimum Wage Fixing (Building and Civil Engineering Industry) (Lagos and Colony) Order in Council, No. 34 of 1951.

Conditions of Employment (Building and Civil Engineering Industry) (Lagos and Colony) Order in Council, No. 35 of 1951.

The above legislation was promulgated in consequence of a report submitted by the Lagos and Colony Labour Advisory Board in June 1950.

The provision made in Chapter XIII of the Labour Code Ordinance for minimum wage fixing machinery in the form of labour advisory boards was not invoked during the year, as pressure of work in connection with the introduction of a new Constitution for the territory made it impossible to obtain the necessary legislative sanction whereby the changes forecast in the 1949-1950 report could be operated. Regional and provincial wage committees, however, continued to function. The changes in wage rates, effected on their recommendations to the appropriate Lieutenant-Governors, are shown in an appendix to the report. The minimum rates apply only to Government daily-rated employees.

Northern Rhodesia.

Article 2. Two boards have been appointed for the application of the Convention.

Article 3. Consideration is being given to an amendment of the Ordinance to provide for agreements reached at joint industrial councils being given the force of law at the request of the parties, if accepted by the Governor in Council. The scope of application would then be determined by the Governor in Council.

Article 5. Minimum rates of wages have been determined for employees in the building, civil engineering and allied trades in the districts of Kitwe, Mufulira, Chingola and Luanshya, and in that part of the Ndola district within a radius of ten miles of the Ndola post office (Government Notice No. 99 of 1947). This decision is in fact out of date by virtue of agreements reached by collective bargaining.

A Wages and Conditions of Employment Board has determined minimum wages for African shop assistants, including tailors, employed in all stores throughout the eastern province (General Notice No. 813 of 1949). A similar board has also determined minimum wages and other conditions of employment of Asiatic assistants in shops and Asiatic workers in cycle repair, boot-repairing establishments and similar shops throughout the territory (Government Notice No. 306 of 1952).

Wage rates in general are determined by agreement between trade unions and employers' organisations.

St. Helena.

A general rise in wages took place in June 1952.

St. Lucia.

Wages Councils Ordinance, No. 1 of 1952.

The negotiations in the coconut and cocoa industries mentioned in the previous annual report were abandoned without agreement being reached. The proposal to establish wages councils in the colony has been formally conceded and

appropriate legislation has been enacted. With the advent of responsible trade unions, collective agreements affecting wages and other agreements have been concluded. During the period under review wage increases for workers in the sugar industry in the docks, the building trades and in the infant tobacco industry have been secured by this method. The report contains details of the wages paid.

St. Vincent.

Provisions are made in the following Statutory Rules and Orders for minimum wages for agricultural and industrial workers: No. 18 of 1943, as amended by No. 1 of 1945, No. 61 of 1945, No. 30 of 1950, Nos. 20, 21, 70, 71 and 101 of 1951. Provisions are made in Statutory Rules and Orders No. 68 of 1945, as amended by No. 78 of 1950, for minimum wages for shop assistants.

Seychelles.

The Labour Advisory Board considered the increase of the minimum wage and made recommendations to the Government, resulting in the Order published as Proclamation No. 4 of 1952, which provides for the payment of statutory wages.

Sierra Leone.

Government Notices Nos. 659, 669, 719 and 904 of 1951 and 327 of 1952.

Commissioner of Labour's Directives, Nos. 77, 101, 102 and 113 of 1951 and 59 of 1952.

Wages Boards (Amendment) Ordinance, No. 3 of 1952.

The report refers to the above-mentioned legislation.

Singapore.

The question of minimum wage fixing machinery was referred to the Labour Advisory Board, a tripartite body consisting of representatives of workers and employers and the Government. The Board was not in favour of setting up such machinery, mainly on the grounds that there were no sweated industries in Singapore and that the existing arrangements for negotiating wages were satisfactory.

However, during the period 1 July 1950 to 30 June 1951, the Labour Advisory Board reconsidered its previous view on this question and recommended to the Government that legislation should be enacted to provide for minimum wage fixing machinery on the lines of the United Kingdom Wages Councils Act, 1945. As a result the Wages Councils Ordinance, 1952, has passed its second reading in the Legislative Council.

Tanganyika.

The provisions of the Regulation of Wages and Terms of Employment Ordinance, 1951, have not yet been brought into operation in whole or in part.

Article 2. Although no form of wage fixing machinery under the provisions of the Ordinance has yet been brought into operation, a survey which was begun in 1951 has been continued during the year under review to obtain data and to determine in which industries and areas it is desirable that such machinery should be estab-

lished. Furthermore, every assistance and encouragement has been given by officers of the Labour Department to the setting up of staff committees in accordance with the provisions of Part V of the Ordinance, to improve relations between employers and employees.

Article 5. The minimum wage rates laid down by administrative instructions for unskilled daily paid labour employed by Government departments in the towns of Dar-es-Salaam and Tanga were increased during the year to E.A.Shs.2/15 and E.A.Shs.2 per day respectively.

Trinidad and Tobago.

The report of the commission of enquiry appointed to consider whether a wages council or wages councils should be established in the distributive

trades is still under consideration by the Government.

See also under Convention No. 5.

Zanzibar.

Article 2. Minimum wages have been fixed for the following trades : produce packing and bagging (Government Notice No. 170 of 1951) and carters (Government Notice No. 169 of 1951).

Article 5. The minimum wage Orders were revised to meet the present rise in the cost of living. The new rates were recommended by an *ad hoc* advisory committee set up for each occupation and comprising representatives of employers and workers under the chairmanship of an independent person. Information concerning minimum wage Orders was given in the report for 1950-1951.

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

France.

French Establishments in India.

The relevant metropolitan legislation applies. It has not therefore been necessary to draft a special text for the territory.

French Settlements in Oceania.

See under Convention No. 2.

French Somaliland.

There are no legislative provisions or regulations. In point of fact, the provisions of the Act of 27 June 1935 are observed by the shipping companies in Djibouti in accordance with instructions received from their metropolitan headquarters. The shipping inspector and the labour inspector are entrusted with the supervision of the application of the provisions in question. No contraventions were reported.

No observations were made by employers' or workers' organisations.

French West Africa.

In actual practice the metropolitan regulations concerning the transport of dangerous materials,

as well as those concerning the loading of heavy cargo, apply *de facto* in the territory.

New Caledonia and Dependencies.

New Caledonia only exports minerals in bulk, nickel matte, coffee, copra, etc. All these products are in bulk or in packages weighing much less than 1,000 kg. The territory has therefore no special regulations in the matter.

The labour inspectorate is generally entrusted with the supervision of safety measures for dockers in the port of embarkation.

There were no decisions by courts of law.

Tunisia.

The shipping companies and agencies apply Article 1 of the Convention to the extent to which they have received internal instructions from their headquarters in Metropolitan France.

Portugal.

S. Tomé and Príncipe.

The supervision of the application of the relevant provisions is entrusted to the customs authorities of the territory.

No contraventions were reported during the period under review.

29. Convention concerning forced and compulsory labour

Australia.

Nauru.

The capitation tax referred to in previous years has been abolished.

New Guinea.

Papua and New Guinea Act, 1949-1950.
Regulations made under the Native Regulation Ordinance, 1908-1951.

Forced or compulsory labour other than that permitted under the Convention is expressly

prohibited under the Papua and New Guinea Act, 1949-1950, except for the purposes authorised in virtue of the Convention.

Papua.

Papua and New Guinea Act, 1949-1950.
Regulations made under the Native Regulation Ordinance, 1908-1951.

Article 1. Forced or compulsory labour other than that permitted under the Convention is expressly prohibited under the Papua and New Guinea Act, 1949-1950.

Article 19. On 13 March 1952 the Administrator declared Wedan Village, Milne Bay District, as an area subject to famine. This declaration was necessary because the area of land under cultivation was considered to be insufficient to supply the future needs of the villagers and ample additional areas of native-owned lands were available for cultivation. This declaration was still in force on 30 June 1952.

With regard to compulsory cultivation the report adds that, since the introduction of producer co-operative societies, the type of labour which conflicts with the terms of the Convention is disappearing and the Ordinance in question is now largely redundant.

Belgium.

Belgian Congo and Ruanda-Urundi.

Legislative Ordinance No. 104/Agri. of 7 April 1942, as amended by the Legislative Ordinance of 2 March 1950. Ordinance No. 212 of 2 August 1940, concerning sanitation work imposed in native districts.

Decree of 19 March 1925, to issue portage regulations.

Decree of 1 August 1949, concerning compensation for industrial accidents and occupational diseases in the case of indigenous workers.

Decree of 16 March 1950, to institute the labour inspection service.

Decree of 26 May 1951, to set up a family allowance scheme for indigenous persons.

The following information, as well as the relevant legislation, deals solely with indigenous persons. With the exception of the restrictive amendments contained in Section 2 of the Legislative Order of 20 May 1943, the Convention is fully applied in the Belgian Congo. The possibility of setting aside the reservations which had to be made at the time of the ratification of the Convention is still being examined (*a*) in the case of enforced agricultural work, which is the principal type of work as it covers an average of 45 of the total of 60 days, and its abolition at present might involve losses to the indigenous persons themselves; (*b*) among the other types of compulsory labour effected on the remaining days the main ones are doubtless those resulting from the obligation imposed on indigenous districts for the upkeep of the network of roads of local interest. Since 1948 the employment of voluntary roadmakers paid at the normal rate has been largely substituted for the employment of compulsory unskilled labour.

Article 1. Compulsory labour is still to be found in the form prescribed by the legislation; it is carried out in accordance with the instructions given by the Administration, for the sole benefit of indigenous persons. It is not possible at present to fix the date on which it would be possible to remove the obligation to carry out work involving the cultivation of export produce which is imposed for training purposes.

Article 2. The compulsory labour at present carried out must be considered as normal civic obligations, with the exception of the cultivation of export produce which is imposed for training purposes and is effected for the sole benefit of the cultivators, under the control and supervision of the district and agricultural authorities and within limits clearly defined by the legislation. Before effect is given to the annual programme indigenous persons give their opinion on the usefulness of the work involved, through the indigenous authorities

and the councils of representative persons which must be consulted. If in certain districts the coercive nature of these obligations has practically disappeared, it is not yet possible to provide by legislation for the abolition of these types of labour, in view of the state of evolution of the population.

Article 4. The only compulsory labour existing is for the benefit of the indigenous persons themselves. There is no such labour for the benefit of private individuals, companies or associations.

Article 5. No concessions are granted involving forced labour.

Article 6. No constraint may be used by agents of the administration with a view to obtaining work from the populations in favour of private individuals, companies or associations. The administration intervenes in order to obtain compulsory labour, but the produce of such labour is the property of the indigenous persons; there is free competition as regards the sale of agricultural products in particular, and the indigenous persons may sell their goods to whomever they wish or need not sell them at all.

Article 7. The customary authorities still benefit from traditional dues. This right is regulated in order to avoid abuse and statute labour may be commuted through the payment of a specified tax. The local authorities are making increasing use of this right after having consulted the Council of Notables and having obtained the agreement of the indigenous authorities concerned. It should be noted that chiefs who are legally recognised to be "indigenous authorities" are remunerated by the colonial treasury and not by their districts.

Article 8. The programme of labour to be imposed is drawn up by the provincial governors in accordance with the procedure laid down in Ordinance 137 *bis*/AIMO of 25 September 1935.

Article 9. The legislation in force is in conformity with the provisions of this Article in every respect.

Article 10. Labour is never imposed as a tax. However, a taxpayer who has failed to fulfil his obligations may be imprisoned for debt, in accordance with the conditions established by the Decree of 17 July 1914 and the amendments to this Decree in respect of indigenous taxes. The number of taxpayers imprisoned for debt during 1950 amounted to 5,066 out of a total of 2,817,607 censused taxpayers. During 1951, these figures were respectively 4,930 and 2,885,880, that is, less than two per thousand. As regards the exaction of forced or compulsory labour for the execution of public works, the report refers to the replies given under Articles 1, 2, 4, 8 and 9 of the Convention. It adds that these types of labour are limited to the cases provided for under Sections 45 and 46 of the Decree of 5 December 1933 and that many of them are in fact normal civic obligations which cannot be included in the category "compulsory labour" as defined in the Convention. These obligations are imposed on indigenous districts and the indigenous authorities allocate the labour among the various subdivisions and between the inhabitants.

Article 11. Compulsory labour is carried out, in the above-defined conditions, by adult able-bodied men in or near their own village. The

population is not called upon to perform compulsory labour in distant places.

Article 12. The Decree of 5 December 1933 provides, in accordance with this Article, that no person may be constrained to participate on more than 60 days in the year in work coming under the definition of compulsory labour, unless the public health or food requirements of the indigenous populations require such urgent labour.

Article 13. These provisions are applied in the Belgian Congo. The types of work defined in Section 46 of the Decree of 5 December 1933 are remunerated from the budget of the colony. The types of labour defined in Section 45, with the exception of those listed under (d) and (h), are remunerated from the budgets of the indigenous districts.

Article 14. These provisions are applied in the Belgian Congo.

Article 15. Wherever a worker is employed under a labour contract in respect of the obligations mentioned in Sections 45 and 46 of the Decree of 5 December 1933, he benefits from the provisions of the Decree of 1 August 1949 respecting compensation for industrial accidents and occupational diseases, as well as from the provisions granting family allowances to indigenous workers laid down in the Decree of 26 May 1951, whether he is employed by the colony or by an indigenous district. This is the case of the great majority of indigenous persons employed in compulsory labour, as, on the one hand, such labour is carried out by paid workers under the budget of the colony (Section 46) and, on the other, the resources available in indigenous districts are generally sufficient to enable these districts to fulfil the labour obligations incumbent upon them by means of the employment of indigenous labour which is qualified, voluntary and remunerated. These provisions are not applied to compulsory agricultural labour for training purposes and where the sale of the produce benefits exclusively and individually the agricultural worker who is the owner. This also applies in the case of small sanitary duties which are in fact normal civic obligations.

Articles 16 and 17. These Articles are not applicable in the territory as compulsory labour necessitates no transfer or journey of populations from their usual place of residence.

Article 18. As a result of the development of the network of roads and of the generalised use made of motor cars, portage and paddling are decreasing each year. The only persons who still have recourse to these types of labour are the staff of the administration when visiting small villages situated at a distance from the roads. In similar circumstances travelling missionaries sometimes have recourse to voluntary portage or paddling. The regulations for the application of Article 18 of the Convention are to be found in Legislative Order No. 112/F.P. of 11 June 1940. The conditions of portage and paddling both as regards the requirements of the civic authorities and voluntary portage are fixed under Section 20 of Ordinance No. 476 bis of 8 December 1940 and the Orders issued thereunder by the provincial governors. The report adds that the Decree of 19 March 1925 and the provincial measures of application, as well as Ordinance No. 7/A.E. of

16 January 1934, show the intention of the Belgian Government to reduce portage as far as possible.

Article 19. Compulsory cultivation is imposed not only with a view to preventing famine or shortage of food but also for training purposes and to procure resources for the indigenous populations. Such cultivations absorb an average of 45 of the maximum 60 days specified for compulsory labour. Section 45 of the Decree of 5 December 1933 lays down that "the sale of such produce shall be made without constraint and for the sole and individual profit of the cultivators".

Article 23. The legislative texts envisaged in paragraph 1 of this Article are set out above. Compulsory labour by indigenous persons is chiefly for agriculture, as the legislation in force sets aside for this type of work an average of 45 out of the 60 prescribed days. The remaining days are divided between the upkeep of roads, the construction of buildings and sanitary duties; it should be recalled that in most cases these types of labour are carried out by workers who enter freely into contract, are paid at the normal rates and benefit from the social legislation in force, particularly as regards industrial accidents and occupational disease. All the types of labour imposed are carried out within the prescribed limits and are subject to the control and supervision of the competent authorities, to whom all indigenous persons may make claims either directly or through the Councils of Notables. The produce of cultivation is sold by the natives themselves to the highest bidder and for their exclusive profit. These types of labour in no way influence the morbidity or mortality rate, as they are carried out by each person in his village and only able-bodied men may be called upon for such labour.

Article 24. The performance of imposed labour is supervised principally by the territorial service and the agricultural service. Workers under contract who are covered by the previous Article benefit from the legal protection provided for in the Decree of 16 March 1950 to set up a labour inspectorate.

Article 25. The report refers to Sections 143 and 180 of the Belgian Penal Code.

The supervision carried out by the competent authorities, the workers' organisations and the labour inspection service generally prevents any abuses.

The Labour Department has no documentation showing whether courts of law or other courts have given any decisions affecting questions of principal in respect of the application of the Convention.

France.

French Establishments in India.

As the Act of 11 April 1946 is categorical there can be no question of personal services for the benefit of duly recognised chiefs, in virtue of Article 7 of the Convention.

French Settlements in Oceania.

The provisions of the Penal Code (Sections 114, 304, 307, 309, 341 and 354) are in force in Oceania

with regard to penalties for breaches of the Act of 11 April 1946.

French Somaliland.

Decree of 22 May 1936, to regulate native labour in French Somaliland (L.S. 1936—Fr. 3).

Decree of 12 August 1937, to promulgate the Convention.
Order of 7 September 1937, to promulgate in French Somaliland the Convention concerning forced or compulsory labour.

Decree of 22 December 1945, to repeal in the Overseas Territories the Code respecting indigenous persons.

Decree of 20 February 1946, to repeal "penalties on indigenous persons".

Act No. 46-645 of 11 April 1946, to suppress forced labour in the Overseas Territories (L.S. 1946—Fr. 4).

During the period under review no substantial call was made on forced or compulsory labour. The only exception to this general principle is to be found in the penal field, where light work may be imposed on prisoners. These types of work are defined in Order No. 38 of 19 January 1939 and relate mainly to the cleaning of the penitentiaries. Such labour, which can only be imposed on persons imprisoned as a result of a sentence given by the judicial authorities, is carried out under the supervision of the public authorities.

There are no types of compulsory civic service, even in the form of minor communal services.

There is no body of military pioneers. The performance of works for the military authorities is effected by freely recruited wage earners who are not attached to the contingents which have been brought on to the strength.

The provisions of Articles 5, 6, 7, 14, 16 and 17 of the Convention are inapplicable.

No constraint or pressure is exercised by the administration with a view to encouraging populations to work for public bodies or private persons. The labour reserves of the territory and immigration are sufficient to satisfy fully the needs of the employment market.

The protective clauses laid down in Article 9 of the Convention are safeguarded by the fact that the administration abstains systematically from having recourse to the above-mentioned types of forced labour.

There is no taxation in the form of labour requirements. The Code respecting indigenous persons, which authorised such labour, was repealed by the above-mentioned Decree of 22 December 1945.

The second, fourth and fifth questions under Article 10 in the report form are inapplicable as there is no form of taxation in kind or of imprisonment for debt in cases where taxes have not been paid.

The provisions of Article 11 of the Convention are inapplicable as the population may not be required to carry out forced or compulsory labour.

The provisions of Article 18 of the Convention are inapplicable in view of the abolition of portage following the repeal of the Code concerning indigenous persons.

During the period under review no recourse has been had to compulsory cultivation.

The above-mentioned legislative texts prohibit recourse in all cases to forced or compulsory labour for the benefit of public bodies or private persons.

The second question mentioned in Article 23 of the Convention is inapplicable as there is in fact no compulsory labour.

The labour inspectorate is specially entrusted with the supervision of the effective application of the provisions of the Convention. For this purpose, the labour inspector has the free right of entry, by day and by night, to all workplaces and all public and private undertakings in which wage earners are employed, throughout the territory of French Somaliland.

The regulations by which effect is given to the provisions of the Convention have been brought to the knowledge of the persons concerned by means of publication in the official journal of the territory.

The Act of 11 April 1946 provides for the publication of a subsequent text laying down the institution of legal proceedings in cases where the provisions repealing forced labour have not been observed. As the application of the Convention is effective no legal procedures have been instituted during the period under review.

The Convention is very strictly applied throughout the territory of French Somaliland.

The only exception concerning penal labour is strictly limited and the types of labour imposed on prisoners come within the provisions of Article 2, paragraph 2 (c), of the Convention.

No practical difficulties have been met with in the application of the relevant provisions.

Morocco.

See under Convention No. 10.

St. Pierre and Miquelon.

In application of the provisions of Act No. 46-645 of 11 April 1946, which was promulgated in the territory by the Local Order of 14 May 1946, forced or compulsory labour is strictly prohibited.

Togoland.

Legal proceedings were instituted in one case only in 1952 against a chief who tried, by means of blows and wounds, to constrain private individuals to work for his account (Section 309 of the Penal Code). It was not possible to establish proof and an appeal has now been lodged. No decision has yet been given in this respect.

United Kingdom.

Gilbert and Ellice Islands.

Ordinance No. 6 of 1951.

Section 58 of this Ordinance prohibits the employment of forced labour. In addition, magistrates, who are subject to the supervision of district administration, organise communal works in accordance with the Native Government Ordinance of 1951. The Island regulations referred to in the 1948-1949 reports continue in force under this Ordinance, and the same safeguards apply *in toto*.

Hong Kong.

Compulsory Service Ordinance, 1951.

Forced labour does not exist in Hong Kong. However, the following comments are made on exclusions from the term "forced or compulsory labour" under the provisions of Article 2, paragraph 2, of the Convention. Compulsory military

service came into force in the colony on 14 September 1951, by virtue of the Compulsory Service Ordinance, 1951. Training in the Essential Services Corps is now compulsory for persons called up under the Compulsory Service Ordinance, 1951, and allocated to the Corps. The following services will be performed by this Corps in an emergency: the administration of Government, justice and prisons; the control and operation of civil aviation; the dissemination of information; the production and distribution of coal, gas and electricity; the maintenance of facilities for banking and public finance, of communications including telecommunications and postal services, of fire-fighting services, of medical and sanitary services; the operation of land and water transport, of the Port, and of the Royal Observatory; the performance of emergency public works; the procurement of storage and distribution of food-stuffs; storage and distribution of lubricating and fuel oils; storage and distribution of Government stores; storage and distribution of fresh water, coal and firewood; the operation of canteens under the direction of the Government; maintenance of the civil aid service; the care of workers in the essential services and their dependants; and the manufacture, procurement, storage and distribution of gases of all kinds.

Persons called up serve in the Royal Hong Kong Defence Force, the Special Constabulary or the Essential Service Corps; military or civil duties are thus kept quite separate. Since minor communal services are performed voluntarily there is no need for any guarantee to prevent confusion between such services and public works which are the responsibility of the Government.

Malaya.

The work on the draft of the new Labour Code is now complete. It is hoped that the new Code will be enacted and put into effect during 1953.

Northern Rhodesia.

Under Article 2 of the Convention reference is made to Section 12 of the Natural Resources Ordinance.

Sierra Leone.

Article 13. The working day is eight hours and the prescribed distance is 12 miles. Wages are 2s. 6d. per day and 6d. per mile for short journeys. Overtime has to be paid after eight hours or 3d. for every mile after 12 miles.

Article 22. Seventy-six man-days were worked by 137 men on portage (an average of over half-a-day per man); 13 man-days were worked by 13 men on maintenance and repairs to buildings (an average of one day per man). The above forced labour was exacted in two of the 12 Protectorate Districts, namely, Bombali and Koinadugu, and did not in any case exceed eight hours per day. There were no prosecutions, deaths or cases of sickness.

Tanganyika.

During the period under review, in four of the eight provinces no labour was requisitioned for minor public works under Article 10 of the Convention; in three other provinces, none was requisitioned for native authorities.

The general increase in the figures of labour requisitioned this year is attributable to the greater activities in rural areas following the implementation of development projects and increases in revenue and expenditure in the budgets of native authorities. This does not apply to the man-days worked on minor public works.

During the period under review 4,102 workers were requisitioned for portage (Article 18 of the Convention), for a total number of 10,656 man-days of work lasting from four to eight hours (this included the carrying of loads, the portage of money and sick persons' supplies).

During the same period 10,461 workers were employed on minor public works (Article 10), totalling 95,203 man-days of work, varying from six to eight hours (essential and urgent road and building works).

The number of workers employed by the native authorities (Article 7) was 4,578 for a total of 104,513 working days of from six to eight hours (essential road and building work of direct benefit to the community).

Uganda.

Ordinance No. 12 of 1950, Section 243.

During the period under review 1,296 men were called out and performed 2,858 man-days of work. The construction of new roads and tracks is leading to a decrease in the number of men required for portage. The lowest rate of pay current outside Buganda increased by approximately 20 per cent.

There are now two registered trade unions in the Protectorate.

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

New Zealand.

Cook Islands.

See under Convention No. 12.

Western Samoa.

See under Convention No. 12.

United Kingdom.

Dominica.

A new quay fitted with power-driven cranes is shortly to be built and the Convention will be re-examined with a view to introducing legislation to give effect to it. About 120 men are usually

employed in loading and unloading ships. No accidents were reported during the period under review.

Gibraltar.

A Factories Ordinance is being given priority in the legislative programme and it is envisaged that Dock Regulations based substantially on those in force in the United Kingdom will be made under this Ordinance. The number of workers who would be covered by Dock Regulations is approximately 500. The Accidents and Occupational Diseases (Notification) Ordinance (No. 21 of 1950) imposes an obligation on employers to notify accidents occurring in the course of employment which involve absence from work for more than three days. During the period under review 41 such accidents sustained by dock workers have been reported.

No observations were made by employers' or workers' organisations regarding the introduction of legislation to provide specific cover for dock labour, but representations have been made by the Gibraltar Confederation of Labour for the introduction of a Factories Ordinance on the lines of the United Kingdom Factories Act, 1937. As stated above, a draft Factories Ordinance is in course of preparation.

Gold Coast.

Dock Regulations, No. 37 of 8 December 1951, as amended by the Docks (Amendment) Regulations No. 24 of 1952.

The above Regulations make specific provisions to ensure safety with special reference to lighting, access from deck to hold, lifting, marking, maintenance of and accessories to hatch beams, fencing of hatches and holds, methods of loading and unloading, the use of hooks, precautions as to skeleton decks, stacking, etc., security and use of beams, employment of signallers, precautionary measures for cranes, winches, drivers' platforms, steam power, loading or lifting of machinery, fencing of motors, etc., goods placed on deck, deck stages, etc., prohibition of the tying of knots in chains, employment of incompetent persons, and interference with fencing, etc. Provision is also made for the supply of first-aid equipment and of ambulances.

The number of workers covered by the Regulations is estimated at 5,000. No contraventions or accidents have been reported since the promulgation of these regulations.

Hong Kong.

During the period under review the monthly average of vessels over 60 tons entering and

leaving the port was 392 and 393 respectively. Twenty-one accidents, mainly due to falls, were reported, five of them being fatal.

A Government Committee, especially set up to enquire into the handling of dangerous goods, has submitted its report.

Kenya.

During the period under review an average number of 4,300 workers was employed daily in the port of Mombasa. There were 236 minor, 36 serious and seven fatal accidents.

Malta.

The Dock Safety Regulations, issued under the Factories Ordinance, were challenged and partly declared *ultra vires* by the courts on the grounds that the extension of the definition of "factory" under the Ordinance to ships within the territorial waters of Malta was not contemplated in the Ordinance. Steps are being taken to regularise the position.

St. Lucia.

Consideration of a scheme for the insurance of dock workers (see the 1949-1950 annual report) was deferred as the cost would have been beyond the resources of the Dock Workers' Union.

Sierra Leone.

The deep-water quay is still under consideration and arrangements for the control and the management of the docks are therefore pending.

Solomon Islands.

There are no special legislative provisions at the moment but legislation to deal with protection against accidents generally is under consideration.

Tanganyika.

The Factories Ordinance, 1950, came into operation on 1 January 1952. In the first six months of its operation no court orders were made regarding dangerous conditions and practices under Section 43 of the Ordinance, neither did the member of the Executive Council responsible for labour affairs make any rules in respect of safety, health and welfare under Section 65. Safety measures will, however, be progressively introduced under the relevant provisions of the Ordinance to comply with the requirements of the Convention.

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

France.

French Establishments in India.

The abundance of adult labour is the chief reason for which non-industrial employers do not have recourse to the employment of children under 14 years of age.

It has not been felt that the Convention has any useful purpose.

French Somaliland.

No exceptions have been made in respect of the age for the admission of children to non-industrial employment.

Young persons between 13 and 18 years of age may be employed in light work of an urgent character but only on a daily basis: they may not be required to carry or push loads exceeding 20 kg.

The labour inspection service is responsible for the supervision. No decisions were given by courts of law.

No observations were made by employers' or workers' organisations.

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 Establishments in India.

On 30 June 1952 the number of pensioners of textile factories was 751.

The application of the Convention seems unnecessary.

French Settlements in Oceania.

See under Convention No. 2.

French Somaliland.

There is at present no compulsory scheme. However, a large number of undertakings have set up pension funds for their European and indigenous employees.

A pension scheme for indigenous persons has been adopted by the Franco-Ethiopian Railways. Other large undertakings, such as the East African Company and the Southern Salt Marshes and Djibouti Salt Works Company, grant to employees who have been dismissed after a long period of service a lump sum varying between 10,000 and 30,000 Djibouti francs.

The administration has a very extensive pension scheme for its auxiliary indigenous staff, both employees and workers.

As regards Europeans recruited in their home countries, the large undertakings of the territory, such as the Franco-Ethiopian Railways, the East African Company, the Batignolles Building Company, the General East African Company, etc., have provided either a pensions scheme or for the membership of their staff with a specialised body, the "Metropolitan Fund for the Allotment of Pensions to Expatriated Metropolitan Workers".

No observations were made by employers' or workers' organisations.

Morocco.

See under Convention No. 10.

United Kingdom.

British Guiana.

The Government introduced in 1944 a system of non-contributory old-age pensions which are paid from public funds. The application of the Old-Age Pensions Ordinance is entrusted to the Government Social Assistance Department.

A number of industrial and commercial undertakings have introduced contributory and non-contributory pensions schemes.

The Legislative Council has adopted a Resolution requesting the services of an expert to examine

the question of a contributory pension scheme for the workers of the colony and to make recommendations.

Cyprus.

See under Convention No. 25.

Falkland Islands.

During the period under review the Old-Age Pensions Ordinance No. 3 of 1952 was enacted, and the Old-Age Pensions Regulations, 1952, were made. The Ordinance provides for the introduction of a compulsory contributory old-age pensions scheme.

Every employed person is required to pay weekly contributions at the rate of 2s. per week between the ages of 21 and 60 years, or at the rate of 1s. 3d. per week between the ages of 18 and 21 years, the employer paying 3s. and 1s. 9d. per week respectively. Self-employed persons are required to pay weekly contributions at the rate of 5s. per week between the ages of 21 and 60 years, or at the rate of 3s. per week between the ages of 18 and 21 years. Various provisions are made with regard to qualifications for pensions, the withdrawal of contributions, unemployment, payment of old-age pensions, disqualification and inspection. The administration of the Ordinance will be entrusted to inspectors to be appointed. The Ordinance had not come into operation at the end of the period under review. The Regulations make provisions regulating the issue, custody and disposal of pension cards, registration of contributors, recovery by employers of contributions paid on behalf of employed persons, employment by two or more employers, the investigation of claims, the payment of pensions, and other matters.

Gibraltar.

During the period under review, assistance was granted to 353 persons who would otherwise be eligible for old-age pensions. The total expenditure on this service during the same period was £8,462.

Representations have been received from the Gibraltar Confederation of Labour for the introduction of legislation to provide a comprehensive scheme of contributory old-age pensions. The Government replied that its aim of policy was to provide such a scheme when sufficient statistical information was available to enable a satisfactory scheme to be prepared. This information is now available and draft legislation is being prepared.

Leeward Islands.

The committee referred to in the previous report has recently submitted its report, which is now under consideration by the Antigua administration.

A compensation scheme was inaugurated at the St. Kitts (Basse-Terre) sugar factory on 1 September 1951; this is a non-contributory scheme operated by the factory management and is restricted to employees of the sugar factory.

Malaya.

The Employees' Provident Fund Ordinance was put into effect on 1 July 1952, that is, after the period under review. A brief note on the implementation of the Ordinance is included in the report. Some opposition was encountered from employees to the principle of compulsory contributions and the normal inspection work of the Department was suspended for two months, the inspectors devoting their time to visiting places of employment to explain the provisions of the Ordinance. The first deductions from wages at the end of July were made without incident, except in one or two minor and isolated cases.

No separate data are available as regards agricultural and industrial undertakings, but a total of 400,539 non-Government employees have so far been included in this scheme, which covers 159,095 Government employees.

Applications have been received from some 300 private provident funds to be registered as approved funds. The figure for the number of employees covered by these funds is not available.

Northern Rhodesia.

The Convention cannot be applied at present as Northern Rhodesia has not yet reached the stage of development which would make its application practicable. The large majority of Africans are still migrant workers who work for a few years in the industrial areas and then return to their villages for periods of rest of up to two or three years. In this way they still maintain contact with their villages to which, in general, they ultimately return.

Europeans employed by the larger mining and industrial undertakings are usually covered by contributory, provident or pension fund schemes.

Certain classes of European and African civil servants receive pensions from the State upon reaching the age of retirement. These pensions are on a non-contributory basis.

St. Helena.

Government employees are covered by a non-contributory pension scheme as laid down in the St. Helena Pensions Ordinance, No. 8 of 1952. The total number of pensioners under the scheme at 30 June 1952 was 27, and the expenditure from public funds during the year ended 30 June 1952 amounted to £2,975 9s. 10d.

Singapore.

During the period under review a Bill to institute a central provident fund for all employees was laid before the Singapore Legislative Council.

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

*France.**French Settlements in Oceania.*

See under Convention No. 2.

French Somaliland.

There is no agriculture as such in which wage earners are employed. The only comparable undertaking, the Southern Salt Marshes and Djibouti Salt Works Company, applies the system mentioned under Convention No. 35.

No observations were made by employers' or workers' organisations.

Morocco.

See under Convention No. 10.

New Caledonia and Dependencies.

The Order of 22 February 1952 provides for the extension to wage earners in agriculture and stock-breeding of the scheme of assistance to aged workers in industry, commerce and agriculture which was established by the Order of 16 August 1951 (see under Convention No. 35 in the report for 1950-1951).

*United Kingdom.**British Guiana.*

See under Convention No. 35.

Falkland Islands.

See under Convention No. 35.

Cyprus.

See under Convention No. 25.

Malaya.

See under Convention No. 35.

Northern Rhodesia.

See under Convention No. 35.

St. Helena.

Government employees are eligible for gratuities on retirement, as provided for in St. Helena Pensions Ordinance No. 8 of 1952.

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 Establishments in India.

The three textile factories have so far 67 invalidity pensioners. Local conditions do not permit either the setting up of social insurance funds or settled homework. The Convention cannot therefore be applied.

French Somaliland.

There is no compulsory invalidity insurance scheme for wage earners of any kind.

However, in a large number of cases the custom is growing of having European wage earners who were recruited by contract covered by the benefits of the metropolitan social security scheme, either by means of direct affiliation to a metropolitan fund or by undertakings assumed by employers to discharge obligations identical to those resulting from the social security scheme.

No observations were made by employers' or workers' organisations.

Morocco.

See under Convention No. 10.

United Kingdom.

Hong Kong.

The possibility of the application of this Convention to the colony has been kept under review

but no general system of invalidity insurance can be successfully introduced until, among other things, the population, of which Chinese nationals are estimated to form some 95 per cent., attains a considerable degree of stability. The movement of Chinese nationals into the colony and in particular back to China has now become less free than before, but the population is still far from having attained the stability which would make practicable the deductions of compulsory contributions on which any system of insurance must be based.

Malaya.

See under Convention No. 35.

Northern Rhodesia.

See under Convention No. 35.

St. Helena.

Government employees are covered by a non-contributory pension scheme, as laid down in St. Helena Pensions Ordinance No. 8 of 1952. The total number of pensioners under this scheme at 30 June 1952 was six, and the expenditure during the year ended 30 June 1952 amounted to £186 8s. 1d. from public funds.

Solomon Islands.

See under Conventions Nos. 24 and 35.

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

France.

French Somaliland.

French Somaliland, which is a desert or semi-desert region, has hardly any agriculture. In the neighbourhood of Djibouti alone there are some gardens which are cultivated without the assistance of wage earners.

The only large undertaking which can be said to be an agricultural undertaking is the Djibouti Salt Works Company, which employs approximately ten Europeans and 300 indigenous persons. The wage earners in question do not benefit from an invalidity insurance scheme or a similar scheme except in the case of illness or accident due to employment.

No observations were made by employers' or workers' organisations.

Morocco.

See under Convention No. 10.

United Kingdom.

Gibraltar.

There are no workers employed in agricultural undertakings in Gibraltar.

Pending the introduction of general legislation on invalidity insurance, persons who are incapacitated for work and are thereby unable to earn appreciable remuneration are eligible for financial assistance under a scheme administered by the Department of Labour and Welfare. They are also eligible for free medical attention and treatment. This scheme applies equally to all workers.

tated for work and are thereby unable to earn appreciable remuneration are eligible for financial assistance under a scheme administered by the Department of Labour and Welfare. They are also eligible for free medical attention and treatment. This scheme applies equally to all workers.

Leeward Islands.

The committee referred to last year has recently submitted its report, which is now under consideration by the Antigua administration.

Malaya.

See under Convention No. 35.

Northern Rhodesia.

See under Convention No. 35.

St. Helena.

At present no pensions are being paid under this insurance system.

See also under Convention No. 37.

Solomon Islands.

See under Conventions Nos. 24 and 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.

Cyprus.

See under Convention No. 25.

Gibraltar.

On 30 June 1952 the total number of widows in receipt of assistance was 16. These widows would not be entitled to benefit by virtue of any other laws or regulations (if such were in force) providing for old-age pensions or for the payment of a widow's pension under the Employment Injuries Insurance Ordinance (which came into effect on 7 July 1952). The total expenditure on financial assistance granted in this respect during the period under review was £969.

Leeward Islands.

See under Convention No. 38.

Malaya.

See under Convention No. 35.

North Borneo.

The results of the census of June 1951 show 334,141 persons as the total population of the colony.

Northern Rhodesia.

See under Convention No. 35.

40. Convention concerning compulsory widows' and orphans' insurance for persons employed in agricultural undertakings

United Kingdom.

Gilbert and Ellice Islands.

The only type of agricultural undertaking is copra production and no person may be contracted for periods exceeding 18 months (12 months in the case of workers unaccompanied by their families). All indigenous inhabitants, including women, are landowners and there is no question of any person being dependent upon wage earning for a livelihood. Workers who accept periodical employment are covered by the Workmen's Compensation Ordinance, 1949.

Leeward Islands.

See under Convention No. 38.

Malaya.

See under Convention No. 35.

North Borneo.

See under Convention No. 39.

Northern Rhodesia.

See under Convention No. 35.

41. Convention concerning employment of women during the night (revised 1934)

Belgium.

Belgian Congo and Ruanda-Urundi.

Ordinance No. 476 bis/ALMO of 8 December 1940, respecting the health and safety of workers.

Ordinance of the Governor-General of 20 January 1948, to regulate the night work of indigenous women.

Decree of 21 March 1950, concerning technical safety and health in workplaces.

Article 1. The definition of industrial undertakings in the legislation of the Congo is in conformity with that of the Convention. The legislation applies to all the industrial undertakings enumerated in the Convention and no distinction is made between industry as such and commerce and agriculture. The provisions of the Convention have not been reproduced *in toto* in the definition of industrial undertakings as the night work of

children is prohibited under another Ordinance. Convention No. 6, which prohibits the night work of children, contains a different definition of industrial undertakings and this definition has been adopted uniformly in the case of provisions relating to the night work of women and children.

Article 2. The term "night" means the interval between 7 p.m. and 6 a.m. No use has been made of the possibility provided for in paragraphs 2 and 3 of adopting another definition of this term in respect of some industries. In fact, regulations dealing with shift work would not be relevant as women are very rarely employed in the territory.

Article 3. Under the legislation of the Belgian Congo the scope of the prohibition of night work by women is general. It applies to all women

employed in the enumerated industrial undertakings, with the exception of undertakings where only members of the same family are employed.

Article 4. The provisions of this Article have been reproduced in the Ordinance of 20 January 1948. As indicated under Article 2, no steps have been taken to define cases of *force majeure* or to enumerate the types of work involving the handling of materials which are subject to rapid deterioration. Such measures would be irrelevant at present.

Article 5. The provisions of this Article are inapplicable in the territory.

Articles 6 and 7. These Articles have not been applied in the territory.

Article 8. The Ordinance provides that the Convention shall not apply to women holding responsible positions of management who are not ordinarily engaged in manual work.

The administrative authorities and the labour inspectorate are entrusted with the application of the legislation prohibiting the night work of women. The Decree setting up the labour inspectorate provides that labour inspectors may carry out their visits at any hour of the night when they have reason to believe that workers are employed.

The Decree of 21 March 1950 has a more general application than that of 15 June 1921, which it repeals. It covers all persons, whether indigenous or not, who are parties to a contract of employment, labour, apprenticeship, or any other form of hiring of services. The Decree of 1921 did not provide for the inspection of public undertakings. This has been changed by a provision inserted in the Decree of 16 March 1950 concerning labour inspection. This Decree has abolished the distinction between the inspection of public and of private undertakings.

No decisions were given by courts of law or other courts concerning the principles laid down in the Convention.

France.

French Equatorial Africa.

See under Convention No. 4.

French Establishments in India.

See under Convention No. 4.

French Somaliland.

See under Convention No. 4.

Morocco.

See under Convention No. 4.

42. Convention concerning workmen's compensation for occupational diseases (revised 1934)

France.

French Establishments in India.

In spite of the small number of undertakings dealing with coal, cotton and paint, account must be taken of the risks which may be involved in the handling of such materials. It would be well therefore to consider the drawing up of a text on this question for the territory.

See also under Convention No. 18.

French Somaliland.

See under Convention No. 17.

New Caledonia and Dependencies.

See under Convention No. 18.

New Zealand.

Cook Islands.

See under Convention No. 12.

Western Samoa.

See under Convention No. 12.

United Kingdom.

British Guiana.

The Bill which will shortly be introduced in the Legislative Council is designed to provide the payment of compensation for occupational diseases; such diseases are to be specified from time to time by the Governor in Council.

See also under Convention No. 17.

Dominica.

The Accidents and Occupational Diseases (Notification) Ordinance (No. 29 of 1951) became effective as from 31 December 1951. This Ordinance requires that accidents and occupational diseases are to be reported to the Health and Labour Departments and empowers the Government to open a formal investigation regarding any accident arising out of or in the course of any work, or regarding any occupational disease contracted or suspected to have been contracted by a worker in the course of his employment. The labour officer is responsible for the administration of the Ordinance. No accidents or occupational diseases have been reported.

Fiji.

Workmen's Compensation (Amendment) Ordinance No. 8 of 1948.

This Ordinance increased the minimum compensation in the case of permanent total incapacity from £125 to £170. This information was inadvertently omitted from the report for 1948-1949.

Gibraltar.

Under the Employment Injuries Insurance (Occupational Diseases) Regulations, 1952, compensation is payable to workmen incapacitated by occupational diseases, or, in the case of death from such diseases, to their dependants, in accordance with the general principles relating to compensation for industrial accidents. The main

rates of compensation payable during the period of incapacity are 35s. per week for men and 21s. per week for women, with correspondingly lower rates for persons under 20 years of age.

See also under Convention No. 17.

Kenya.

During the period under review the Medical Adviser to the Labour Department discovered 20 cases of suspected silicosis amongst the mine-workers of the colony. The cases were all of a very mild nature and, in collaboration with the Director of Medical Services, the most active measures are being taken to prevent the disease and cure the miners suffering from it.

Leeward Islands.

See under Convention No. 12.

Malaya.

No statistics are available showing (a) the number of workers employed in trades, industries or processes that give rise to the diseases or poisonings mentioned in the Convention; (b) the number of cases of such diseases or poisonings which have been reported or (c) the sum paid by way of compensation.

For statistics on the total number of claims see under Convention No. 19.

North Borneo.

No cases of disablement or death due to occupational diseases have yet been reported in the colony.

Northern Rhodesia.

Article 1. The rates of compensation are limited by the definition of "earnings" given in the legislation, which imposes a maximum figure of £60 a month in the case of non-Africans and £5 10s. in the case of Africans. For total permanent disablement a non-African receives half-pay or £30 a month, whichever is the less, plus an allowance based on the size of the family; for 100 per cent. disablement an African receives a monthly pension equal to half the monthly earnings, or 55s. a month, whichever is the less, plus a family allowance.

Compensation for scheduled industrial diseases is paid in exactly the same way as if the diseases

were accidents and at the same rate, except in the case of silicosis and tuberculosis. For silicosis in the first stage a miner is entitled to a lump sum of £570 in the case of a non-native and £50 in the case of an African. In the second stage a non-native miner is entitled to a pension of £14 a month for himself, £4 a month for his wife and £2 for each child under 18 years of age, while an African miner is entitled to a pension of £1 10s. a month, irrespective of family. In the third stage of silicosis a non-native miner is entitled to a pension of £23 10s. a month for himself, £6 10s. for his wife and £3 5s. for each child under 18 years of age, while an African miner is entitled to £2 10s. a month irrespective of family. The benefits for tuberculosis contracted while employed in mining are set out in Sections 63 and 64 of the Silicosis Ordinance.

The legislation is applied by the Department of Labour and Mines, the Silicosis Bureau and the Silicosis Compensation Board.

St. Lucia.

See under Convention No. 12.

Sierra Leone.

See under Convention No. 12.

Singapore.

The report gives revised figures for the number of workers employed in dangerous trades or industries.

See also under Convention No. 12.

Tanganyika.

Nine cases of anthrax were reported during the calendar year 1951. One case resulted in death, and the sum of E.A.Shs.1,872 was paid as compensation to the dependants of the deceased in the first quarter of 1952. In the remaining eight cases hospitalisation and medical treatment resulted in cure with no permanent residual incapacity. The employees concerned received half-pay amounting to E.A.Shs.254/50 for the duration of the temporary incapacity, in accordance with the Workmen's Compensation Ordinance.

Trinidad and Tobago.

See under Convention No. 12.

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

France.

French Settlements in Oceania.

The application of the Convention is not relevant since there are no glassworks in Oceania.

French Somaliland.

The application of the Convention is not relevant in view of the absence of the industries in question.

Morocco.

See under Convention No. 10.

44. Convention ensuring benefit or allowances to the involuntarily unemployed

*France.**French Equatorial Africa.*

There are neither legislation nor regulations ensuring benefit or allowances to involuntarily unemployed persons. Such regulations would in fact serve no practical purpose as the Federation suffers from a chronic shortage of manpower which can only be solved by immigration.

French West Africa.

The present economic and social structure of the territories does not permit the institution of unemployment benefits or allowances.

French Somaliland.

The labour market has certain special characteristics; the majority of the wage earners—about 80 per cent.—belong to the category of unskilled labourers who offer their services by the day and constantly change their employment. It happens quite frequently that workers of this category refrain voluntarily from working for several days or weeks for purely personal reasons (visits to their relatives in the country, etc.). In these circumstances it appears difficult to draw a distinction between voluntarily unemployed and involuntarily unemployed persons, and this constitutes a major obstacle to the application of the Convention.

No observations were made by the employers' or workers' organisations.

French Settlements in Oceania.

See under Convention No. 2.

Morocco.

See under Convention No. 2.

Togoland.

In European or American countries, and even in Africa in the urban centres where the population has lost its contacts with the tribe and where persons who do not work are unable to provide themselves with food, unemployment benefits are a real necessity. This is, however, not the case in Togoland, where there is scarcely any industry at all and where all the inhabitants maintain their family ties and are engaged in the production of food crops. This fact is further confirmed by the existence of a large number of seasonal labourers.

However, in Lomé, as in the majority of African urban centres, there is a shifting population which

lives at the expense of employed relatives and which does not seek employment. It is quite difficult at the present time to make a census of these persons, but if an unemployment allowance were instituted their number would probably become known very rapidly. This very special situation is undoubtedly the main obstacle to the introduction of unemployment benefits in Togoland.

*United Kingdom.**Gibraltar.*

During the period under review the amount disbursed by way of assistance to unemployed persons was £880.

Two local trade unions have passed resolutions requesting the introduction of social security legislation, including provisions for unemployment insurance, and have been informed that this has been accepted as an aim of policy.

Leeward Islands.

See under Convention No. 38.

Northern Rhodesia.

The Convention has not been applied in Northern Rhodesia as the stage of social development of the indigenous community and the lack of facilities for registration for purposes of identification do not permit of its application.

The majority of the indigenous inhabitants are engaged in agricultural production on their own land. All indigenous persons are able to earn a livelihood either by gainful employment or by cultivation. No unemployment problem exists or is likely to exist under foreseeable conditions, since mining, secondary industry and commerce are all expanding and there is a shortage of all types of labour.

St. Helena.

During the period under review an average of 91 men were employed on relief work; the estimated cost of relief for 1952 amounted to £5,600 out of a total budget of £116,139.

Solomon Islands.

The indigenous population is not under any economic necessity to seek paid employment. The introduction of expatriated persons is subject to control by landing bonds. The protectorate has no legislation regarding unemployment, and as the present stage of development no legislative measures are required.

45. Convention concerning the employment of women on underground work

*France.**French Settlements in Oceania.*

See under Convention No. 2.

*United Kingdom.**Gilbert and Ellice Islands.*

Ordinance No. 6 of 1951.

Under Section 64 (b) of the Ordinance the Resident Commissioner is empowered to prohibit the employment of women in any specified class of undertaking.

No underground mining is carried out in the colony and therefore no use has yet been made of these powers.

Hong Kong.

The executive staff at the Labour Department of the Hong Kong Government consists of a chief labour inspector (male, European) and nine labour

inspectors (two male, European; four male, Chinese; three female, Chinese), who are all charged with the practical enforcement of the legislation. In addition to other duties the woman labour officer, assisted by the women inspectors, carries out inspection work, paying special attention to all problems in connection with the employment of women and young persons.

A mines sub-unit of the Labour Department was established on 11 October 1951, which includes a superintendent of mines (male, European), and an assistant inspector (male, Chinese).

Malaya.

See under Conventions Nos. 17 and 19.

Sierra Leone.

There is now one gold mine employing a small number of men underground and a chrome ore mine is just starting underground work. Women are not employed in the mines in the territory.

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

*France.**French Settlements in Oceania.*

See under Convention No. 2.

Morocco.

See under Convention No. 10.

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

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

Decree of 17 March 1950, to set up the labour inspection service.

Decree of 21 March 1950, respecting the safety and hygiene of workplaces.

Decree of 26 May 1951, to organise a system of family allowances for natives.

Provincial Implementing Measures respecting the recruitment, hiring, equipment, rationing, physical aptitude, housing, hygiene, safety supervision and repatriation of workers, as well as the acclimatisation of newly-recruited or hired workers.

The following are the principal measures taken by the Belgian Government with a view to encouraging family recruitment: (a) recruitment is made subject to the obligation, often required by the authorities, to hire workers who are accompanied by their families; (b) a recent Decree requires the payment of family allowances to natives, and employers must pay a special tax if they do not hire a given number of workers who are accompanied by their families; (c)

employers must provide housing for the workers' families.

Article 1. In accordance with the Act of 10 September 1947, the Convention was approved without reservation and is therefore fully implemented. As the legislation in force is not in complete harmony with the international Conventions concerning the recruiting and contracts of employment of indigenous workers, a draft Decree has been submitted to the Department for the Colonies with a view to adapting the regulations to the international standards contained in the undertakings contracted by Belgium.

Article 2. At present there are no agents in the Belgian Congo who obtain workers without the latter knowing for whom and under what conditions they will work. The recruiter is now in fact the employer himself, one of his agents or another person acting on his behalf. Recruiting is not considered as such unless there is a minimum distance of 25 kilometres between the place of recruiting and the place of work (Section 31 of the Decree of 5 December 1933).

Article 4. The bringing of pressure to bear on populations is also prohibited by the Circular No. 4/AIMO of 29 March 1938, which advises against the practice of the payment of recruitment premiums by the employers to the native authorities and specifies that, if such premiums are paid, they must be paid into the Native Administrative Funds.

Article 5. During the period 1 July 1951 to 30 June 1952, 13 Orders were issued by Provincial Governors prohibiting the withdrawal of manpower. The report adds that the over-all problem of native manpower arising from the economic development of the colony is receiving the special attention of the Administration, which has undertaken a large-scale enquiry in order to ascertain the reserves of manpower and to examine suitable measures for obtaining maximum output from native workers. This question was discussed in the Government Council (July 1952) and a Native Manpower Commission was set up by Ministerial Order of 3 January 1952.

Article 6. The new draft Decree prohibits the recruiting of non-adult persons under 18 years of age without the specific consent of those persons exercising parental authority, of any person under the age of 16 years for any other purpose except light work as defined by the Governor-General, or of any child under ten years of age.

Article 9. The provisions of the Decree of 16 March 1922, which provide for punishment for any violence, threats, false promises or fraudulent practices resorted to for the purpose of recruiting or hiring natives, apply to all persons, including chiefs. Chiefs are not permitted to act as recruiting agents.

Articles 11 and 12. Employers in any capacity whatever must have a licence if they wish to recruit, hire or attempt to hire native workers. This licence is known as a recruiting permit and is issued by officials designated by the Provincial Governor (Decree of 16 March 1922, Sections 38 to 45).

Article 14. The recruiting permit is issued to individual persons. A licence must be obtained in advance for any recruiting operation (Decree of 16 March 1922, Section 38).

Article 15. The exceptions provided for in this Article are not contained in the legislation. However, persons who recruit or hire for themselves or for another person a total of not more than ten workers are not required to have a permit. The same applies to officials or magistrates in detached service who recruit porters or paddlers for a period of not more than 15 days (Decree of 16 March 1922, Section 38). The legislation prohibits recruiters from making advance payments in cash or in kind to any natives who have not been regularly engaged (Ordinance of 12 July 1917, Sections 1 and 4).

Article 16. All workers must be brought before the authorities prior to their transfer and note is then taken of their physical fitness and of the conditions of their employment (Governor-General's Ordinance of 8 December 1940, Section 6, paragraph 3, and Section 26).

Article 18. This Article is covered by Chapter III of the Ordinance of 8 December 1940 respecting

the certificate of physical fitness (Sections 37 *bis* to 37 *sexies* of the Decree of 16 March 1922, and Section 10 of the Ordinance of 8 December 1940 regulating the question of acclimatisation and adaptation of recruited workers). The medical examination of recruited workers is compulsory prior to their transfer. The procedure followed in examining the physical fitness of the workers is in accordance with the provisions of the Convention. Their adaptation and acclimatisation may be required. If no doctor or competent authority is present at the place of recruitment or within a distance of 15 kilometres, or is unable to go there, the recruited persons must be presented to the nearest authority on the way to the place of employment for the purpose of a report regarding their fitness.

Article 19. The transport of recruited workers to the place of work, their housing during the journey and their medical care are regulated by the legislation in accordance with the Convention. Because of the development of the road network and of rail and water transport, journeys on foot are becoming increasingly exceptional. One of the provisions of the Ordinance of 8 December 1940 lays down that, on routes where public means of transport exist, recruited natives may not be sent on foot to the place of employment if the distance which has to be covered is more than 100 kilometres. This also applies to repatriated natives. This distance may be increased or decreased by the Provincial Governor when the conditions of the climate and the land justify it. In actual fact, the use of motor transport is becoming more and more general and, except for short distances, recruited persons are transported by public or private means of transport or on vehicles belonging to the employer. This also applies to the members of the family who accompany them. Any caravan of more than 25 natives must be accompanied by a responsible person chosen outside the contingent. This person must have one assistant per 50 men (Ordinance of 8 December 1940, Section 10).

Article 20. The travelling expenses of recruited workers, their food, housing and medical care during the journey are the responsibility of the employer or the recruiter. Recruited persons must be given healthy and adequate food and clothing and provided with a blanket if the distance to be covered is more than 25 kilometres. The obligations imposed on the recruiter are the same regardless of his status (Ordinance of 8 December 1940, Section 9, and Decree of 16 March 1922, Section 32).

Article 21. The recruiter or the employer must repatriate a recruited worker if he becomes incapacitated during the voyage, if he is found unfit for employment on medical examination, if he does not secure employment for reasons for which he is not responsible, or if he has been recruited by fraud or error. The obligation to repatriate a worker in the case of incapacity remains valid for one year. Section 32 of the Decree of 16 March 1922 stipulates that repatriation is compulsory if the work promised to the worker is not obtained for him.

Article 22. The regulation and limitation of advance payments to recruited workers are governed by the Ordinance of 12 July 1917, which

prohibits any advance on future wages before engagement. The new draft Decree respecting contracts of employment will limit the amount of advances which the employer may grant to the worker.

Article 23. The members of the worker's family accompanying him are covered by the provisions in Articles 19 and 20 of the Convention; however, the provision of a blanket is not compulsory for the wife of a worker unless she is pregnant or is accompanied by a child. The obligation to repatriate a worker covers the worker's family. The transportation of the recruited worker's family is at the expense of the employer. The methods of transport are the same as those for the worker himself; transportation is free of charge and medical care is provided. In the case of the death of a worker the employer is under the obligation to repatriate his family within one month.

Article 24. Agreements were concluded in 1950 by Ruanda-Urundi with the neighbouring territories of Kenya, Tanganyika and Uganda, for the purpose of supervising the recruitment and employment of workers in one territory who offer their services in another. An annual conference of the representatives of these territories is held for the purpose of examining the results obtained and for determining the practical measures to be taken as the occasion may arise. The last meeting of this kind took place in Usumbura in 1952. The texts covering the immigration of coloured persons and of workers into Ruanda-Urundi are the Decree of 19 July 1926 and the Ordinance of 31 October 1941. Under present conditions, a contract of employment is drawn up at the place of recruitment and the workers therefore benefit from that moment from the advantages contained in the Decrees of 16 March 1950 concerning labour inspection, 1 August 1949 concerning workmen's compensation, and 26 May 1951 concerning family allowances.

No decisions of principle concerning the application of the Convention were reported.

The legislation regulating the recruitment of workers has been in force for a number of years, and its application no longer gives rise to any difficulties. The provisions of the legislation are fully observed.

New Zealand.

Labour in the New Zealand group of islands is recruited by the French Phosphate Company of Oceania to work the deposits at Makatea in the Society Islands. Individual labourers are recruited on single-year contracts and must undergo medical examinations both before and after their term of employment. During their employment labourers are required to make allocations from their wages either to their dependants or to their savings-bank accounts. The work is relatively highly paid and many workers seek re-employment. At 31 March 1952 there were 239 male labourers at Makatea, the largest group having come from Raratonga. As explained in previous reports, these workers offer themselves spontaneously through the agencies controlled by the Administration.

A number of Cook Island Maoris, particularly females, go to New Zealand as domestic servants or to learn trades. This migration is under super-

vision and persons desiring to leave the islands are subject to examination as regards health and character.

Cook Islands.

Recruiting of Workers (Prohibition) Ordinance No. 4 of 1951.

In virtue of this Ordinance the recruitment of persons who do not spontaneously offer their services at the place of employment is specifically prohibited.

United Kingdom.

Barbados.

During the period under review 635 men migrated to the United States of America under contract as agricultural workers. All the workers offered themselves through the Bureau of Employment and Emigration. In addition, 83 men were engaged for work in Curaçao by a private employers' agent who holds a recruiting licence for this purpose.

Basutoland.

By Section 1 of Proclamation No. 43 of 1951, a new subsection 3 (*d*) is added to Proclamation No. 5 of 1942. Exemption is now granted to bona fide farmers of the Union of South Africa, whose total number of employees is less than 50, to recruit labour for seasonal agricultural activities, provided the period of employment does not exceed two months and that any such farmer first obtains the written permission of the commissioner of the district in which such recruitment takes place.

Fiji.

Three recruiting licences were issued during the period under review.

Gilbert and Ellice Islands.

Ordinance No. 6 of 1951.

Part V of the Ordinance regulates the recruitment of indigenous workers. The recruitment must be under licence and it is provided that the Resident Commissioner shall take into consideration the welfare of the population before granting permission to recruit labour. All labour recruited is engaged by written contract signed in the presence of a district commissioner or an official of the same grade. Various provisions are made governing, *inter alia*, the recruitment of young persons, the medical examination of recruits, the defrayal of transport expenses, and advances against wages.

Gold Coast.

During the period under review one licence was granted for the recruitment of a total of 2,000 labourers. Eight cases of illegal recruitment were brought before the courts and six convictions obtained.

Hong Kong.

The recruitment of non-adult persons is not and will not be permitted by administrative practice and by legislation in the colony. A

non-adult is considered to be a young person under 18 years of age. It has not been necessary to make use of the provisions provided for in Article 8 of the Convention, although Chinese immigrant workmen naturally tend to group themselves as a separate community wherever they are employed. Most of the recruiting is carried out by one firm which is of proven ability. Moreover, in all cases employers are only permitted to recruit if they have already received permission from the country of employment and have guaranteed the repatriation of workmen in all circumstances. For employers who are not familiar with the necessary procedure a model contract has been prepared covering all desirable conditions of service.

In the case of inhabitants of the New Territories the administration and supervision of recruitment is exercised by the Commissioner of Labour and the District Commissioner. The Commissioner of Labour also maintains close contact with the authorities who are immediately concerned with the workmen after their arrival overseas. In the urban areas of the colony the Commissioner of Labour and the Secretary for Chinese Affairs jointly control recruiting activities.

Prior to the war Hong Kong was only called upon to supervise the movement through its territory of workmen who had been recruited in China. More recently, owing to disturbed conditions in China, employers have begun to turn to Hong Kong with its greatly expanded population as a potential source of labour. This recruiting was at first confined to workmen required for phosphate mining in the Pacific Islands, and a proof of its popularity has been the constant reappearance of old employees at subsequent recruitments.

From 1951 there has been a new source of demand in the British territories of North Borneo, Sarawak and the State of Brunei, where Government-sponsored building and construction work, together with oilfield development, have required reinforcements for the local labour force.

During the period under review a total of 697 workers left the colony for Borneo. Of this number 105 unskilled labourers were recruited from the New Territories. In addition 61 mechanics were recruited for Nauru and Ocean Island. In all cases the duration of the prospective contracts was limited to two years, including any periods of extension.

The total number of workers recruited from the New Territories since the war has now risen to 2,020, the majority of whom have since been repatriated. As the population of the New Territories is probably about 200,000 this temporary exodus is unlikely to have any deleterious social consequences.

Jamaica.

The activities of the Regional Labour Board and the B.W.I. Central Labour Organisation continue. There was further recruitment of farm workers for employment in the United States of America and 3,691 workers were sent there during the year ending 31 December 1951, in addition to 1,297 remaining from the previous year. During the same period 1,749 of these workers were repatriated.

Northern Rhodesia.

The position remains as described in the report for 1948-1949, except that the number of workers prescribed under the terms of Article 3 (a) of the Convention has now been fixed at five (Government Notice No. 32 of 1952).

An entirely new African Employment Ordinance has been drafted and the opportunity was taken to incorporate in the new text the provisions of Articles 4 and 5 of the Convention and generally to follow more closely the requirements of the Convention. The Ordinance has been approved by the African Labour Advisory Board and is now under consideration.

Nyasaland.

Four prosecutions were brought and three convictions obtained against employers for "recruiting labour without a permit". One conviction resulted from two prosecutions against employers who attempted to "induce a native to leave the Protectorate without an identity certificate".

Sarawak.

In its report to the 34th Session of the International Labour Conference the Committee of Experts enquired whether it was intended to introduce legislation to give effect to the terms of the Convention. Provisions for controlling the recruitment of indigenous workers are contained in the Labour Ordinance (No. 24 of 1951). This Ordinance did not come into force until 1 July 1952 and therefore information regarding its effect on the application of international labour Conventions will be given in the reports for the period 1952-1953.

Swaziland.

The draft legislation mentioned in last year's report was discussed at the session of the European Advisory Council in April 1952. This was the final session of the Council and it will be necessary for the legislation to be discussed further with the newly-elected Council.

Tanganyika.

At 30 June 1952 two professional recruiters continued to operate in the territory; 38,322 workers were recruited during 1951. The Ordinance to implement the statutory recruiting organisation known as the Labour Supply Corporation has not been brought into operation.

The policy outlined in the report for 1949 has been continued. It is satisfactory to note that the activities of the two professional recruiters in the territory are diminishing. During 1951 they recruited 5,174 men, or 1.1 per cent. of the total Africans in employment. The work of these professional recruiters is beneficial, for they supply labour to employers who have not sufficiently strong resources to form their own organisation for the transport of workers from their homes to places of employment.

Zanzibar.

The Labour Decree (No. 11) of 1946 was passed in 1946 to give effect to the Convention. The

Labour (Amendment) Decree of 1951 was passed by the legislature in December 1951, but was not brought into force during the period under review as new forms of contract had yet to be prepared. For this reason, the provisions

of the Decree have not been mentioned in the reports on this Convention. A copy of the new legislation will be forwarded with the first report made after the bringing into operation of the Decree.

52. Convention concerning annual holidays with pay

France.

French Somaliland.

There are neither legislation nor regulations.

Local customs provide in fact for the right to annual holidays with pay for the workers of the territory.

The administration grants an annual holiday of one month with pay to all permanent staff, irrespective of their status. Natives are covered by these provisions in the same way as Europeans and assimilated categories.

As regards native workers in private employment, numerous undertakings grant annual holi-

days with pay of from 8 to 15 days for workers, and 15 days to one month for clerical workers.

In accordance with custom the European staff of undertakings are granted an annual holiday of 12 working days with pay. No observations were made by employers' or workers' organisations.

New Zealand.

Cook Islands.

Enquiries are still being received with regard to the Convention, and the final consideration of its extension has accordingly been deferred.

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

France.

French Establishments in India.

See under Convention No. 8.

French Somaliland.

The provisions of the Convention are of no practical interest locally as no ocean vessel is equipped in Djibouti.

French West Africa.

A complete reorganisation of the system of overseas certificates is now under consideration, together with plans to organise a school of navigation which would grant local certificates.

New Caledonia and Dependencies.

Decree of 21 December 1911.
Order of 8 February 1915.

Vessels registered in France are covered by the metropolitan legislation which applies all the provisions of the Convention.

Vessels registered in New Caledonia are governed by the Decree of 21 December 1911 respecting the merchant navy overseas, Chapter III of which relates to the conditions of command of a vessel and to the composition of the officers and crew. The Order of 8 February 1915 lays down the conditions of command of a vessel engaged in home-trade navigation and the organisation of examinations for the various overseas certificates.

The above regulations are in accordance with the provisions of Articles 1 to 6 of the Convention. The exceptions provided for in Article 1 may be granted by the Governor. The application of the

regulations is entrusted to the head of the Shipping Registration Service. There were no judicial or other decisions.

The absence of certificated personnel in New Caledonia has necessitated the granting of exceptions which will be progressively withdrawn. The setting up of a maritime training scheme should enable shipowners to find a sufficient number of seamen holding the required certificates.

No observations were made by employers' or workers' organisations.

New Zealand.

Cook Islands.

The regulations to which reference was made in last year's report have not yet been promulgated. Consideration of the extension of the Convention awaits their passage.

Western Samoa.

The application of the Convention to Western Samoa is still under consideration.

United States.

Alaska, American Samoa, Guam, Hawaii, Puerto Rico, Trust Territory of the Pacific Islands, Virgin Islands.

Provisional registration in Guam under the laws of the United States has been discontinued. Vessels of the United States are now registered there on the same basis as they are in the continental United States, Alaska, Hawaii, Puerto Rico and the Virgin Islands. As indicated in

previous reports a vessel of the United States documented in a territory or possession of the United States has the same status as a vessel documented in the continental United States.

At present there are no facilities for documenting vessels of the United States in either American Samoa or the Trust Territory of the Pacific Islands. Provision has been made for the documentation of vessels in American Samoa under the Code of American Samoa (Chapter 25) and in the Trust

Territory, but such vessels of course are not vessels of the United States. The requirements of the Convention would be met, however, in the case of persons from American Samoa and the Trust Territory who are employed on vessels of the United States.

During the period under review the United States Coast Guard issued 1,776 licences to masters and mates and another 6,977 certificates to engineers, motorboat operators and radio officers.

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

France.

French Establishments in India.

See under Convention No. 8.

French Somaliland.

No decisions were given by courts of law.

No observations were made by employers' or workers' organisations.

New Caledonia and Dependencies.

The provisions of the Convention are applied through the Legislative Decree of 17 June 1938 respecting the reorganisation and unification of the Seamen's Insurance Scheme.

The head of the Shipping Registration Service is entrusted with the application of these regulations.

There were no decisions by courts of law or other courts.

The provisions of the Convention are applied to all vessels of New Caledonia carrying a salaried crew, i.e., approximately 400 seamen.

No observations were made by employers' or workers' organisations.

United States.

American Samoa, Guam, Trust Territory of the Pacific Islands.

See under Convention No. 55.

56. Convention concerning sickness insurance for seamen

France.

French Establishments in India.

See under Convention No. 8.

French Somaliland.

There were no decisions by courts of law.

As benefits to seamen who have fallen ill are paid in Metropolitan France it has not been possible locally to draw up the statistics requested under point V of the report form.

French West Africa.

Seamen serving on vessels equipped in French West Africa receive care and wages at the expense of the shipowner for a maximum period of four months, in accordance with Section 262 of the Commercial Code and Decision No. 6 governing the general conditions for the engagement of seamen in French West Africa.

New Caledonia and Dependencies.

The provisions of the Convention are applied through the Legislative Decree of 17 June 1938 respecting the reorganisation and unification of the Seamen's Insurance System and by the texts amending this Decree. The head of the Shipping Registration Service is entrusted with the application of these regulations.

There were no decisions by courts of law or other courts.

All French seamen in private employment are covered by the sickness insurance system whether the ships on which they serve are registered in Metropolitan France or in New Caledonia.

French seamen who are natives are covered only when they serve on ships registered in Metropolitan France.

The number of seamen covered by insurance is approximately 400.

In 1951 the benefits paid to seamen and their families amounted to over one million francs. No observations were made by the employers' or workers' organisations.

58. Convention fixing the minimum age for the admission of children to employment at sea (revised 1936)

France.

French Equatorial Africa.

See under Convention No. 10.

French Establishments in India.

See under Convention No. 8.

French Somaliland.

See under Convention No. 16.

New Caledonia and Dependencies.

There are no legislative texts applying the provisions of the Convention to vessels which are registered locally. On the other hand, vessels registered in France are covered in New Caledonia by the metropolitan legislation (Section 115 of the Seamen's Code, as amended by the Acts of 11 April 1942 and 22 May 1946).

The application of the regulations is entrusted to the head of the Shipping Registration Service who is assisted by an inspector of shipping and maritime labour.

There were no decisions by courts of law or other courts.

In practice the metropolitan legislation would be applied in cases of employment of a young person on a vessel registered in New Caledonia. Such a case has not yet arisen.

No observations were made by the employers' or workers' organisations.

Tunisia.

See under Convention No. 8.

United States.

Alaska, American Samoa, Guam, Hawaii, Puerto Rico, Trust Territory of the Pacific Islands, Virgin Islands.

Under the provisions of Section 13 of the Act of 4 March 1915, 38 Stat. 1169, as amended, it is

unlawful to employ any person or for any person to serve on board a seagoing merchant vessel of 100 gross tons or more unless he holds a certificate of service which specifies the capacity in which he is authorised to serve. In addition, every seaman on board a seagoing vessel of 100 gross tons or over (46 U.S.C., Section 641) must also hold a continuous discharge book or a certificate of identification (46 U.S.C., Section 643). These requirements do not apply to fishing or whaling vessels or yachts. The present practice of the United States Coast Guard is that no merchant mariner's document for any rating shall be issued to applicants under 16 years of age or to applicants between 16 and 18 years of age without the written consent of the parent or guardian, or to applicants between 16 and 18 years of age with a parent's or guardian's consent if their employment as seamen is not in accord with the child labour laws of the State in which they reside.

The statutes cited above apply an age standard for the admission of children to employment at sea on United States vessels which is considerably higher than that required by the Convention, and relates to Alaska, Hawaii, Puerto Rico, the Virgin Islands and Guam, as well as the continental United States. Only in these territories are vessels of the United States registered. Under the definition of "commerce" as used in the Fair Labor Standards Act and the Child Labor Regulations, the employment of children under the age of 16 years is not permissible on board ships engaged in the transportation of persons or property in commerce. This prohibition relates to American Samoa, as well as to the aforementioned territories and the continental United States, but not to the Trust Territory of the Pacific Islands. For the present, at least, the provisions of this Convention are not appropriate to the peculiar circumstances of the Trust Territory. In further connection with the Trust Territory, attention is drawn to the fact that since 1 July 1951 the territory has been administered by the Secretary of the Interior rather than by the Secretary of the Navy.

62. Convention concerning safety provisions in the building industry

France.

Cameroons (first report).

There exist no special regulations concerning safety in the building industry in the territory. However, by application of the provisions of the Ministerial Order of 16 October 1946, which lay down the clauses and general conditions of contracts for public works undertakings (and in particular the application of Section 11 of this Order), safety on building sites and of workers is ensured, under the supervision of the foreman, in

the same conditions as those applying in Metropolitan France.

The measures taken by the Public Works Service have resulted in the adoption of safety regulations in building by all the undertakings carrying out work for the administration.

The intervention of the Labour Inspectorate has led building undertakings working for private persons to observe similar regulations, with the collaboration of the architects. A minimum of safety is thus observed as regards scaffolds, hoisting machinery and transmission belts.

In 1951, for a total of 25,000 building workers, there were 1,329 industrial accidents, 343 of which were caused by surface vehicles, 210 by the handling of objects and 176 by the fall of objects, 22 by hoisting machinery, 81 by transmission belts and 52 by falls or slipping.

Under the Decree of 7 January 1944, to issue regulations governing native labour in the territory, all undertakings are required to have a health service with at least one nurse and medical supplies, bandages and other sanitary accessories. Every building site must have a first-aid box.

Compliance with the usual safety provisions in the building industry is the responsibility of the Labour Inspectorate.

French Equatorial Africa (first report).

Order of 18 September 1947.

This Order lays down general regulations for hygiene and safety in undertakings of every kind. These provisions, which are more general in character than those of the Convention, afford all workers, including building workers, effective protection against the risks arising from the use of scaffolds and of hoisting appliances.

French Establishments in India (first report).

This matter has not been specifically regulated in the territory. However, a local Order of 6 August 1937 lays down general measures for safety in factories using mechanical power. In practice, skilled workers who are engaged in construction work carry out the work on their own responsibility without belonging to any industrial undertaking.

In view of the increased amount of building work it would be desirable to apply the Convention.

French Settlements in Oceania (first report).

Local Order of 24 March 1924, as amended on 27 December 1950.

Local Order No. 621/I.T. of 29 May 1950.

These Orders, which were issued after consultation with the Labour and Manpower Council, apply to the building industry without exceptions.

The Labour Inspector is specifically entrusted with the supervision of the application of the relevant provisions by the contractors, and non-application is subject to fines.

In 1951 there were three industrial accidents among the 87 persons working in the building industry.

The Local Order of 1924, as amended in 1950, contains a number of provisions concerning working platforms, electrical equipment, fire prevention, hoisting machinery and first-aid equipment.

In actual fact, the building industry in Oceania constructs in most cases houses of the bungalow type made of wood or parpen, with a ground floor and one additional storey at the most. It has therefore not been necessary to adopt more detailed provisions.

There were no decisions by courts of law or other courts. No contraventions were reported. No observations were made by employers' or workers' organisations.

French Somaliland (first report).

The Convention has not been declared applicable to the territory and no text has as yet been adopted to bring into force any corresponding provisions.

It should be noted, however, that the Labour Inspector is empowered under Sections 13 and 14 of the Decree of 22 May 1936 to control the implementation of sanitary measures and to submit proposals relating to the health and safety of workers.

As regards the building industry, the Labour Inspectorate constantly supervises the safety provisions on building sites on the general basis of the rules appended to the Convention.

French Somaliland comes within the scope of Article 5, paragraph 1, of the Convention for the exemption of the application of the provisions of the Convention. The construction of buildings of several storeys is in fact the exception. The undertakings also use very few mechanical hoisting appliances as materials on the sites are generally carried on the workers' backs.

There were no decisions by courts of law.

No observations were made by the employers' or workers' organisations.

French West Africa (first report).

Order of 23 May 1947.

There are no regulations relating specifically to safety in the building industry, but the High Commissioner of the Republic in French West Africa promulgated in the above-mentioned Order a certain number of general measures concerning hygiene and safety for workers engaged in undertakings of any nature whatever. This Order (a copy of which is appended to the report) contains provisions concerning protective devices to cover moving and other dangerous parts of machinery, measures to prevent accidents in connection with machine tools turning at high speed, guard-rails on working platforms, stairways, mobile platforms, gangways and scaffolds, and the indication of the maximum load to be lifted by hoisting machinery.

No observations were made by the employers' or workers' organisations.

Morocco (first report).

Order of the Vizier of 2 April 1952, laying down special measures of protection and hygiene for building sites and public works.

This text defines in particular the requirements to be satisfied as regards hoisting and handling machinery, scaffolds, ladders, gangways, mobile platforms and stairways. It lays down the steps to be taken in carrying out underground work, earthwork, demolition and construction, and work on roofs, etc.

New Caledonia and Dependencies (first report).

Decree of 2 March 1939 (Chapter II) for the application of Book II of the Labour Code.

The Convention is not applicable. However, certain of the provisions in Book II of the Labour Code give partial effect to its terms. The report reproduces the text of Sections 68 to 75 of this Code, which are applicable.

During the period under review there were 24 industrial accidents, the total number of building workers being about 530. Seven of these accidents caused incapacity of less than four days; ten, incapacity of from five days to a month; and in seven cases the length of the period of incapacity was not known. There were no fatal accidents. The supervision of safety in the building industry is entrusted to the Labour Inspector. There were no judicial decisions.

St. Pierre and Miquelon (first report).

Order No. 253 of 10 May 1950.

The local Labour Inspectorate, as instructed by the above Order, is responsible for the supervision of the application of labour regulations, the protection of workers and social security (Section 1).

Further, Section 7 of the above Order provides that, if conditions of work exist which endanger the safety or health of the workers and are not dealt with in the labour regulations, the labour inspector may instruct the employer to remedy the shortcomings he has noted. In such cases, the instructions are submitted for approval to the Advisory Labour Commission which fixes the time allowed to carry them out.

These provisions are made use of in the building industry where, in particular, the placing on scaffolds of fixed guard-rails 90 cm. high has been made compulsory.

A copy of the text of Order No. 253 is appended to the report.

Togoland (first report).

There are no laws or regulations concerning the application of this Convention. Enquiries have

indicated that public and private undertakings themselves take the safety measures which the European staff was taught to observe in Metropolitan France. During its visits the Labour Inspectorate notes any negligence concerning the application of safety provisions in building (scaffolds, hoisting appliances, etc.), particularly when an industrial accident has been reported.

In this respect the compulsory reporting of industrial accidents provided for by the Order No. 610/I.T. of 2 August 1952 (the text of which is appended to the report on Convention No. 12) will facilitate the task of the labour inspector in the field of industrial accident prevention.

The application of the Convention to Togoland would be of definite advantage and would enable the Labour Inspectorate to carry out its work more effectively.

Tunisia (first report).

Decree of 4 August 1936.

Decree of 6 April 1950.

The first of these Decrees laid down the "Protective and Safety Regulations" for building sites and public works in Tunisia. The provisions of this text are on the whole in conformity with those of the Convention. In addition, the Decree of 6 April 1950 empowers the administrative authorities to make safety regulations in the technical building industry, having particular regard to Article 1, paragraph 1 (b), of the Convention. In application of this text, the Decree of 4 August 1936 will have to be revised and on this occasion account might be taken of Recommendation No. 53 to the extent to which this appears possible and desirable, in view of the conditions of work and of technical progress existing in the country.

63. Convention concerning statistics of wages and hours of work in the principal mining and manufacturing industries, including building and construction, and in agriculture

Australia.

Nauru, New Guinea, Norfolk Island, Papua.

Under present conditions statistics are published in the annual reports of all territories and

these reports are communicated to the International Labour Office. The Government states that it is not possible to compile more detailed statistics without unduly affecting the working hours of the available staff.

64. Convention concerning the regulation of written contracts of employment of indigenous workers

Belgium.

Belgian Congo and Ruanda-Urundi.

Under the Act of 10 September 1947 the Convention was approved without reservation and is therefore fully applied. However, as the legislation in force is not in full conformity with the provisions of the Convention, a new Decree respecting the employment contract has been submitted to the Department for the Colonies.

The introductory statement to this Decree shows that one of the main preoccupations of the legislator is to adapt his policy to the international standards to which Belgium has adhered.

Article 1. The terminology of the Convention differs from that used in the legislation. The terms "worker", "employer" and "contract" have a somewhat different meaning. The purpose is, however, the same, since the object of both the Convention and the legislation is to protect

workers who have not reached a sufficient degree of evolution to defend their interests themselves.

Article 2. The scope of the legislation in force as regards the employment contract is general and is not limited to manual workers. In the local legislation the term "labour contract" means a contract for the hiring of services, whether of workers, employees or domestic servants.

Article 3. The Decree of 16 March 1922 differs from the provisions of this Article in that the contract may always be concluded orally and need not be in writing. Section 20 of the Decree provides in effect that "the terms of the contract may be drawn up by any legal means, including witnesses", but the provisions of the new draft Decree submitted to the Department are in conformity with those of the Convention.

Article 4. The legislation is in conformity with the provisions of this Article. It specifies, in fact, that all contracts must be individual contracts and that they cannot therefore cover the family of the worker. On the other hand, the employer is responsible for acts committed by his agents (Decree of 16 March 1922, Section 26).

Article 5. Under the legislation the employment contract must contain the particulars enumerated in this Article. However, the obligation to repatriate a worker is a legal one and binds the master, whether it is stipulated in the contract or not. The duration of the contract is not necessarily indicated and in such cases it is for an indefinite period. As regards wages, in default of any stipulation for a specified wage, Section 24 of the Decree of 16 March 1922 is presumed to apply.

Article 6. The employer is required to present to the duly accredited public officer for visa any contract covering a period of over six months, as well as any contract in which benefits in kind are replaced by their equivalent value in cash. The examination of the contract covers in particular the items enumerated in paragraph 2 of this Article. If the contract has not been visaed it is not considered to be valid (Decree of 16 March 1922, Section 21). Similarly, a contract which has not been visaed does not oblige the worker to carry out the work against his will. If the omission of the visa is due to the wilful negligence of the employer, damages may be granted in cases where the worker's interests are prejudiced (civil law). On the other hand, in the absence of a visa, any employer who is unable to prove that a contract exists is liable to a fine. The authorities responsible for the visa of a contract must keep a record of these documents (Decree of 16 March 1922, Section 29). The worker is in a position to prove or verify at any time the existence and the terms of the contract as he is obliged to possess a work-book in which the conditions of his engagement are indicated (Decree of 16 March 1922, Section 26).

Article 7. The worker must be medically examined before being sent to his place of work (Order of 8 December 1940, Section 6). If it has not been possible to carry out this medical examination before the visa has been granted, the worker is examined by the competent authorities nearest to his place of recruitment.

Article 8. Section 2 of the Decree of 16 March 1922 states that "only an adult native, whether

or not of age, may offer his services". It is sufficient, therefore, for the person concerned to have reached normal manhood, as the legislation does not lay down a minimum age of employment. However, this shortcoming will be eliminated by the provisions of the new draft Decree.

Article 9. The employer must grant the recruited worker a minimum rest period of four days per month without deducting the food and lodging allowances for these days. The new draft Decree will institute a system of holidays with pay and will define the methods for fixing them.

Article 10. The transfer of any worker from one employer to another is subject to the consent of the worker, but the endorsement of this transfer on the contract by a public officer is not compulsory. In the case of transfer the new employer is presumed to continue the obligations incumbent upon the previous employer, without any modification of the contract. If new conditions are imposed on the worker a new visa is necessary (Decree of 16 March 1922, Section 25). The new draft Decree satisfies the provisions of Article 10.

Article 11. The system of common law governing civic obligations satisfies the provisions of this Article.

Article 12. If the worker is unable to carry out his contract because of sickness or accident, Section 14 of the Decree of 16 March 1922 regulates the question of his repatriation and medical care. The compensation of industrial accidents and occupational diseases is governed by the Decree of 1 August 1949. The law does not at present afford any special protection as regards the termination of the contract by common consent of the parties; the new draft Decree will remedy this defect. The provisions of paragraph 3 of this Article will also be satisfied by the new draft Decree. Sections 16 and 19 of the Decree of 16 March 1922 comply with the requirements of paragraphs 4 and 5.

Article 13. The Decree in force compels the employer to repatriate a worker without specifying the nature of the "expenses" of repatriation. It indicates, however, that the employer has complied with this obligation if he has handed the worker the necessary travel documents for his repatriation. The new draft Decree provides for a definition of the expenses of repatriation which complies more fully with the terms of the Convention. In the event of non-compliance with the obligations respecting repatriation, the Administration may repatriate the worker at the expense of the employer, but no measures of this kind have been necessary during the period 1951-1952.

Article 14. The obligation to repatriate a worker exists under the conditions indicated above. The necessity of complying with this obligation must be pointed out to the employer at the time of the expiration of the contract; repatriation must be allowed at the first request of the worker. The obligation to repatriate a worker remains for a period of one year.

Article 15. The regulations concerning the journey and transport of engaged workers and of repatriated workers are contained in Sections 10 and 11 of the Order of 8 December 1940 respecting the hygiene and safety of workers. These regulations satisfy the obligations of the Convention.

Article 16. No employment contract may be for a period of more than three years; no native may be bound at any time by one or several employment contracts for a period exceeding three years. The present legislation does not contain any provisions satisfying the terms of paragraph 2 of this Article. The new draft Decree will permit the worker to request to be accompanied or joined, if he so desires, by his wife and children at the expense of the employer (Section 86 of the draft). It is the general custom at any time during the period of validity of the contract for undertakings employing a recruited worker at some distance from home to encourage the presence of his family. If the members of the family of a worker did not accompany him at the time of his departure, all facilities are granted to enable them to join him subsequently. Several undertakings grant their unmarried workers a period of leave and an advance between the time of expiry of the contract and the conclusion of a new contract so as to enable them to return to their home with a view to contracting a marriage.

Article 17. The Decree of 16 March 1922, which applies to workers who are for the most part illiterate, did not contain any provisions relating to this Article. The new draft Decree provides that workshop regulations in the native languages must be posted up in a place accessible to the workers.

Article 18. The refusal, suspension or withdrawal of a recruiting permit may be imposed at any time if the obligations entered into by the applicant have not been observed. As regards Ruanda-Urundi, the Decree of 19 July 1926 regulates the protection of workers who leave the territory under an employment contract.

Article 19. The provisions governing the employment contract are applicable to the whole territory of the Belgian Congo and to Ruanda-Urundi. There are no special regulations varying from province to province or from territory to territory. However, as regards minimum wages and food (composition of the rations), the regulations vary according to local conditions. An agreement was concluded in 1950 between the authorities of Ruanda-Urundi and of the neighbouring British territories (Kenya, Tanganyika and Uganda) concerning the emigration, recruiting and conditions for the hiring of manpower in the province of Ruanda-Urundi.

At 31 December 1950 there were 19 regional and six provincial native labour and social progress boards, which held respectively 35 and 12 meetings during 1950. At the same date, 525 native works councils had been set up and had held 1,716 meetings during the year. In addition there were 71 local native labour committees which held 134 meetings. At the end of 1950 there were 40 native trade unions which had been permanently authorised and nine others were operating on a provisional basis.

At 31 December 1951 there were 20 regional and six provincial native labour and social progress boards, which held 39 and 13 meetings respectively during 1951. At the same date, 578 native works councils had been set up and had held 1,971 meetings, while 72 local native labour committees had held 141 meetings. In addition there were 45 native trade unions which had been permanently

authorised, and five others were operating on a provisional basis.

New Zealand.

All contracts for employment in respect of indigenous workers, whether made for or to be carried out in Western Samoa, are subject to the supervision and approval of the Commissioner of Labour, while those in the Cook Islands are made through the Industrial Relations Officer of the Cook Islands Administration.

There are no Niueans working for the New Zealand reparation estates in Western Samoa. Normally about six Niueans are employed by the New Zealand Government on an annual contract basis at Raoul Island (meteorological station in the Kermadec group). Before departure, the men are medically examined by the chief medical officer of the Niue Islands Administration.

Cook Islands.

See under Convention No. 50.

United Kingdom.

Basutoland.

Section 2 of Proclamation No. 43 of 1951 adds a new subsection (2) to Section 21 of Proclamation No. 5 of 1942.

See also under Convention No. 50.

Fiji.

Nineteen contracts were entered into for the period under review.

Gilbert and Ellice Islands.

Ordinance No. 8 of 1951.

Part VI of the Ordinance regulates written contracts of employment for natives. Provision is made, *inter alia*, to govern the form and particulars of staff contracts, medical care and medical examinations.

There are only a few commercial organisations in the colony and the engagement of labour by these organisations is fully controlled by district officers.

Hong Kong.

The large increase in cases handled each month by the Commissioner of Labour and the similar increase in failures to secure an equitable solution resulting in a recourse to the courts are symptomatic of the present depressed business conditions which have affected many small establishments.

The Commissioner of Labour provides each employer who applies for permission to recruit immigrant workmen with a model contract of service, which is drawn up strictly in accordance with the provisions of the Convention. Owing to restrictions on the movement of migrants over the frontier between Hong Kong and China, there is at present no organised movement of workers in the colony. Where workers who had previously entered Hong Kong under contracts of employment are willing to return to China, there is little or no difficulty in securing their right to repatriation and other rights stipulated in Articles 13 and 15 of the Convention. A revised

edition of the Employers' and Servants' Ordinance No. 45 of 1902 (Chapter 57 of the Laws of Hong Kong) is appended to the report.

Leeward Islands.

The repatriation expenses met by the Government of the colony during the period January 1948-July 1951 amounted to \$8,475.59.

Malaya.

See under Convention No. 29.

Nyasaland.

The 1951-1952 "closed season" for the recruitment of labour was prescribed in Government Notice No. 164 of 1951.

St. Helena.

Contracts of Service Ordinance No. 3, dated 20 July 1951.
Ascension Island Workmen's Protection Ordinance, 1926.

The above Ordinances apply the majority of the provisions of the Convention in regard to St. Helena Island.

The Contracts of Service Ordinance provides that all contracts of engagement for domestic servants or manual workers for a period exceeding six months shall be in writing. There is likewise provision for a maximum period of service not exceeding two years, as well as for certain safeguards relating, *inter alia*, to medical examination, reasonable remuneration, transport expenses, repatriation and termination of service.

The Government Secretary is the attesting officer for the purposes of the Contracts of Service Ordinance.

St. Vincent.

The Crown Attorney has been asked to draft necessary legislation and is awaiting the enact-

ment of legislation in Trinidad in order to use this as a guide.

Sierra Leone.

The apprenticeship scheme drafted by the Labour Department has not yet been adopted by the joint industrial councils. However, with the prospect of the setting-up of a technical institute, the scheme is to receive renewed consideration.

Tanganyika.

The Master and Native Servants (Written Contracts) Ordinance was amended during 1952 by the Amendment Ordinance No. 3.

Under this amending Ordinance the maximum permissible period of contractual service in the case of native workers accompanied by their wives and families was extended from two to three years and, in the case of native workers unaccompanied by their families, from one to two years.

The amending Ordinance was passed as a result of a recommendation made in 1951 by the Manpower Committee, which had studied the provisions of the Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86). At the same time, the Master and Native Servants' Ordinance (Laws, Chapter 78) was revised by Ordinance No. 1 of 1952, to amend the former Master and Native Servants' Ordinance, so that employers are required to provide a free issue of rations on the prescribed scale to the members of the families of workers whose contracts of service have been attested for a period exceeding two years.

Copies of these Ordinances are appended to the report. The new Employment Bill is still in draft form.

Zanzibar.

See under Convention No. 50.

65. Convention concerning penal sanctions for breaches of contracts of employment by indigenous workers

New Zealand.

Although Clause 9 of the Tokelau Islands (Union Islands) Labour Ordinance of 1935 provides for a fine of £20 on any native who has signed an agreement of service and without reasonable cause fails to leave the Union Islands for the purpose of carrying out such agreement, the Samoan administration has recommended the revocation of this clause.

The population of the Tokelau group numbers only about 1,400; there are no labour problems and no recruiting of labour.

By the Tokelau Act of 1948 the Governor-General of New Zealand may from time to time by Order in Council make all such recommendations as he thinks necessary for the peace, order and good government of the Tokelau Islands. At present the whole of the Tokelau legislation is undergoing a complete revision by the New Zealand Department of Island Territories. When the new regulations incorporating the revised

Tokelau legislation are passed, provision will be made for the repeal of Clause 9 of the Labour Ordinance of 1935.

Cook Islands.

See under Convention No. 50.

United Kingdom.

Gilbert and Ellice Islands.

Ordinance No. 6 of 1951.

This Ordinance repeals the previous Labour Regulation No. 1 of 1951, which was the only legislation in the colony permitting the making of rules by an employer and the application of limited penal sanctions for breaches of contract. The repealed provisions are now replaced under the present Ordinance (No. 6) by Section 96, which permits the Resident Commissioner to make regulations for the safety and good order

of native workers, and Section 52, which prescribes the method of determining all disputes arising out of the contract. All penal sanctions have therefore been abolished.

Malaya.

The Government of the Federation of Malaya has under consideration the repeal of Chapter XIX of the Penal Code of the Federated Malay States.

Northern Rhodesia.

In 1950 the Government decided that the time was not opportune to repeal Section 72 (i) (d), of the Employment of Natives Ordinance, Chapter 171 of the Laws of Northern Rhodesia. On the other hand, the Government decided that,

at a convenient time, Sections 74 (3) and 81 (2) of the above Ordinance (relating to penal sanctions) should be repealed and replaced by provisions of the Penal Code.

Sierra Leone.

No progress has been made with the revision of the Employers and Employees Ordinance owing to the pressure of other work on the Labour Departments and the absence of a legal draftsman. No prosecutions for breaches of contract occurred during the period under review.

Zanzibar.

See under Convention No. 50.

74. Convention concerning the certification of able seamen

France.

Cameroons (first report).

The Convention is not appropriate for application in the Cameroons, as the 64 seamen registered at Douala can only be employed as deck hands. Further, there is no seamen's training school in the territory.

French Equatorial Africa (first report).

The matters dealt with in the Convention are covered in French Equatorial Africa by the merchant marine regulations in force in Metropolitan France.

French Establishments in India (first report).

There is no legislation in the territory. The absence of a regular maritime service makes it impossible to issue locally certificates of qualification as able seaman.

French Somaliland (first report).

The provisions of the Convention are without any practical object in French Somaliland as the training of able seamen is not possible on the auxiliary vessels equipped in Djibouti. Natives employed on vessels equipped in Metropolitan France can obtain the certificate.

French West Africa (first report).

Order No. 3119 of 14 May 1952.

The certificate of able seaman was established in Metropolitan France by Order of 28 February 1952.

Although the Convention has not been declared applicable to French West Africa, an Order of 14 May 1952 provides for a certificate of qualification which must be acquired by every French West African seaman before his work-book is issued to him. This certificate is equivalent to the able seaman's certificate issued in Metropolitan France.

A copy of the Local Order is appended to the report.

New Caledonia and Dependencies (first report).

Order of 28 February 1952.

This Order, which was adopted for the purpose of applying the provisions of the Convention, relates only to vessels registered in Metropolitan France. The application of the provisions of Articles 1 to 4 of the Convention is ensured. The head of the Shipping Registration Service is entrusted with the application of the legislation to vessels registered in France. There were no decisions by courts of law or other courts concerning the application of the Convention. The Order of 28 February 1952 has not yet been promulgated.

St. Pierre and Miquelon (first report).

The Ministerial Order (Merchant Marine) of 28 February 1952 establishing a certificate for able seaman will be applied in the territory as soon as the shipping administration of St. Pierre has received the instructions concerning the examination of able seamen referred to in the Ministerial Circular No. 25 of 2 May 1952.

Togoland (first report).

There are no vessels and no shipping registry in Togoland. Natives of Togoland who desire to follow the calling of seaman are subject to the legislation of the country in which they are engaged. In these circumstances, there is no reason for applying the Convention to Togoland.

Tunisia (first report).

A draft Decree of the Bey, defining the organisation of work aboard Tunisian merchant, fishing and pleasure vessels, was drafted by the Directorate of Public Works. This text, which is based on the French regulations, is at present being examined by the various Ministries and Departments concerned.

81. Convention concerning labour inspection in industry and commerce

France.

Cameroons (first report).

Decree of 17 August 1944, to provide for the establishment of a corps of labour inspectors for Overseas France (L.S. 1944—Fr. 3).

Order of 29 August 1946, as amended on 8 December 1949.

The labour inspection service covers all undertakings and establishments in the territory irrespective of their nature and the employer.

The duties of labour inspectors are defined in paragraph 1 of Section 3 of the Order; these duties are, however, supplemented by the study of any social questions submitted to them.

As regards any other functions which might be entrusted to them, the Order of 29 August 1945 specifies that the labour inspection service may in no case act in an administrative capacity.

The Minister for Overseas France places labour inspectors at the disposal of the district officer to whom they are assigned. The Inspector-General of Labour of the Cameroons carries out his activities under the immediate authority of the High Commissioner of the Republic.

Supervision of the operations of the inspection service is entrusted to the Inspector-General of Labour and of Manpower of the Department of Overseas France. Collaboration is ensured : (a) between the inspection services through liaison, provided for by law, between the Inspectorate-General of Labour of the territory and the Inspectorate-General of Labour and Manpower of the Department of Overseas France, to which reports are regularly submitted (Section 8 of the Decree of 17 August 1944) on all the activities of the labour inspectors, and by means of direct liaison between the Inspectorates-General of Labour of the Overseas Territories, as well as between the regional inspectors and the Inspectorate-General of Labour of the territory, and vice versa ; (b) between the inspection services and other services or institutions, by means of direct liaison between these various services and through statutory compulsory consultation of the inspection services as regards any social questions and any measures envisaged by the administrative authority as regards conditions of workers in public or private employment ; (c) between officials of the Labour Inspectorate and employers and workers and their organisations : the role of the labour inspection services is to render assistance by means of advice and recommendations in order to develop permanent co-operation between employers and workers.

The staff regulations of the inspectorate are laid down by the Decree of 17 August 1944. The inspectors are recruited exclusively on the basis of their competence to fulfil their special tasks ; candidates receive specialised training at the National School of Overseas France and, before being appointed, must serve a period of practical training lasting two years, one of which must be spent overseas. During their career they serve supplementary training periods with the Labour Inspection Service of Metropolitan France. The

staff of the inspection service may include women as well as men.

Under Section 3, paragraph 2, of the Decree, labour inspectors are empowered to consult doctors and technicians as regards hygiene and safety provisions and the choice of methods and conditions of work. The staff of the labour inspectorate, as defined in the Ministerial Order of 21 December 1948, consists of an inspector-general, two principal inspectors and two inspectors. The staff assigned to the territory is in accordance with this distribution.

The report gives detailed information on the geographical distribution of the inspection services.

The inspectors have at their permanent disposal, in accordance with Section 10 of the Order, the staff and materials which they require. The reimbursement of their travelling expenses for their visits and any enquiries which they initiate is governed by the general provisions covering all public officials.

Under Section 3 of the Decree and Section 11 of the Order, inspectors have the right of entry by day and by night into any undertaking for the purpose of carrying out the supervision and enquiries entrusted to them. On the other hand, inspectors are issued with a personal warrant from the High Commissioner entitling them to access during the day or night to any workplaces, whatever their nature and whoever the employer may be. In addition, Section 11 of the Order provides that at the request of the inspector any documents concerning the employment of labour must be immediately submitted by the employer or his representative.

The labour inspectors may question workers and carry out any other investigations (Section 51 of the Decree of 7 January 1944). Section 50 of the same Decree provides that on their arrival in an undertaking inspectors must report to the head of the undertaking or, in his absence, to his representative, and submit their credentials. The observations on measures to be taken in the interest of the health or safety of the workers are noted in an official report, one copy of which is communicated to the head of the undertaking in question, together with any recommendations which have the character of a formal notice or an order. Industrial accidents must be reported to the labour inspection service. Failure to do so is punishable by a penalty (Section 58 of the Decree of 7 January 1944).

Labour inspectors may not hold any interest in the undertakings under their supervision ; they take an oath (Section 4 of the Decree of 7 January 1944) not to reveal any manufacturing secrets or processes which may come to their knowledge in the performance of their duties. The violation of this oath is punishable in accordance with Section 378 of the Penal Code.

Section 11 of the Order requires inspectors to visit at least once a year undertakings and establishments employing more than 20 workers and at least twice a year those employing over 50 workers. In the urban centres these figures are

10 and 25 respectively. The Decree of 7 January 1944 and the Order of 29 August 1946, on the one hand, and the Decree of 23 August 1945 on the other, lay down penalties for violations of the labour regulations in force. In particular, Section 105 of the Decree of 23 August 1945 provides that any person who prevents, or attempts to prevent, labour inspectors from carrying out their duties is liable to punishment, without prejudice to any penalties under common law in cases of offence or violence, by imprisonment of from 15 days to three months and a fine of from 1,000 to 5,000 francs or to one of these penalties only. In the event of a repetition of the offence, the imprisonment and the fine may be doubled.

The inter-regional inspectorates and the General Inspector of Labour of the territory draw up every year an annual report along the lines prescribed by the Inspectorate-General of Labour and Manpower of the Department of Overseas France; these reports are submitted to the central authority of the labour inspectorate.

French Equatorial Africa (first report).

Decree of 17 August 1944, to provide for the establishment of a corps of labour inspectors for Overseas France (L.S. 1944—Fr. 3).

Order of 24 August 1946.

The Labour Inspectorate for Overseas France was set up by the Decree of 17 August 1944. The general Order of 24 August 1946 set up and organised the general labour inspection service in French Equatorial Africa. The provisions of this Order are in accordance with those of the Convention, particularly as regards the scope of the inspection service, its competence, its methods of action and the penalties at its disposal for the purpose of ensuring the application of the regulations in force.

French Establishments in India (first report).

Decree of 6 April 1937, to issue regulations respecting the conditions of employment in the French Establishments in India (Chapter IX, Sections 43-54) (L.S. 1937—Fr. 8).

Section 51 of this Decree provides, in particular, that labour inspectors are entrusted with the implementation of the provisions of this Decree and of all regulations concerning labour inspection. The functions of the labour inspectorate are carried out by an official especially appointed for this purpose by the Governor or by the Minister for Overseas France. Two local Orders (2 August 1937 and 11 December 1947) define the functions of the labour inspectorate in the French Establishments in India. The legal provisions concerning conditions of work in the territory are strictly supervised by the labour inspector of the capital and by delegates in the Karikal, Mahé and Yanaon Dependencies.

The provisions of the Convention are applied.

French West Africa (first report).

Decree of 17 August 1944, to provide for the establishment of a corps of labour inspectors for Overseas France (L.S. 1944—Fr. 3).

Order of 10 June 1946.

The Labour Inspection Service of French West Africa is dealt with in the Order of 10 June 1946, which defines the conditions under which the

service functions within the framework of the Decree of 17 August 1944 setting up a corps of labour inspectors for Overseas France. Under this Order the activities of the labour inspection service cover, without exception, all undertakings and establishments existing in French West Africa, irrespective of their nature and the employer. The inspectorate concerns itself with all workers and apprentices, whatever their legal status and sex may be.

The labour inspection service (a) supervises the application of the provisions concerning the organisation of labour and the protection of workers; (b) facilitates, through advice and recommendations, the development of permanent relations between employers and workers; (c) supplies the administrative authorities with any pertinent information concerning the evolution of conditions of work; (d) puts forward views and suggestions as regards measures to be taken and legislation to be prepared in connection with labour regulations and the protection of workers; and (e) collects information on problems of labour relating to conditions and the employment of manpower.

A general Inspectorate of Labour has been set up at Dakar, supplemented by six territorial inspectorates and six regional inspectorates under the territorial inspectorates.

The Inspector-General of Labour, who is attached to the High Commissioner of the Republic in French West Africa and acts under his direct authority, organises, directs and co-ordinates the action of the labour inspection service in the Federation. He reports on his activities and those of the labour inspection service in French West Africa to the High Commissioner of the Republic and, under the latter, to the Inspector-General of Labour of Overseas France. The territorial labour inspector organises and directs the labour inspection service in the territories for which he is responsible. He reports on his activities to the head of the territory and, under the latter, to the Inspector-General of Labour of the Federation. The regional labour inspector is placed under the direct authority of the territorial inspector and is responsible for a certain number of administrative units. He reports on his activities to the territorial inspector with whom he is in direct contact. The general inspectorate and the territorial inspectorates are required to draw up annual reports on their activities.

A copy of the Decree of 17 August 1944 and of the General Order of 10 June 1946 are appended to the report.

French Settlements in Oceania (first report).

Decree of 17 August 1944, to provide for the establishment of a corps of labour inspectors for Overseas France (L.S. 1944—Fr. 3).

The scope of the labour inspectorate includes commercial, industrial, mining and agricultural undertakings. The functions of labour inspector are entrusted to an administrator from Overseas France who is also head of the Administrative Department and head of the Tourist Office. The labour inspectorate is placed under the authority of the Governor of the Settlements. Co-operation between the inspectorate and the other Government services functions normally. A labour board ensures collaboration between the

inspectorate and the organisations of employers and workers.

Under the above Decree the labour inspector is entitled to the assistance, if required, of a doctor of the Health Service (Section 19 of the Order of 1924, as amended in 1950). The labour inspector makes use of the offices of the administrative buildings and benefits from the provisions relating to the journeys of officials. Section 3 of the Decree of 1944 and Section 19 of the Order of 1924, as amended in 1950, confer upon the labour inspector the powers required for the exercise of his duties. The labour inspector supervises the implementation of labour regulations, makes recommendations in the absence of such regulations or prepares the necessary modifications of and additions to the regulations. The notification of industrial accidents is compulsory under Local Order No. 1282/I.T. of 8 October 1951. Section 19 of the Order of 1924, as amended in 1950, prescribes at least one inspection visit per year. The labour regulations contain provisions for penalties (fines). A general annual report is supplied to the Department of Overseas France (General Inspectorate of Labour). In addition, reports are made as required.

There were no judicial decisions. No observations were made by employers' or workers' organisations.

The present regulations are of a temporary character pending the application of the Labour Code in the Overseas Territories.

French Somaliland (first report).

Decree of 22 May 1936, to regulate native labour in French Somaliland (L.S. 1936—Fr. 3).

Order No. 160 of 6 February 1937, to apply the above Decree.

Decree of 17 August 1944, to provide for the establishment of a corps of labour inspectors for Overseas France (L.S. 1944—Fr. 3).

Ministerial Order of 8 June 1945, to provide for the organisation and definition of the functions of the labour inspectorate in the Overseas Territories.

No undertaking is outside the scope of supervision of the labour inspectorate.

The question asked as regards Article 3 of the Convention is of no practical importance.

The labour inspectorate is placed under the control and supervision of the Governor, but it alone may carry out its functions.

Collaboration between the labour inspector and the employers and workers and their organisations has been encouraged through the setting up of organs such as the Labour Office, in which the various authorities concerned are permanently and officially represented.

Under Section 12 of the Decree of 22 May 1936, the labour inspector, who is appointed by Order of the Governor, is chosen as far as possible from among the administrative officials or the doctors who are not on the strength of the colonial forces. The present occupant of the post, who took up his duties on 12 June 1952, belongs to the corps of labour inspectors of Overseas France and has therefore a special status offering full guarantees of independence. The labour inspectors of Overseas France belonging to the grades provided for by the Decree of 17 August 1944 offer full guarantees as regards their competence. They will be recruited in future from among the graduates of the National School of Overseas France (Special Labour

Inspection Section). The training of inspectors already in office is carried out by means of refresher courses in the specialised branches (vocational training, etc.).

The labour inspectorate secures the collaboration of experts and technicians whenever problems of a technical nature arise. In compliance with Section 13 of the Decree of 22 May 1936, the Inspector may request the doctor of the Medical Service for Natives to ascertain that sanitary measures are being carried out.

Only one labour inspector is in service for the whole of French Somaliland. The Government has placed at his disposal an appropriately equipped office accessible to the public, as well as an automobile. The labour inspector has the powers provided for in Article 13, paragraph 2, of the Convention, in application of the provisions of Section 13 of the Decree of 22 May 1936.

A circular sent to the employers of labour on 17 January 1950 provided for the compulsory notification of industrial accidents, thus complying with Article 14 of the Convention.

The labour inspector is normally required to carry out his inspection visits as frequently and in as much detail as possible.

Penalties in accordance with the spirit of Article 18 of the Convention are provided for in Section 47 of the Decree of 22 May 1936.

The provisions of Article 19 of the Convention are complied with in practice in French Somaliland (Section 14 of the Decree of 22 May 1936).

The labour inspection of commercial undertakings is carried out in the same manner as that of industrial undertakings.

There were no judicial decisions. The Convention is applied in practice in French Somaliland.

As regards the numerical strength of the labour inspection service and the exercise of the supervisory functions entrusted to it, account must be taken of the limited size of the territory, which consists primarily of desert, and also its population, which does not exceed 50,000 inhabitants. On the other hand, French Somaliland has no local industries and the only important groups of wage earners are found in the following occupations: the handling of cargoes in the port of Djibouti, urban and road work, salt works, building work, and on the Franco-Ethiopian railways.

No observations were made by employers' or workers' organisations.

Morocco (first report).

The report reproduces the information already given under Convention No. 4.

In mines and underground quarries labour inspection is entrusted to the mining engineers. In the undertakings subject to the technical supervision of the Director of Public Works, the public works engineers are entrusted, together with the labour inspectors and supervisors, with the supervision of the application of the legislation in quarries and in public transport undertakings. Supervision on board vessels is entrusted to the maritime quartermaster and to the maritime shipping inspectors.

Morocco is divided into 13 labour inspection districts each with a labour inspector and a labour supervisor. In addition, there is a labour inspectorate for women consisting of a woman inspector and a woman labour supervisor.

As regards statistical information the report refers to the data already given under Convention No. 4.

New Caledonia and Dependencies (first report).

Decree of 17 August 1944, to provide for the establishment of a corps of labour inspectors for Overseas France (L.S. 1944—Fr. 3).

The labour inspectorate for industry and commerce is entrusted with the supervision of the implementation of the provisions of the Labour Code which have been applied to New Caledonia.

The only field not covered by the labour inspectorate is the supervision of safety in underground mines, which is within the competence of the mining engineer.

The functions of the labour inspector, as laid down in Section 2 of the above Decree, are the same as those enumerated in Article 3 of the Convention.

The labour inspector is at the disposal of the Governor (Head of the Territory) and placed under his direct authority as well as under that of the Minister for Overseas France. He is, by definition, the adviser of all employers and workers and of all industrial organisations. The provisions of Articles 6, 7 and 8 of the Convention are observed.

The legislation provides that "for the purpose of performing their duties the labour inspectors have the power, if necessary, to procure the opinion of or to consult medical practitioners and technicians in matters relating to hygiene and safety regulations on the choice of methods and conditions of employment". The inspectors must also attempt by means of advice and recommendations to promote the institution of permanent collaboration between managers of undertakings and workers. The doctors and engineers of the administration are more particularly called upon to give assistance to the labour inspector. There is one labour inspector in New Caledonia (10,000 workers); he has at his disposal offices which comply with the requirements of Article 11 of the Convention. He also has the use of an official automobile. The administration reimburses all travelling expenses and other expenses incurred on official business. The labour inspector has all the powers provided for in Articles 12 and 13 of the Convention. He is notified of industrial accidents and occupational diseases, as provided for in Article 14.

The staff regulations for labour inspectors satisfy the requirements of Articles 15, 16 and 19 of the Convention. Under Section 143 of the Decree of 2 March 1939, the provisions of the Penal Code relating to measures against resistance, acts of contempt and violence against judicial police officials, also apply to persons responsible for similar actions as regards inspectors.

The labour inspector has the same powers, obligations, rights and prerogatives in respect of both commerce and industry.

St. Pierre and Miquelon (first report).

The functions of the labour inspectorate in St. Pierre and Miquelon were laid down by Order No. 253 of 10 May 1950, a copy of which is appended to the report.

Togoland (first report).

Decree of 17 August 1944, to provide for the establishment of a corps of labour inspectors for Overseas France (L.S. 1944—Fr. 3).

Order No. 612/A.P.A. of 18 August 1946, as amended by Order No. 243/A.P.A. of 21 March 1947, respecting the organisation and functioning of the labour inspectorate in the territory of Togoland.

The texts of these Orders are appended to the report.

Article 1. No distinction is made between industry and commerce (Section 2 of the Order of 18 August 1946).

Article 2. The legislation does not restrict the action of the labour inspector in so far as the nature of the undertakings is concerned.

Article 3. The role of the labour inspector is defined in Section 3 of Order No. 612. Apart from the functions enumerated in the Convention it will be noted that the inspector is responsible for the drafting of texts relating to labour regulations and the protection of workers. He may also be required to undertake the study of other social questions.

Article 4. The position of the labour inspector in Togoland in relation to the central labour inspection service of the Ministry of Overseas France and in relation to the head of the territory is defined in Section 1 of Order No. 243 mentioned above, which provides that the labour inspector in Togoland organises and controls the labour inspectorate in the territory and is assisted in his work by a secretariat. He reports on his activities to the head of the territory and to the Minister for Overseas France, thus combining the required independence of the labour inspectorate with the responsibility of the head of the territory. Section 5 of Order No. 612 provides for collaboration with the heads of the administrative units who normally act as deputies to the labour inspector, particularly in case of urgency.

Article 5. Order No. 735 A.P.A. establishes a Labour Advisory Board attached to the labour inspector. This Board includes three employers' representatives and three workers' representatives, nominated by the competent industrial organisations or, in the absence of such organisations, nominated by the Commissioner of the Republic on the advice of the labour inspector. In this committee official contacts are established between the labour inspector and the employers' and workers' organisations, but the labour inspector is naturally able in the course of his activities to enter into free and frequent contact with the representatives of employers and workers (trade unions or delegates of undertakings).

Article 6. The labour inspectorate constitutes a single corps for the whole of Overseas France and is at present governed by the Decree of 17 August 1944.

Article 7. The Decree of 17 August 1944 satisfies the requirements of this Article. The training of labour inspectors for the whole corps is under the direction of the General Inspectorate of Labour of Overseas France which organises, in particular, training periods in the metropolitan labour inspection services.

Article 8. The question raised under this Article is without practical importance.

Article 9. The matters dealt with in this Article are regulated by Section 3 of the Decree of 17 August 1944.

Article 10. The staff of the labour inspection service of Togoland consists of a labour inspector, assisted by a secretariat (a typist and an orderly).

Article 11. The labour inspector has at his disposal an appropriate office and supplies, as well as an automobile.

Article 12. The question raised under this Article is without practical importance.

Article 13. The powers provided for in this Article are not defined explicitly in the above-mentioned texts. However, the provisions of Section 2, paragraph (a), of the Order No. 612 A.P.A. enable the labour inspector to act effectively for the purpose of protecting the workers in the case of unhealthy or dangerous installations. In this respect he holds the powers laid down in Sections 10 and 11 of Order No. 612/A.P.A., namely, to make observations, to issue formal notices and to send official reports to the judicial authority.

Article 14. Order No. 610/52 of 2 August 1952, the text of which is appended to the report on Convention No. 12, stipulates that industrial accidents must be notified to the labour inspector or his deputy.

Article 15. The question raised as regards this Article is without practical importance.

Article 16. Section 7 of Order No. 612/A.P.A. provides that the labour inspector must visit undertakings and establishments employing more than 20 workers at least once a year and those employing more than 50 workers at least twice a year. These figures are reduced to ten and 25 respectively in the case of undertakings which are situated within the urban area.

Article 17. The question raised as regards this Article is without practical importance.

Article 18. Sections 9, 10 and 11 of Order No. 612/A.P.A. place at the disposal of the labour

inspector the following three methods of procedure in the case of contraventions of the legislative provisions: to make observations, to issue formal warnings and to send official reports to the judicial authority for further action. Only the official report is considered as constituting the basis for a penalty on which action may be taken either at once or as the result of observations and warnings which have been disregarded.

Article 19. The obligation of the labour inspector to report on his activities is laid down in Section 1 of Order No. 243/A.P.A. In actual fact, an annual report drawn up in accordance with the instructions received from the central service of the General Labour Inspectorate of the Ministry of Overseas France is supplied during the first months of the year; this report, which covers the activities of the preceding year, is communicated to the central service through the head of the territory; the latter also sees the report.

Articles 20 to 23. The questions raised by these Articles are without practical importance.

Article 24. Commercial undertakings are under the supervision of the labour inspector in the same way as industrial undertakings.

Articles 25 to 27. The questions raised by these Articles are without practical importance.

Tunisia (first report).

Decree of 15 June 1910.

The above Decree set up labour inspection services in Tunisia. Since this period, these services have functioned under conditions very similar to those applying in France. The regulations for inspectors, their training, their origin, their reports to the central administration, the general organisation of their services and the concept of their functions are the same in Tunisia as in Metropolitan France. It may be assumed, therefore, that the two countries are in a similar position as regards the international standards concerned.

84. Convention concerning the right of association and the settlement of labour disputes in non-metropolitan territories

New Zealand.

Cook Islands (voluntary report).

Cook Islands Act, 1915.

Cook Islands Industrial Union Regulations, 1947.

The Cook Islands Act, 1915 (Section 615) provides that the law of England, as existing on 14 January 1840, shall be in force in the Cook Islands, provided that no English Act passed before 14 January 1840 shall be in force in the Cook Islands unless it was in force in New Zealand at the commencement of the Cook Islands Act (1 April 1916). As at 1 April 1916 the laws of England as at 1840, and still in force in New Zealand, contained no provisions restricting the right of association of employers and workers. Hence the original right of association applicable in England is enjoyed by workers and employers in the Cook Islands.

Regulation 6 of the Cook Islands Industrial Union Regulations, 1947, provides the right, with the concurrence of the Minister of Island Territories, to register trade unions. Regulations 10 and 11 provide for the incorporation of trade unions. Regulations 20 to 31 guarantee to trade unions the right to conclude collective agreements and provide for the appointment of an industrial relations officer and the settlement of industrial disputes.

At present there is comparatively little industrial development in the Cook Islands, with the result that there has been no occasion for consultation with employers' and workers' organisations as envisaged in the Convention. The Administration itself has been, and still is, the largest employer of labour in the Islands and, up to the registration of the Cook Islands (excepting Niue) Industrial Union of Workers, consequent on the passing of

the 1947 Regulations, there was no body which could be regarded as being properly representative of the workers. It is the intention of the Government, however, to consult employers and workers on any future legislation related to the Convention.

The application of the Convention is the responsibility of the resident Commissioner who, under the Cook Islands Act, 1915, is entrusted with the administration of the Cook Islands. Supervision and enforcement are the immediate concern of the industrial relations officer appointed under the regulations.

During 1950 the Cook Islands (excepting Niue) Industrial Union of Workers negotiated with the largest employers, including the Administration, for a revision of wages and conditions. All employers and the Union adopted a friendly and conciliatory attitude throughout the proceedings, under the industrial relations officers. The result was that agreement was quickly reached in all cases and new awards were drawn up. While membership of the Union is not compulsory, the

first agreements have all included a clause giving a preference for unionists. These agreements were renegotiated in 1951 and (in addition to minor amendments to the conditions) provided for an increase in all basic rates commensurate with the increase in the cost of living. In the case of waterside workers, unanimous agreement on wage rates could not be reached and a determination was made by the industrial relations officer. All parties subsequently appealed against this determination and arrangements were being made at the close of the year for an experienced industrial magistrate to visit Rarotonga to hear the appeals. In general, relations between employers and employees are excellent, and there were no strikes in the period under review.

Western Samoa.

The question of the application of the Convention to Western Samoa has been referred to the Government of the territory for consideration.

89. Convention concerning night work of women employed in industry (revised 1948)

New Zealand.

Cook Islands.

The existence of only three small factories in the area is regarded as insufficient to merit the

passage of special measures to facilitate the extension of the Convention. Should the development of industry progress sufficiently, the question of the application of the Convention will be reviewed.

97. Convention concerning migration for employment (revised 1949)

New Zealand.

Cook Islands.

As stated in last year's report, consideration has been given to the application of the Convention

to the territory, but it has been decided not to proceed with the application in the meantime as present migration movements from the territory are not of a significant nature.

99. Convention concerning minimum wage fixing machinery in agriculture

New Zealand.

Cook Islands (voluntary report).

Cook Islands Industrial Union Regulations, 1947.

These Regulations cover all workers of either sex employed to do any work for hire or reward, and provide for the registration of employers' or workers' organisations formed for the purpose of protecting or furthering the interests of employers and workers in relation to industrial matters. There is a provision for the appointment of an industrial relations officer for the settlement of industrial disputes, and for the appointment of a conciliation committee, consisting of an equal number of both workers and employers, if no voluntary settlement can be brought about. As a result of the setting up of this machinery, a Cook Islands Industrial Union of Workers has been formed representing all fields of employment,

and has issued a series of minimum rates for each particular class of worker, including agricultural workers.

No figures are available of the actual numbers employed for wages in agricultural pursuits. The award rate for unskilled labour was raised from 7s. per day to the present figure of 8s. per day. The Administration is the largest employer of agricultural labour under the citrus planting scheme; the wages paid are the rates for standard unskilled labourers. There is so much work available at present that private employers must pay the same or higher rates to secure labour at all. The application of the Convention is the responsibility of the Resident Commissioner; its supervision and enforcement are the immediate concern of the industrial relations officer.

Western Samoa.

See under Convention No. 84.

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.

Belgium. Copies of the reports have been communicated to the organisations in Belgium.

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 and Dependencies, Togoland.*

In the *French Establishments in India*, where there are no employers' organisations, copies of the reports have been communicated to the three textile factories in Pondicherry and to the Federation of Workers' Trade Unions of the French Establishments in India.

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, Gold Coast, Grenada, Jamaica, Leeward Islands, Malta, St. Vincent, Trinidad and Tobago.* In *Mauritius*, for administrative reasons, copies of the reports have not been circulated to organisa-

tions 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, Gibraltar, Hong Kong, Kenya, Federation of Malaya, North Borneo, St. Lucia, Singapore, Zanzibar.*

Central Labour Advisory Board : *Nyasaland, Uganda.*

African Labour Advisory Board : *Northern Rhodesia.*

In the absence of representative employers' organisations copies of the reports have been communicated only to the workers' organisations in the *Falkland Islands, Seychelles, Sierra Leone.*

The reports from the following territories state that at present there are no representative employers' and workers' organisations : *Aden, Bahamas, Basutoland, Bermuda, British Guiana, British Somaliland, Brunei, St. Helena, Solomon Islands, 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' or workers' organisations in *South-West Africa.*

INTERNATIONAL LABOUR CONFERENCE

THIRTY-SIXTH SESSION

GENEVA, 1953

SUMMARY OF REPORTS ON UNRATIFIED CONVENTIONS AND ON RECOMMENDATIONS (ARTICLE 19 OF THE CONSTITUTION)

Third Item on the Agenda

INTERNATIONAL LABOUR OFFICE

GENEVA, 1953

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INTRODUCTION

Article 19 of the Constitution of the International Labour Organisation provides that States Members shall "report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body" on the position of their law and practice in regard to the matters dealt with in unratified Conventions and 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. Paragraphs 7 (*a*) and (*b*) of this Article deal with the particular obligations of federal States.

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. Consequently, the Governing Body selects each year the Conventions and Recommendations on

which States Members are requested to supply reports under Article 19 of the Constitution. Since 1950 the summaries of these reports have been submitted each year to the Conference.

The reports which are summarised in the present volume, and which cover the period up to 31 December 1951, concern three Conventions and one Recommendation dealing respectively with right of association in non-metropolitan territories, freedom of association, and migration for employment. The Governments of States Members were requested to send in their reports before 1 July 1952. The present summary, which will be submitted to the Conference in conformity with Article 23, paragraph 1, of the Constitution, covers reports received by the Office up to 1 February 1953.

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 made by the Committee on these reports.

Right of Association (Non-Metropolitan Territories) Convention, 1947 : C. 84

Australia.

Nauru.

The conditions of employment of indigenous inhabitants in the territory are governed by the Chinese and Native Labour Ordinance, 1922-1924. This legislation provides for the supervision by the Administration of the terms and conditions of employment. There is no provision in this legislation for associations of employers and employees but such associations are not prohibited. Approval has recently been given for the Nauruan workers to form a Workers' Association.

The Chinese and Native Labour Ordinance, 1922-1924, sets out conditions relating to length of contract, hours of work, conditions at places of employment and provision of housing, and further provides for the inspection of these conditions and for the investigation of labour disputes. A report on industrial relations is included in the Annual Report on the territory.

Although, as already indicated, approval has been given for the formation of a Nauruan Workers' Association, it is considered that the interests of the Nauruans are better served by Administration supervision of employer-employee relationships.

Norfolk Island.

Conditions on Norfolk Island are such that the population, which is made up entirely of non-indigenous inhabitants, is largely self-employed and the problems of employer-employee relationships do not arise.

Papua and New Guinea.

The conditions of employment of the indigenous inhabitants in the Territory of Papua and New Guinea are governed by the Native Labour Ordinance, 1950, and Regulations made thereunder. There is no provision in this legislation for associations of employers and employees, nor is there any prohibition of such organisations. At the present stage of development of the territory it is felt that the interests of the indigenous inhabitants are better served through the supervision by the Administration, under this Ordinance, of all matters relating to, their employment and the investigation of complaints and disputes arising out of such employment.

Section 10 of the Native Labour Ordinance, 1950, provides for the appointment of inspectors to ensure observance of the Ordinance. Section 107 of the Ordinance empowers the inspectors to enter at all reasonable times into any place where an employee or casual worker is employed, with a view to investigating conditions of employment.

The present practice is to inspect all places of employment twice a year, or more frequently if circumstances require. When complaints arise they are investigated immediately. Workers can, and do, approach inspectors independently and it is the usual practice for inspectors also to interview individual workers independently.

Details of inspections, strikes and industrial disputes are given in the Annual Report on the Territory of Papua and the Annual Report on the Territory of New Guinea.

Subject to the direction of the Administrator, the Department of District Services and Native Affairs is charged with the administration of the Native Labour Ordinance, 1950, and Regulations made thereunder.

At the present stage of development of the territory it is considered that the interests of the indigenous inhabitants are better served by Administration supervision of employer-employee negotiations.

Belgium.

Belgian Congo and Ruanda-Urundi.

The provisions of the Convention are implemented by the following legislation: Ordinance of the Governor-General of the Belgian Congo of 11 February 1926, concerning associations of indigenous persons; Decree of 21 June 1944, concerning freedom of association; Legislative Ordinance of 17 March 1946, concerning native occupational organisations; Ordinance of the Governor-General of 6 April 1946, to set up native works councils and local committees of native workers; Ordinance of the Governor-General of 6 April 1946, to set up native labour and social progress boards; Ordinance of the Governor-General of 6 April 1946, respecting the settlement of labour disputes between employers and their native employees; Ordinance of the Governor-General of 10 May 1946, respecting the organisation of native trade unions.

The Ordinance of 11 February 1926 provides that the district commissioner must grant an authorisation prior to the setting up of any occupational organisation. This authorisation is refused in cases where the association is contrary to civilisation or threatens public peace or order. The authorities may dissolve existing organisations for the same reasons.

The Decree of 21 June 1944 provides that freedom of association is recognised for legitimate purposes, in so far as the executive power has not taken any measures to restrict this right. The Decree prescribes penalties for persons who prevent the exercise of the right to form associations.

The competence of the various workers' associations is as follows: native works councils are

formed with a view to promoting regular contacts between the head of the undertaking and the representatives of his employees. The setting up of such councils is compulsory in cases where at least 250 workers are employed by the head of the undertaking within a radius of 15 kilometres.

According to the definition in the relevant Ordinance, the local committee of native workers ensures permanent contact between the administration and the workers by giving the latter, through their qualified representatives, an opportunity of making known their desiderata, of studying questions relating to their occupational, material and social interests and of being kept informed of administrative and other measures which concern them. The committee consists of members selected by the district commissioner on the proposal of the native works councils and trade unions.

The regional and provincial native labour and social progress boards are composed of representatives of the administration, employers and workers. They concern themselves with the protection of workers, their welfare and their evolution in the field of labour and social duties.

The legislation recognises the right of native workers to form trade unions. Provision is made for two types of association: occupational unions which consist solely of workers in the same trade or in similar or related trades, and works unions which consist solely of workers in the service of the same employer. Trade unions are subject to administrative supervision and their establishment is subject to the provisional authorisation of the local administrative officer and the final authorisation of the district commissioner. Trade unions which have been set up in accordance with the law are granted legal personality.

There are no measures restricting the right of trade unions to conclude collective agreements with employers or employers' organisations.

The organisation of occupational associations was initiated comparatively recently. On 31 December 1950 there were 525 native works councils and these met 1716 times during the year; the local committees of native workers numbered 71 and held 134 meetings; 40 native occupational trade unions have obtained final authorisation and nine have only provisional authorisation.

As regards the application of Articles 5, 6 and 7 of the Convention which concern the settlement of labour disputes, the report states that, in accordance with the Ordinance of 6 April 1946, a collective labour dispute means any dispute arising between an employer and a certain number of his native employees in respect of conditions of employment, which is not within the competence of the courts.

In the case of collective labour disputes, conciliation procedure is instituted in the first place before the local administrative officer and, in case of failure, before the regional board for native labour and social progress.

Collective stoppages of work are prohibited unless the workers have had recourse to conciliation in accordance with the regulations.

Employers and workers participate in the establishment and working of conciliation bodies. Employers and workers are represented on an equal footing on the native labour and social progress boards.

The report points out that the legislation and practice in the Belgian Congo in this respect are in conformity with the provisions of Convention No. 84.

Denmark.

The Convention, together with other Conventions concerning non-metropolitan territories, has been submitted to a detailed examination. Measures will be taken in the near future with a view to the ratification of several of these Conventions, including No. 84.

France.

The report deals with the Overseas Territories of the French Union within the jurisdiction of the Ministry of Overseas France: French Equatorial Africa, French Establishments in India, French Settlements in Oceania, French Somaliland, French West Africa, Madagascar and Dependencies, New Caledonia, St. Pierre and Miquelon and the Trust Territories of Cameroons and Togoland.

The provisions of the Convention concerning the right of association are fully covered by the relevant regulations. Freedom of association is as extensive as in France. The Act of 1 July 1901 (with regard to its provisions relating to freedom of association (Chapters I and II)) was extended to all territories by a Decree of 13 March 1946.

Similarly, various legislative texts ensure the right to set up industrial associations and guarantee for such associations a competence as extensive as that recognised for trade unions in France, e.g., Cameroons, French Equatorial Africa, French Somaliland, French West Africa and Togoland: Decree of 7 August 1944; French Establishments in India: Decree of 6 April 1937; Madagascar: Decrees of 19 March 1937 and 1 August 1938; New Caledonia: Act of 21 March 1884, as amended by the Act of 12 March 1920.

The organisation of industrial associations in the Overseas Territories has made rapid strides, particularly since the end of the war. There are 801 industrial associations, of which 611 are for workers and 190 for employers or independent workers.

The relevant regulations are still fragmentary and lacking in uniformity as regards the other provisions of the Convention. However, general legislation as provided for in the Labour Code is at present being discussed by Parliament.

The right of trade union organisations to conclude collective agreements with employers or employers' organisations is guaranteed in the regulations in force: Cameroons: Decrees of 7 January 1944 and 23 August 1945; French Equatorial Africa: General Order of 31 August 1951; French Establishments in India: Decree of 6 April 1937; French West Africa: Decree of 20 March 1937, which is also applicable to Togoland; Madagascar: Decree of 16 January 1947; New Caledonia: Books I and II of the French Labour Code, which were made applicable by the Decrees of 22 December 1938 and 2 March 1939.

In virtue of these texts, several collective agreements have been concluded, in particular:

French West Africa: in commerce — collective agreements of 1 September 1938 (Africans) and 20 September 1946 (Europeans); in industry — collective agreements of 26 December 1945 (Europeans) and 12 December 1946 (Africans). (These agreements are also applicable to Togoland.)

French Establishments in India: in the textile industry — collective agreement of 19 September 1946.

New Caledonia: in commerce — collective agreements of 19 and 27 April 1937; in industry — collective agreement of 31 July 1937.

Provision is made in various texts for conciliation bodies, as well as for conciliation and arbitration procedures : Cameroons : Decree of 23 August 1945 ; French Equatorial Africa : Decree of 4 May 1922 ; French Establishments in India : Decree of 6 April 1937 ; French West Africa : Decree of 20 March 1937, which is also applicable to Togoland ; Madagascar : Decree of 7 April 1938, as amended by the Decrees of 6 July 1942 and 4 April 1944.

With regard to first efforts at conciliation, the report states that the labour inspectorate is very active in arriving at a fair settlement of individual and collective labour disputes.

Since 1946, under local legislation (in French Equatorial Africa, Order of 26 May 1948 ; in French West Africa, Order of 5 July 1946 ; and in Madagascar, Order of January 1947) advisory committees have been set up under the district labour inspectorates, comprising equal numbers of representatives of employers' and workers' organisations. These committees are known as "advisory labour committees" and are competent to examine all labour questions. Their activities as advisory joint discussion bodies have been constantly increasing.

The labour inspectorates of Overseas France are entrusted with the application of the relevant legislation and regulations ; in the districts of the interior, the district officers, who are the legal substitutes of the inspectorates, are responsible.

The Bill to establish a Labour Code in the Overseas Territories provides in Chapter II for freedom of association and defines industrial asso-

ciations and their legal personality. Chapter VIII of the Code, which deals with labour disputes, provides for a conciliation and arbitration procedure for the settlement of collective disputes, and for labour courts, presided over by a magistrate and including assessors representing the trade on an equal footing, for the settlement of individual disputes.

The Labour Code, the first reading of which has been adopted by the National Assembly, has just been examined by the Council of the Republic and will be submitted in second reading to the National Assembly.

The Bill proposing the ratification, without modifications, of Convention No. 84 was tabled on 25 September 1951 and has now been submitted to Parliament for examination.

Union of South Africa.

South West Africa.

There are no legislative, administrative or other provisions relating to any of the questions dealt with in the Convention.

There are no employers' or employees' organisations and the need for special legislation or other measures has not arisen.

No modifications have been made in the national legislation or practice with the view to giving effect to all or some of the provisions of the Convention. The possibility of adopting such measures is under consideration.

Freedom of Association and Protection of the Right to Organise Convention, 1948: C. 87¹

Argentina.

Freedom of association is fully guaranteed in Argentina by the National Constitution, as amended in 1949, and Decree No. 23852 of 2 October 1945. A copy of the text of the Decree is appended to the report.

Article 37 of the Constitution provides for the right of workers to associate freely and to participate in other activities with a view to defending their occupational interests; it also provides that these rights must be respected and protected. Section 1 of Decree No. 23852 provides that industrial associations may be freely constituted without prior authorisation, provided that the object of these associations is not contrary to ethics, the law or the fundamental institutions of the nation. Section 24 lays down that industrial associations have the right to draw up freely their statutes and prescribes the provisions which they must contain. Section 44 provides that associations which have been recognised may affiliate with unions and federations, provided they deal with similar or connected activities. The acquisition of legal personality (known in Argentina as "recognition of trade unions") is dealt with in Chapter II of the Decree and conforms with the principles laid down in Article 2 of the Convention.

The National Council for Industrial Relations and the Directorate of Industrial Associations are responsible for the application of the standards laid down in Decree No. 23852.

No modifications of the legislation have been made with a view to bringing it into conformity with the provisions of the Convention, since it is considered that it is already in harmony with them.

The possibility of ratifying the Convention is at present being examined by the competent authorities.

The legislation concerning freedom of association is national in character and therefore applies throughout the country. The provisions of the Convention are considered as appropriate for federal action.

Bolivia.

Freedom of association is authorised and protected by the Political Constitution of the State, the General Labour Act of 8 December 1942 and the Supreme Decree of 23 August 1943 issued under

that Act. A copy of the relevant legislation is appended to the report.

The Political Constitution of 1938 guarantees freedom of association and recognises collective labour agreements (Article 125); it also recognises the right of workers to strike as a measure of defence in accordance with the law (Article 126); and provides that the rights and benefits guaranteed by law to employers and workers are inviolable and cannot be renounced (Article 129).

Chapter IX of the General Labour Act and the Decree issued thereunder prescribe the form of employers' and workers' organisations and the sphere of their activities.

In practice, effect is given to Articles 2, 3, 5, 6, 7, 8, 9 and 10 of the Convention. On the other hand, the Decree of 23 August 1943 authorises the executive to dissolve trade unions and this power has been used by previous Governments.

The general labour inspectorate is responsible for ensuring the enforcement of the relevant legislation and for the protection of the right to organise. The report points out that occupational organisations have been receiving increasing co-operation from most employers; the latter are required by law to consent to collective labour agreements and to deduct trade union contributions from wages. In addition, they may not dismiss trade union leaders unless the reasons for dismissal have been upheld in the labour court.

No modifications have yet been made in the legislation with a view to bringing it into conformity with the Convention.

The ratification of the Convention has been delayed by the attitude of previous governments and because of their dissolution of Congress. The present Government is revising the labour legislation with a view to bringing it into conformity with the standards adopted by the International Labour Organisation, and also to the early ratification of the Convention.

Burma.

The provisions of the Convention are covered by the Constitution of Burma and by the Trade Union Act and rules and regulations issued thereunder. Copies of the Act and the rules and regulations are appended to the report.

The Constitution of Burma guarantees the right of citizens to assemble peaceably and without arms and the right to form associations and unions; any association or organisation whose object or activity is intended or likely to undermine the Constitution is forbidden. The Constitution also provides that, by economic and other measures, the State may assist workers to associate and organise themselves for protection against economic exploitation.

¹ This Convention came into force on 4 July 1950; 12 ratifications were registered up to 31 December 1951. The summaries of the reports submitted on this Convention in pursuance of Article 22 of the Constitution are contained in Part I of Report III to the 36th Session of the Conference (Summary of Reports on Ratified Conventions).

Article 2. According to the Trade Union Act, "trade union" means any combination formed primarily to regulate labour relations or to impose restrictive conditions on the conduct of any trade or business; the definition includes any federation of two or more trade unions.

Article 3. The Act contains provisions regulating the registration of trade unions, according to which, prior to the registration of a trade union, its executive must be constituted in accordance with the relevant provisions of the Act and its rules must contain certain prescribed matters, including conditions for admission of ordinary members.

Article 4. The Registrar may cancel or withdraw a certificate of registration on the ground, *inter alia*, that the union has failed to comply with any of the provisions of the Act. Trade unions are entitled to advance notice of cancellation and may appeal to the High Court or other prescribed courts.

Article 5. The relevant legislation authorises the amalgamation of any two or more registered trade unions.

Articles 6 and 7. Reference is made to the replies given under Articles 2, 3 and 4.

Article 8. The provisions of this Article are covered by the Constitution, as mentioned above.

Article 9. The Ministry of Home Affairs is being consulted with regard to the application of the Convention to the armed forces and the police.

Article 10. See under Article 2.

Article 11. The position of the law with regard to the protection of the right to organise is as stated above.

The application of the Trade Union Act is entrusted to the Registrar of Trade Unions in the Directorate of Labour, which is under the Ministry of Labour.

The Ministry of Home Affairs is considering the application in Burma of Article 9 of the Convention. In addition, discrepancies between the national law and practice and the provisions of the Convention may be noted in the statements made under Articles 3 and 4 of the Convention.

The provisions of the Convention are regarded by the federal Government as appropriate for federal action under its constitutional system. The information supplied in the report is applicable to the constituent states of the Union.

Canada.

The Government states that the provincial legislatures are the competent authorities in this matter, except in relation to the Northwest and the Yukon Territories and except as incidental to certain matters in respect of which the provincial legislatures do not have exclusive jurisdiction under the British North America Act.

Federal law and practice. The Industrial Relations and Disputes Investigation Act, which governs labour relations and the disposition of labour disputes in the federal field, applies to employees in transport, broadcasting and certain specified undertakings. Provincial labour relations legislation applies generally to employees in all industries other than those falling within the federal sphere, and to their employers.

In the field of federal jurisdiction, workers and employers without distinction whatsoever have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation. Freedom of association is a civil right and, in the absence of a statute denying this right, workers and employers are at liberty to form associations.

The right to organise is protected by the provisions of the Industrial Relations and Disputes Investigation Act which defines and prohibits certain unfair labour practices; the report sets out the provisions which regulate the rights of employers in this matter. Collective agreements negotiated between employers and unions, containing closed or union shop or preferential hiring provisions, are valid, but any provision in such an agreement which would empower an employer to discharge an employee because he has membership in, or engages in activities on behalf of, any union other than the one specified in the agreement, is invalid.

Workers' and employers' organisations have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities, and to formulate their programmes. The Federal Government refrains from any interference which would restrict this right or impede its lawful exercise. The Government considers that the formality of registration under the purely permissive provisions of the Trade Union Act does not infringe the guarantees laid down by the Convention.

Workers' and employers' organisations are not liable to be dissolved or suspended by administrative authority. Organisations have the right to establish and join federations and confederations and any such organisations, federations or confederations have the right to affiliate with international organisations of workers and employers.

Federations and confederations of workers' and employers' organisations have the same privileges as the organisations themselves.

The acquisition of legal personality by workers' and employers' organisations, federations and confederations is not subject to conditions of such a character as to infringe the guarantees provided for in the Convention.

There are no federal laws which impair or which are so applied as to impair the guarantees provided for in the Convention. The civil law is supplemented by provisions in the criminal law which are designed further to protect freedom of association and the right to organise.

Federal laws concerning labour relations and trade unions do not contain any specific provisions relating to the armed forces or police. Federal police services are not distinguishable from the civil service with regard to freedom of association; civil servants are free to organise but do not have compulsory collective bargaining rights.

Under the Industrial Relations and Disputes Investigation Act, the term "trade union" means any organisation of employees formed for the purpose of regulating relations between employers and employees, but does not include an employer-dominated organisation. The term "employers' organisation" means an organisation of employers formed for purposes including the regulation of relations between employers and employees.

While the authority entrusted with administration of the relevant provisions is the Minister of

Labour, the Canada Labour Relations Board is entrusted with such matters as the certification of bargaining agents, etc. The Minister is entrusted with the preliminary consideration of complaints relating to the unfair labour practices specified in the Industrial Relations and Disputes Investigation Act, while the further disposal of such complaints may be a matter for the courts.

Exact figures are not available as to the extent to which the right to organise has been put into practice in the federal field of jurisdiction. However, collective agreements exist to a very large extent in the transportation and communications industries and other industries which are subject to federal legislation.

Provincial law and practice. It is lawful in all the provinces for workers and employers to establish and join organisations of their own choosing without previous authorisation. In Manitoba, New Brunswick, Newfoundland and Nova Scotia, the labour relations legislation contains clauses identical with those in the federal statute, ensuring to every employee the right to be a member of a trade union and to participate in the activities thereof; similar clauses are to be found in the legislation of British Columbia, Ontario and Quebec; the legislation of Alberta, Prince Edward Island and Saskatchewan guarantees these rights in slightly different terms.

Seven of the provinces provide that employers have the right to join employers' organisations and participate in their activities; Prince Edward Island and Saskatchewan do not mention employers' organisations but seem to recognise them tacitly; and the Alberta legislation defines an employers' organisation but does not refer specifically to employers' freedom of association.

In all the provinces it is prohibited for employers to discriminate against persons because of membership in a trade union. The report shows in detail the provisions adopted by the provinces to ensure that workers and employers may exercise freely the right to organise.

In general, the situation in the various provinces is in line with the guarantee laid down in Article 2 of the Convention, which says that workers and employers, without distinction whatsoever, shall have the right to establish organisations of their own choosing. However, there is little uniformity in the legislation of the different provinces in regard to the broad application of the statutes relating to labour relations. Detailed information is given in the report with regard to the differences existing in various provinces, in particular concerning the extension of this provision to public employees. Apart from the Province of Quebec, civil servants and municipal employees (with certain exceptions, such as police) enjoy the right to establish and to join organisations of their own choosing, without previous authorisation. Although various provincial statutes exclude from the definition of "employee" classes of persons such as managers, superintendents, etc., and members of the liberal professions, and although these persons are denied the privileges and guarantees provided by the legislation, they have the right of association and organisation.

Limitations on the right of workers to join organisations of their own choosing are to be found in the Ontario Labour Relations Act with regard to guards, fire-fighters and teachers. The Quebec Labour Relations Act is considered to be compa-

tible with the provisions of the Convention; the report notes, however, certain restrictions with regard to the right of association of persons coming under the Public Services Employees Disputes Act.

With regard to Articles 2 and 3 of the Convention, the report states that it may be considered that some limitation of these guarantees is contained in the Quebec Professional Syndicates Act, which lays down certain rules which must be observed in drawing up the by-laws of a syndicate. In Prince Edward Island, the Lieutenant-Governor in Council may make regulations prescribing the manner in which a trade union may be formed and the method of election of officers. The Trade Union Act of Newfoundland lays down that the rules of every trade union shall contain certain specific types of provision.

In respect of Article 4 of the Convention, the report states that a clause in the Saskatchewan legislation empowering the Labour Relations Board to make orders requiring an employer to disestablish a company-dominated organisation has been replaced by a clause empowering the Board to determine whether an organisation is company-dominated. The Quebec Labour Relations Act also contains provisions concerning the dissolution of associations dominated by employers, or vice versa; the Professional Syndicates Act provides that the corporate existence of any syndicate shall terminate whenever the Provincial Secretary so enacts after having ascertained that they have ceased to exercise their corporate powers or in cases where the Canadian membership falls below a certain percentage.

Limitations on the right prescribed in Article 5 of the Convention are to be found in Ontario and Quebec with regard to security guards and employees of the public services, as mentioned above. In Quebec, the Labour Relations Act provides restrictions as to the period during which associations having entered into a collective agreement may affiliate with another association. There are no limitations on the right of organisations to establish and join federations and confederations in the other provinces.

With regard to Article 6 of the Convention, the report refers to difficulties mentioned under other Articles.

Under Article 7 of the Convention, the report refers to difficulties in connection with the Quebec Professional Syndicates Act mentioned above, and to provisions of the Trade Union Act of Newfoundland. The acquisition of legal personality is not compulsory in any of the provinces of Canada and, except for the instances noted above, is not made subject to conditions of such a character as to restrict the application of the provisions of Articles 2, 3 and 4 of the Convention.

No comment is considered necessary on Article 8 of the Convention.

As regards Article 9, no mention is made of the police in the laws of the provinces, with the exception of the Public Services Employees Disputes Act of Quebec and the Police Act of Ontario. No comment is necessary with regard to the armed forces.

With respect to Article 10, the report states that trade unions or workers' organisations are defined in different ways in the provincial statutes but in no case is the definition considered to be incompatible with that contained in the Convention.

While in most provinces the Minister of Labour is entrusted with the supervision of the application

of the legislation relating to freedom of association and the right to organise, labour relations boards are responsible for such matters as the certification of bargaining agents.

General. The legislation and practice substantially comply with the provisions of the Convention. The provincial authorities are the competent legislative authorities for the subject matters of the Convention, except in regard to the Northwest and Yukon Territories and to specific classes of employment. In view of this division of legislative jurisdiction between the federal and provincial legislative authorities, ratification is not contemplated.

Ceylon.

Most of the provisions of the Convention are given effect to by the Trade Unions Ordinance No. 14 of 1935, and the Trade Unions (Amendment) Act No. 15 of 1948.

The Trade Unions Ordinance gives workers the right to establish organisations and to join organisations of their own choice, subject to the rules of such organisations. However, the Trade Unions (Amendment) Act imposes certain restrictions on Government employees with regard, in particular, to eligibility for membership of a union or for any office in a union, and on organisations of Government employees with regard to the right to affiliate, amalgamate or federate with any other trade union, whether of public servants or otherwise, and with regard to the political objects of their unions.

Organisations of industrial workers and employers have the right to draw up their constitution and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate programmes. The public authorities refrain from interfering with this right or its lawful exercise. The Trade Unions Ordinance provides that certain matters must be included in the constitution drawn up by members of a trade union and provides that no less than half the total number of officers of any registered trade union must be engaged or employed in the industry or occupation with which the trade union is concerned.

With regard to Article 4 of the Convention, the report states that the Trade Unions Ordinance provides that in the circumstances specified in Section 15 thereof the Registrar may cancel or withdraw the certificate of registration of a trade union; such cancellation or withdrawal entails its automatic dissolution, against which an appeal may be made to the District Court and eventually to the Supreme Court. Further, the Registrar may refuse to register a trade union the name of which is identical with or similar to that of a union already registered.

The right to establish federations and confederations and the right to affiliate with international organisations of workers and employers are conceded and recognised by the Ordinance in respect of workers and employers in private industry.

The administration of the Trade Unions Ordinance is entrusted to the Registrar, who is also the Commissioner of Labour. Registration is compulsory and the Registrar may only refuse registration if he is convinced that any of the objects of the union are unlawful; appeal may be made against such a decision. The report describes the rights and duties of registered trade unions as well as the form in which application for registration should be made.

No modifications have yet been made in the national legislation or practice with a view to giving effect to those provisions of the Convention which are in conflict with the existing law. Ratification is prevented by the fact that the existing national legislation is not in full conformity with the Convention. The possibility of adopting measures to give effect to those provisions of the Convention not yet applied by national legislation or practice has not yet been examined.

Chile.

Book III of the Labour Code deals with industrial organisations and contains provisions to guarantee freedom of association and the protection of the right to organise. Decree No. 1030 of 26 December 1949, as amended by Decrees Nos. 591 of 19 July 1950 and 437 of 8 May 1951, revises the legislative provisions concerning industrial organisations. Decree No. 261 of 26 February 1948, as supplemented by Decree No. 943 of 25 November 1949, confirms the regulations governing agricultural workers' organisations.

The Labour Code guarantees for employers and workers generally, subject to the exceptions explicitly provided therein, the right to establish organisations of a social character, on the sole condition that they observe their own statutes. The General Labour Directorate, which is entrusted with the supervision of industrial organisations, may intervene in the constitution, dissolution, activities and financial transactions of such organisations, in accordance with the national legislation.

The Labour Code authorises industrial organisations to establish confederations for the purposes of education, assistance and social security, and for setting up co-operatives of various kinds. It also authorises industrial organisations within a given trade or occupation to constitute associations or confederations for the study, development and legitimate defence of common interests.

With regard to Article 7 of the Convention, the report states that the formalities required under Regulation No. 1030 of 17 January 1950, in respect of the granting of legal recognition to organisations, do not affect the freedom of association granted to employers and workers as described above.

As to Article 8 of the Convention, Section 374 of the Labour Code provides that industrial organisations may not deal with matters other than those specified in the Labour Code and in their own statutes, and may not carry out activities likely to curtail individual freedom, freedom of work and freedom within the industries as guaranteed in the Constitution and legislation.

No modifications have been made in the national law or practice with a view to ensuring the application of the Convention.

The legislative provisions do not allow full compliance with the provisions of the Convention and are particularly inadequate as regards Articles 2, 4 (except in respect of agricultural organisations which may not be dissolved or suspended by administrative decision), 5 and 6. Consequently, under the legislation at present in force, which has not been altered by national practice, the Government is not in a position to ratify the Convention. Moreover, it is unable to undertake the many modifications which full compliance with its provisions would entail. It should be noted, however, that the Government, which recently came into

power, has requested the National Congress to abrogate Act No. 8987 of 3 September 1948, some provisions of which are totally incompatible with the Convention and have given rise to certain complaints before the Economic and Social Council of the United Nations—complaints which were disregarded by the International Labour Organisation. The abrogation of this Act will eliminate a substantial number of the present discrepancies between Chilean legislation and the provisions of the Convention.

Cuba.

The provisions of the Convention are given effect to by Decrees Nos. 2605 of 1933 and 1123 of 1943, and by Article 69 of the Constitution of 1940, which establishes the principle of freedom of association in all branches of activity throughout the country.

The above-mentioned Article of the Constitution guarantees the right of association to employers and workers and lays down that occupational associations may only be dissolved by an enforceable decision given by a court of law. Section 1 of Decree No. 2605 recognises the right to organise without prior authorisation, and Decree No. 1123 makes similar provision with regard to federations and confederations of workers.

Cuban legislation is thus in full conformity with the Convention, the ratification of which was recently authorised by the Senate.¹

Dominican Republic.

Industrial associations of workers and employers have developed freely in the Dominican Republic under the provisions of the Constitution, which establishes the right of association as a sacred and inalienable right of every citizen. The Labour Code, which came into force on 24 October 1951, lays down a complete and uniform set of regulations for the organisation of industrial associations. Full effect is given to the provisions of the Convention, upon which the Code is based.

The legislative provisions contained in the Labour Code, together with the steps taken by the Government, have created conditions in the country which enable industrial unions in general to pursue their activities.

Article 2. The principle of complete freedom of association is recognised in Sections 296 and 297 of the Labour Code, which provide that industrial unions and employers' associations may be formed.

Article 3. Sections 304 and 305 of the Labour Code provide that industrial associations may include in their rules conditions, in addition to those prescribed by the law, for the admission and dismissal of members; decisions taken by the associations in accordance with their rules are not subject to any appeal.

Article 4. Sections 352 and 356 of the Labour Code lay down the conditions under which an association may be dissolved in accordance with its rules, and under which the registration of an association may be cancelled by a decision of the courts. The report adds that dissolution or suspension by administrative authority is not permitted.

Article 5. Section 357 of the Labour Code provides that industrial associations may form federations and that such federations may, in turn, form confederations.

Article 6. Section 358 of the Labour Code lays down that the provisions applying to industrial associations in general shall also apply to federations and confederations; Section 360 provides that all federations and confederations of industrial associations shall be subject to the rules respecting registration prescribed by the Code.

Article 7. Section 311 of the Code lays down that all industrial associations shall acquire legal personality by virtue of registration with the Secretariat of State for Labour, thus obtaining the right to sue, to acquire property, etc.

Article 8. Sections 306 *et seq.* of the Code give effect to the principle that the law of the land shall be respected; it lays down that no industrial associations may restrict the freedom to work or take any steps to compel an employee or employer to be a member of an association or remain therein.

Article 9. The report states that the application of the standards of the Convention to the armed forces and police is incompatible with the nature of these bodies.

Article 10. Section 293 of the Labour Code defines an "industrial association" as an association of employees or employers constituted in accordance with the Code for the purpose of the study, advancement and protection of the common interests of its members.

The Labour Code contains full provisions, in Sections 92 to 118, with regard to collective contracts of employment. These provisions prescribe the powers and conduct of industrial associations in matters affecting collective agreements.

Provisions relating to the possibility of co-operation between employers' and workers' associations are to be found in Sections 362 to 367, which contain regulations governing economic disputes.

The national legislation was amended in the course of 1951 in order to give full effect to the provisions of the Convention. No difficulties have arisen in the country to prevent or delay the ratification of the Convention which, as indicated above, is already applied under the legislation now in force.

Reference is made to information already supplied with regard to measures which might be adopted to give effect to those provisions of the Convention not yet covered by the national legislation or practice.

The report states that the procedure for ratifying the Convention has been initiated but that the Government still awaits the official Spanish translation of the Convention.

Federal Republic of Germany.

The provisions of the Convention are covered by the Federal Constitution of 1949 (basic legislation) and by special regulations.

Article 9 of the Constitution lays down that all Germans shall have the right to establish associations and societies and that the right to establish associations for the protection and betterment of working conditions is guaranteed to everyone and to all occupations; agreements which tend to limit

¹ This ratification was registered on 25 June 1952.

or hinder this right are null and void and any measures to this effect are illegal. Associations the purpose or activities of which contravene the penal law or are directed against the Constitution or international harmony are forbidden.

Freedom of association is one of the basic rights guaranteed by Article 1 of the Constitution and it therefore binds legislative, administrative and judicial authorities alike. Any interference with this right would amount to a breach of the Constitution; should the interference result from an administrative order, the latter would become null and void and recourse could be had to administrative tribunals competent to annul administrative orders which violate any provision of the Constitution. The observance of the basic principles by the legislature can be enforced by recourse to the Constitutional Court, which can declare any act invalid if it infringes Article 9 of the Constitution.

Representatives of employers and workers participate, in terms of labour legislation, in the application of the principles of freedom of association.

No modification of the national legislation or practice appears necessary with a view to giving effect to the provisions of the Convention, since the latter is fully applied under Article 9 of the Constitution.

The question of freedom of association is a matter for action on the federal level rather than by the federal *Länder*; the Federal Constitution is binding on the legislative, administrative and judicial authorities of the federal *Länder*.

Greece.

The question of freedom of association has been dealt with by legislation in Greece since 1911. The Greek General Confederation of Labour was set up in 1919 and is still in existence.

Provisions concerning trade union organisation are to be found in the following texts: Article 11 of the Constitution, inserted on 1 January 1952, provides that Greek citizens have the right of association provided they respect the laws of the State, that laws shall not make this right conditional on previous authorisation, and that an association which has infringed provisions of the law may only be dissolved by judicial decision; Sections 61 to 107 of the Civil Code at present in force, which replace Sections 1, 11, 24, 28, 31, 34 and 39 of the Trade Union Act No. 281 of 1914; Trade Union Act No. 281 of 1914 (with the exception of the above-mentioned sections); Trade Union Act No. 2151 of 1920; Royal Decree of 20 May 1920 concerning trade unions, to consolidate the two above-mentioned Acts, together with several Acts (Nos. 198, 224, 274, 393, 581, 620 and 1913 of 1945 and No. 968 of 1946), adopted during the post-war period with a view to supplementing and amending certain provisions of the relevant legislation.

The above-mentioned legislation guarantees freedom of association, the right to establish trade unions freely and the right to join and withdraw freely from these organisations. This right is enjoyed by all workers, regardless of their sex or branch of economic activity, including both civil servants and employers. Subject to the basic provisions of the Constitution, special laws regulate matters relating to the protection of the right to organise and the working of trade unions. Again, subject to the observance of these laws, the rules and by-laws of the unions regulate the organisation and working of trade unions.

The Office for Collective Bargaining and Labour Disputes of the Ministry of Labour (Section for Trade Union Organisation) is responsible for the application of the provisions of the above legislation; however, this authority deals only with the legal aspect of the functioning of trade unions.

No modifications of the existing legislation have been made since the adoption of this Convention. However, on 22 May 1952, a draft Bill respecting the ratification of the Convention was laid before Parliament; no decision has yet been taken.

Guatemala.

The questions dealt with in the Convention are covered by legislative, administrative and other provisions and collective agreements. These include the Constitution of the Republic and the Labour Code, copies of which have been forwarded to the International Labour Office.

Article 58 of the Constitution, promulgated on 11 March 1945, guarantees the right to organise freely for the purpose of safeguarding the economic and social interests of employers, private salaried employees, teachers, and workers in general. The Constitution also provides that, in order to protect the interests of the members of trade unions, the State shall exercise supervision to ensure the sound management of the funds of trade unions. Similarly, Article 32 of the Constitution guarantees freedom of association, which must be exercised in accordance with the law.

Section 209 of the Labour Code provides that all persons covered by Section 206 (which refers to trade union membership) have the right to form industrial associations freely, provided that no one may be compelled to become a member thereof. This section of the Code also provides that any stipulation made by an industrial association of employers tending to prevent or restrict the right of the employees to form associations or to continue to be members of an association shall be null and void. The insertion of discriminatory clauses in collective agreements with regard to trade union members is therefore prohibited, but it is interesting to note that in some cases workers have succeeded in securing the insertion of preferential clauses whereby trade unions have the right to submit candidates when there are vacancies in an enterprise, which is bound to give preference to these nominees provided they fulfil all legal requirements.

The enforcement of the relevant legislative provisions is entrusted to the labour authorities—administrative and judicial. The first comprise the Ministry of Economic Affairs and Labour, the General Labour Inspectorate and the Administrative Labour Department, which supervise the application of the provisions in question and endeavour to prevent disputes; the second cover the labour and social welfare courts and appeal courts and the co-ordinating magisterial offices of these courts, which act in cases of dispute and where a settlement is sought by means of arbitration.

The national law and practice have not yet been modified with a view to giving effect to some or all of the provisions of the Convention; this is due to the fact that the Convention was only recently approved by the Congress of the Republic. The ratification of the Convention has been delayed solely by administrative and material difficulties.¹

¹ The ratification was registered on 13 February 1952.

The Ministry of Economic Affairs and Labour will prepare the legislative and other reforms necessary to give effect to those provisions of the Convention not yet covered by the national law and practice.

Ireland.

The principles contained in the Convention are dealt with in the Constitution and the following enactments : Trade Union Acts, 1871-1942, Conspiracy and Protection of Property Act, 1875, and Trade Disputes Act, 1906. In the main these Acts are designed to confer rights on trade unions in relation to trade disputes, restraint of trade, etc.

Article 40 of the Constitution of Ireland guarantees the right of citizens to form associations and unions, but lays down that laws may be enacted in the public interest to regulate and control the exercise of this right, provided these laws do not result in any political, religious or class discrimination.

The Trade Union Act of 1871 lays down the provisions under which trade unions may be registered. It also describes the duties and rights of registered trade unions. The Trade Disputes Act of 1906 confers immunity from tortious liability for inducing a breach of contract of employment in contemplation or furtherance of a trade dispute ; trade union funds are also declared immune against liability for any tort. For acts done in contemplation or furtherance of a trade dispute, protection is given against any charge of civil conspiracy and peaceful picketing is legalised.

The Trade Union Act of 1913 provides that registration is conclusive evidence that a body is a trade union ; it also lays down that, with the exception of certain political objects, the only requirement limiting the activities of a trade union is that they should be authorised by its constitution. This Act also contains provisions regarding the expenditure of union funds on political objects.

The Trade Union Act of 1941 was passed to facilitate the more efficient organisation of Irish trade unions as negotiating bodies in discussions regarding wages, hours and other working conditions. This Act provides that only such bodies as hold a negotiating licence may negotiate for the fixing of wages and other conditions of employment. Such licence is granted to trade unions registered under the Trade Union Act, or under the laws of another country, and who have deposited with the High Court of Justice a sum of money corresponding to the number of registered members in the country. Part III of the 1941 Act, which provided for the setting up of a tribunal which could determine that one or more trade unions should alone have the right to organise workmen of a specified class or classes, was declared by the Supreme Court of Justice in 1946 to be repugnant to the Constitution and consequently has no legal effect.

Trade unions which are controlled from abroad are free to organise and work towards their objectives in the country and the right of workers to join external unions or federations of unions is recognised.

The supervision of the application of the legislation mentioned in the report is entrusted to the Minister for Industry and Commerce. Although it is considered that no conflict exists between the Convention and the Constitution of Ireland, trade union and other legislation is at present under revision and the Government would prefer to post-

pone a final decision on ratification until that revision is completed.

Israel.

There is no special law in Israel regarding the matters dealt with in the Convention. An Ordinance on Trade Unions was passed by the Mandatory Government in 1947 but, since it did not come into force before the termination of the Mandate, it is not applicable in the country. The legislative position therefore is that the general law concerning non-profit-making societies applies to trade unions, and it is under this law that all the trade unions in Israel are organised.

It is estimated that about 80 per cent. of the workers in Israel are organised in trade unions and among them the majority of civil servants.

Under the general law governing non-profit-making societies, any number of persons may establish a society for any lawful purpose.

There is no Government control or supervision over trade unions. There is no restriction under the ordinary law on the establishment of trade unions, federations or confederations of trade unions or their affiliation with international organisations of workers and employers.

In all the labour laws passed since the establishment of the State of Israel there is a provision for consultation with representative workers' and employers' organisations in regard to the enforcement of the laws. In practice, all Bills concerning labour are prepared after consultation with an advisory committee in which representative workers' and employers' organisations participate.

Although the practice in Israel is in conformity with the provisions of the Convention, it is considered that a special law regarding trade unions should be enacted. According to the plan for labour legislation, three Bills will be prepared in the field of industrial relations, concerning respectively, trade unions, collective agreements and settlement of disputes. The latter Bill has already been drafted and discussed by the tripartite advisory committee.

Italy.

The principle of freedom of association is guaranteed in the Constitution of the Italian Republic which provides in Article 39 that : " There shall be freedom of association. No obligation shall be imposed upon members of associations except that of registration at local or central offices in accordance with legal requirements. A condition of registration shall be that the rules of associations should enable their internal organisation to be established on a democratic basis."

A Bill has been drafted by the Government in which the principle contained in the Constitution is reaffirmed ; this Bill is based upon the standards laid down in the Convention.

The Bill, which has been submitted to Parliament, places no restrictions on freedom of association. Employers and workers are entitled to form associations with a view to defending their interest. No categories of persons have been excluded from the right to form associations. Moreover, one or more associations may be formed for every occupational group and for every territorial district.

The Bill recognises specifically the autonomy of associations and provides that they must determine

their own scope and organisation. In conformity with this principle, the Bill refrains from requiring the structure of associations to conform to certain standards which must be determined by the associations themselves, that is, by the workers and employers. The Bill also provides that employers and workers may belong simultaneously to several associations whenever, as a result of various activities, they belong occupationally to more than one category.

Employers' and workers' organisations are entitled to establish or join federations or confederations. They are free to apply for registration and the resulting recognition; the latter concession is, however, conditional upon the existence in the association of democratically based rules and of a fixed minimum membership.

The Italian Government, which has submitted the Convention to Parliament in accordance with Article 19 of the Constitution of the International Labour Organisation, has not proposed the ratification of the Convention since the Bill in question has not been passed; the Government considers that this attitude is in accordance with the views expressed by several members of the Conference Committee on the Application of Conventions and Recommendations, who have frequently maintained that States should be given the opportunity to proceed with ratification after national legislation has been brought into line with the relevant international standards.

Japan.

Freedom of association, the right of workers to organise and the right of collective action are guaranteed by the Constitution; trade union law supplements the basic provisions contained in the Constitution.

Article 2. The Trade Union Law and the Trade Association Law provide that workers and employers have the right to establish and to join organisations of their own choosing without previous authorisation.

Article 3. With a view to guaranteeing their democratic and autonomous character the constitutions of trade unions must include certain provisions laid down by law. Nevertheless, they have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes. It is also provided that the public authorities must refrain from any interference which would restrict the above rights or impede their lawful exercise. With regard to employers' organisations, measures have been taken to apply the provisions of this Article but the legislation contains provisions for the elimination of monopoly and for supervision by the State.

Article 4. There are no legislative provisions under which workers' organisations can be dissolved or suspended by administrative authority; nor can employers' organisations be so dissolved except when it may become necessary to eliminate a monopoly.

Article 5. Employers' and workers' organisations enjoy fully the rights prescribed in this Article. Federations and confederations have been formed by trade unions and some of these are affiliated to the International Confederation of Free Trade Unions.

Article 6. See under Article 5.

Article 7. The acquisition of legal personality which is ensured by the Civil Code with regard to employers' organisations, and by the Trade Union Law with regard to trade unions, has not been made subject to conditions of such a character as to restrict the application of Articles 2, 3 and 4 of the Convention. It should be noted, however, that the inclusion of certain provisions in the constitution of a trade organisation is compulsory under the law.

Article 8. The provisions of this Article are applied.

Article 9. Since the Constitution provides for complete disarmament, Japan is not in possession of any armed forces. The police are excluded from the application of the Trade Union Law.

Article 10. The national legislation is in harmony with this Article.

Article 11. The provisions of this Convention dealing with the protection of the right to organise are applied.

The Ministry of Labour is responsible for the application of the Trade Union Law, and the Fair Trade Commission is responsible with regard to the Trade Association Law. As regards co-operation with workers' and employers' organisations provided for by the Trade Union Law, the exercise of various powers is delegated under this law to the tripartite Labour Relations Commission, which comprises representatives of workers, employers and the public authorities.

No modifications have been made in the national legislation or practice with a view to giving effect to all or some of the provisions of the Convention, as the laws referred to above which apply these provisions have been in force since 1946.

Since its readmission to membership of the International Labour Organisation on 26 November 1951 Japan has been actively examining all the Conventions hitherto adopted, with a view to their possible ratification. The necessary procedure for the ratification of the Convention under discussion has not yet been completed but it is considered that substantial effect is given to its provisions under the existing legislation.

New Zealand.

The following enactments are listed in the report: Trade Unions Act, 1908; Incorporated Societies Act, 1908; Crimes Act, 1908; Friendly Societies Act, 1909; and Industrial Conciliation and Arbitration Act, 1925, and amendments thereto.

Article 2. The Trade Unions Act and the Crimes Act provide that trade unions as combinations in restraint of trade or for other purposes are not unlawful or criminal.

Article 3. Combinations of workers and employers may secure legal entity under the Trade Unions Act, the Incorporated Societies Act or the Industrial Conciliation and Arbitration Act. Thus, any society of workers or employers, with the required number of members, may be registered as an industrial union under the Industrial Conciliation and Arbitration Act in connection with any specified industry or related industries. Registration gives the organisation a district status and, under

certain conditions, a wider status and even a national scope. Each of the various enactments under which organisations may be registered requires that certain matters should be provided for in the rules of the organisations registered under it. The purpose of these rules is to provide legal safeguards to protect members from undemocratic or dishonest action on the part of the executive or a minority. Thus, the Trade Unions Act provides that the following points must be covered by the rules: the objects of the organisation, the appointment and removal of officers, trustees or committees of management, the control of property, investment of funds and periodical audit of accounts, etc. Apart from these formal safeguards, there is no interference by the public authorities with regard to the election of officers, the administration of the unions, etc.

In order to avoid multiplicity of unions, registration may be refused in specified cases, but unregistered unions are not illegal and may operate outside the Act.

Article 4. The Minister of Labour may cancel the registration of a union which has brought about wholly or in part the "discontinuance of employment", a term deemed to include the refusal by any employer to engage workers for any work for which he usually employs workers, the refusal of any workers to accept engagement for any work in which they are usually employed, and any method, act or omission in the course of employment which interrupts or impedes the work in any industry. The effect of de-registration is not dissolution but only withdrawal of privileges; the union can still function and negotiate with employers (or workers). There have been 12 such cancellations since 1939. In addition, the Court of Arbitration may suspend for a period of not more than two years the registration of a trade union which has been convicted of having engaged in an unlawful strike, and the union may not during such period be a party to any proceeding under the Act or to an industrial agreement; the operation of an award or agreement applying to persons who are members of such a union is also suspended.

Article 5. The right to establish and join federations and confederations is expressly facilitated under the Industrial Conciliation and Arbitration Act, which provides that a council or other body representing not less than two industrial unions may be registered as an industrial association. An amendment made in 1951 permits any industrial union or industrial association to be affiliated to any organisation whether or not the latter is registered under the Act. No restrictions are placed on affiliation with international organisations of workers or employers. All the provisions of the Industrial Conciliation and Arbitration Act relating to industrial unions also apply to industrial associations.

Article 6. See reply under Article 5.

Article 7. Legal personality is acquired simultaneously with registration, the conditions of which are such that the applications of Articles 2, 3 and 4 of the Convention are not restricted. Under the Industrial Conciliation and Arbitration Act and the Incorporated Societies Act, every registered industrial union becomes a body corporate having perpetual succession and a common seal.

Article 8. The supremacy of the law is a fundamental principle of the New Zealand Constitution.

The various enactments mentioned above are intended to encourage the formation of industrial unions and associations for legitimate purposes.

Article 9. The rights and procedures of the Industrial Conciliation and Arbitration Act do not extend to Crown and Government departments. However, under various Acts relating to the public service, post and telegraph department, Government railways and State coal mines, associations of workers employed in these services have been recognised. Regulations under the Police Forces Act, 1947, provide that combinations shall be dealt with as being subversive of discipline, but members of the police may join a Police Association approved by the Minister. The New Zealand Police Association has been recognised by the Commissioner of Police for negotiating purposes as to conditions of work.

The statutes applicable to the armed forces in effect disallow freedom of association among members of the forces as conduct prejudicial to military discipline.

Article 10. As defined in the Trade Unions Act, a trade union means any combination for regulating labour relations or for imposing restrictive conditions on any trade or business. Under the Conciliation and Arbitration Act any society with the prescribed number of members formed for the purpose of protecting or furthering the interests of employers or workers may be registered as an industrial union.

Article 11. The laws mentioned not only protect the right to organise but encourage its exercise. The Labour Disputes Investigation Act, 1913, provides machinery under which unregistered societies of workers may negotiate agreements with their employers.

The Government is of the opinion that the law and practice in New Zealand are in full conformity with the Convention. However, in view of certain particularly serious strikes in 1951 which required special measures in the interest of public welfare, law and order, the Government considers it desirable to postpone consideration of ratification of the Convention until the full operation of the Convention, in relation to such special circumstances and measures, is more clearly established by experience and precedent.

Switzerland.

The legislation contains provisions concerning freedom of association and protection of the right to organise.

Article 56 of the Federal Constitution guarantees to all citizens the right to form associations "provided the object of these associations and the methods used by them in carrying out their objects are neither illegal nor dangerous to the State". The cantonal legislation establishes the measures necessary to prevent abuse of this right. Sections 60 to 79 of the Civil Code guarantee the freedom and the rights set out in the Convention with regard to the setting up of associations.

All disputes arising out of the application of Sections 60 to 79 of the Civil Code are adjudicated upon by the civil tribunals independently of the administration. Under Section 84 of the Federal Act of 16 December 1943 relating to the organisation of the courts, any citizen who considers that a cantonal decision or order restricts the rights

guaranteed to him under Article 56 of the Federal Constitution may lodge an appeal with the federal tribunal.

No modifications have been made in the national legislation or practice with a view to giving effect to all or some of the provisions of the Convention. Collective labour agreements, which are based on the principle of freedom of association, are gaining in importance. Two federal Bills dealing with matters relating to collective labour rights have been submitted to the cantons and to the central employers' and workers' organisations for their opinion.

Some time ago the authorities sought the advice of the International Labour Office on a number of points in the Convention, in order that they might be able to give an opinion on the possibility of ratifying this instrument.

Turkey.

The following legislation is referred to in the report: the Constitution; the Civil Code; Act No. 3512 of 14 July 1938 respecting associations, as amended in 1946 by Act No. 4919; and Act No. 5018 of 1947 respecting organisations of employers and workers.

Article 70 of the Constitution recognises the right of all Turkish nationals to associate; the Civil Code, together with Act No. 3512 as amended, regulates this right. Act No. 5018 recognises the workers' right to establish trade unions.

Act No. 3512 prohibits the setting up of associations which aim at disturbing territorial integrity and political and national unity, which are based on principles of religion, sect, family, community and race, or which aim at regionalisation; secret associations are also forbidden. Moreover, if an association with headquarters abroad wishes to open a branch in Turkey or if an association having international objectives is to be set up in Turkey, authorisation must be obtained from the Council of Ministers; this authorisation may be withdrawn.

Industrial organisations are defined in the legislation as associations formed with the object of mutual assistance, the protection of common interests, and the representation of workers or employers belonging to the same branch of employment, or, in the case of workers, to a related branch of employment. Industrial organisations may only be constituted by persons who come within the definition of workers or employers as laid down in the Labour Code (as amended in 1950), that is, persons who either carry out, under a contract of employment, manual or both manual and intellectual work in an undertaking belonging to another person, or who employ another person under a contract of employment in their undertakings at manual or both manual and intellectual work. Persons not complying with these requirements may not be members of an industrial organisation.

Organisations of employers and workers may not take part in political affairs. They can participate in the activities of all international organisations by virtue of a decision taken by the Council of Ministers. They may be dissolved only by a decision given by a court of law.

The setting up of industrial organisations is optional, as is also affiliation thereto. The organisations are free to form associations which are subject to the provisions of Act No. 5018.

The Ministries of Labour and of the Interior are entrusted with the application of legislative pro-

visions dealing with industrial organisations and associations.

The Act respecting organisations of employers and workers, which contains some of the provisions of the Convention, has not been amended with a view to bringing it into conformity with the latter.

As persons who do not come within the definition of employer or worker as laid down in the Labour Code may not set up organisations, and as Section 12 of the Act respecting associations provides that persons who receive from the State, local administrations, municipalities and institutions attached to the State any salary or remuneration in respect of their employment may not form associations related to the nature of their employment, it appears that ratification of the Convention is not possible at present.

Act No. 5018 relating to employers' and workers' organisations is being amended and Section 12 of the Act respecting associations is being examined with a view to its amendment in the near future.

Union of South Africa.

The legislation governing the administrative and other provisions of the Convention is to be found in the Industrial Conciliation Act of 1937 and the Wage Board Act of 1937.

The relevant provisions are embodied in Sections 1, 4 to 17, 66, 78, 80 and 82 of the Industrial Conciliation Act and Section 25 of the Wage Board Act.

The Department of Labour is responsible for supervising the application of the legislation.

No modifications have been made in the national legislation and practice with a view to giving effect to all or some of the provisions of the Convention.

The reasons which prevent ratification are as follows: employers and workers have always been free to form organisations but these are unable to conclude statutory agreements unless they are registered, that is, they must be representative and conform to the orderly regulation prescribed in the Industrial Conciliation Act. It has not been found possible to fit the native population living under tribal conditions and with a comparatively primitive stage of culture into the legislative pattern of trade unionism and collective bargaining.

Colonial, that is, non-metropolitan, territories surround the Union of South Africa and they are populated by the same native backward groups which form part of the Union's rural and urban areas; under Article 35 of the Constitution of the International Labour Organisation it is possible for the metropolitan powers responsible for these territories to ratify Conventions subject to modifications or reservations in respect of them. Where it is essential to apply different methods to different sections of the population, the Union Government's attitude is that this should be provided for in the Convention before it can see its way clear to ratify it.

It is impracticable to adopt measures to give effect to those provisions which are not yet covered by national legislation.

Uruguay.

The following legislation is mentioned in the report: the Constitution of the Republic, Act No. 10913 of 25 June 1947 concerning joint committees in public services, and Act No. 10449 of 12 November 1943 concerning the setting up of wages boards.

The basic principle underlying Article 2 of the Convention is guaranteed by Articles 38 and 56 of the Constitution. Several Bills regulating the constitutional principle of freedom of association have been drafted, but they have not yet been adopted. However, the fact that no regulations have been issued does not restrict the constitutional guarantees provided for in Article 282 of the Constitution.

Five special courts have been set up by decree of the executive authority to consider cases of dismissal. Act No. 10913 concerning joint committees in public services prohibits the dismissal of workers' delegates while discharging their functions either as officers or active members of trade unions. A recent decision given by the Court of Appeal ordered the payment of compensation to workers dismissed on account of trade union activities and for having participated in a strike.

There are approximately 150 industrial organisations in the country. Their rights are identical in practice, whether or not they have acquired legal personality. Act No. 10449 empowers the executive authorities to recognise trade unions which do not enjoy legal personality, in order that such unions may request the constitution of wages boards. To this end the organisations concerned must comply with certain requirements which are described in detail in the report.

The executive authority and its subordinate organs fully recognise industrial organisations; they examine with them problems of general interest, and invite them to participate in the work of the advisory boards which are frequently set up to deal with labour problems.

Viet-Nam.

The following legislation is mentioned in the report: Decree of 21 February 1933 respecting associations; Ordinance of 5 July 1945 concerning the setting up of industrial organisations (subsequently repealed); Ordinance No. 10 of 6 August 1950 concerning the organisation of secular associations.

The Decree of 21 February 1933 permitted the setting up of non-profit-making associations provided their constitutions had been approved; no difficulties were placed in the way of this approval if the regulations were observed. A large number of organisations were set up under this Decree, including associations of employers and workers, most of which represented and defended occupational interests. The report states that under this Decree the defence of occupational interests was fully ensured.

The Ordinance of 5 July 1945, issued by His Majesty Bao-Daï, which formally authorised the setting up of industrial organisations, was repealed shortly afterwards by the Government of Hô-Chi-Minh.

From then and until the conclusion in March 1949 of the agreements between France and Viet-Nam, there was no specific legislation in existence; industrial organisations, however, enjoyed *de facto* recognition.

The Ordinance of 6 August 1950, which was issued pending the promulgation of legislation on industrial organisations, was an attempt to place on a normal footing the working of associations, thus enabling them to represent occupational interests. The provisions of this Ordinance in no way affect the final measures to be taken by the

Government with regard to legislation on industrial organisations, and are considered as a first step towards final legislation on this subject. The next step will be the promulgation of legislation on industrial organisations, but this requires research and consultations which have not been possible so far. However, in the present transitory period, industrial organisations may be constituted and may function.

The report mentions 40 existing industrial organisations and points out that the public authorities make frequent calls on them. This was the case, in particular, with regard to the nomination of representatives of employers and workers to the last session of the International Labour Conference.

The Ministry of the Interior, the Ministry of Social Activities and Labour, together with the General Inspectorate and the regional labour inspectorates, are responsible for the application of the existing regulations and for ensuring co-operation between the public authorities and industrial organisations.

Experience has shown that the flexible regulations governing employers' and workers' organisations ensure guarantees to occupational interests which are in no way inferior to those conferred upon them in other countries.

The Government means to solve trade union problems in a way which, while taking account of local conditions, will be in conformity with the spirit of the Convention. The country is slowly but surely approaching full freedom of association.

Yugoslavia.

The matters covered by the Convention are dealt with in the following provisions: the Constitution of the Federative People's Republic of Yugoslavia, published on 1 February 1946; the Act concerning Government employees, published on 29 May 1946; the Act respecting associations, meetings and other public assemblies, published on 25 June 1946; the General Act concerning handicrafts, published on 9 June 1949; and the Decision of the Ministry of the Interior, No. 13074 of April 1951.

The Federal Constitution, together with the constitutions of the People's Republics, guarantees to all persons in employment the right to set up trade unions. The Act respecting Government employees confers on public employees the right to organise with a view to improving their living and working conditions. The exercise of the right of association, which is guaranteed by the regulations in force to workers as well as to employees and officials, is not restricted in any way in practice. The setting up and the activities of trade union organisations are not subject to previous authorisation by Government bodies; similarly, the unions are not required to submit their constitution and rules to the public authorities. This is specifically laid down in the Decision of the Ministry of the Interior. It should be noted, moreover, that the rules drawn up by the Confederation of Yugoslav Trade Unions provide that workers' and employees' unions elect their representatives and committees by secret ballot and organise their activities freely. In conformity with the rules in question, trade unions are affiliated to occupational federations of the various economic branches and these federations in turn are affiliated to the Confederation of Yugoslav Trade Unions. The right to affiliate to international workers' organisations is not restricted by the laws and regulations in force.

As regards employers, the report makes a distinction between the socialised economic branches and private employers. Undertakings belonging to socialised branches are administered by bodies elected for this purpose by the workers themselves, in conformity with the Act, published on 5 July 1950, on the administration of State economic undertakings by workers' collectives. On the higher level, these undertakings are grouped within the economic associations which exist in the various branches of industry. Moreover, by virtue of a new Act on People's Committees (district bodies for public administration) these consist of two separate councils—one a district council, representing all the citizens of the district, and the other a producers' council, composed of representatives of the bodies responsible for the administration of State undertakings, and also of representatives of co-operative and other economic and social organisations. In these circumstances, the Government considers that it is unnecessary to set up other organisations to represent the socialised branch of the economy.

Private employers are at present few in number and as a rule are handicraftsmen; they may set up occupational organisations in conformity with the General Act of 1946 respecting associations,

that is to say, subject to previous authorisation by the competent body. However, no use has been made of this right, in particular because employers are automatically affiliated to the chambers of trades which were established by virtue of the General Act of 1946 respecting handicrafts.

No special body is entrusted with the application of the legislative provisions in question; in view of the important part played by trade unions, the setting up of such a body has not seemed necessary. However, the Public Ministry is responsible for the application of all the legislation in force, including that relating to trade unions.

Reference is made to the above-mentioned Decision of the Ministry of the Interior with regard to modifications to the legislation with a view to giving effect to the Convention.

There appears to be no obstacle to the ratification of the Convention in so far as the right of workers to associate is concerned. On the other hand, the right of private employers to set up associations is subject to previous approval by the authorities, and seeing that it would not be compatible with the social structure of the country to place private employers and workers on an equal footing in this respect, the ratification of this Convention by Yugoslavia is not considered possible.

Migration for Employment Convention (Revised), 1949: C. 97

Argentina.

The following provisions exist in relation to the matters dealt with in the Convention: Act No. 817 respecting immigration and settlement, and the relevant regulations issued under the Decree of 31 December 1923; Decree of 28 June 1927 concerning unaccompanied women with children who are minors, or sexagenarians returning to the country; Acts Nos. 4572 and 5629 concerning the Immigrants' Hostel; Act No. 6313 respecting the accommodation of immigrants; Decree No. 20707/46 to constitute the Argentine Immigration Delegation in Europe; Decree No. 23112/46 setting up the Commission for the Reception and Direction of Immigrants; Act No. 13591 of 11 October 1949 to establish the National Employment Service Directorate; Decree No. 24666/49 respecting entry into the country; Decree No. 2896/49 to set up the National Migration Directorate; Decrees Nos. 6363/50 and 24453/50 establishing rules to govern the unrestricted entry into the country of illiterate immigrants.

Article 2. The national provisions to implement this Article include, in particular, Chapter II (Sections 4 and 5) of Act No. 817 (which deals with immigration agents in other countries), Chapter III of the same Act (Sections 6 to 8 of which deal with immigration commissions), Decree No. 20707/46 (Sections 3 and 4) and Decree No. 10534/49 (which set up in Rome a preparatory school for immigrants).

Article 4. In regard to measures to facilitate the departure, journey and reception of immigrants, the report refers to Section 14 of Act No. 817, which extends special advantages to immigrants showing evidence of good conduct and aptitude for any useful trade or occupation. Decree No. 23112/46 entrusts the Commission for the Reception and Direction of Immigrants with all matters relating to the reception, direction, settlement and integration of immigrants.

Article 5. Adequate medical services for migrants for employment and members of their families are guaranteed in Section 30 of Act No. 817 and Section 2 of the related regulations. Under these provisions, a committee has been set up for the investigation of sanitary conditions on board ships and the state of health of migrants for employment. Standards similar to those laid down by this Article are also embodied in Sections 4 and 5 of Decree 6363/50.

Article 6. Article 31 of the Constitution provides that "aliens who enter the country without thereby infringing the law shall enjoy all the civil rights of Argentine nationals". Nationals and aliens are thus on a footing of complete equality,

which covers such matters as remuneration, conditions of work, membership of trade unions, housing, social security, taxes, dues or contributions and legal proceedings.

Article 7. The provisions of this Article respecting the employment service coincide with the objectives of Act No. 13591 respecting the setting up of the National Employment Service Directorate.

Article 9. The establishment of supervisory bodies with responsibility for exchange control has resulted in the regulation and, to some extent, the limitation, of the transfer of funds to most foreign countries. The possibility of transferring funds is dependent on the existence of a bilateral agreement with the country in which the proposed beneficiary is resident. Agreements of this nature have been concluded with Spain and Italy. Transfers for "family aid" and "subsistence" may be made to these countries within the limits of the scale fixed in Circular No. 1148 (Exchange) of the Central Bank of the Republic of Argentina. The provisions contained in this Article could be applied, with due regard to the foregoing, in the case of Government-controlled immigration from countries with which Argentina has concluded bilateral agreements.

The authorities entrusted with the application of the operative legislation are the National Directorate of Migration in the Ministry of Technical Affairs and the National Employment Service Directorate in the Ministry of Labour and Social Welfare.

In view of the recent adoption of Act No. 13591, respecting the employment service, and of various other measures mentioned above, it has not been found necessary to modify the existing legislation specifically in order to give effect to the principles laid down in the Convention.

The reasons which have prevented ratification of the Convention up to the present are of an organisational character. The National Employment Service Directorate is only in the initial stages of activity and has not so far been able to undertake, in conjunction with the National Directorate of Migration, a comprehensive examination of the problem.

In accordance with Articles 68 (16) and 100 of the National Constitution, both the National Congress and the Provincial Governments are competent with respect to the promotion of immigration. The existing legislation on the subject and all the official bodies set up to deal with migration questions are in fact national in character; the subject matter of the Convention is therefore appropriate for federal action.

Copies of the relevant legislation were submitted with the report.

Austria.

Reference is made to the report on Recommendation No. 86 for information relating to the law and practice and the competent authorities.

The Government also refers to the report which it submitted to the National Assembly (Parliament) with regard to this Convention. According to this report, although the provisions of the Convention may be appropriate in the case of properly organised migration, they do not apply in the same measure to displaced persons and refugees who have entered a country without the consent of the Government of that country. While doing everything in its power, for humanitarian reasons, to assist displaced persons and refugee groups in Austria and to grant them in certain cases a status equal to that of nationals, the Government has consistently declined to accept the status of an emigration country in relation to these groups. Moreover, it is not clear whether such refugees and displaced persons fall within the definition of "migrants for employment" contained in Article 11 of the Convention and whether ratification might be regarded as imposing on the Austrian Government obligations in respect of refugees and displaced persons which it is not prepared to accept. In respect of the possibility of repatriation of emigrants in certain circumstances (Article 8), the Government states that it is prepared to envisage such a measure in respect of its nationals, but not to admit the principle of repatriation to Austria of refugees and displaced persons of non-Austrian nationality who have emigrated from Austria. The ratification of the Convention might be regarded as an acceptance of this principle.

For these reasons, and with due regard to the opinions in this sense expressed by the employers' and workers' organisations, the Government has recommended to the National Council that the Convention should not be ratified at present.

Belgium.

Article 2. Belgium has a free public employment service, comprising the Employment Directorate (under the Directorate-General of Social Protection of Labour in the Ministry of Labour and Social Welfare) and the National Placement and Unemployment Office (set up under the same Ministry within the framework of the social security system). The Employment Directorate deals with all questions of principle in the field of migration and is responsible for the application of the regulations respecting the employment of foreign workers. Regional and local offices for the placing of workers have been set up throughout the country under the National Placement and Unemployment Office. Regional offices are responsible, within their respective areas, for the placement and recruitment of manpower, whether national or foreign. Both the Employment Directorate and the Placement and Unemployment Office have special departments responsible for receiving immigrants, providing them with accurate information and recording their applications for employment. These services are provided free of charge.

Article 3. The nations signatory to the Brussels Treaty have undertaken to exchange among themselves, every month, information on their manpower demand and supply. Lists of employment vacancies prepared in this connection include information on the work available, age stipula-

tions, the temporary or permanent nature of the work, housing conditions, language, and the occupational qualifications required. Information is also given on living conditions in Belgium, including cost of living, housing possibilities, trade union rights and social security deductions. Similar lists received from the other signatories to the Brussels Treaty are distributed to all regional offices of the National Placement and Unemployment Office. In the case of group immigration (which is limited at the present time to Italian workers recruited for the coal mines) the Italo-Belgian Protocol affords every guarantee in respect of provision of information to the workers concerned. It is considered that the dissemination of ample documentation of an authoritative character is the best safeguard against misleading propaganda.

Article 4. The measures to facilitate migration vary according to whether the movement is on an individual or on a group basis. In the case of individual movements (involving mainly workers from the other Brussels Treaty countries) the employer and the worker make the necessary arrangements between themselves in regard to the expenses of the journey. When the necessary formalities are concluded, the worker informs the employment service in his country of the date of his departure, which in turn advises the corresponding service of the immigration country so that the necessary steps may be taken to have the worker met on arrival and assisted in any appropriate way. In the case of group immigration from Italy, the convoys start from Milan. Every special train has an interpreter and nurses; food is provided during the journey. The worker pays for his own ticket but not for baggage charges. The employer undertakes to facilitate in every way the arrival in Belgium of the worker's family and advances him the money necessary for the cost of the journey, which the worker reimburses by monthly deductions from his pay.

A Royal Order of 25 February 1924 regulates the transport of emigrants. With a view to providing services for emigrants the Government has set up in Antwerp an inspection committee, a Government commissariat and a medical service. The inspection committee assists in the solution of difficulties and disputes relating to the engagement and transport of emigrants, makes recommendations concerning the granting and withholding of authorisations to carry out such operations, and ensures compliance with formalities in regard to the insurance policies which must be taken out in the interest of the emigrants. The Government commissioner sees that the general formalities are carried out, assists in the reception of emigrants at railway stations and supervises the operations of emigration agents. He may go anywhere, even on board ships carrying emigrants, in order to be sure that contractual engagements are being met. He advises emigrants as to their rights under Belgian law or under the contract of employment. Other functions of the commissioner include the making of certain embarkation arrangements, inspection of emigrants' accommodation ashore, and transmission of emigrants' complaints regarding food and amenities on board ship, etc. The medical service safeguards public health in connection with the movements of emigrants, supervises the medical inspection which emigrants are required to undergo prior to embarkation, and provides medical protection to emigrants generally until their departure. The

law also provides for the detailed regulation and supervision of various other aspects of emigration.

Article 5. The question of medical services for the purposes specified in this Article is under examination. It may be assumed that in the very near future all necessary steps will have been taken to ensure the functioning of appropriate medical services, with responsibility for ascertaining the state of health of migrants for employment and members of their families and for ensuring the provision of medical attention and the existence of good hygienic conditions.

Article 6. Foreign manpower is placed on the same footing in every respect as national manpower. Immigrant workers receive the same pay for the same work as nationals in the same undertaking. Where no nationals of the same category are employed in the undertaking, immigrant workers receive the standard and current pay of all foreign workers in the same category in the area. The law does not distinguish between national and foreign workers in regard to hours of work, overtime pay, holidays with pay, age of admission to employment, apprenticeship, vocational training and employment of women and young persons. Immigrants have the same rights as nationals in regard to membership of trade unions and enjoy the benefits of collective bargaining.

Foreign workers have the same rights as nationals in respect of the acquisition, possession, rental and disposal of real estate and small rural and urban properties. They cannot, however, benefit by certain advantages granted to builders and purchasers of houses at low cost. The Belgian employer undertakes to do everything possible to assist the immigrant worker to secure suitable accommodation, with the necessary furniture, and at the rates prevailing in the region.

The right to social security benefits is based on the existence of a contract for the hire of services, without regard to nationality. Belgium has entered into bilateral social security agreements with France, the Netherlands, Luxembourg and Italy. Negotiations are proceeding with the United Kingdom and it is proposed to initiate negotiations with the Federal Republic of Germany. All such agreements incorporate the principle of equality of treatment, establish responsibilities primarily on the basis of the place of employment and lay down rules intended to ensure the maintenance of acquired rights and rights in course of acquisition. These agreements also provide that, where the probable duration of employment is less than six months, the worker shall remain in principle under the system applying in his former place of employment. A multilateral Convention has co-ordinated social security provisions applying to the nationals of the Brussels Treaty countries. There is complete equality of treatment as regards employment taxes, etc., and legal proceedings.

Article 8. Workers employed in Belgian mines who are found to be unsuited to underground work are, if they so request within ten days and in so far as employment is available in other occupations in which immigrants are receivable, placed in alternative employment. Only Luxembourg nationals, on their arrival in Belgium, are granted a work permit for an unlimited period. Nationals of the Netherlands receive this permit only after six months' residence. In the case of nationals of other countries, five years' residence is required ;

after this period a worker may remain indefinitely in Belgium and may not be removed from the country. If he is ill or unable to work he becomes a charge on the social security system. All restrictions are abolished for women after five years' residence in Belgium.

Article 9. The Belgo-Luxembourg Exchange Institute lays down rules for the transfer of a part of the earnings of immigrants to members of their families. The Italo-Belgian Protocol provides for the establishment of a compensation account, each Government designating a bank for the purpose.

Article 10. The recruitment of Italian manpower for the mines and for other sectors of industrial activity is carried out on the basis of the Italo-Belgian Protocols signed on 23 June 1946, 26 April 1947 and 9 February 1948. These Protocols contain provisions relating to recruitment (duration of the contract, transfer of savings, establishment of the worker and his family), transfer of manpower (costs and means of transport, convoys, administrative formalities), procedure (e.g., in the case of workers requesting alternative employment or workers who fail to fulfil a contract) and the establishment of joint advisory committees responsible for facilitating the working of the arrangements in force and the solution of current problems.

In addition, general treaties and bilateral agreements negotiated for the purpose of ensuring substantial equality of treatment in the field of labour protection to nationals (or specified categories of nationals) of the signatory countries on a basis of reciprocity, have been concluded with France (1924, amended in 1939), Luxembourg (1926), the Netherlands (1933), the United Kingdom and the Inter-Governmental Committee for Refugees (1947), the United States and the Inter-Governmental Committee for Refugees (1947) and France (1949); the last three relate to displaced persons and refugees. Special agreements and arrangements have been concluded on accident compensation with Luxembourg (1905, revised 1906) and France (1906, revised 1927), and on social security with the Netherlands (1947), France (1949), Luxembourg (1949 and 1951) and Italy (1948 and 1951).

Bolivia.

Numerous legislative and administrative provisions and various practical measures exist in connection with the matters dealt with in the Convention. Article 2 of the Constitution recognises, *inter alia*, the right of any person to enter, remain in, proceed in transit through or depart from, the national territory and to engage in an occupation which is without prejudice to the community. A Decree of 22 May 1936 provided for the establishment of an Immigration Department, which at present comes under the Ministry of Government, Justice and Immigration. The Supreme Decree of 28 January 1937 contains general provisions respecting admission to the country, the categories of persons who cannot be admitted, grounds for expulsion, guarantees of asylum and financial responsibility of employers for the repatriation of workers recruited abroad. The Act of 4 January 1950 empowers the Ministry of Agriculture, Stock-breeding and Colonisation to grant, free of charge, to any family of immigrants wishing to engage in agriculture or stock-breeding, a plot of fertile land

not exceeding 400 hectares, as well as certain tax exemptions and credit facilities. An official booklet on colonisation was published by the Ministry of Immigration in 1945. The Supreme Decree of 30 June 1941 exempts from entrance tax all specialised and skilled workers covered by a contract of employment. The Decrees of 26 April 1937, 3 January 1940 and 3 March 1944 are designed to ensure the rapid identification of migrants in the country and to facilitate their establishment.

In practice, there has not been up to the present a genuine immigration policy directed towards securing manpower required for economic development, and the role of the competent authorities has been limited to the regulation of ordinary spontaneous immigration. Owing to its limited resources the Government has not so far been able to stimulate the intake of skilled workers on the scale desired; however, under an agreement concluded with the I.L.O., the latter is sending migration experts to Bolivia to study the general question.

Under existing conditions it is not considered necessary to maintain a special service for the provision of free assistance to immigrants. However, the authorities provide accurate information as the need arises.

Article 3. Past experience, including the failure of certain colonisation schemes, has impressed on the Government the importance of taking all appropriate steps against misleading propaganda on migration.

Article 6. Effect is given by constitutional and legislative provisions to the principle laid down in this Article. No racial, religious, nationality or sex discrimination exists.

Owing to a variety of circumstances, foreign workers do not merely enjoy equality of treatment with nationals but, in general, receive preferential treatment in respect of conditions of employment, remuneration, holidays, hours of work, etc. In practice, the social and labour legislation of the country is of general application and aliens are not excluded from benefit thereunder.

Article 8. The obligation of the employer to pay the cost of the repatriation of a worker recruited abroad, whose contract has come to an end or has been terminated because of incapacity arising from an employment injury, applies only where the worker himself desires such repatriation. The worker may prefer to take the necessary steps to obtain his permanent settlement in the country, in which case all legal safeguards are extended to him in the same way as to nationals. While the General Labour Act limits alien labour to a maximum of 15 per cent. in any undertaking, an exception is made in respect of technicians, persons who have been resident for more than 10 years in the country and persons who have married Bolivian nationals or who have children of Bolivian nationality.

Article 9. Exchange control has been established by law and the sale of foreign currency to the Central Bank of Bolivia is compulsory, but workers with contracts in terms of a foreign currency may send out of the country a sufficient part of their earnings to ensure the maintenance of dependants.

Annex I. Under Section 31 of the General Labour Act, the recruitment of labour by inter-

mediaries is not permitted. The recruitment of workers within Bolivia for employment abroad may be authorised by the Ministry of Labour and Social Welfare, which exercises suitable supervision and intervenes in the negotiation of contracts. The contracts must contain a clause by which the employer undertakes to be responsible for the repatriation of the worker on the termination of the contract; a deposit must be made as a guarantee. The recruitment of workers abroad for employment in Bolivia is effected in practice directly by the employer who, in order to obtain visas for passports, must have previously undertaken to pay repatriation costs, and, moreover, to submit for official visa the contracts signed abroad. Where the contract is to be concluded on the arrival of the worker in the country, the employer is required to inform the worker in advance of the general conditions of engagement and the worker must indicate his assent thereto before his arrival. The public employment service operates without charge. Clandestine emigration and immigration are punishable by fine and imprisonment (Sections 24 *et seq.* of the Supreme Decree of 20 May 1937). Clandestine emigration to Northern Argentina and to Brazil is, however, very difficult to check because of the length of the national frontiers. In this connection a problem has arisen which has been discussed among the Governments concerned with a view to ensuring closer supervision and protection of the conditions of work of migrants on a basis of reciprocity.

Annex II. Up to the present no arrangements for group transfer of migrants have been concluded by the Bolivian Government and no migration agreements have been signed. The principles laid down in this Annex will, however, be taken into account when the occasion arises.

Annex III. In general, the personal effects of immigrants entering the country are not subject to duty. No provisions exist, however, for exemption from customs duties of the tools and equipment of migrants. In specific cases of entry of groups of migrants intending to establish themselves in certain categories of occupations, their tools, equipment and various implements (tractors, lorries, etc.) have been admitted free of duty. It is the policy of the Government to give every assistance in connection with the immigration of skilled workers and colonists, a policy of restriction being applied only to anti-social elements and persons with physical or mental infirmities.

The application of the laws and regulations relating to conditions of work of migrants for employment is entrusted to the services of the General Inspectorate of Labour in association, as appropriate, with the Employment Service.

No modifications have been made in the national law or practice to give effect to the Convention. It is the Government's intention to proceed to a complete overhaul of the relevant legislation, with the co-operation of experts provided under the Expanded Technical Assistance Programme of the United Nations and the International Labour Organisation.

The ratification of the Convention has been delayed by the prolonged recess of Parliament. In view of the fact that the Government has pledged to promote, by means of migration, the development of the country and the colonisation of large areas of potentially productive land, it is its firm intention

to give effect to all the provisions of the Convention which are adapted to the mentality and the needs of the Bolivian people.

Copies of the relevant legislative texts were submitted with the report.

Burma.

Under the Government's present policy new immigrant foreigners are not admitted into Burma for permanent residence. In these circumstances, no detailed report on the Convention is submitted.

Canada.

Article 1. Laws and general regulations are published and readily available, as are the annual reports of Government departments to Parliament. Immigration policy is debated in Parliament. There is thus general access to the information required under this Article.

Article 2. Outside Canada, the immigration Branch of the Department of Citizenship and Immigration operates 20 offices, and the Department of Labour has officers in the United Kingdom and in the Federal Republic of Germany. These offices and officers are in a position to give accurate information to prospective migrants. Within Canada, the free National Employment Service is available to immigrants and to nationals alike. A recent amendment to the Unemployment Insurance Act, under which the Employment Service is operated, lays down that "it shall be the duty of the [Unemployment Insurance] Commission to ensure that there shall be no discrimination in referring any worker seeking employment, subject to the needs of the employment, either in favour of or against any such worker by reason of his racial origin, colour, religious belief or political affiliation". This provision incorporates in the Statute a policy which was already operative. The Immigration Branch also operates a free settlement service, mainly for the assistance of immigrants wishing to settle on their own farms or small businesses; this service also provides some assistance to immigrants for employment.

Article 3. Outside Canada, appropriate steps are taken to notify responsible authorities of any cases of misleading propaganda and to refute erroneous information. Within Canada, penalties exist for false representations calculated to deter or induce immigration (Section 56 of the Immigration Act).

Article 4. Special measures were taken in 1950-1951 to overcome the shortage and high cost of ocean transportation. Under an agreement with an air company, a certain number of immigrants were enabled to travel by air from Europe to Canada at a cost equivalent to the cost of tourist-class ocean passage, the remainder of the air fare being paid by the Government. Under an assisted passage loan scheme certain categories of European immigrants were allowed interest-free loans of the whole or part of the cost of ocean transportation and inland rail fare to their destination in Canada. Loans are repayable within a period of two years beginning 30 days after arrival in the country. Beneficiaries under this scheme agree to work in the class of employment selected for them for at least one year.

Immigration officers at all ports of entry give general information to immigrants. Represen-

tatives of the Department of Labour (usually officers of the National Employment Service) meet immigrants entering under group arrangements. The Department of Labour operates two hostels (accommodating a maximum of 2,200 persons) mainly for groups of workers for whom individual placement is necessary. The Immigration Branch has "immigration halls" in nine of the larger cities for rest in transit.

Article 5. The report of the Department of National Health and Welfare (whose duties include inspection and medical care of immigrants) for the year ending 31 March 1951 states that the majority of immigrants were first examined abroad by Canadian medical officers and the rest by approved local physicians. There were 33 full-time medical officers serving abroad. All medical examinations by these officers were performed without charge to the migrant. All immigrants were again examined on arrival in Canada. Modern treatment facilities were maintained for persons who on arrival were ill and unfit to travel to their destinations and for those suffering from obscure or undiagnosed conditions. Necessary hospital costs were chargeable to the transportation company which brought the persons to Canada. Medical officers are in attendance at all ports of arrival and give free medical care as required. Medical care is also available free of charge in the Department of Labour immigration hostels.

Article 6. Laws or regulations relating to remuneration, hours, overtime, holidays with pay, home work, minimum age for employment, women's work and the work of young persons are provincial. There is both federal and provincial legislation governing apprenticeship, training, membership of trade unions and collective bargaining. In no case is any distinction made between immigrants and other workers so far as concerns the rights conferred by the legislation. There are no legal restrictions affecting accommodation.

Responsibility for social security is divided between the federal, provincial and municipal Governments. In the fields of unemployment insurance and old-age security, the Constitution has been amended to give the federal authority power to provide for and administer a nation-wide scheme. Under mothers' allowances legislation, in six provinces benefits are only payable to citizens, and in almost all schemes (federal, provincial or municipal) there are some residence requirements. An immigrant has the same protection as a national under the provincial Workmen's Compensation Acts. As to maternity protection, the British Columbia Act requiring leave to be given for confinement applies irrespective of nationality. The Alberta Act providing free hospitalisation in maternity cases contains a 12 months' residence stipulation. Shorter residence and contribution requirements apply in respect of hospital insurance under the systems in operation in Saskatchewan and British Columbia. Residence requirements, varying in nature, exist also in respect of hospitalisation of indigents and of tuberculous or mental patients. An immigrant may therefore, in unforeseen circumstances, find himself without resources and in need of hospital care with no community legally responsible for the costs. To meet this situation, a plan has been developed since 1947 whereby federal-provincial agreements share the costs of hospitalisation of immigrants who may be indigent.

in their first year of residence in Canada. Various agreements covering immigrants under group movements (displaced persons, certain categories of sponsored relatives, immigrants from the United Kingdom, Ireland, Malta and European continental countries) were entered into with several provinces. An extended agreement, by which certain welfare as well as hospitalisation services during the first year of residence become available to any immigrant rendered indigent through accident or illness, was concluded between the federal authorities and the Province of Ontario in 1952; other similar agreements are under discussion. A period of 10 years' residence is required throughout the country for eligibility for pension on account of blindness. Twenty years' residence is a condition of eligibility for old-age pension and assistance. Immigrants in employment covered by the Unemployment Insurance Act acquire the right to benefit under the same conditions as nationals. Outside the coverage of the Act there exist municipal-provincial unemployment relief measures with varying residence requirements. Under the federal Family Allowances Act, monthly allowances are paid to mothers in respect of children under 16 years of age, and any child born in Canada, whether the parents are immigrants or nationals, is eligible; an immigrant child is eligible upon application after one year's residence in Canada. Each province has legislation providing for allowances to enable needy mothers to remain at home to care for their dependent children; there are residence requirements in all provinces and citizen requirements in some, which have the effect of excluding immigrants from benefit.

As regards employment taxes (paragraph 1 (c)) the report states that immigrants and nationals are in the same position in respect of deductions from wages which employers may be required by law to make (*e.g.*, for income tax or hospital insurance). As to legal proceedings (paragraph 1 (d)), immigrants have access to the courts and are entitled to all personal rights of citizens.

Article 7. Effective co-operative arrangements for seasonal movements of workers between the United States and Canada have been in operation for a number of years. Arrangements for these movements are worked out in annual conferences between the United States Department of Labor, Bureau of Employment Security, and the Department of Labour of Canada; the operations of recruiting and placing are carried out by the appropriate regional authorities of the employment services in each country. The assistance of Government authorities in the pre-selection of immigrants has been obtained in certain instances with regard to immigrants going to Canada for permanent settlement. The services described above under Article 2 (the National Employment Service and the settlement service) are free.

Article 8. Five years after admission an immigrant may acquire Canadian domicile, whereupon he is no longer subject to deportation on medical grounds. An immigrant who has not acquired domicile may be deported, *inter alia*, if he becomes an inmate of a mental hospital or becomes a public charge because of illness or for any other reason. It is not, however, the general practice to effect such deportation on the sole ground that the immigrant has become a public charge.

Article 9. No restrictions are placed on the transfer of the earnings and savings of migrants for employment.

Article 10. With regard to agreements between Governments, reference is made to the information given under Article 7.

Annexes I and II. Canada does not engage in "recruitment" as defined in these annexes. Reference is made in this connection to the report submitted on Recommendation No. 86.

Annex III. Free entry of settlers' effects is governed by Sections 705 and 705 (a) of the Canadian Tariff Act, which enumerates a wide range of items. Pending amendments to these sections, provision was made in August 1952 for the duty-free entry of such items as prefabricated houses and otherwise taxable machines or equipment which are essential to an immigrant's establishment in Canada, provided they are imported within three years of arrival from the immigrant's country of origin and that the country is one of those applying restrictions on the transfer of immigrants' capital to Canada.

With regard to difficulties which may prevent or delay ratification, it has been noted above that, owing to residence requirements, the existing welfare legislation does not provide the same protection of immigrants as is afforded to nationals. Some progress has, however, been made towards developing a joint federal-provincial plan for financing the necessary services.

Ceylon.

The following legislative enactments affect some of the matters dealt with in the Convention: Immigration and Emigration Act No. 20 of 1948, Indian and Pakistani Residents (Citizenship) Act No. 3 of 1949, as amended by Act No. 37 of 1950, and Citizenship Act No. 18 of 1948, as amended by Act No. 40 of 1950.

Article 6, paragraph 1 (b). This provision is not met by existing legislation.

Article 8. This Article is in conflict with existing legislation which, furthermore, empowers the Government to repatriate destitute and undesirable persons. Owing to the existence of unemployment, it is not the policy of the Government to encourage immigration except in the case of technical personnel in limited numbers.

The remaining Articles of the Convention are, in general, not in conflict with the law.

The Ministry of Defence and External Affairs, the Commissioner for the registration of Indian and Pakistani residents and the Controller of Immigration and Emigration are entrusted with the supervision of the application of the legislation and regulations.

No modifications have been made in the national legislation (which is of relatively recent date) with a view to giving effect to provisions of the Convention, nor can such modifications be envisaged for the present.

Chile.

The provisions in Chile in respect of matters covered by the Convention relate solely to immigration. Under Decree No. 3652 of 18 June 1948, a Permanent Immigration Commission was set up.

The main function of this Commission, which is composed of Government and employers' members, is to advise the Government respecting the control of admission and conditions of permanent establishment of aliens. Regulations covering the operation of the Commission were laid down by Decree No. 5463 of 11 September 1948.

Articles 2 and 5 (a). Section 1 (c) of the above-mentioned regulations provides that, without prejudice to the regular procedure with which applications by persons within the country for authorisation of persons abroad to immigrate are submitted to the Consular Department of the Ministry of External Relations, the Commission may receive and transmit requests from industrial employers in the country desirous of recruiting technicians abroad for their undertakings. Section 1 (a) of the regulations makes good physical and mental health a condition of admission.

Article 6. With few exceptions, the national legislation in general, including the provisions relating to social security, applies without discrimination on the basis of nationality, race or religion.

Draft regulations to cover the operations of the National Placement Department are at present under consideration by the Directorate-General of Labour. These regulations will permit the application of certain provisions of the Convention.

Copies of the above-mentioned Decrees are submitted with the report.

Cuba.

In consequence of the provisions in force relating to the "nationalisation" of labour, immigration is confined to the owners of business undertakings and their agents and to technicians, of whom there is a shortage.

A Ministerial Committee is at present studying the revision and consolidation of the various provisions respecting immigration. As long as the provision reserving all existing and future vacancies to Cubans (Section III of Legislative Decree 2583 of 1933) remains in force, however, it will be impossible to envisage any resumption of normal migration trends.

The Director-General of Immigration, whose office is subordinate to the Ministry of Finance, controls the admission of immigrants in co-operation, as appropriate, with the Ministries of Foreign Affairs and Labour.

The Convention has not yet had any influence on existing legislation, ratification having only recently been approved by the Senate.¹

Denmark.

The Emigration Act No. 134 of 2 May 1934 and certain provisions of the Notification No. 191 of 4 May 1938, which concerns the Act respecting private employment service, relate to the subject matter of the Convention. A bilateral agreement on the exchange of manpower was concluded with Sweden on 18 November 1946; agreements on the exchange of *stagiaires* have been concluded with France, the Netherlands and Switzerland. The relevant texts have been communicated to the International Labour Office.

Only persons authorised as emigration agents by the Ministry of Labour and Social Affairs may undertake the transportation of emigrants. The conditions of authorisation of such agents are laid down in the Emigration Act, which also contains provisions for the purpose of ensuring satisfactory standards of transport and the protection of emigrants against exploitation in connection with transport. A public emigration office for assistance to intending emigrants has been established under Chapter VII of the Act. This office provides intending emigrants with all useful information concerning conditions in countries of immigration and takes appropriate steps for wider dissemination of relevant information.

The emigration office also recommends measures for the proper organisation of emigration, including measures of economic assistance, vocational training, etc. The head of the office follows closely the information, assistance and training activities carried on in relation to emigration by private institutions and private persons and, if necessary, intervenes to prohibit activities regarded as detrimental to the interests of emigrants. The provisions of the Private Employment Service Act under which private persons are prohibited from offering or furnishing assistance against remuneration for the recruitment of workers apply to employment abroad as well as to domestic employment.

As regards general policy and practice, emigration is neither encouraged nor restricted. The machinery established is concerned, therefore, mainly with the provision of accurate and adequate information and guidance to those persons who decide on their own initiative to emigrate. The emigration office has prepared guides to Brazil, British East Africa (Kenya, Tanganyika, Uganda and Zanzibar), Canada, Chile, Ethiopia, Peru and Venezuela; guides to the Union of South Africa and New Zealand are in preparation. These guides are communicated to all large libraries for reading-room consultation.

The Emigration Act is administered by the emigration office, which maintains close consultation with various occupational organisations in regard to such matters as vacancies abroad and the qualifications of applicants.

No modification of Danish law and practice has been made with a view to giving effect to particular provisions of the Convention. Emigration is on a small scale and on an individual basis and in the circumstances many of the provisions of the Convention are of little practical application. The provisions relating to the obligations of immigration countries hardly apply to Denmark as the number of foreigners granted residence and work permits is very small. Article 4, which relates to facilitation of the departure, transport and reception of migrants for employment, is met by Danish legislation as far as emigration is concerned, but not in respect of any assistance to be extended to immigrants. No provisions have been made under Article 5 for special medical services for migrants; the existing rules governing the transport of emigrants, the recent developments in the field of safety at sea and the fact that most immigration countries require a thorough medical examination of migrants appear to the Government to render the adoption of special provisions unnecessary. In respect of the matters specified in Article 6 (1) (a), foreigners who have obtained a permit to work in Denmark are treated in all essentials on equal terms with nationals. This is also broadly true of matters not subject to supervision by the authorities, such as membership of

¹ The ratification of the Convention was registered on 29 April 1952.

trade unions. Many of the forms of social security mentioned in Article 6 (1) (b) are, however, reserved to nationals. Even with the limitations contained in (b) (i) and (ii), the provisions could not easily be incorporated into Danish social legislation. No difficulty appears to exist in regard to Article 6 (1) (c) and (d). Article 8, concerning the returning of migrants to the territory of origin or emigration, could not be applied without modification of national law and practice respecting aliens.

As the situation does not call for special measures of protection for emigrants, and as the ratification of the Convention would require substantial amendment of the existing aliens legislation and social legislation, the Government does not at present contemplate ratification.

Finland.

There exist no legislative, administrative or other provisions relating to migration for employment. However, a law is being drafted which will enable the authorities to prevent the improper recruitment of workers for employment in other countries.

Reference is made in the report to an earlier communication in which the Government stated that, while no obstacle was placed in the way of nationals desiring to emigrate and steps were, in fact, taken to safeguard the interests of emigrants, it had not been judged appropriate to take official measures to encourage emigration as Finland had no surplus population.

France.

In general, social legislation in France applies to migrants for employment in the same way as to national workers. Certain special legislative and administrative measures also exist for the protection of migrants for employment.

Section 5 of the Ordinance of 2 November 1945 respecting the conditions of entry and sojourn of aliens in France provides that a migrant for employment shall be in possession of a contract of employment prior to admission to the country. The contract ensures that the person concerned will be provided with a normal employment during the initial year of residence and also permits the manpower services of the Ministry of Labour to verify that the conditions offered by the employer are in conformity with the relevant legislation. Under Sections 29 to 33 of the same Ordinance and the Decrees of 26 March 1946 and 20 September 1948 issued in application thereof, a National Immigration Office was established with sole responsibility for operations connected with the selection, recruitment and introduction of foreign workers. A Social Service for Aid to Emigrants (French section of the International Social Service) was set up in 1921; certain official functions, including the organisation and technical direction of the Social Service for Foreign Manpower, were vested in this Service under Orders issued by the Ministries of Labour and Population. The Social Service for Foreign Manpower, originally created for the protection of women immigrants in agricultural employment, has been expanded progressively; under various Ministerial Orders, departmental committees and a national committee of this Service have been established.

Article 1. Information concerning immigration policy and legislation, living and working conditions

of immigrants and measures taken for their protection is published in a number of periodicals edited by the Ministry of Labour; these periodicals are supplied regularly to the International Labour Office and also to foreign Governments on request.

Article 2. On arrival in the country, migrants for employment are received in centres of the National Immigration Office, whence they are directed to their employment. Officials of the manpower services of the Ministry of Labour make contact with them to assist them in overcoming any initial difficulty, and, in the case of unsatisfactory relations with the employer, to assist in placing them in alternative employment. Useful work is also performed by the Social Service for Aid to Emigrants mentioned above which is subsidised by the Government. All necessary steps are taken by the Government to provide intending emigrants with objective information concerning living and working conditions in France. Brochures, posters and folders have been produced and are made available in local offices in countries of emigration. In order to continue to keep immigrants after their arrival in France informed of their rights and obligations, the Government publishes a bulletin entitled *Travailleurs étrangers en France* ("Foreign Workers in France"), which contains information relating to aliens' laws and regulations and matters of general interest to immigrants and their employers. The Ministry of Labour has also prepared a practical guide for foreign workers in France; this gives them all the information they need. Information is also given verbally by officials of the National Immigration Office by means of public lectures. In the country of immigration concerned, the visits of French migration officers are given advance publicity in the local press. In 1950 several Government departments contributed financially to the production of a film, *Nouvelle patrie* ("New Homeland"), which portrays, for the benefit of potential migrants, aspects of the establishment in France of foreign agriculturists. Radio broadcasting is also fully utilised for purposes of information to persons wishing to emigrate.

Article 3. The obligation to be in possession of a contract of employment prior to admission and the functions devolving on the National Immigration Office constitute a sufficient guarantee against misleading propaganda. Any person or group engaging in any of the operations entrusted exclusively to the National Immigration Office is liable to a fine or imprisonment or both (Labour Code, Book I, Section 102).

Articles 4 and 5. When the tempo of immigration permits, special transport facilities (reserved trains, coaches, even aircraft) are provided. Reception posts at Modane and Strasbourg offer various facilities and supply meals to migrants on their arrival. The migrants are directed to regional centres of the National Immigration Office where they receive documents enabling them to secure the necessary residence and work permits. They then proceed to the place of employment.

A medical examination is carried out by the National Immigration Office before their entry into France. The medical standards demanded by the French Government are communicated to the Governments of the countries of recruitment so that the local authorities in those countries may make a preliminary medical selection. Final selection is carried out by French medical officers at centres

placed at the disposal of the National Immigration Office by the respective Governments. In countries where no mission exists, a medical officer attached to the French Consulate carries out the examination.

Article 6. Social legislation relating to wages, age of admission to employment, hours of work, weekly rest, holidays with pay, etc., applies equally to immigrants and to nationals. Aliens may become members of trade unions but are not entitled to hold office therein. The benefits of social security legislation are applicable to foreign workers, in the main, in the same way as to nationals. In respect of social insurance (sickness, maternity, lengthy illness, invalidity and death), the advantages extended to nationals are broadly applicable to foreign workers, subject to the proviso that the qualifying period of employment has been spent in France. In respect of old-age insurance, a foreign worker is entitled to a full pension (after 30 years' insurance) or a proportional pension (after 15 years), provided that during the period in question the worker has been employed in France and that he is resident in France at the time when he qualifies for a pension. Foreigners resident in France are placed on the same footing as nationals in respect of accident compensation. Foreigners receive family allowances for their children resident in France, but maternity grants are payable only for children who are born French or who acquire French nationality within three months of birth.

Nationals of countries which have ratified the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), are entitled to the basic scale of compensation whether or not they are resident in France. Immigrants coming from countries with which France has entered into social security agreements are entitled to the same benefits as nationals. With respect to social insurance they are not subject to the condition that the qualifying period must have been spent entirely in France, or to the residence stipulation in the case of old-age insurance and accident compensation. As regards unemployment, a system of social assistance and not of social insurance is in force; unemployment allowances are granted to approved foreign workers in the same way as to nationals. As regards medical assistance, the report states that the position of foreigners varies according to whether or not the country of origin has concluded a treaty of reciprocity with France. In principle, foreign workers enjoy equality in regard to taxation. In accordance with Section 199 of the General Taxation Code, foreigners liable to taxation do not benefit by tax reductions for dependants unless the country of which they are nationals has concluded a reciprocity agreement with France in this matter.

Article 7. The Ministry of Labour makes available to the Governments concerned information relating to employment opportunities for persons who wish to emigrate. The cost of operating the National Immigration Office is borne wholly by French employers; neither the services of this Office nor those of the employment service involve any financial outlay on the part of the migrant for employment.

Article 8. A migrant worker who, in consequence of sickness or accident, becomes unable to work, receives benefits from the social security funds or, by way of exception, from public assistance; he is

repatriated only if he so desires or, where an agreement exists between the French Government and the Government of his country of origin, in accordance with the terms of such agreement.

Article 9. The Government subscribes to the principle that foreigners working in France should be enabled to provide for the needs of their dependants in the country of origin. German and Italian workers who came to France after the liberation can transfer a part of their earnings automatically each month without prior authorisation; the part varies between 50 per cent. and 20 per cent., according to the nature of the family responsibility.

Article 10. Bilateral immigration agreements are concluded by France with all countries from which a substantial volume of manpower is drawn. The most recent such agreements are those signed with Germany on 10 July 1950 and with Italy on 21 March 1951. The agreement with Italy authorises, in the country of emigration, direct contacts between employers and wage earners, under the supervision of the Ministry of Labour and of the National Immigration Office; subject to this supervision, French employers previously authorised by the Italian authorities have access to Italian provincial labour offices for the purpose of participating in the vocational examination of applicants.

Annex I. The provisions mentioned above apply to all migrants for employment, whether introduced on an individual or on a collective basis. Individual entry is on the basis of the individual contract of employment. On the expiry of the contract, a foreign worker desiring to change his employer may apply to the local placing office in the same way as a national worker.

Annex III. Customs regulations permit the tools and personal effects of persons establishing themselves in France to be brought in free of duty, provided that the objects in question have been used. No charges are made in connection with the export from the country of household and personal effects normally included in a removal.

The Ministry of Labour (Directorate of Manpower) is entrusted with general supervision of the application of the various provisions of the Convention. Close liaison is maintained with the services of the Ministries of the Interior, Population and Agriculture. The Ministry of Labour is assisted at the national level by the National Manpower Committee which comprises representatives of the administration and of employers' and workers' organisations. The Interministerial Immigration Committee, which is composed of representatives of the Ministries concerned, determines general immigration policy. Machinery exists at the regional, departmental and local levels for decentralised operations. The National Immigration Office is under the authority of the Ministries of Labour, Public Health and Population.

French legislation being in harmony with the provisions of the Convention, it has not been necessary to modify it. A Bill authorising the ratification of the Convention has been tabled in Parliament.

The application of the Convention does not, however, extend to share-croppers, who are not regarded by French jurisprudence as wage-earning employees.

It is impossible for the Government to ratify Annex II to the Convention. This Annex contains provisions (Articles 10 and 11) which are incompa-

tible with French public law and in connection with which the French Government delegation to the International Labour Conference submitted amendments which were rejected. Article 10 makes the migrant's eventual return to the area of recruitment conditional upon his having agreed to such return prior to his departure. The French Government's view is that the possibility of return should be covered by the general information supplied to intending emigrants and not be the subject of a contractual provision. Such a provision would appear to be contrary to the principle of individual liberty, according to which an individual is not entitled to alienate his freedom of choice of residence. On the other hand, Article 11 does not provide for the possibility of returning refugees and displaced persons to the area of recruitment. The French Government had pointed out that it was difficult for a Government engaging in large-scale operations of this kind to refrain from returning to the area from which they came persons who had proved unsuitable. It had suggested that the possibility of such return be envisaged on the basis of an agreement reached with the international organisation responsible for the protection of the persons concerned; this suggestion was not accepted. The French Government could not therefore give effect to this provision, the application of which, moreover, would lead by very strict selection to limiting the number of persons ultimately selected.

Federal Republic of Germany.

The legislative and other provisions in force in the Federal Republic, as well as administrative practice, correspond in very large measure to the principles laid down in the Convention.

Article 1. Since 1950 the information mentioned in this Article has been supplied to the International Labour Office, either on request or voluntarily. Data have been provided in connection with conferences on migration which have been held under the auspices of the I.L.O. and with the activities of the I.L.O. Migration Field Mission which functioned in the Federal Republic from November 1950 to June 1952. Reports, texts of agreements and statistics are forwarded as they are published to the International Labour Office.

Article 2. The office responsible for the services mentioned in this Article is the Federal Emigration Office (in Coblenz), which is under the supervision of the Federal Minister of the Interior. It supervises, informs and advises over 100 local emigration advisory offices whose task is to extend assistance to emigrants. The majority of these local offices are operated by church organisations with support from public funds. Employment offices also provide information in respect of the contract of employment and the recruitment and selection procedure.

Article 3. The Order of 14 February 1924 respecting the suppression of abuses relating to emigration is directed, *inter alia*, against misleading propaganda. Advice concerning emigration possibilities may be given only on a non-commercial basis and only by agencies duly authorised by the competent authorities. In practice, such authorisation is granted only to the agencies mentioned in Article 2 above. Under the Order of 28 June 1935, respecting the recruitment and engagement of workers for employment abroad and the Regulations of 8 January 1936, the functions mentioned in

Article 3 are reserved to the offices of the Federal Employment Service and the Unemployment Insurance Institute. Workers seeking employment abroad may accept engagements independently of the Institute only with special permission, which is granted only where the need for such procedure is manifest and the necessary guarantees are offered.

Article 4. Adequate arrangements exist for facilitating the departure and transport of migrants. Three emigration centres have been set up by the Federal authorities in Bremen, Hanau and Munich. These centres serve for the accommodation and, to a certain extent also, the selection and recruitment, of emigrants. Through its membership of the Intergovernmental Committee for European Migration (I.C.E.M.), the Federal Republic contributes to the international financing of the transport overseas of migrants for employment and settlers and of the members of their families. In the case of unemployed persons, refugees and other persons in need of assistance, the expense of the journey from the place of residence to the frontier or the port of embarkation, as well as the expenses in connection with selection and recruitment, are borne by the federal authorities in accordance with legislative and other provisions in force.

Article 5. Within the country the migrants receive medical care and the premises used for their accommodation are regularly inspected. An adequate medical service exists in the emigration centres mentioned above and on board migration ships operated by I.C.E.M. and German chartered vessels. Medical examination in connection with the selection of migrants is carried out jointly by German medical officers and medical officers of recruitment missions.

Article 6. Immigrants authorised to reside in the Federal Republic are, in principle, accorded equality with nationals under Section 3 (3) of the Basic Law of the Federal Republic of 23 May 1949. By the terms of the Order of 23 January 1933 respecting foreign labour, however, an employer proposing to employ a foreign worker and the foreign worker himself are each required to obtain a special permit. Certain categories of workers (*e.g.*, apprentices, seamen, persons employed in inland navigation) are exempted from this requirement. Permits are issued by the responsible *Land* employment office according to the needs of the national economy and the state of the employment market. The validity of such permits may not exceed 12 months, but they are renewable. A foreign worker changing his employer requires a new permit. After 10 years' uninterrupted residence in the country, a foreign worker may receive a pass, valid for two years, and renewable, exempting him from the obligation to hold a work permit. The Order of 23 January 1933 does not affect any reciprocal arrangements with other countries which may provide for the removal or relaxation of restrictions in the field of employment. Immigrants enjoy a position of equality with nationals in respect of conditions of work (including remuneration), membership of trade unions, collective bargaining, social security, employment taxes, dues or contributions, and legal proceedings relating to the matters referred to in the Convention.

Article 7. The competent Federal authorities co-operate closely with the corresponding authorities of other States Members, and with the I.C.E.M.

The facilities of the public employment and vocational guidance services are available to migrants free of charge. On the other hand, either the employer or the worker must pay the charges in connection with the issue of the necessary permits and passes.

Article 8. The principles laid down in this Article in respect of repatriation of migrants for employment admitted on a permanent basis are recognised and observed.

Article 9. Migrants are authorised to transfer a part of their earnings and savings within the limits allowed by national laws and regulations or established in intergovernmental arrangements and commercial treaties.

Article 10. The value of bilateral agreements for the regulation of questions of common interest in the migration field is recognised by the Federal Republic. Such agreements have already been concluded with Australia and France.

Annex I. The national legislation gives effect to the principles contained in this Annex, with the exception of the provisions laid down in Article 5. No legal obligation is imposed on the German employer who wishes to engage a foreign worker to communicate to him, prior to his departure, the contents of the contract of employment and information concerning conditions of life and work in the Federal Republic. It might be possible to give effect to this Article by an extension of the scope of Section 4 of the Regulations issued under the Order of 23 January 1933 respecting foreign workers.

Annex II. The legislative or administrative provisions give effect to the principles contained in this Annex.

Annex III. Duty-free importation of the personal effects, tools and equipment of migrants for employment is authorised in accordance with the provisions of this Annex.

An exhaustive examination is at present being made with a view to establishing the extent to which national legislation satisfies, or can without difficulty be modified so as to satisfy, the requirements of the Convention. Preliminary consideration suggests that there may be no major obstacles to the ratification of the Convention.

Greece.

The basic legislation concerning migration is contained in Act No. 2475 of 1920, under which various administrative measures were taken in subsequent years. This Act makes provision for the organisation of migration in general, for the protection of migrants from exploitation, for the supply of accurate information and for the simplification of formalities.

Abnormal conditions in the early post-war years rendered the formulation of a definitive migration policy difficult for some time. In view of the country's population surplus, however, it was recognised that due importance must be given to emigration. As soon as conditions permitted, appropriate steps were taken to define policy and to establish co-ordination machinery within the Government. To this effect a Migration Council, with a secretariat in the Ministry of Co-ordination, was set up under Act No. 36 of the Council of Ministers, dated

15 January 1952. The Ministries of Labour, Social Welfare, the Interior, Foreign Affairs, National Defence and Co-ordination, and the Greek General Confederation of Labour were represented on the Council. Documents required by emigrants are issued free of charge in pursuance of Decision No. 1022/52 of the Council of Ministers. Draft bilateral agreements on migration have been worked out with the Governments of France, Belgium and Brazil, and progress is being made towards the finalisation of these agreements.

Greece is receiving technical assistance on migration from the International Labour Organisation under the Expanded Technical Assistance Programme and has also entered into an agreement with the Intergovernmental Committee for European Migration.

Under Act No. 560 of 1945 the Ministry of Labour, which is entrusted with the regulation of the labour market in general, also regulates the entry of persons into Greece for employment or for work on their own account, follows the development of migration movements, studies and elaborates laws and regulations in the migration field (except in regard to matters coming within the competence of the police authorities), and prepares agreements with countries of immigration. The Ministry of the Interior is responsible for issuing and controlling passports. The Ministry of Foreign Affairs is responsible for relations with other Governments on international migration questions. The Ministry of Social Welfare is entrusted with the protection of refugees of Greek and foreign origin. The Ministry of National Defence takes decisions permitting certain groups of reservists to proceed abroad. The Migration Council is responsible for drawing up a co-ordinated migration programme with due regard to the economic, social and demographic conditions of the country, and for submission of the programme to the Government, as well as for taking all necessary decisions (subject to approval by the competent ministries) for ensuring satisfactory standards of migration operations.

Act No. 36 of the Council of Ministers of 15 January 1952 setting up the Migration Council, and Decision No. 1022/52 respecting the free issue of documents, were adopted with a view to adjusting existing legislation to the requirements of the Convention.

As no difficulties exist with regard to the ratification of the Convention, a recommendation to this effect has been submitted to Parliament. The Greek Government does not consider that any further legislative measures are necessary to give effect to the Convention.

Guatemala.

The National Labour Code, the Aliens Act (Decree No. 1781 of 25 January 1936) and the Decision of 29 August 1950 establishing the Employment Service under the Department of Labour, contain provisions relevant to the matters dealt with in the Convention and the Recommendation. Provisions on the subject are not included in collective bargaining arrangements. Decree No. 843 approving the Convention, together with its ratification¹, have integrated this text into Guatemalan legislation.

¹ The ratification of the Convention was registered on 13 February 1952.

Section 13 of the Labour Code provides that employers shall employ not less than 90 per cent. national labour and pay them not less than 85 per cent. of the total wages. These proportions may however be modified (a) in cases where it is in the interest of the national economy, and (b) in the case of Government-controlled immigration for work, in the setting up or development of agricultural settlements and for certain other specified purposes, or in the case of workers of Central American origin. Any reduction in these proportions may be made only in accordance with a specific ministerial Decision. Work is made available to aliens only in so far as this can be done without prejudice to the livelihood of nationals. In practice, immigrants in search of work have to apply to the Ministry of External Relations for a residence permit and this Ministry consults the Department of Labour with a view to ensuring that the rights of nationals would not thereby be infringed.

Chapter 1 of Part II of the Labour Code contains provisions designed to protect the rights of nationals working abroad. Recruitment and departure require the prior authorisation of the Ministry of Labour and Social Welfare. This authorisation is granted on condition that the recruiting agent or the undertaking maintains in Guatemala for the duration of the contract a representative having power to settle any dispute which may arise. In addition, the agent or the undertaking must deposit four copies of the contract of employment with the Ministry of Labour and Social Welfare; must pay the cost of transport of the workers and other costs involved in their emigration; must deposit a prescribed sum as a guarantee of repatriation and of payment of any amounts in dispute; must undertake to repatriate workers on the termination of the contract for whatever cause; and must pay all incidental costs and charges. The contract, a copy of which is transmitted to the consular or diplomatic representatives of Guatemala in the country of immigration, contains specific provisions relating to lodging, transportation, repatriation and similar matters. Consular and diplomatic representatives are required to submit monthly reports and, if necessary, special reports on the situation of emigrants from Guatemala who come under their jurisdiction.

The application of the relevant laws and regulations is entrusted to the Ministry of External Relations and the Ministry of Economic Affairs and Labour and their respective subordinate offices, including, in particular, the Department of Labour. When circumstances so require, the latter Department seeks the views of the responsible organisations of employers and workers.

The Ministry of Economic Affairs and Labour is giving consideration to the modification of existing migration legislation in consequence of the recent ratification of Convention No. 97. When this study has been completed the Government will be able to indicate what modifications, if any, of the Recommendation might be necessary to permit its acceptance and application by Guatemala.

Copies of the relevant texts have already been communicated to the International Labour Office.

Iceland.

Act No. 59/1936 respecting the supervision of aliens and the Aliens Employment Act, No. 39/1951, relate to certain of the matters dealt with in the Convention. An earlier Act defining the duties of emigration agents, though not repealed, may be

regarded as having lapsed owing to changed circumstances.

Emigration from Iceland to Canada and the United States took place on a substantial scale during the latter part of the nineteenth and the early part of the present century. After the second world war there was some inflow of foreign labour into Iceland; this has now dwindled owing to the employment situation in Iceland.

In terms of the above-mentioned legislation, an alien entering the country to seek gainful employment requires a residence permit from the Ministry of Justice and an employment permit from the Ministry of Social Affairs. The employment permit is granted normally only where a shortage of labour exists or the applicant possesses a special skill not easily available within the country. Aliens may be permitted in appropriate cases to establish themselves in independent industries. The Minister of Social Affairs has power to subject the issue of employment permits to certain requirements in respect of health, financial position, vocational training, police record or any other relevant considerations.

No special measures have been organised for assistance to immigrants or emigrants. Misleading propaganda is unknown. Health control is exercised only in special circumstances. Discrimination of employment on the basis of religion or race does not exist. All workers are entitled equally to benefits under collective agreements and to membership of trade unions.

Aliens, other than nationals of countries with which Iceland has entered into reciprocity agreements, are not entitled to benefits under the social insurance scheme; they are, however, covered by workmen's compensation provisions and are entitled to join sickness benefit societies on the same terms as nationals. Resident aliens, other than those covered by reciprocity agreements or maintenance rights, are not entitled to maintenance assistance and may be deported when no longer able to support themselves.

The conversion of earnings into the currency of the country of origin of the immigrants is subject to currency control regulations which are modified from time to time.

No decision has yet been taken as to whether the national legislation should be modified so as to permit ratification of the Convention.

India.

The Indian Emigration Act, 1922, and the Indian Emigration Rules, 1923, as amended, cover departure of Indians by sea only. No immigration legislation is in force.

Article 1. Detailed information is made available regularly to the International Labour Office. The above-mentioned Act and Rules are readily available to other States Members.

Article 2. Emigration to any country for the purpose of unskilled work is not lawful unless declared to be so under terms and conditions concurred in by the Legislature under Section 10 (1) of the Act. Where such emigration is permitted, adequate and free facilities are provided to emigrants under Part I of the Rules. Under Rules 4 and 17 the Emigration Commissioner representing the country of immigration concerned is responsible for the diffusion of correct information, including a detailed statement (approved by the Government

of India) concerning climatic conditions, conditions of work and the terms of employment. Emigration for skilled work is covered by Chapter IV of the Act and Part II of the Rules. The prospective employer or his agent must state, in applying for permission to engage workers for another country and to assist persons to emigrate, the terms of the agreement under which the workers are to be engaged. A certificate to the effect that permission to assist persons to emigrate has been granted is issued by the Protector of Emigrants, and the emigrant is registered and permitted to depart only after the Protector of Emigrants has satisfied himself that the emigrant has received all essential information and has understood the terms of the contract (Rule 59 (2)). Rule 56 (2) provides that Agents appointed in countries of immigration by the Government of India shall collect and communicate to the Government information on matters affecting the welfare and the status of Indians.

Article 3. The provisions mentioned above are considered to constitute an adequate safeguard against misleading propaganda relating to emigration. The problem does not arise in relation to immigration.

Article 4. Part I (Sections III, VI-VIII) and Part II of the Rules contain provisions for facilitation of the departure of emigrants. Reception is regarded as the responsibility primarily of the country of immigration. Under Rule 56 (5), however, Agents appointed by the Government of India in the receiving countries inspect on their arrival in those countries ships transporting Indian emigrants for unskilled work, visit the places of employment and residence of Indians and satisfy themselves that the conditions under which emigration is permitted are being observed.

Article 5. Medical services at the emigration end are provided in pursuance of Rules 19 (3), 35 to 37, 40 and 44. Medical attention and hygiene during the journey and on arrival are not regarded as the responsibility of the country of emigration. Persons who immigrate to India are admitted not in pursuance of any recruitment scheme but under general rules and regulations governing the grant of visas; the question of medical facilities for such persons does not arise.

Article 6. In regard to equality of treatment, it may be noted that immigration into India, except for the special case of the movement from Pakistan, in respect of which no law is in force or contemplated in the near future, is not of great magnitude. Though no specific immigration legislation exists, workers coming to India from western countries for short periods usually receive higher wages and better conditions of work than nationals.

Article 7. The competent services of the Government of India co-operate, as appropriate, with the corresponding services of other countries. Part I, Section 1, of the Rules provides for the appointment by the Government of a country receiving unskilled migrant workers, at its expense, of an Emigration Commissioner with the necessary staff. The Act provides for the appointment of Agents in the foreign countries concerned. The services rendered to Indian emigrants for employment are free.

Article 8. Immigration to India for permanent establishment does not take place on an important scale.

Article 9. Emigrants for employment are permitted to take with them such part of their earnings and savings as they may desire, within the limits allowed by national laws and regulations concerning export and import of currency. No discrimination is made between immigrants and nationals in respect of the limits prescribed by the relevant laws and regulations.

Article 10. As mentioned above, the Act makes the emigration of unskilled labour unlawful unless specially permitted by Government through a notification. Such notification is usually the result of negotiations between the Government of the country of immigration and the Government of India. The procedure regulating the emigration of skilled workers likewise satisfies the principle of consultation and negotiation between the countries concerned.

Article 11. Whereas the term "migrant for employment" as defined in the Convention covers both emigrants and immigrants irrespective of the mode of transport, in India there is no legal definition of the term "immigrant", and the term "emigrant" covers for the purpose of the Act only such persons as emigrate by sea. The question of amending the Act to bring departure by air and land within its purview has been considered but, in view of the constant movement of population between Pakistan and India and of the negligible volume of emigration for employment by air, it has been decided not to amend the Act for the present. Persons who emigrate to a country in which they have already resided for five years or more, and the wives and children of such persons, are not regarded as "emigrants". Immigrants enter usually for limited periods.

The Act does not apply to workers in the land frontier regions, nor to the departure of seamen or the crews of ocean-going liners. The emigration of persons practising liberal professions and of artistes is not regulated by the Act, except in the case of artistes who are engaged for performance abroad. It is considered that the fact that artistes engaged for employment abroad are not exempted from the purview of the Act is not repugnant to the provision of Article II (2) (b) of the Convention. Their inclusion in the Act entitles them to certain services, assistance and safeguards not prescribed for them in the Convention; the national provisions therefore go beyond the requirements of the Convention in this respect and the position is accordingly considered to be covered by Article 19 (8) of the Constitution of the International Labour Organisation.

Annexes I and II. The Act makes no distinction between emigration under Government-sponsored arrangements and emigration assisted by private employers. It is noted that the provisions of the Annexes are optional.

Annex III. This Annex applies primarily to countries of immigration.

The functions of the Central Government of India under the Act are performed by the Controller-General of Emigration, assisted by the Controller of Emigration (Madras) and by Protectors of Emigrants at emigration ports. The Government is also empowered to appoint one or more medical inspectors of emigrants at any port from which emigration is lawful, and also special Agents in foreign countries with responsibility for protecting the interests of Indian immigrants in those countries. No legal provision exists for the association of employers'

and workers' organisations with migration administration.

No modifications have been made in national law and practice with a view to implementing the provisions of the Convention.

Indian law and practice are considered to meet substantially the requirements of the Convention in the case of emigration by sea. It has not been found possible to extend the scope of the Act so as to cover emigration by air and by land and thereby to bring the legislation into full conformity with the Convention.

Copies of relevant texts, including recent annual reports on the working of the Act, are submitted with the report.

Ireland.

The Government considers that the Convention (as well as Recommendation No. 86) is designed mainly to meet the problem of mass movement of refugees. It is not the desire of the Government to encourage emigration from Ireland and internal circumstances make it impossible to provide facilities for immigration for employment on a large scale.

In these circumstances it is not proposed to take any steps towards ratification of the Convention.

Israel.

Effect is given to some of the matters dealt with in the Convention by means of legislative and administrative provisions and through practical measures adopted by the competent authorities. Applications for visas for migrants for employment are submitted to the Department of Migration and Citizenship by the prospective employer; customs exemptions as provided for in the Convention are granted under the Customs Ordinance. There are no difficulties which prevent the ratification of the Convention. It is intended, however, to alter the existing practice of the migration authorities, particularly as regards the contracts of employment of temporary workers, in so far as this may be necessary to comply with the Convention.

A detailed note on the position of immigrants in Israel, which is appended to the report, indicates that Israel is a country which has received immigrants in large numbers and proposes to continue to do so. Since this immigration is not for the specific purpose of securing employment, it cannot be called migration for employment under the terms of the Convention. None the less, employment has to be found for the vast majority of these "general immigrants". In addition, there is a relatively limited number of "temporary workers" who come to the country under a contract of employment in a particular post and who may be considered to be migrants for employment.

The "general immigrants" acquire full rights of residence as soon as the formalities of their arrival are completed. However, as recent immigrants they may be entitled to a number of benefits, such as free or assisted passage, medical services prior to and upon arrival in the country, temporary accommodation, permanent accommodation on Government housing estates, special preference in the allocation of work by the employment exchanges (during the first three months of residence), particularly on public works schemes and for employment in agriculture, aid to aged or physically handicapped immigrants, complete medical service by the Sick

Fund of the General Federation of Labour during the first three months of residence, free maternity care during the first year of residence, and free membership in the above-mentioned sick fund for handicapped or chronically ill persons. New immigrants are assisted in their settlement through grants of land, long-term loans, intensive language courses, vocational training, etc.

"Temporary workers" who come to Israel for a specific occupation are entitled to the same protection under the country's labour legislation as permanent residents and are, in addition, able to send a proportion of their earnings abroad. They are granted the same customs privileges as general immigrants.

Italy.

Detailed information has been supplied to the International Labour Office from time to time in connection with the law, practice and general policy of Italy in regard to migration for employment.

The information services available to intending emigrants have recently been improved, partly by reorganising and rendering more accessible the information already in the possession of the authorities, and partly through the instrumentality of the I.L.O. Migration Field Mission in Rome. By periodically convening meetings of the representatives in Italy of countries concerned with migration, the I.L.O. Mission has been able to clarify the type of information with which potential emigrants should be provided. Enquiries into the particular situation of individual prospective emigrants involve a number of difficulties and, in general, repay the efforts expended only in the case of recruitment within the framework of bilateral agreements and of specific requests from employers abroad. Enquiries into the availability of potential migrants are, however, carried out in such cases and also in connection with the compilation of statistics on the state of the employment market by locality and by occupational category. A free public employment service is in operation throughout the country; questions relating to the placement of workers abroad are entrusted to this service, which also assists intending emigrants. The Ministry of Labour and Social Welfare is preparing a series of special booklets containing official information on the provisions relating to entry into various countries, as well as all relevant information for the guidance of intending emigrants concerning living and working conditions in those countries. These booklets, which are being compiled with the collaboration of the I.L.O. Mission and of representatives in Italy of the countries concerned, will be brought up to date from time to time and will be available through the services of the above-mentioned Ministry. Regularly published unemployment statistics provide some indication of the emigration potential of the country. Placement services have been reorganised and strengthened in pursuance of Act No. 264 of 29 April 1949.

Appropriate measures have been taken to centralise requests from persons wishing to emigrate and to transmit the relevant data to immigration recruitment missions in Italy. Pre-selection of applicants is effected in the various provinces on the basis of criteria established in agreement with the representatives of immigration countries. The verification of occupational skills and medical examination are carried out wherever possible in collaboration with technicians from immigration missions

in order to avoid unnecessary repetition of these processes in the assembly centres. These centres are so placed that successful applicants at the pre-selection stage do not have to undertake a long journey to the place of final selection. Travelling and board and lodging expenses connected with attendance at pre-selection and final selection examinations are borne by the Ministry of Labour. Collaboration with authorised representatives of immigration countries in Italy is generally ensured when emigration is regulated by a bilateral agreement. In most such agreements, provision is made for the establishment of joint committees which are entrusted with the working of the agreement and the settlement of difficulties arising in its application. Where such committees do not exist, the Italian authorities maintain regular contact with the diplomatic or consular representatives of the immigration country concerned.

While adequate information to emigrants is ensured, actual assistance to them prior to their departure is necessarily limited by the fact that, for such assistance to be effective, the precise difficulties which may arise for individual emigrants in the country of immigration must be known. However, the emigrants receive as much assistance as possible through the voluntary activities of certain organisations and employers abroad, and also through consular representatives and agents sent specially abroad to deal with migration questions.

All possible steps are taken to reduce to a minimum the administrative formalities connected with emigration. Thus, agreements have been concluded with immigration countries for simplification of the procedure for the issue of passports, and, with the assistance of the I.L.O. Mission, efforts have also been made to simplify visa procedure by recognition of a standard document containing all requisite information.

Arrangements for the transportation of emigrants are so made as to avoid as far as possible a prolonged stay in assembly and pre-selection centres. Medical care is provided both in the centres and during the journey. In the case of train journeys only first-aid service is provided; for sea voyages the normal medical staff of the ship is reinforced as necessary. Travelling expenses for migrants are reduced by all possible means; journeys by train are free of charge or at reduced rates, and fares for oversea voyages of emigrants have been fixed by the Government. Bilateral agreements frequently provide for sharing of the costs of transport, which in certain cases are borne entirely by the Governments concerned. In other cases, where the migrant contributes a portion of the cost, an advance is made for this purpose and recovery is effected in conditions which will not inflict hardship on the migrant. In yet other cases the costs are paid by the employer in the immigration country, either without security or on a reimbursable basis. Bilateral agreements and administrative arrangements usually specify the method of payment of transportation expenses, with due regard to economic and commercial considerations.

Bilateral agreements and model employment contracts contain special clauses intended to simplify the procedure for transfer of remittances by migrants and to minimise the incidental charges incurred. Whenever possible efforts are made to secure preferential exchange arrangements. All relevant information concerning the regulation of the transfer of earnings and savings is given to emigrants before their departure. Bilateral agreements and model employment contracts also contain provision for

equality of treatment of migrants with nationals of the country of immigration in respect of social security. In exceptional cases arrangements have also been made for the maintenance by migrants of social security rights in Italy through continued payment of contributions by the foreign employer. More comprehensive arrangements for maintenance of social security rights are secured by special agreements on the subject concluded with certain countries.

Every assistance is afforded to members of families desirous of joining breadwinners who have emigrated. This problem, however, must be resolved primarily by the Government of the immigration country since various considerations have to be taken into account, such as the availability of suitable accommodation, etc. Bilateral agreements and certain model contracts do, however, contain provisions respecting the transfer of members of the migrant's family, either at the same time or later. Government contributions and advances by employers or by credit institutions facilitate to some extent the covering of transportation expenses. Nevertheless, the social importance of this movement of families calls for careful consideration at the international level.

The Government has recommended the ratification of the Convention. The Bill submitted to the legislature in this connection has been approved by the Senate and by the House of Representatives.¹

Japan.

Until the second world war the Emigration Protection Law No. 70 of 1896 and the Enforcement Regulations thereunder (Foreign Ministry Ordinance No. 3 of 1907) governed such matters as emigration permits, recruitment of emigrants, operations of emigration agents, transportation of emigrants by sea, financial advances to emigrants, etc. These measures, which have been virtually in abeyance since the war, are at present being revised with a view to the adaptation of national legislation to present day conditions. The Employment Security Law also deals with certain matters covered by the Convention.

It is difficult, so long as the basic emigration law remains in abeyance, to report on the extent to which the provisions of the Convention are being applied. In respect of employment security, however, it may be noted that the law was enacted practically in the spirit of the Convention. The Employment Security Offices now operating provide their services free of charge and may be called on to act as administrative establishments in the case of any resumption of emigration.

The Ministry of Foreign Affairs is entrusted with the supervision of the application of the Emigration Protection Law and its Enforcement Regulations. The Ministry of Labour is responsible for the work of the Employment Security Offices.

No method has so far been fixed upon for ensuring the co-operation of employers' and workers' organisations in the field of migration for employment.

No steps have so far been taken to modify the national law and practice in order to give effect to provisions of the Convention. It is only recently that the Government has again had power to formulate an autonomous policy in the field of migration. It is recognised that the country's

¹ The ratification of the Convention was registered on 22 October 1952.

international credit must be restored before any emigration programme could be implemented. The policy for an overpopulated country like Japan must be one of emigration; such a policy supposes, however, willingness on the part of one or more other countries to receive immigrants from Japan. For the present, emigration is not a practical question.

The Government is at present examining the migration problem with a view to taking measures appropriate to present conditions and at the same time paying due regard to the spirit of the Convention.

Norway.

The following enactments contain provisions relating to the subject matter of the Convention: Act of 27 June 1947 respecting measures to promote employment; Act of 19 June 1936 respecting workers' protection; Act of 6 June 1930 respecting sickness insurance; Act of 10 December 1920 respecting accident insurance (fishermen); Act of 24 June 1931 respecting accident insurance (industrial employees); Act of 24 June 1931 respecting accident insurance (seamen); Act of 24 June 1938 respecting unemployment insurance; Act of 3 December 1948 respecting pension insurance for seamen; Act of 30 June 1950 respecting pension insurance for workers employed by the State; Act of 28 July 1921 respecting the civil service pensions fund; Act of 19 May 1900 respecting public assistance; Act of 16 July 1936 respecting old-age pensions; Act of 24 October 1946 respecting family allowances; Act of 16 July 1936 respecting help to blind and crippled persons; Act of 8 December 1950 respecting Norwegian citizenship; Act of 18 August 1911 respecting taxation in rural districts; Act of 18 August 1911 respecting taxation in towns; Provisional Act of 30 June 1947 respecting advance payment of taxes; Act of 28 July 1949 respecting the right of the Crown to conclude agreements with other States for the avoidance of double taxation; Act of 21 March 1947 respecting taxation of seafarers; Act of 13 August 1915 respecting the judicial procedure in civil cases; Act of 22 April 1927 respecting the admission of aliens to the Realm.

Article 1. Information of the kinds specified has been supplied readily to the International Labour Office on request.

Article 2. A shortage of manpower has existed in recent years. Informational activities have aimed at making it known that good employment prospects exist in Norway. The public employment service renders assistance free of charge and also provides information to migrants for employment.

Article 3. The subject matter of this Article (misleading propaganda) is governed only to a limited extent by specific legislation although, in accordance with the Employment Act (Section 29), it is unlawful to engage without the permission of the Ministry of Labour and Local Government in any activity aimed at causing Norwegian citizens to emigrate. The Government is prepared to undertake to act in co-operation with other Members in appropriate cases in compliance with Article 3 (2).

Article 4. In the case of organised immigration (which since 1945 has consisted mainly of refugees), the measures of facilitation mentioned are regularly taken by the voluntary organisations or public authorities in charge of the transfer operations.

Article 5. It is assumed that the Norwegian public health services will satisfy the requirements of this Article, the application of which will, nevertheless, render necessary the taking of certain administrative measures, which will have to be concerted by the public health authorities with the labour market authorities.

Article 6. The Norwegian Workers' Protection Act has always been regarded as valid for all employees regardless of nationality. It is therefore considered that the operative legislation ensures immigrants the same rights concerning conditions of work as are enjoyed by Norwegian employees. Article 6 (1) (a) (ii) concerning membership of trade unions was brought to the attention of the General Confederation of Trade Unions which, by letter dated 1 February 1951, replied that the Confederation gave its support to the ratification of the Convention. Certain social security provisions (e.g., sickness, accident and unemployment insurance, war pensions, pensions for State-employed workers, civil service pensions fund) apply to all persons (including immigrants) permanently resident in the country. This is true also of public assistance provisions. Old-age insurance, family allowances and aid to the blind and crippled cover Norwegian citizens only. Immigrants granted Norwegian citizenship thereby acquire the same rights as other citizens in respect of these aspects of social security. In order to be entitled to an old-age pension the applicant must have resided in Norway for a specified number of years, but this condition applies to all citizens, whether Norwegian by birth or by naturalisation. Exemption from this condition may be granted in special cases. As regards Article 6 (1) (c), the Rural Taxation Act (Section 22 (2)) and the Urban Taxation Act (Section 17 (2)) favour Norwegian citizens (including naturalised persons) *inter alia* in regard to taxation of income earned abroad during the year in which immigration took place. It is considered, however, that this provision of the Convention aims primarily at ensuring equality of treatment for migrants in regard to taxation of income earned in the country of immigration, in which case no difficulty appears to arise as far as Norwegian legislation is concerned. While some secondary variations exist as between alien immigrants and nationals in respect of advance deduction of income tax from earnings, no distinction is made in respect of the actual taxation rates.

Article 7. Effect can be given to Article 7 (1) and is already given to Article 7 (2).

Article 8. This Article appears to limit more closely than does existing national legislation (the Foreign Nationals Act, Section 13) the right of the immigration Government to refuse residence or to order expulsion in the case of immigrants with a permit of residence for an indefinite period who become a burden on public funds or who do not provide for their families. Since, however, the same legislation lays down that the application of the relevant provisions may be limited by the terms of bilateral agreements, it is considered that this Article would not necessarily stand in the way of ratification of the Convention. It is assumed that the Article would not form any obstacle to the expulsion, in accordance with existing law, of an individual found guilty of vagrancy.

Article 9. Migrants for employment may, within the limits allowed by national laws and

regulations concerning the export and import of currency, transfer such part of their earnings and savings as they may desire.

Article 10. Agreements were concluded on 17 September 1949 and 1 February 1950 with the International Refugee Organisation. These Agreements provided for the transfer to Norway of 200 refugees, including 50 blind persons.

Annex I. With regard to the bodies who handle the recruitment, introduction and placing of migrants (Article 3), the report states that no activity directed towards the emigration or employment abroad of Norwegian nationals can take place without the permission of the Ministry of Labour, which is empowered to issue regulations on the subject. The placing of immigrants in employment in Norway can be effected only by the public employment service, which operates free of charge (Article 4). Nothing in Articles 5 to 8 would appear to form an obstacle to ratification.

Annex II. In connection with Articles 3 and 4 and 5 to 13, reference is made to the observations on Articles 3 and 4 and 5 to 8 of Annex I.

Annex III. It is considered that the expression "personal effects" in Articles 1 and 2 of this Annex can hardly be meant to include objects other than those which may be brought into the country free of duty according to the introductory provisions of the Norwegian Customs Regulations (Section 2 (e) and (f), paragraph 1). The Ministry of Finance is authorised to grant customs duty exemption for such articles as "portable hand-tools and portable equipment" in accordance with Section 2 (f), paragraph 3, of the above-mentioned Regulations. It would seem, therefore, that no discrepancy exists between the national provisions and the provisions of the Annex.

The supervision of the application of the relevant laws and regulations is the responsibility of the Ministry of Local Government and Labour, the Ministry of Social Affairs, the Ministry of Finance and the Ministry of Justice.

The report also contains information, based on a report to the Storting, on Norwegian aid to refugees, including blind and tubercular refugees and their dependants.

Pakistan.

The Emigration Act of 1922 covers some of the matters dealt with in the Convention. No laws relating to immigration are in force.

In the terms of the Emigration Act, "emigration" means departure by sea from the provinces and the capital of the Federation of Pakistan. The Act applies to any person proceeding under an agreement to work for hire in any country beyond the limits of Pakistan and any person who is assisted to depart, otherwise than by a relative, if he departs with the purpose of working for hire or engaging in agriculture in any country beyond the limits of Pakistan. The provisions cover both skilled and unskilled workers.

Protectors of emigrants may be appointed to ports situated in the provinces and the capital of the Federation with a view to ensuring compliance with the provisions of the Act and with the rules made thereunder. Medical inspectors of emigrants may also be appointed. The Government may also appoint persons to be agents in places outside

Pakistan for the purpose of safeguarding the interests of emigrants. Advisory committees may be set up to assist protectors of emigrants.

Emigration for unskilled work is lawful only from ports declared specifically to be lawful for the purpose. Emigration for skilled work is subject to similar conditions. Any person desiring to engage or to assist another person to emigrate for skilled work must apply for the permission of the Central Government. The application must specify the place to which the emigrant and his dependants are to proceed, the accommodation to be provided until departure and during the voyage, health and welfare provisions to apply during the period of the proposed engagement, the provision for repatriation, the terms of engagement, etc. The final decision to withhold or grant permission rests with the Government.

Foreigners are allowed to enter Pakistan for specific periods and purposes. Immigrants for employment are admitted if they are entering to take up employment either with private persons or with the Government. In the case of private employment the employer is required to furnish a guarantee of maintenance and repatriation. So long as this guarantee obtains, an alien is not required to leave the country unless a security risk is involved.

The Protector of Emigrants under the Ministry of Foreign Affairs and Commonwealth Relations is entrusted with the supervision of the application of the laws, regulations, etc., relating to emigrants. There is no specific provision relating to co-operation with workers' and employers' organisations.

There is some exodus of labour from Pakistan to places abroad such as the oilfields of Saudi Arabia and the Persian Gulf, but Pakistan does not at present suffer from any shortage of unskilled labour and is therefore not greatly affected by the Convention. Since almost all of the requirements of the Convention are already covered by the Emigration Act of 1922, the ratification of the Convention would not benefit emigrants from Pakistan. As regards immigration it is not possible to undertake the obligations involved in the Convention. For this reason it is not intended at present to give effect to all of the provisions of the Convention.

The national Constitution is still in course of preparation; emigration is now within the competence of the Central Government.

Sweden.

Sweden accepts without reservation the principles laid down in the Convention respecting conditions of employment (including wages), membership of trade unions, housing conditions, taxes and fees, information activities, free employment service and adequate health services for migrants.

There is also equality of treatment in respect of certain aspects of social security (low-cost or free medical care, compulsory poor relief). Insurance in respect of sickness, employment injury and unemployment is open to non-nationals, who may also benefit from certain social provisions for families, e.g., free recreation travel for children and housewives. Children's allowances are payable also to non-national children resident in Sweden. Non-national residents receive maternity assistance under the same conditions as do Swedish nationals.

Under the Royal Order of 15 June 1934, as amended, respecting recognised unemployment funds, the State Employment Board, which is the supervising authority, may prescribe certain restric-

tions on the right of non-nationals to become members of and receive benefit from a recognised unemployment fund. Since, however, no such restrictions have been imposed, full equality prevails in actual practice. In accordance with agreements concluded with Denmark and Norway, citizens of these countries residing in Sweden may, under certain conditions, transfer their membership and fees in a recognised unemployment fund to their country of residence. Although, under the Royal Proclamation of 27 May 1949 respecting certain State and State-subsidised measures in cases of unemployment, the granting of unemployment relief may be limited to Swedish citizens or to nationals of a State with which Sweden has concluded a reciprocal agreement on the subject, such relief can be granted to other non-nationals also. In pursuance of a Decision of the Riksdag in 1950, the State Employment Board has been authorised to provide for the grant of unemployment relief to all non-national workers who have been regularly employed in Sweden for not less than one year.

Information of the type contemplated in Article 6 of the Convention is provided by the State Employment Board. A series of 12 informational booklets has been issued on living and working conditions in foreign countries, and a pamphlet on Sweden prepared on the same general lines is being produced for the information of foreign workers. A special brochure produced for the use of the Danish labour market authorities is appended to the report.

Activities connected with the exchange of trainees have been extended in recent years and agreements have been concluded with Belgium, France, the Netherlands, Switzerland and, in principle, with the United States. Agreements with Austria and the Federal Republic of Germany are at present under negotiation. An agreement was also concluded with Norway in 1951 on an exchange of workers.

Certain social benefits, *e.g.*, old-age pensions, supplementary allowances to widows and widowers with at least one child, special children's allowances, maintenance advances and maternity allowances, are reserved for Swedish citizens, subject to the provision that they may be extended to non-nationals resident in Sweden on the basis of reciprocity in the country of origin of the non-nationals concerned.

In practice, the humanitarian aspect of the question is borne in mind to the greatest extent compatible with national interests. The attention of the competent authorities is directed constantly towards the possibility of introducing legislative measures which would enable Sweden progressively to comply with various provisions of the Convention.

Switzerland.

The provisions of the legislation concerning migrant workers are contained in various Acts and Orders; they do not regulate all the questions covered by the Convention and the actual position differs from the latter in certain respects.

There are different provisions applicable to emigration and immigration. The Federal Act of 22 March 1888 and the Implementing Regulations of 10 July 1888 cover workers who emigrate to overseas countries. Swiss nationals who take up residence abroad benefit from the treaties on this matter concluded by the Confederation with a large number of countries.

The immigration of foreign workers into Switzerland is governed by federal or cantonal legislation

only so far as concerns the formalities required for the admission of foreigners into the country and the conditions of their residence there; this is the object of the Federal Act of 26 March 1931 and the Implementing Regulations of 1 March 1949. Generally speaking, foreign nationals residing in Switzerland enjoy the same juridical and social protection as Swiss workers. Some lacunae in the law in this respect have been made good by the conclusion of bilateral agreements with a number of countries, such as the arrangement with Italy concerning the immigration of workers into Switzerland and the conventions with several other countries on the subject of social insurance.

Finally, the Federal Act of 22 June 1951 and the Implementing Regulations of 21 December 1951 contain provisions governing placement operations in regard to foreign workers.

Although Switzerland has not ratified Convention No. 97, effect is given, both in law and in practice, to a very large number of the provisions of this Convention.

Article 2. Effect is given to the provisions concerning emigration. The information service set up by the Act of 22 March 1888 supplies free information and advice on the conditions of work and livelihood in the immigration countries, the opportunities for employment, wages, etc. On the other hand, there exists no official service entrusted with the task of supplying similar information to foreign workers wishing to enter Switzerland. This task is left to the employers who engage manpower abroad. However, the authorities are always ready to supply information to foreigners in the same way as to their own nationals on questions within their competence.

Article 3. Misleading propaganda concerning emigration is suppressed by the Act of 22 March 1888 (emigration outside Europe). With regard to immigration, the Federal Act of 22 June 1951 provides for the suppression of fallacious publicity by private placement offices operated with a view to profit.

Article 4. The protection of persons emigrating to countries outside Europe is ensured by the Act of 22 March 1888. In the case of immigrants, this task is left to the employers; however, in some circumstances, the persons concerned benefit from the support and assistance of the public authorities.

Article 5. The requirements of the Convention in the matters of health and medical protection are fulfilled to a certain extent in Switzerland with regard to emigrants to countries outside Europe. Workers from abroad are, in principle, required to undergo a medical examination before entering the country; they benefit, moreover, in the same way as Swiss nationals from all the provisions relating to hygiene, safety in the workplace and measures to combat epidemics.

Article 6. The principle of equality of treatment for national and foreign workers is given effect to in Switzerland in the case of all matters which are regulated by the labour legislation (Article 6 (1) (a), (c) and (d) of the Convention). Equality of treatment in regard to social security (Article 6 (1) (b)), is less absolute and there are certain exceptions, notably in regard to old-age and survivors' insurance and to family allowances.

Article 7. The provisions of this Article are observed.

Article 8. The provisions of this Article are not applied. Swiss law, on the contrary, allows a worker and his family to be returned to his country of origin if he is continuously and to a large extent a charge on public assistance.

Article 9. In Switzerland there are no difficulties concerning the import or export of currency.

Annexes I, II and III. Swiss law provides for only a partial application of the provisions contained in Annexes I and II, but applies the provisions of Annex III.

The Federal Office of Industry, Arts and Crafts and Labour is called upon to supervise, with the assistance in certain cases of the cantonal authorities, the application of the Federal Act of 22 March 1888. The employers' and workers' organisations take no part in the application of the Act. These organisations may, however, be called upon to collaborate in the application of the measures provided for by the Federal Act of 22 June 1951, the enforcement of which has been entrusted to the Federal Office of Industry, Arts and Crafts and Labour to the extent to which it lies within the competence of the federal authorities. On all questions concerning the employment market, this Office co-operates with the Federal Department for Aliens Regulations, which is entrusted with the application, on the federal level, of the Act of 26 March 1931.

Up to now it has not appeared necessary to modify the legislation or national policy with a view to giving effect to the whole or some of the provisions of the Convention.

While on many points Swiss legislation is in conformity with the Convention, the latter contains many provisions which could not be applied, as they stand, in Switzerland; this is the case, notably, with regard to Articles 6 and 8 of the Convention.

The Swiss authorities do not propose for the moment to take measures with a view to giving effect to those provisions of the Convention which are not already covered by the national legislation or practice. The legislation at present in force and the bilateral arrangements satisfy, on the whole, the needs of the migratory movements which in Switzerland are of an individual and spontaneous character. The application of certain of the principles contained in the Convention would not only be unprofitable but even, in most cases, harmful to the development of migration as it traditionally exists in Switzerland.

The text of the Acts and implementing regulations and of certain bilateral agreements are given in an appendix.

Turkey.

Act No. 2007 of 1932 reserves certain trades and occupations to Turkish nationals.

In 1950-1951 the necessity to resettle in Turkey large numbers of immigrants coming from Bulgaria imposed a heavy burden on the country's economy. In these circumstances, and with due regard to the present situation of the employment market, it is not possible to envisage any modification of the law calculated to facilitate immigration for employment.

For the same reason, it is not possible to contemplate the ratification of the Convention at the present time.

Union of South Africa.

The Government refers to earlier communications relating to the applicability of the Convention in the Union and to national immigration policy and legislation, and indicates that in the meantime there has been no change in the position.

In the communications mentioned, the Government indicated that regulated migration exists so far as native labour from neighbouring territories is concerned. The migration of such labour from Portuguese East Africa is adequately catered for under a measure of State control by the provisions of the Mozambique Convention. The problems envisaged in the Convention are not considered to exist to any appreciable extent so far as migrants from countries outside the scope of the Mozambique Convention are concerned.

The admission of immigrants other than those referred to in the previous paragraph is governed by the Immigration Act, the Aliens Act and the Aliens Registration Act; the only assistance given to immigrants is by way of advice. Once they have been admitted into the Union, immigrants may go where they like and work for whom they wish, with the exception that aliens who enter under the conditions of permits for permanent residence are by law compelled to follow an approved occupation (which the applicant chooses for himself when he applies) for a period of three years and cannot change this occupation without the approval of the Minister for the Interior. The Government does not interest itself in the contract between the immigrant and the employer. The action required under the Convention is not considered to be called for as there is no State-regulated migration for this type of immigrant. Such enquiries as are received from would-be immigrants are adequately attended to by overseas representatives of the Union. For these reasons it is considered that the provisions of the Convention are not applicable to the Union. It was decided by the Executive Council on 6 July 1950 that the Convention should not be ratified.

Uruguay.

No legislative measures exist in respect of the matters dealt with in the Convention since the problem it attempts to solve is almost unknown and very few immigrants have complained that they entered the country as a consequence of misleading propaganda.

Industries or activities requiring a periodical intake of foreign labour for normal development purposes hardly exist in Uruguay; there is consequently very little recruitment of workers abroad on behalf of Uruguayan undertakings. Immigrants come to the country mainly under encouragement from friends and relatives; they are frequently given an exaggerated picture of the possibilities of the country, and are sometimes disillusioned.

As, however, industrial development is making headway in the country, the Government considers that the principles laid down in the Convention should become part of its social law. The executive authority has therefore submitted the Convention to the legislature with a recommendation for ratification.

Viet-Nam.

Immigration to Viet-Nam hitherto has been mainly of Chinese origin; a substantial and largely self-

contained Chinese colony has thus been established within the country. An Order of 14 December 1944 defined the formalities relating to examination of new arrivals and the administrative system to be applied to the Chinese colony. Emigration on any appreciable scale from Viet-Nam has taken place only from the Tonkin area to Cambodia and Laos ; this emigration is regulated by an Order of the Governor-General of 25 October 1927 respecting Tonkinese emigration, which is still in force.

Articles 2, 3, 4 and 5. It is considered that the provisions in force are substantially, if not completely, in harmony with these Articles of the Convention. The drawing up of contracts of employment under administrative supervision assures, in particular, the free service to assist migrants, the provision of accurate information and the suppression of misleading propaganda. Administrative measures are taken to facilitate the departure and the journey of emigrants. A medical examination takes place before departure and medical care is ensured also during the journey and on arrival.

Article 6. There is nothing in the national regulations or practice which would result in less favourable treatment for the members of the Chinese colony than is extended to Viet-Nam nationals in respect of the various matters enumerated in this Article.

The labour inspectorate is responsible for the application of the relevant provisions and is assisted, where necessary, by the administrative authority at the place of recruitment. In practice, the representatives of employers or of employers' organisations carry out the actual recruitment and ensure compliance with the provisions. Workers' organisations have not so far intervened in questions relating to migration.

Having regard to the hostilities still taking place on Viet-Nam territory and in neighbouring countries (Cambodia and Laos), to which emigrants have

mainly proceeded in recent years, it would be premature to contemplate any substantial modification of the present regulations concerning migration.

Copies of the relevant texts are submitted with the report.

Yugoslavia.

No general legislation or regulations exist in respect of the matters dealt with in the Convention. The question of migration for employment is not topical, inasmuch as full employment exists in the country and the need for foreign workers is limited to a small number of specialists in some branches of industry. Certain questions dealt with in the Convention are, however, partly covered by regulations.

Instructions having the force of regulations under the Act concerning foreign payments were promulgated on 16 January 1952 to govern the engagement of foreign specialists. According to these instructions foreign specialists may be engaged abroad by undertakings, branches of the administration or institutions, either directly or through governmental commercial or consular agencies. A preliminary contract with a maximum duration of two months must be concluded with each foreign specialist before his departure for Yugoslavia ; on arrival, this contract is replaced by the definitive contract. Contractual arrangements relating to foreign currencies (e.g., those dealing with the transfer of savings) are subject to the approval of the Ministry of Finance. Contracts are registered with the public employment service. Foreign specialists working in Yugoslavia have the same social insurance rights as nationals.

The labour inspectorate supervises the execution of contracts of foreign specialists in accordance with the provisions of the Act respecting labour inspection.

No modification has been made in national legislation with a view to giving effect to the provisions of the Convention.

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Argentina.

The report gives a list of the various legislative texts which were enumerated in the report on Convention No. 97. Copies of this legislation are appended to the report.

The definition of "immigrant" in Section 12 of Act No. 817 corresponds to the conception of the term "migrant for employment" contained in Paragraph 1 (a) of the Recommendation.

Provisions analogous to those embodied in Paragraph 5 (1) (a) of the Recommendation concerning assistance to immigrants and the supply of accurate information by public authorities are contained in the above-mentioned Act (Chapter II, Sections 4 and 5, relating to immigration agents in other countries, and Chapter III, Sections 6 to 8, concerning immigration commissions); in Decree No. 20707/46 (Sections 3 and 4) and in Decree No. 10534/49 respecting the establishment in Rome of a training school for immigrants. The last-mentioned Decree also contains standards concerning preparatory courses for migrants as provided for in Paragraph 5 (4) of the Recommendation.

The measures specified in Paragraph 10 for the facilitation of migration are fully applied under Act No. 817, Section 3 of which establishes the powers and duties of the Directorate of Immigration, and Chapters VII and VIII deal respectively with the disembarkation and lodging and maintenance of immigrants.

In respect of the transfer of funds (Paragraph 10 (c) of the Recommendation) the report reproduces the information supplied in connection with Article 9 of Convention No. 97.

In connection with Paragraph 14, which lays down principles regarding the technical selection of migrants, reference is made to Section 3 of Decree No. 20707/46 defining the functions of the Argentine Immigration Delegation in Europe, which has established offices in Italy and Spain.

The application of the operative legislation is carried out by the authorities mentioned in the report on Convention No. 97.

National law and practice, as recently strengthened by the adoption of various measures mentioned above, ensure full compliance with the principles laid down in the Recommendation.

With regard to the position of Argentina as a federal State, the report reproduces the information supplied in respect of Convention No. 97.

Austria.

The following legislative and administrative provisions exist in regard to matters dealt with in the Recommendation: Act of 20 July 1945 respecting the incorporation of the administrative and judicial machinery of the German Reich into the legal system of the Republic of Austria; Instruction of

the Federal Ministry of Social Administration (Z. III/13844-7/1952) respecting the equality of status of ethnic Germans in regard to labour laws; Order of 14 February 1924 respecting the suppression of abuses relating to emigration; Order of the Reich Minister of Labour of 28 June 1935 respecting the recruitment of workers for employment abroad; Order of the President of the Reich Institute of 8 January 1936, issued in application of the last-mentioned Order; Order of the Reich Minister of Labour of 26 November 1935 in application of the Act respecting employment exchanges, vocational guidance and placement in apprenticeship; Arrangement between the Austrian and French Governments respecting the admission into the two countries of workers desirous of continuing their vocational training or improving their knowledge of languages; Agreement with the Federal Republic of Germany respecting probationer workers; Federal Act of 2 June 1948 to lay down principles to govern labour law in agriculture and forestry.

Information concerning conditions in the more important countries of immigration is made available to all persons interested in emigration through a series of carefully compiled booklets published under the authority of the Ministry of the Interior.

The Instruction of the Federal Ministry of Social Administration respecting the equality of status of ethnic Germans in regard to labour laws has placed all ethnic German refugees who entered Austria before 31 December 1951 on the same footing as nationals in respect of the protection afforded by labour laws.

All necessary steps are taken, pursuant to the relevant Orders mentioned above, to deal with misleading propaganda and to supervise recruitment for employment in other countries. The public employment service is responsible in general for placing workers both at home and abroad. Exchanges of workers take place between Austria and France in pursuance of the Arrangement mentioned above. An Agreement on the same subject has been concluded with the Federal Republic of Germany and is awaiting approval. Agreements with several other European countries are under negotiation. Existing arrangements with the Federal Republic of Germany, Sweden and Switzerland permit exchanges of agricultural trainees. The law respecting labour in agriculture and forestry applies without distinction of nationality, race, religion or sex to all workers in the occupations concerned. In regard to legal status, labour protection, freedom of association and vocational training, immigrant workers thus receive equality of treatment with nationals.

The Federal Ministry of the Interior is responsible for the study of labour conditions and industrial relations in immigration countries, for the provision of information to migrants for employment, and for issuing entry and residence permits to foreign

workers coming to Austria. The Ministry of the Interior also maintains constant contact with the migration authorities of a number of other countries, including the Federal Republic of Germany, the Netherlands and Switzerland. Questions relating to manpower policy and the operations of the employment service lie primarily within the competence of the Federal Ministry of Social Administration. Employers' and workers' organisations are consulted on all important measures of a general character relating to emigration and immigration.

The extent to which further measures may be taken to give effect to provisions of the Recommendation not yet covered by national legislation will depend on the needs and evolution of the national economy.

Copies of various legislative texts are submitted with the report.

Belgium.

II. For the purposes mentioned in Paragraph 4 (1) of the Recommendation Belgium collaborates with all appropriate international bodies concerned. As regards Paragraph 4 (2), a tripartite Foreign Manpower Commission has been set up with five employers' representatives, five workers' representatives and one representative of each of the Ministries concerned (Foreign Affairs, Justice, Economic Affairs, Labour and Social Welfare). This Commission studies the various problems connected with immigration for employment.

III. The Employment Directorate and the Placement and Unemployment Office have special departments responsible for receiving immigrants, providing them with accurate information and recording their applications for employment; these services are provided free of charge. In addition, the Federation of Coal Mining Associations of Belgium (a non-profit-making association representing the interests of the principal mines in the country) has been authorised by the Belgian and Italian Governments to carry out, under the supervision of the Italian Government, the recruitment of Italian miners for Belgium. The Federation has established in Milan a mission which gives assistance to prospective migrants in the fulfilment of formalities, and distributes informational pamphlets in the Italian language. Apart from group recruitment of Italian miners, immigration to Belgium is on an individual basis. As the law provides that foreigners going to Belgium individually must obtain an authorisation in advance, they thus obtain information on all relevant matters. In the case of repatriation of an Italian worker and/or the members of his family as the result of a breach of contract, permanent invalidity of over 33 per cent., or death due to employment accident, the employer bears the cost of the journey from the workplace to the Italian frontier and handles all the administrative formalities. Preparatory courses of two weeks' duration have been organised by the Federation since 1 April 1950; details of the training programme are submitted with the report. The information mentioned in Paragraph 6 of the Recommendation is supplied regularly. Information on the employment situation is communicated regularly to the International Labour Office in accordance with Paragraph 7. Full effect is given to Paragraph 8 (advance notice of modification of conditions governing migration) and Paragraph 9 (publicity to be given to such modification). In the case of coalmining undertakings the employer undertakes to do everything possible to assist the immigrant worker to secure suitable accommodation

provided with the necessary furniture, and the rent of which is no higher than the prevailing rates. Detailed provisions relating to such matters as heating of dormitories, lockers, beds and bedding and the maximum price of board and lodging are contained in the Italo-Belgian Protocol. The preparatory course consists of three working days at the surface followed by at least 12 working days underground. During the days spent at the surface, the worker is acquainted with the formalities to be observed, is shown over various installations, and is given information concerning questions of safety and hygiene, methods of calculation and payment of wages, procedure in the case of injury, illness or unemployment, handling of tools, signalling systems and the like. Instructional texts in the language of the worker are distributed for reference. The period of underground work follows immediately after; it is performed by stages under the supervision of a worker knowing the language of the immigrant.

The Belgo-Luxembourg Exchange Institute lays down the rules to govern the transfer of earnings of immigrants to members of their families. In regard to access to schools and to recreational and welfare facilities, no discrimination is made between nationals and aliens. The competent authorities ensure medical and pharmaceutical assistance to Italian workers from the date of their arrival in Belgium until they come under the social security system. The worker is obliged to join a recognised benefit society of his own choosing at the earliest possible moment.

IV. Individual immigrants entering Belgium under a contract of employment concluded with a Belgian employer are engaged on the same conditions as those guaranteed by custom to national workers. The employer undertakes to pay the cost of repatriation of the worker concerned on the expiry of the contract or in the case of earlier termination of the contract. The wage offered must be the prevailing wage for the occupation in the area.

Recruitment of foreign miners may take place either on an individual or on a collective basis; the source of manpower for collective recruitment is Italy. Requests for groups of miners are submitted to the employment service. In the contract details concerning wages, hours, taxes, compensation and similar rights are given in the miner's mother tongue and in French.

In principle, Belgium recruits only skilled underground workers. Where, as sometimes happens, unskilled persons are engaged, they follow an initial course of training organised by the employer. Certain measures of technical selection are taken in Italy at the communal and provincial levels. Responsibility for recruitment lies with the Italian Ministry of Labour; this is assisted by a Belgian medical and technical mission which is situated in Milan and which undertakes particularly the final medical inspection. Joint advisory committees have been set up in Brussels and Rome for the handling of problems relating to Italian migration. Married workers may bring their families to Belgium provided that they have secured the necessary accommodation; the employer assists in finding accommodation and advances money to cover the cost of the journey. Every consideration is given to the admission into Belgium of dependants of the migrants.

V. The employment of foreigners in Belgium in the service of another person is regulated by the

Royal Order of 31 March 1936 respecting the employment of foreign manpower. No foreigner may be so employed without a permit. In general, a type "B" work permit valid for one year is granted to foreigners in certain specified categories, either with or without regard to the state of the employment market; the type "A" work permit, valid without limit of time, is granted without regard to the state of the employment market, and irrespective of the occupation or industry concerned, to certain other specified categories, normally on the basis of the period of residence in the country.

Foreign workers enjoy all the guarantees afforded by the regional offices of the National Placement and Unemployment Office, particularly in connection with supervision of engagement and dismissal. Full information is compiled and kept up to date concerning all undertakings requesting foreign manpower. A joint advisory committee operates in connection with each regional placement office. The operations of approved private non-fee-charging employment agencies are supervised by the National Placement Office. The application of the provisions of the Royal Order of 31 March 1936 mentioned above is supervised by labour inspectors, State engineering inspectors and other designated officials.

VI. Save in pursuance of a judicial order of expulsion or wilful breach of contract, a migrant for employment and the members of his family are secure against removal from the country on account of lack of means or the state of the employment market. Appropriate consultation of employers' and workers' organisations takes place within the framework of the tripartite Committee on Foreign Manpower set up within the Ministry of Labour and Social Welfare.

VII. The subject matter of this part of the Recommendation is regulated in the case of France, Italy, Luxembourg and the Netherlands by bilateral social security agreements.

VIII. Labour treaties have been concluded with France, Italy, Luxembourg, the Netherlands and the United Kingdom.

Bolivia.

The subject matter of the Recommendation is covered in part by legislative, administrative and practical provisions in force in the country. In this regard, reference is made to the report on Convention No. 97.

I. These provisions are regarded as acceptable.

II. Although Bolivia has great natural resources and is a territory of over one million square kilometres, the increase in population is very small in many regions, some of which are potentially the richest. The Government is therefore keenly interested in the promotion of immigration and the development of employment opportunities for surplus manpower from other countries (especially European). Clearance work and the construction of communications are, however, necessary before large colonies under suitable conditions can be established. Pursuant to an agreement signed with the I.L.O., the migration experts provided by the latter are now examining the problem and drawing up an immigration programme which takes into account the provisions of this part of the Recommendation.

III. The Ministry of Immigration provides information free of charge to migrants and members of their families and assists them in the fulfilment of administrative formalities. The Ministry of Labour provides information respecting living and working conditions in various parts of the country. Information can also be secured from Bolivian consulates abroad. It is hoped that in the near future it may be possible to organise services for vocational training, medical assistance, etc., within the framework of an immigration programme which, it is envisaged, will be put into effect by means of bilateral agreements with emigration countries.

IV. The national law and practice give full effect to this part.

V. The provisions of this part are fully applied. Migrants and members of their families have the same opportunities as nationals in respect of admission to employment.

VI. The provisions of this part are also applied. It is not the practice to remove from the territory on account of lack of means or of employment any migrant for employment regularly admitted to the country. The legislation in force defines the specific cases in which aliens may be expelled as undesirables.

VII. This part is applied without restriction. Any worker of Bolivian nationality who returns to the country automatically recovers all his civil and political rights and may engage in any lawful occupation.

No international agreements on permanent or temporary migration have so far been signed. The Model Agreement annexed to the Recommendation will, however, be used as a guide when occasion arises.

Burma.

Reference is made to the report on Convention No. 97.

Canada.

Canada does not engage in "recruitment" of immigrants as defined in the Recommendation. Canadian immigration policy is mostly aimed at fostering the growth of the Canadian population through the selection of such numbers of suitable and desirable immigrants as can be absorbed into the Canadian economy. In determining absorptive capacity from time to time, due account is taken of estimated shortages of workers in different occupational fields. In some cases where shortages exist, schemes for assisted passage have been developed, and for qualification for assistance under such schemes occupational suitability has been added to the requirements set down in the Immigration Act. Under these schemes, the immigrant is required to undertake that he will remain in the type of employment where the shortage exists for a specified period, usually one year.

Immigration formalities have recently been revised. A copy of the immigration card now in use is appended to the report, together with a copy of the consolidated text of the Immigration Act and Regulations.

Ceylon.

For legislation reference is made to the report on Convention No. 97.

II. The present practice in Ceylon is to restrict immigration, as there is considered to be a surplus of manpower in the island. There is no objection to Ceylonese going abroad in search of employment, but in actual practice the numbers emigrating are small. Since immigration is not encouraged many of the provisions of the Recommendation are considered to be inapplicable.

III. In regard to Paragraphs 8 and 9 of the Recommendation, the report states that adequate publicity was given before the Immigration and Emigration Act came into force.

V. A migrant and the members of his family of working age are all considered individually for employment; if admitted to employment non-nationals enjoy the same conditions of service as nationals. Migrants who entered the country before the coming into force of the Immigration and Emigration Act are not restricted as regards employment, but fresh immigrants are in general admitted to employment in positions in which there is a shortage of indigenous workers.

VI. Such immigrants can be repatriated under Section 31 of the Immigration and Emigration Act.

The Ministry of Defence and External Affairs, the Commissioner for the registration of Indian and Pakistani residents and the Controller of Immigration and Emigration are entrusted with the supervision of the application of the legislation and regulations.

Chile.

In respect of the national law and practice, reference is made to the report on Convention No. 97.

Cuba.

The provisions which are to some extent relevant to the matters dealt with in the Recommendation are to be found in the following: Article 73 of the Constitution, Decree No. 2583 of 8 November 1933 to issue the Provisional Act respecting the preferential employment of Cubans, Decree No. 2977 of 6 December 1933 laying down regulations under the above-mentioned Act, Resolutions Nos. 111 of 29 June 1936 and 868 of 10 April 1945 prescribing rules to govern the introduction of technicians.

The provisions in force relating to the "nationalisation" of labour have as their object the reduction of immigration to a minimum.

Free employment offices operate in different municipalities for placing operations. It should be noted, however, that, in accordance with the laws and regulations in force, immigrants are admitted on the initiative of employers, and for the purpose of taking up specific posts in which their employment has been officially approved. Immigrants are required to make a deposit of \$500 on entry to cover the cost of possible repatriation.

The Director-General of Immigration approves the admission of immigrants, with the agreement of the Ministries of Foreign Affairs and Labour and for the purposes authorised by the national legislation.

No modifications have been made in the national laws and regulations to take into account the provisions of the Recommendation.

Copies of the relevant texts are submitted with the report.

Denmark.

In respect of national law and practice and the competent authorities, reference is made to the information submitted on Convention No. 97.

Those provisions of the Recommendation which are of some interest to Danish emigration are considered to be satisfied by the national measures indicated in connection with the Convention. No suggestions are made as to possible modifications of the Recommendation.

Finland.

If the draft legislation referred to in the report on Convention No. 97 is adopted, the Manpower Department of the Ministry of Communications and Public Works will be entrusted with supervision of the application of this legislation.

France.

In respect of the relevant legislation and of the competent authorities, reference is made to the report on Convention No. 97.

The public employment service has recently been reorganised and is now better able to carry through a policy of full employment. Exchanges of information made possible by the employment service tend to stimulate manpower movements. Employers' and workers' organisations are consulted, for example through such machinery as the National Manpower Committee and the departmental manpower committees, on questions relating to migration and to the employment of foreign manpower.

Information to migrants is provided by the Ministry of Labour (Directorate of Manpower) and by the National Immigration Office. Reception and assistance devolve partly upon the National Immigration Office, manpower officers and the Foreign Manpower Social Service, and partly upon the Social Service for Aid to Emigrants. A practical guide for foreigners, recently completed, has been edited in German, Italian, Polish and Spanish. French broadcasting stations send out daily information in foreign languages (German, Polish, Spanish). Various steps have been taken to develop the teaching of French to foreigners, who may occupy up to 10 per cent. of the places available in vocational training centres. Some 300 young Italian workers, selected by the National Immigration Office in accordance with procedures drawn up with the assistance of the International Labour Office, have been admitted to France, on the Government's initiative, for employment in public works building centres.

Transfers of funds are authorised within certain limits and at the official rate of exchange. Access to schools is provided free to children of foreign workers. With regard to medical assistance foreign workers are not all treated alike. Those whose country of origin has entered into a treaty of reciprocity with France receive the benefits of all the relevant legislation; nationals of other countries receive hospitalisation and assistance for children, but are not entitled to assistance at home.

The monopoly of operations concerning the recruitment, selection and introduction of migrants for employment is vested in a public agency under ministerial supervision. It is the policy of the Government to facilitate the entry of migrants' families. Financial aid is available to migrants in this connection. The term "members of the

family" is taken normally to mean the wife and children under 18 years of age.

The practice respecting admission to employment of migrant workers is liberal. Work cards (temporary, ordinary limited and ordinary permanent) are valid for an occupation and not for a particular employer. A special residence card can be obtained after three years' uninterrupted residence in the country; this card entitles the holder, subject to the employment situation, to receive a work card permanently valid for a given occupation and for the whole territory. After 10 years' residence in France on this basis, the person concerned automatically becomes entitled to a card which is valid for all wage-earning occupations and removes all restrictions.

Every consideration in regard to the matters mentioned in Paragraph 18 (removal from the territory on account of lack of means or the state of the employment market) is shown in the case of foreign workers who have been accompanied or joined by their families, or even those who have simply applied for admission of their families, which has been approved; these workers obtain renewal of their work cards. No foreigner possessing a permanent card can be removed on economic grounds. The provisions in force allow deserving foreigners to obtain within a limited period firm guarantees of stability. In view of the volume of immigration, however, it is not possible for France to go further. In particular, no formal commitment can be accepted regarding the absolute security of immigrants at the end of five years. Furthermore, since a system of assistance and not of insurance applies in the field of unemployment, the provision of the Recommendation (Paragraph 18 (2) (b)), according to which a foreign worker shall not be removed before he has exhausted his rights to unemployment insurance benefit, does not apply.

The Franco-German Recruitment Agreement of 10 July 1950 and the Franco-Italian Immigration Agreement of 21 March 1951 contain provisions broadly on the lines of those included in the Model Agreement annexed to the Recommendation.

Reservations are made concerning the application of certain provisions of the Recommendation, in particular Paragraph 16 (2) (abolition of employment restrictions after five years' residence) and Paragraph 18 (2) (refraining from removal of a foreign worker after five years' residence). The report states, however, that the formulae "as far as possible" in Paragraph 16 (2) and "in principle" in Paragraph 18 (2) (a) leave a certain discretion to the immigration country concerned. In the case of a serious economic crisis, the Government might find it necessary to refuse to renew the work cards of foreign workers in the occupations most seriously affected by unemployment; save in the case of refugees, such refusal would usually involve refusal to renew the ordinary residence card. For this reason the French Government would have preferred the expression "in principle" to be replaced by a formula indicating that no migrant for employment could be removed "except for serious reasons" if he had resided five years in France.

Article 15 of the Model Agreement provides for the intervention of "authorised representatives of the territory of emigration" in connection with the supervision of living and working conditions in the country of immigration. At the 32nd Session of the International Labour Conference in 1949, the French delegation put forward the view that this was normally a function of the accredited diplomatic

representatives of the country of emigration. This view, which was rejected, was later accepted by the Preliminary Migration Conference in April-May 1950. The French Government nevertheless continues to hold the opinion that paragraphs 2 and 5 of Article 15 should be deleted. Articles 17 (equality of treatment) and 21 (social security) of the Model Agreement are not in complete harmony with Article 6 of Convention No. 97 to which they are related and which takes more satisfactorily into account the peculiarities of certain national legislations. Article 18 (b), which provides for equality of treatment in respect of acquisition, possession and transmission of urban or rural property, cannot be accepted in its present unrestricted form. Paragraph 2 of Article 24 provides that if a migrant loses his employment before his contract expires and he is not entitled to benefits under an unemployment insurance or assistance scheme, his maintenance and that of the dependent members of his family shall be ensured in conformity with a separate agreement. In France, however, the payment of an unemployment allowance is subject to conditions of residence and unemployment funds do not exist in all localities; the effect of such a provision would therefore be to place foreign workers in a more favourable situation than nationals. The Government therefore proposes that the following wording be added at the end of Article 24 (2): "provided, however, that the advantages so accorded shall not be greater than those provided for national workers".

Paragraph 1 of Article 25 of the Model Agreement does not envisage the possibility of repatriation of a migrant against his will, whereas Article 8 of the Convention admits the possibility of such repatriation taking place within the terms of an international agreement. It would therefore be appropriate to bring Article 25 of the Agreement into conformity with the Convention. France has concluded several international agreements in the field of assistance which provide that, where a foreigner falls ill, the country of residence may secure either reimbursement of the cost of treatment or repatriation of the person concerned to the country of origin. Article 26 refers to methods for the payment of the return journey of a migrant who, for reasons beyond his control, is obliged to leave his employment. It might well be made clear that the case envisaged here (as in Article 24 (1)) is that of the migrant who is obliged to leave his employment before the expiry of the contract under which he was brought into the country. The first part of Article 26 (1) might therefore be redrafted to read as follows: "The cost of the return journey of a migrant introduced under a plan sponsored by the Government of the territory of immigration, who for reasons for which he is not responsible is obliged to leave before the expiration of his initial contract the employment for which he was recruited, and who cannot, in virtue of national laws and regulations, be placed in an employment for which he is eligible, shall be regulated as follows:".

Federal Republic of Germany.

Effect is given in large measure to the principles laid down in the Recommendation through existing legislative and administrative provisions.

II. It is the policy of the Federal Government to facilitate the international distribution of manpower and, in particular, the transfer of manpower from countries which have surpluses to countries

suffering from shortages. The Government is committed to this policy especially because of the excess population in the Federal Republic resulting from the influx of German and non-German refugees from the east. This excess population does not denote an equivalent surplus of manpower. It is made up mainly of persons who, because of their occupation, age or the nature of their qualifications, cannot be absorbed readily into the present economic structure of the country. The composition of this excess population makes it difficult to ensure a better international distribution of manpower, since countries seeking manpower show little inclination to draw on the excess; they tend, on the contrary, to recruit workers belonging to occupations which are not overcrowded, even in the Federal Republic. In all bilateral negotiations on transfers of manpower the Federal Government is therefore obliged to take account of the state of the internal employment market. The effect of the application of this essential principle in the circumstances mentioned, however, is to impede a better international distribution of manpower. The appropriate organisations of employers and workers are consulted, as required in the Recommendation, in the sense that these organisations are represented on the tripartite bodies of the Federal Employment Service and Unemployment Insurance Institute; the Government relies on the evaluation of the employment situation given by these bodies, who are also responsible for carrying out practical measures connected with manpower distribution.

III. In general, provision is made in the Federal Republic for application of the principles respecting facilitation of migration laid down in this part. Reference is made to the information submitted in the report on Convention No. 97 in respect of Articles 1, 2 and 4 of that Convention. Effect is not given, however, to the provision in Paragraph 5 (4) of the Recommendation relating to the organisation of preparatory courses to inform migrants of the general conditions and the methods of work prevailing in the country of immigration and to instruct them in the language of that country; it is the opinion of the Federal Government that such courses are best given after arrival in the country of immigration.

IV. The principles relating to recruitment, introduction and placing of migrants are taken fully into account. While the Government entirely recognises the principle that the technical selection of migrants for employment should be carried out in such a way as to restrict migration as little as possible, at the same time ensuring that the migrants are qualified to perform the required work, it is the Government's experience that the standards applied by immigration recruitment missions are in general too severe.

V. Immigrants enjoy the same conditions of employment as nationals. Restrictions on the admission of foreigners to employment exist, inasmuch as both employer and foreign worker must obtain a special permit. The provisions of the national legislation differ from those of the Recommendation (Paragraph 16 (2) (a)), in that, without prejudice to any provisions to the contrary in inter-governmental arrangements, these restrictions are removed only after an uninterrupted period of residence of ten years.

VI. Effect is given through national legislation to the principle relating to the possible removal

from the country of regularly admitted migrants on account of their lack of means or the state of the employment market.

VII. Emigrants of German nationality who return to the territory of the Federal Republic are in general not legally entitled to unemployment insurance benefit, except where specific provision is made in bilateral agreements (e.g., the agreement with Austria). In necessitous cases, however, such persons may be assisted either out of unemployment assistance funds (through the employment offices) or out of public relief funds.

VIII. The Federal Government endeavours in appropriate cases to regulate migratory movements by the negotiation of bilateral agreements on the basis of the Model Agreement annexed to the Recommendation. An agreement respecting recruitment of German manpower has been concluded with France, and a migration agreement with Australia. It has proved difficult in bilateral negotiations to give effect as fully as the Federal Government would have wished to the principles laid down in the Model Agreement. In the case of any future group immigration for employment to the Federal Republic the Government will endeavour to apply the provisions of the Model Agreement as fully as possible.

A careful study is being made of the extent to which existing provisions correspond with the principles of the Recommendation, what modifications would have to be made, and what are the possibilities of effecting such adjustments. The results of this study will be communicated to the International Labour Office in due course.

Greece.

In respect of the relevant laws and regulations and the competent authorities, reference is made to the more detailed report submitted by the Government on Convention No. 97.

Having regard to the Government's keen interest in migration problems it is considered that the necessary measures will certainly be taken in due time for the application of such provisions of the Recommendation as are not yet covered by national legislation and practice.

Guatemala.

Reference is made to the report on Convention No. 97.

Iceland.

Reference is made to the report on Convention No. 97.

India.

In respect of national law and practice, reference is made to the information supplied in connection with Convention No. 97.

As an emigration country India is vitally interested in the principle laid down in Paragraph 4 (1) of the Recommendation respecting the facilitation of the movement of manpower from countries which have a surplus of manpower to countries which have a deficiency. Policies of discrimination in some countries impede the realisation of this objective.

The Indian Emigration Act (1922) and Rules (1923), as amended, provide that assistance to prospective

emigrants shall be rendered by the employer or his agent assisting them to emigrate. Such assistance includes the supply of information concerning living and working conditions in the country of immigration but does not include the preparatory courses mentioned in Paragraph 5 (4) or the vocational training measures mentioned in Paragraph 10 (b).

The elaborate procedure which, under the Act and Rules, must be followed by a prospective employer before he is permitted to assist persons to emigrate is considered to safeguard adequately the interests of Indian emigrants.

The functions of the Central Government of India under the Act are performed by the Controller-General of Emigration, assisted by the Controller of Emigration (Madras) and by Protectors of Emigrants at emigration ports. The Government is also empowered to appoint one or more medical inspectors of emigrants at any port from which emigration is lawful, and also special agents in foreign countries who are responsible for protecting the interests of Indian immigrants in those countries. No legal provision exists for the association of employers' and workers' organisations with migration administration.

As conditions of emigration by land are unsettled owing to the constant movement of population between India and Pakistan since partition, and as the volume of emigration for employment by air is negligible, it is not considered feasible at present to take any special measures to give effect to such provisions of the Recommendation as are not already covered by legislation.

Ireland.

Reference is made to the report submitted on Convention No. 97. It is not proposed to take any steps towards acceptance of the Recommendation.

Israel.

I. The relevant information is supplied in the report of the Government of Israel on Convention No. 97 and, in particular, in the note appended to that report.

II. The Government states that the present practice is in almost all respects in conformity with the provisions of the Recommendation but it draws attention to the special nature of immigration in Israel.

Italy.

To a large extent effect has already been given, through bilateral agreements and internal administrative provisions, to the principles laid down in the Recommendation.

It has long been the policy of the Italian Government to facilitate migration. Constitutional and legislative measures have been taken and agreements negotiated to this effect. The amendment of the emigration laws to further this policy is under study and a new Passport Bill has been prepared. Administrative regulations and national practice are likewise directed towards this same general policy. The consultation of employers' and workers' organisations on migration questions is provided for in Section 2 of Act No. 264 of 29 April 1949 respecting the placing of unemployed workers and unemployment assistance; such consultation takes place regularly.

The provision of accurate information to migrants as laid down in Paragraph 5 (1) (c) of the Recommendation is ensured partly by the public authorities (the Ministry of Labour and Social Welfare, labour offices and emigration centres) and partly by voluntary organisations under State supervision. At the time of recruitment all emigrants receive detailed information concerning not only conditions of employment but also general conditions in the country of immigration. Informational booklets, prepared in consultation with representatives of immigration countries in Italy, are made widely available. Studies are being made and projects drawn up, in collaboration with immigration countries and international institutions, respecting the organisation of preparatory courses, particularly for the purposes mentioned in Paragraph 5 (4). Arrangements have also been made for the organisation of such courses by employers in certain cases (e.g., in connection with the recruitment of miners for Belgium and the United Kingdom).

Full information on emigration laws and regulations, administrative provisions and the other matters covered by Paragraph 6 is supplied to the I.L.O. and to its Migration Field Mission in Rome, and is made readily available to Governments on request. Every consideration is given to requests for authorisation of the transfer of capital of migrant workers.

The principles laid down in Paragraphs 13 to 15 of the Recommendation have long been recognised by the Government and are applied to the fullest possible extent. Where recruitment is not entrusted to official bodies, any intermediary who undertakes recruitment is required to produce a written warrant from the employer. The activities of such intermediaries, who must be duly authorised, are supervised by the competent authorities.

The selection of migrants for employment is generally made by official bodies. Vocational and medical examinations are carried out wherever possible in collaboration with the representatives of the countries of immigration concerned, with a view to eliminating further examinations at the assembly centre stage. Where appropriate, selection committees are invited to conduct the relevant proceedings in the provincial centre nearest to the place of residence of the prospective migrants. Various measures have been taken to assist the members of the migrant worker's family to join him abroad; these measures include in particular the issue of the necessary documents, free transportation to the frontier or port of embarkation, and subsistence and lodging during the journey.

The principle embodied in Paragraph 20, which relates to the situation of migrants for employment who return to their country of origin, is already substantially applied. In the field of unemployment insurance, provisions are being studied which will ensure the full application of this principle.

The Italian Government is in agreement with the provisions of Paragraph 21 which recommends the States Members to enter into bilateral agreements in appropriate cases and in so doing to take into account the provisions of the Model Agreement annexed to the Recommendation. For some years the Government has sought to conclude bilateral agreements incorporating the principles contained in the Convention, the Recommendation and the Model Agreement. These principles had been applied to the fullest extent before the adoption of the Recommendation.

Japan.

For information in respect of the law and practice and the competent authorities, reference is made to the information supplied in the report on Convention No. 97.

It is not considered that any modification of the Recommendation is necessary to meet national conditions.

Netherlands.

The Government endorses in general the principles of the Recommendation and, in so far as they may not yet be fully applied in the country, it is prepared to take due account of them when drafting regulations on migration.

Further, the Government has no objection to taking the provisions of the Model Agreement into account as far as may be possible in connection with any bilateral migration agreements to which the Netherlands may become a party.

New Zealand.

I. With regard to the scope of the Recommendation, the report points out that certain categories of persons come to New Zealand either as a result of private negotiations with a prospective employer or entirely on their own initiative. The Government does not exercise or intend to exercise control over such arrivals (save in the case of aliens) and queries whether such persons are included in the definition of "migrants for employment" for the purposes of the Recommendation.

II. Immigration is being maintained on as high a level as national circumstances permit. Due regard is paid to the manpower situation in the country. Employers' and workers' organisations are represented on the Immigration Advisory Council set up to advise the Government on immigration policy and to assist the Department of Labour and Employment in implementing this policy. The employment advisory committees set up for the more important industries under the Employment Act of 1945 deal, *inter alia*, with matters relating to the placing of immigrants; employers' and workers' organisations are also represented on these committees. Immigration in the post-war period has been composed mainly of nationals of the United Kingdom and the Netherlands and of displaced persons sponsored by the International Refugee Organisation.

III. The Central Government is wholly responsible for organised immigration. Information on conditions in New Zealand with special reference to employment is contained in various booklets obtainable free of charge from New Zealand Migration Officers in the United Kingdom and the Netherlands or from High Commissioners and Trade Commissioners in other countries. Migrants coming under the Government schemes are advised, in their own language or in a language which they understand, on employment and living conditions in New Zealand and on other matters likely to affect them. The booklets mentioned above give information, *inter alia*, on cost of living, taxation, social security, leisure activities and conditions in the main industries for which immigrants are selected. Information on administrative formalities and other steps to be taken in connection with the return of migrants to the country of origin or emigration is freely available from the Immigration Division of the

Department of Labour and Employment. Wherever necessary, instructional courses for particular categories of migrants are organised.

The International Labour Office is supplied automatically with copies of all relevant official publications and with any additional information on request. Information is also made available to States Members on request. Intending immigrants are given the most up-to-date information possible; any change of policy or conditions under the control of the Government and directly affecting the terms on which immigrants had been accepted would be brought to their notice. Publicity in emigration countries has due regard to changes in conditions affecting potential migrants.

Migrants for employment are not accepted under Government schemes unless accommodation and work are assured. In case of necessity (*e.g.*, in the case of displaced persons), immigrants have been maintained for a period at Government expense and provided with clothing and other necessary items. Transfer of funds is permitted within the limits allowed by national laws and regulations. Present regulations restrict the amount that may be remitted to non-sterling areas. Transfer of the capital of migrants is permitted within the limits allowed by the national laws and regulations concerning export and import of currency. Free education is available to migrants and members of their families in New Zealand schools. Immigration welfare committees, comprising representatives of local bodies, churches, voluntary organisations, etc., co-ordinate welfare activities in the various districts. Free medical, pharmaceutical and hospital services provided under the New Zealand Social Security Scheme are available to all persons normally resident in New Zealand.

IV. It is the practice of the Government to obtain the authorisation and co-operation of the competent authorities in the country of emigration in regard to all selection activities under Government-sponsored migration schemes. Migrants coming under Government migration schemes are required to undergo a thorough medical examination (including an X-ray examination) before acceptance. Selection officers operating in the emigration countries require satisfactory evidence of the ability of the intending migrant to perform the work for which he is being considered. Where recruitment takes place on a sufficiently large scale, appropriate arrangements exist for liaison and consultation with the competent authorities of the country of emigration concerned.

As regards immigration from the United Kingdom, administrative provision is made for married migrants for employment to be accompanied or joined by their families. The migration agreement with the Netherlands states that two categories of persons only will at present be accepted as assisted immigrants, namely, single men and single women. The quota of displaced persons accepted by New Zealand includes a number of family groups. The Government grants free passages for dependent wives and children from the United Kingdom. In general, married men are not selected under Government schemes unless their families will be able to accompany them or to follow them within a reasonable time.

V. Migrants for employment who have their fares paid in whole or in part by the New Zealand Government are required to enter into a contract to remain in the employment which they have agreed

to accept and for which they have been chosen for a period of not less than two years, unless they receive the consent of the Director of Employment to change such employment. Apart from this provision, migrants for employment and the members of their families are admitted to employment under the same conditions as nationals. Migrants are protected to the same extent as nationals by labour inspection effected under various acts, regulations, awards and industrial agreements, and no special measures of protection have been found necessary.

VI. Migrants for employment and members of their families are accepted for permanent settlement and would not be removed because of lack of means or on account of the state of the employment market.

VIII. New Zealand has entered into a bilateral agreement with the Netherlands Government and it is envisaged that any extension of New Zealand immigration schemes to other countries would similarly be the subject of bilateral agreements.

In drawing up the agreement with the Netherlands Government, due regard was paid to the provisions of the Model Agreement annexed to the Recommendation.

Norway.

Reference is made to the report on Convention No. 97.

Pakistan.

Reference is made to the report on Convention No. 97.

Sweden.

The report reproduces the information submitted in connection with Convention No. 97.

Switzerland.

With regard to the relevant legislative, administrative and practical provisions existing in the country, and to the authorities responsible for the application of these provisions, reference is made to the information supplied in the report on Convention No. 97.

In general, Swiss law and practice in respect of migration take into account very fully the principles laid down in the Recommendation. In several respects, however, the Recommendation is not in harmony with the regulations on the subject and the needs of the country. In particular, Part III (Paragraphs 10 and 11) and Parts IV, V and VI cannot be applied in Switzerland.

It is not proposed for the present to take any measures to give effect to provisions of the Recommendation which are not yet covered by national legislation or practice.

It is considered that the Recommendation should be limited to the formulation of a small number of essential principles applicable to all kinds of migration and to all countries. The detailed provisions included in the present text should be eliminated and might more appropriately be included in model agreements regulating particular kinds of migratory movements. The greater part of the Recommendation would have to be redrafted before Swiss practice could be brought into harmony with its provisions.

Turkey.

Reference is made to the report on Convention No. 97, which states that the Government finds it impossible, at the present time, to give effect by legislative or administrative measures to the principles laid down in the Recommendation.

Union of South Africa.

The Government refers to its reply concerning Convention No. 97 and indicates that, as the Recommendation is dependent on and supplementary to the Convention, the provisions of which are not considered to be applicable to the Union, action on the provisions of the Recommendation is not contemplated. It was decided by the Executive Council on 6 July 1950 that the Recommendation should not be accepted.

United Kingdom.

The following legislative provisions relate to matters dealt with in the Recommendation: Aliens Restriction Acts, 1914 and 1919; National Health Service Act, 1946; National Insurance Acts, 1946 to 1952; National Insurance (Industrial Injuries) Acts, 1946 to 1952; National Insurance Act (Northern Ireland), 1946; National Assistance Act, 1948; National Assistance Act (Northern Ireland), 1948; Safeguarding of Employment Act (Northern Ireland), 1947; Empire Settlement Acts, 1922 and 1937; British Nationality Act, 1948; Polish Resettlement Act.

These legislative provisions, together with the relevant regulations, control the admission of aliens into the United Kingdom and the conditions on which they may be permitted to take up employment, describe the requirements for obtaining British nationality and regulate the position of aliens regarding the various types of social security. Copies of the legislation referred to and of all the relevant regulations have already been supplied to the International Labour Office.

II. It is the policy of the Government to facilitate the international distribution of manpower. There is a steady flow of emigrants, mainly to countries of the British Commonwealth; this movement is encouraged by the Empire Settlement Acts. The United Kingdom is not a country of immigration, but foreign nationals are normally admitted for purposes of employment subject to the manpower requirements of the country. In this connection the following conditions must be satisfied: (a) that the proposed employment of a foreign worker is reasonable and necessary in the circumstances; (b) that adequate efforts have been made by the employer to find a suitable worker among British subjects or foreign nationals who are regarded as resident in the United Kingdom; and (c) that the wages and other conditions of employment proposed for the foreign worker are not less favourable than those commonly accorded to British employees for similar work in the trade in the district concerned. Consultation takes place with the British Employers' Confederation and Trades Union Congress on general questions concerning admission of foreign workers for employment.

III. Emigration takes place mainly to British Commonwealth countries, and more particularly to Australia, Canada and New Zealand. These

countries maintain migration offices in the United Kingdom for advice and assistance to migrants. Difficulties of language and settlement and administrative formalities are reduced to a minimum. The Assisted Passage Scheme to Australia provides for passages for suitable migrants at a cost of £10, the balance of the cost of transport being divided between the United Kingdom and Australian Governments. The United Kingdom Ministry of Labour and National Service determines eligibility for financial benefit under the scheme. Close co-operation is maintained with the Australian migration authorities in respect of publicity, recruitment and selection. A similar scheme for free passages to New Zealand is financed entirely by the New Zealand Government; the United Kingdom Government consequently does not concern itself with eligibility procedure in this case but co-operates closely with the New Zealand authorities in the administration of the scheme. No such schemes are in operation for emigration to other Commonwealth countries but prospective emigrants can obtain detailed information and advice from the migration offices in the United Kingdom of the countries concerned. No governmental restriction is placed on voluntary emigration from the United Kingdom; employers seeking candidates for employment in particular posts abroad are given assistance by the Ministry of Labour placing machinery, subject to the reservation that the Government may refuse to assist, either financially or by participating in the operation of recruitment of certain types of migrant, *e.g.*, those who have national service liabilities or who have special occupational qualifications urgently needed in the United Kingdom.

Persons in other countries who seek employment in the United Kingdom can obtain the necessary information from British Diplomatic Missions and consulates. Labour Attachés are to be found in most countries from which there is a substantial flow of workers to the United Kingdom. After arrival in the United Kingdom, foreign workers are, in general, treated in exactly the same way as British subjects as regards welfare and social services, including sickness and unemployment insurance, industrial injuries benefits, national assistance, medical service, public education and the administration of legislation relating to wages and conditions of employment. In the case of bulk recruitment schemes, where the numbers involved or the nature of the employment justify such action, special settling-in courses are arranged which include, where appropriate, language instruction and vocational training.

IV. Emigration for employment takes place in the main either through recruitment by the official migration agencies of the countries concerned, in close co-operation with the United Kingdom Government, or after entry into a firm contract for a particular post.

Foreign workers who come to take up work with a particular employer make arrangements beforehand, either directly or through an intermediary. Admission for this purpose is on the basis of a permit issued by the competent Minister. Permits are issued only to the actual employer and are refused if the terms and conditions stated by him are less favourable than those normally accorded for similar work in the district concerned. Bulk recruitment schemes operate under arrangements worked out with the authorities of the emigration country concerned. No objection is normally made

to the wife and minor children of a foreign worker accompanying him to the United Kingdom provided that accommodation is available and that he is in a position to support them.

V. The terms and conditions of employment of foreign workers must be at least as favourable as those accorded to nationals. Restrictions on choice of employment are normally removed after four years' residence. Rules applicable to the worker apply equally to the wife and children of the worker. In Northern Ireland the foreign worker's opportunities of employment remain restricted for a period of up to 10 years, depending on the incidence of unemployment.

VI. Foreign workers are admitted to the United Kingdom and given permission to undertake approved employment for limited periods only. At the end of the prescribed period the question of renewal for a further period is considered on its merits. Employers' organisations and trade unions are consulted on the recruitment, introduction and placing of foreign workers.

VII. British subjects who return to the United Kingdom after a period of residence abroad may make immediate application for national assistance in case of need. Persons who are ordinarily resident in Great Britain and who go abroad in continuation of employment entered into in this country remain insured under the National Insurance Acts for the first year of their employment abroad if their employer has a place of business in Great Britain. Thereafter, they may continue to pay contributions which maintain all their rights to insurance benefits, including unemployment benefit, on return to this country.

VIII. The United Kingdom Government has concluded reciprocal agreements with the Irish Republic on sickness and maternity benefit, unemployment benefit and insurance of seamen, and an agreement with France covering sickness and maternity benefit, death grants, retirement pensions and industrial injury benefits. An agreement with Italy was signed on 28 November 1951 and will come into force on ratification, but this agreement does not apply to Northern Ireland. Negotiations for further agreements are proceeding with Australia, Belgium, Denmark, the Federal Republic of Germany, Luxembourg, the Netherlands, New Zealand and Switzerland.

Effect cannot be given to Paragraph 14 of the Recommendation and acceptance of the Recommendation by the United Kingdom was subject to this reservation. No measures to give effect to these particular provisions are contemplated.

Uruguay.

Reference is made to the report on Convention No. 97.

Viet-Nam.

The Government refers to the report on Convention No. 97 for information relating to the general characteristics of emigration and immigration in Viet-Nam.

It is of the opinion that the provisions in force in relation to the supervision of emigration satisfy up to a point, at least in spirit, a number of the provisions of the Recommendation which deal with various measures to be taken by the Governments of countries of emigration.

The labour inspectorate is responsible for the application of the relevant provisions and is assisted where necessary by the administrative authorities of the areas of recruitment and departure of emigrants. The representatives of employers or of employers' organisations carry out the recruitment and see that the necessary formalities are completed before departure. Workers' organisations have not so far intervened in questions of emigration.

Having regard to the hostilities taking place in Viet-Nam and in Cambodia and Laos (countries to which emigrants mainly go), it would not be feasible to contemplate any substantial modification of the present regulations governing migration for the time being.

Copies of an Order concerning emigration from Tonkin, as well as a survey of manpower recruitment in Indo-China, are submitted with the report.

Yugoslavia.

In respect of the relevant legislation and regulations, and particularly in regard to the admission of foreign specialists, the Government refers to the information supplied on Convention No. 97.

The conditions of reception and employment of refugees from other countries are regulated in a general way by the Decree of 29 March 1952 respecting the organisation of the employment service. Sections 8 and 11 of this Decree assign to the employment service responsibility for the reception and placing in employment of repatriated Yugoslav emigrants as well as refugees from other countries. Persons in these two categories who are temporarily unemployed are entitled to benefits under the Decree of 29 March 1952 respecting benefits and other rights of temporarily unemployed wage-earning and salaried employees.

No further provisions exist in respect of migration, which is not a subject of great practical importance to Yugoslavia at the present time.

No special measures have been taken with a view to application of the provisions of the Recommendation.

Communication of Copies of the 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:

Convention No. 84: Australia, Belgium.

The Government of the *Union of South Africa* states that there are no representative organisations of employers and workers to which copies of the report can be sent.

Convention No. 87: Argentina, Bolivia, Burma, Canada, Chile, the Dominican Republic, the Federal Republic of Germany, Greece, Guatemala, Ireland, Israel, Italy, Japan, New Zealand, Switzerland, Turkey, the Union of South Africa, Yugoslavia.

The Government of *Cuba* states that the report will be published in the Official Bulletin of the Ministry of Labour.

Convention No. 97: Argentina, Austria, Belgium, Bolivia, Chile, Denmark, Finland, France, Greece, Guatemala, Iceland, India, Ireland, Israel, Italy, Japan, Norway, Pakistan, Sweden, Switzerland, Turkey, the Union of South Africa, Yugoslavia.

The Government of *Cuba* states that the report will be published in the Official Bulletin of the Ministry of Labour.

Recommendation No. 86: Argentina, Belgium, Canada, Ceylon, Chile, Denmark, Finland, Greece, Iceland, India, Ireland, Italy, Japan, Switzerland, Turkey, the Union of South Africa, the United Kingdom, Yugoslavia.

The Government of *Cuba* states that the report will be published in the Official Bulletin of the Ministry of Labour.

The Government of the *Netherlands* states that copies of the report have been communicated to the Labour Foundation, on which the central organisations of employers and workers are represented.

REPORT III

(PART III)

**INTERNATIONAL LABOUR
CONFERENCE**

THIRTY-SIXTH SESSION

GENEVA, 1953

**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, 1953

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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 following Conventions and Recommendations adopted by the Conference at its 34th Session, held in Geneva from 6 to 29 June 1951 :

Convention concerning minimum wage fixing machinery in agriculture (No. 99) ;

Convention concerning equal remuneration for men and women workers for work of equal value (No. 100) ;

Recommendation concerning minimum wage fixing machinery in agriculture (No. 89) ;

Recommendation concerning equal remuneration for men and women workers for work of equal value (No. 90) ;

Recommendation concerning collective agreements (No. 91) ;

Recommendation concerning voluntary conciliation and arbitration (No. 92).

As the closing date of the 34th Session of the Conference was 29 June 1951, the period of one year provided for the submission to the competent authorities came to an end on 29 June 1952, and the period of 18 months on 29 December 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, 32nd and 33rd Sessions, held respectively in San Francisco from 17 June to 10 July 1948 and in Geneva from 8 June to 2 July 1949 and from 7 June to 1 July 1950. 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 35th Session of the Conference and which could not, therefore, be laid before that Session.

At its 33rd Session the Conference adopted the Recommendation concerning the vocational training of adults including disabled persons (No. 88).

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 16 to 28 March 1953, the communications received from the Governments, as stated in its report.

**Summary of Information Relating to the Submission
to the Competent Authorities of Conventions and Recommendations Adopted
by the International Labour Conference at its 34th Session (Geneva, 1951) and
Supplementary Information Relating to the Texts Adopted by the
Conference at its 31st, 32nd and 33rd Sessions
(San Francisco, 1948; Geneva, 1949; and Geneva, 1950)**

Afghanistan.

The Government states that the competent authority to which the Conventions and Recommendations must be submitted is the Council of Ministers (Sadarat-i-Azma). It also states that the text of the decisions taken by the International Labour Conference at its 34th Session has been submitted to the competent authorities.

Austria.

The Government states that the Ministry of Social Administration will not fail to submit for examination to the new National Council of the Austrian Republic, which is to meet on 24 March 1953, the text of the decisions adopted by the International Labour Conference at its 34th Session.

Belgium.

The Government decided to communicate each year to the Legislative Chambers the Conventions and Recommendations adopted by International Labour Conferences.

This procedure has just been inaugurated by the Government, which communicated to the Chamber and the Senate on 18 December 1952 a document by which it informed the Parliament of the texts adopted by the International Labour Conference at its 33rd and 34th Sessions; a statement from the Government was attached to this communication.

As regards the texts adopted by the Conference at its 31st and 32nd Sessions, the information already communicated can be supplemented as follows:

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87): approved by the Act of 13 July 1951.¹

Employment Service Convention, 1948 (No. 88): a Bill to approve this Convention was tabled in the Senate on 27 March 1952.²

Night Work (Women) Convention (Revised), 1948 (No. 89): approved by the Act of 21 March 1952.³

Labour Clauses (Public Contracts) Convention, 1949 (No. 94): ratified on 13 May 1952 without the intervention of Parliament, since this is not required in such cases under Section 68 of the Belgian Constitution.⁴

Protection of Wages Convention, 1949 (No. 95): ratification being examined.

Migration for Employment Convention (Revised), 1949 (No. 97): a Bill for the approval of this Convention was tabled in the Senate on 12 November 1952.

Right to Organise and Collective Bargaining Convention, 1949 (No. 98): a Bill for the approval of this Convention was tabled in the Senate on 29 May 1952.

In addition the ratification of the Equal Remuneration Convention, 1951 (No. 100) was registered on 23 May 1952.

Brazil.

The Government states that the Conventions and Recommendations adopted by the Conference at its 34th Session have been examined by the Ministry of Labour, Industry and Commerce. The report drawn up favours the adoption of the Conventions and the application of the Recommendations and the Government intends to submit these texts to the competent legislative organisations within the period prescribed by the Constitution of the I.L.O.

Burma.

The Government states that it is not in a position to furnish supplementary information in respect of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Employment Service Convention, 1948 (No. 88), adopted by the Conference at its 31st Session. With the exception of the Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91), the Accommodation of Crews Convention (Revised), 1949 (No. 92) and the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949 (No. 93), the ratification of the Conventions and the acceptance of the Recommendations adopted by the Conference at its 32nd Session are still under active consideration by the competent authorities of the Government. As regards the Vocational Training (Adults) Recommendation, 1950 (No. 88), the Government has no further information to communicate.

Finally, the Conventions and Recommendations adopted by the Conference at its 34th Session are at present being examined by the Ministry of Labour in consultation with the Ministry of Finance and Revenue.

Canada.

The Government states that the Conventions and Recommendations adopted by the Conference at its 34th Session have been tabled in the Canadian Parliament, together with copies of a letter from the Deputy Minister of Justice indicating

¹ Ratification registered on 23 October 1951.

² Ratification registered on 16 March 1953.

³ Ratification registered on 1 April 1952.

⁴ Ratification registered on 13 October 1952.

that, in the opinion of the Minister of Justice, these Conventions and Recommendations were partly within the authority of Parliament and partly within the authority of the legislatures of the provinces.

The Government also states that the authentic texts of these Conventions and Recommendations, together with copies of the letter from the Deputy Minister of Justice, had been sent to the Lieutenant-Governors of the ten provinces on 5 December 1951.

Copies of these documents were also communicated to the most representative employers' and workers' organisations.

Chile.

The Government states that the acceptance of the Recommendations does not require the intervention of the National Congress unless they contain provisions which affect the prescriptions of a treaty; in such a case, in conformity with Section 72, paragraph 16, of the Constitution, they must first be submitted to Congress for approval.

The Government also states that the Vocational Training (Adults) Recommendation, 1950 (No. 88), which was adopted by the Conference at its 33rd Session, cannot be accepted.

Costa Rica.

The Government states that, in spite of its wish to fulfil in due time the obligations resulting from its membership in the International Labour Organisation, circumstances beyond its control have prevented the examination of the Conventions and Recommendations adopted by the Conference at its 34th Session and the insertion of the provisions of these texts in the internal legislation. Nevertheless, it is hoped that a solution to this important problem will be found. The Committee set up by the Government to examine the Conventions and Recommendations is about to begin its work, which will enable the Government to take the necessary steps for the acceptance and ratification of these texts.

Cuba.

The Government states that the Minister of Labour has requested the competent Minister of State to take steps with a view to the ratification of the Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99) and the Equal Remuneration Convention, 1951 (No. 100). The Government considers that, as the national legislation lays down principles more favourable than those contained in these texts, it is not necessary for the internal legislation to be amended. It is, moreover, of the opinion that it would be useless to give effect to the provisions contained in the Minimum Wage Fixing Machinery (Agriculture) Recommendation, 1951 (No. 89), the Equal Remuneration Recommendation, 1951 (No. 90), the Collective Agreements Recommendation, 1951 (No. 91), and the Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92), as these provisions are already contained in the legislation in force.

The Government states also that, in virtue of Section 133 of the Constitutional Law, the authority competent to act as the legislative power is the Council of Ministers, which includes the Minister of State and the Minister of Labour, who have been informed of the above-mentioned Conventions and Recommendations.

A decision must still be taken as to whether, in conformity with the Constitution of the International Labour Organisation, these texts shall be formally submitted to a meeting of the Council of Ministers or whether the competent Ministers should see to it that suitable effect is given to them.

Cuba has ratified the following Conventions :

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);

Employment Service Convention, 1948 (No. 88);

Night Work (Women) Convention (Revised), 1948 (No. 89);

Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90);

Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91);

Accommodation of Crews Convention (Revised), 1949 (No. 92);

Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949 (No. 93);

Labour Clauses (Public Contracts) Convention, 1949 (No. 94);

Protection of Wages Convention, 1949 (No. 95);

Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96);

Migration for Employment Convention (Revised), 1949 (No. 97);

Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

Denmark.

The Government states that the report of the Danish delegation to the International Labour Conference, containing the texts of the Conventions adopted at the 34th Session, has been submitted to Parliament. A letter from the Minister of Labour and Social Affairs of 30 April 1952 which accompanied this report indicated that it was not possible to ratify the Conventions for the time being.

A copy of the report and the letter in question was communicated to the representative employers' and workers' organisations.

Ecuador.

The Government states that the Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99) and the Equal Remuneration Convention, 1951 (No. 100), were to be submitted to the National Congress at its session to be held in August 1952.

The Government adds that the provisions of Convention No. 99 are already applied under Chapter V, Paragraph II, Sections 57 to 62, of the Labour Code, and that Section 185 (g) of the Constitution applies the principles contained in Convention No. 100.

Finland.

The Government states that the Conventions and Recommendations adopted by the Conference at its 34th Session were submitted to the Chamber on 5 December 1952.

France.

The Government states that the text of the Vocational Training (Adults) Recommendation, 1950 (No. 88), adopted by the Conference at its 33rd Session, as well as the texts of the Minimum Wage Fixing Machinery (Agriculture) Recommendation, 1951 (No. 89), the Equal Remuneration Recommendation, 1951 (No. 90), the Collective Agreements Recommendation, 1951 (No. 91) and the Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92), which were adopted at the 34th Session, have been laid before the French Parliament.

Moreover, two Bills proposing the ratification of the Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99) and the Equal Remuneration Convention, 1951 (No. 100) were tabled in the National Assembly on 27 May 1952; the Act for the ratification of Convention No. 100 was adopted by the National Assembly on 12 July 1952.¹

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

Federal Republic of Germany.

The Government states that the Conventions and Recommendations adopted by the Conference at its 34th Session have been submitted to the competent authorities. The ratification of the Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99) is being examined.

Greece.

The Government states that a certain number of Conventions have been submitted for ratification to the legislative power. These are the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Employment Service Convention, 1948 (No. 88) and the Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90), which were adopted by the Conference at its 31st Session; and the Protection of Wages Convention, 1949 (No. 95), the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), which were adopted by the Conference at its 32nd Session.

The Government states that a tripartite committee has been set up to examine unratified Conventions and to consider the possibility of ratifying them.

Guatemala.

The Government states that the Spanish translation of the texts of the Conventions and Recommendations adopted by the Conference was received too late to be submitted to the competent authorities.

Iceland.

The Government states that the Ministry for Social Affairs has submitted to Parliament (Althing) a report on the proceedings of the International Labour Conference, containing the texts of all the Conventions and Recommendations adopted at the 34th Session. However, the

Government has not so far made any proposals for further action in respect of these texts.

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

Iceland has ratified the Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

India.

The Government states that the competent authority for the purpose of Article 19 of the Constitution of the International Labour Organisation is the Union Government. International labour Conventions and Recommendations must therefore be placed before the Indian Parliament, which is empowered to pass the necessary legislation to give effect to the provisions of the Conventions and Recommendations. The actual enforcement of the legislation, except in respect of undertakings in the Central sphere, is, however, the responsibility of the State Governments, and the Government of India has to consult these Governments before deciding on the action to be taken on international instruments.

As regards the Conventions and Recommendations adopted by the International Labour Conference at its 34th Session, consultations with the State Governments have been completed and the texts of the Conventions and Recommendations, together with a statement for Parliament indicating the action proposed to be taken on these instruments, were placed before the House of the People and the Council of States of the Indian Parliament on 15 and 16 December 1952, respectively. Copies of the statements were communicated to the Office.

Ireland.

The Government states that the Conventions and Recommendations adopted by the International Labour Conference at its 34th Session were presented to Parliament (Oireachtas) on 4 March 1952. These texts were also brought to the notice of the Government departments primarily responsible for the promotion of legislation in respect of these matters.

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

Ireland has ratified the Night Work (Women) Convention (Revised), 1948 (No. 89) and the Accommodation of Crews Convention (Revised), 1949 (No. 92).

Israel.

The Government states that a report on the 33rd Session of the International Labour Conference, together with a translation of the Vocational Training (Adults) Recommendation, 1950 (No. 88) has been submitted to Parliament (Knesseth).

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

Mexico.

Mexico has ratified the Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99) and the Equal Remuneration Convention, 1951 (No. 100).

¹ Ratification registered on 10 March 1953.

Netherlands.

The Government states that a Bill for the approval of the Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99) was placed before the Second Chamber of the States-General on 4 November 1952. Copies of the relevant parliamentary document were forwarded to the Office.

As regards the Equal Remuneration Convention, 1951 (No. 100), the Minister for Social Affairs and Public Health decided to ask for the opinion of the Social and Economic Council, which consists of delegates from the Government and from the employers' and workers' organisations. The detailed examination carried out by the special committee appointed by the Social and Economic Council to examine this Convention has prevented the Government from submitting this text to Parliament within the period prescribed by the Constitution of the International Labour Organisation.

The texts of the Recommendations adopted by the Conference at its 34th Session were submitted to the States-General in December 1952, with the exception of the Equal Remuneration Recommendation, 1951 (No. 90), which will be submitted at the same time as the corresponding Convention (No. 100).

New Zealand.

The texts of the Conventions and Recommendations adopted by the International Labour Conference at its 34th Session were presented to the House of Representatives on 24 October 1951. The Government adds that, on 1 July 1952, it ratified the Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99) and that it accepted the principles contained in the Minimum Wage Fixing Machinery (Agriculture) Recommendation, 1951 (No. 89), and the Collective Agreements Recommendation, 1951 (No. 91).

As regards the Equal Remuneration Convention, 1951 (No. 100), the Government indicates that it sees no immediate prospect of its ratification; it is also unable to accept the Equal Remuneration Recommendation, 1951 (No. 90) and the Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92).

Norway.

The Government states that the Conventions and Recommendations adopted by the International Labour Office at its 34th Session were communicated to the Ministry of Local Government and Labour and to the Norwegian Employers' Confederation and the General Confederation of Trade Unions in Norway. These texts, together with the recommendations from the Ministry of Social Affairs and the observations submitted by the above-mentioned bodies, were submitted to the legislative authority (Storting) on 25 April 1952.

The Government states that only the Collective Agreements Recommendation, 1951 (No. 91) and the Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92) may be accepted by Norway.

Pakistan.

The Government states that the Conventions and Recommendations adopted by the Interna-

tional Labour Conference at its 34th Session are under the active consideration of the Government with a view to placing them before the competent authority as soon as possible; as a first step these instruments were placed before the Standing Labour Committee in October 1952. They were also to be communicated to the Tripartite Labour Conference in February 1953.

Philippines.

The Government states that the texts of the Conventions and Recommendations adopted by the Conference at its 34th Session have been forwarded to the President of the Republic of the Philippines for communication to Congress.

Portugal.

The Government states that the Conventions and Recommendations adopted by the Conference at its 34th Session come within the competence of the National Institute of Labour and Welfare and of the Ministry of Corporations, to which they have been communicated.

Sweden.

The Government states that the Conventions and Recommendations adopted by the Conference at its 34th Session were submitted to Parliament (Riksdag) on 1 February 1952. With this communication the Minister of Social Affairs advised against Sweden's ratification of the Conventions or acceptance of the Recommendations.

In its communication of 18 March 1952 Parliament approved the statements made by the Minister of Social Affairs.

Copies of the parliamentary documents relating to this question were communicated to the representative employers' and workers' organisations.

Switzerland.

The Government states that the texts of the Conventions and Recommendations adopted by the Conference at its 34th Session were attached to a report in which the Federal Council surveyed the work and decisions of the Conference and defined the position of Switzerland with regard to the decisions taken.

This report, which was approved by the Council on 12 December 1952, has been submitted to the Federal Assembly which endorsed the opinion expressed by the Council that the two Conventions adopted at the 34th Session should not be ratified.

In addition, the Government points out that Switzerland has complied with the provisions of Article 19, paragraph 7, and Article 23, paragraph 2, of the Constitution of the International Labour Organisation, and that the employers' and workers' organisations have received copies of the report and of the information communicated to the Director-General of the International Labour Office.

Turkey.

The Government states that the Employment Service Convention, 1948 (No. 88), the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), have been ratified by the Grand National Assembly but that the ratification of the other

Conventions adopted by the Conference at its 31st, 32nd, 33rd and 34th Sessions would necessitate changes in the legislation relating to the economic development of the country and that it does not seem possible to take such steps at present.

Union of South Africa.

The Government states that the Conventions and Recommendations adopted by the Conference at its 34th Session have been submitted to the Executive Council for decision. This body has decided that the ratification of the Conventions and acceptance of the provisions of the Recommendations cannot be effected.

In accordance with the usual procedure a copy of these texts, together with a list of all the Conventions and Recommendations adopted up to now, showing those ratified and accepted respectively by the Union, were tabled in the House of Assembly on 28 January 1952 and in the Senate on 25 February 1952.

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

United Kingdom.

The Government states that it has submitted to Parliament the texts of the Conventions and Recommendations adopted by the Conference at its 34th Session as part of the report of the delegates to this session of the Conference. The Government adds that, owing to unforeseen circumstances, it has not been possible to make proposals concerning these texts within the time limit prescribed by the Constitution of the International Labour Organisation. These proposals were laid before both Houses of Parliament on 12 March 1953 in a White Paper, a copy of which has been forwarded to the Office.

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

United States.

The Government states that the Labour Clauses (Public Contracts) Convention, 1949 (No. 94) and the Migration for Employment Convention

(Revised), 1949 (No. 97), as well as the corresponding Recommendations (Nos. 84 and 86) and the Conventions and Recommendations adopted by the Conference at its 34th Session, have been submitted to Congress.

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

Uruguay.

The Government states that all unratified Conventions, including those adopted by the Conference at its 34th Session, have been submitted to the legislative power.

Viet-Nam.

The Government states that the Conventions and Recommendations adopted by the Conference at its 34th Session have been submitted for examination to His Majesty, the Chief of the State, who, under the present scheme of organisation of public powers, holds the legislative power and exercises it by means of ordinances having the force of law.

Yugoslavia.

The Government states that, under Article 74 of the Constitution of the Federative People's Republic of Yugoslavia, the Presidium of the National Assembly is the competent authority as regards the ratification of the Conventions and that, in accordance with Yugoslav constitutional provisions, the Recommendations are to be submitted to the Government of the Republic.

In consequence, the text of the Recommendations adopted by the Conference at its 34th Session was submitted on 23 December 1952 to the Government and the text of the Conventions adopted at this session was submitted to the Presidium of the National Assembly, which ratified the Equal Remuneration Convention (No. 100).¹

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

¹ Ratification registered on 21 May 1952.

REPORT III

(PART IV)

INTERNATIONAL LABOUR CONFERENCE

THIRTY-SIXTH SESSION

GENEVA, 1953

**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, 1953

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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 information and reports submitted under Articles 19 and 22 of the Constitution of the International Labour Organisation upon the application of Conventions and Recommendations by the Members of the Organisation and to report on them to the Governing Body of the International Labour Office met for its 23rd Session in Geneva from 16 to 28 March 1953.

2. Since the last session of the Committee two changes have taken place in its membership. The Committee was informed that the Hon. Charles E. Wyzanski, Jr., had submitted his resignation from the Committee owing to the pressure of his judicial duties in the United States. The Committee regrets his absence, which it hopes will be only temporary. His profound legal knowledge, his wide experience of economic and social conditions and his objective approach to the matters with which the Committee is called upon to deal have been of inestimable service to the Committee in its work. The Committee welcomed the decision of the Governing Body at its 119th Session (June 1952) to appoint Dr. Friedrich Sitzler as a member of the Committee. Until 1933 Dr. Sitzler held the post of Ministerial Director in the German Ministry of Labour and was a member of the German delegation to sessions of the International Labour Conference. Thereafter for a time he occupied the post of Chief of Division in the International Labour Office.

3. The composition of the Committee is now as follows :

Mr. Grantley ADAMS (Barbados),

Barrister, Leader of the House of Assembly of Barbados ;

Baron Frederik M. VAN ASBECK (Netherlands),

Professor of International Law and of Comparative Constitutional Law of non-metropolitan countries at the University of Leyden ; associate member of the Institute of International Law ; 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 the Brazilian Academy of Letters ; former Representative of the Brazilian Government on 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 ;

Mr. Friedrich SITZLER (Federal Republic of Germany),

Doctor of Law ; Doctor rer.pol.h.c. ; Honorary Professor of Labour Law and Social Policy at the University of Heidelberg ; President of the German Society for Social Progress ; Ministerial

Director in the Reich Ministry of Labour, 1921-1933; Government member of the German Delegation to the sessions of the International Labour Conference till 1933; Chief of Division in the International Labour Office, 1933-1934;

Miss G. J. STEMBERG (Netherlands),

Doctor of Law; formerly Director, and now Adviser in the Ministry of Social Affairs and Public Health; 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.

4. Of these 12 members the following were present:

Mr. Grantley ADAMS
Baron Frederik M. VAN ASBECK
Mr. Paal BERG
Mr. H. S. KIRKALDY
Mr. Helio LOBO
Mr. Tomaso PERASSI
Mr. William RAPPARD
Mr. Georges SCELLE
Mr. Friedrich SITZLER
Miss G. J. STEMBERG
Mr. Paul TSCHOFFEN.

5. Much to the Committee's regret, Sir Atul CHATTERJEE was prevented by illness from attending the session. Mr. L. GROS attended the session as an Observer on behalf of the United Nations.

6. The Committee elected Mr. TSCHOFFEN as Chairman and Mr. KIRKALDY as Reporter of the Committee. Baron VAN ASBECK and Mr. ADAMS acted as Reporters on questions affecting non-metropolitan territories. Mr. SCELLE acted as Reporter on questions affecting the submission of Conference decisions to the competent national authorities.

II. WORK OF THE COMMITTEE

7. The Committee was, 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 to 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 on a Recommendation 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.

8. The Committee in its report last year suggested that that report marked the end of a period of transition and adjustment made necessary to meet the new circumstances brought about by 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. 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. The Committee in its last report also described in some detail the modifications in the form and timing of reports submitted by the Governments and in its own procedure for examining them, which had been rendered necessary by the extended scope of these reporting obligations.

9. The volume of work also continues to grow year by year by reason of the growth in membership of the International Labour Organisation, by reason of the adoption of new Conventions and Recommendations and by reason of the ever-increasing number of ratifications of Conventions both old and new. The Committee this year had before it a total of some 3,000 reports submitted by Governments under the various provisions of the Constitution referred to in paragraph 7 above. The ability of the Committee to handle this increasing volume of work, even under the modified procedure which it has developed in recent years, has been in no small measure due to the excellent preparatory work of the International Labour Office.

10. The task which the Committee is called upon to perform has as its primary object an assessment of the extent to which the Members of the International Labour Organisation have complied with their obligations under the Constitution of the Organisation in regard to the Conventions and Recommendations adopted by the International Labour Conference. That task is essentially one of a legal character but it would be a mistake to regard it as an end

in itself. The ultimate object of the Committee's work—and indeed of the whole procedure in which the Committee is called upon to play a part—is to secure the highest possible standard of compliance with these obligations. The achievement of that object is not only the basis of the social purposes which the Organisation was designed to promote; it is also essential to the maintenance of confidence between States in respect of international obligations freely undertaken.

11. The work of the Committee is now concerned with a wider sphere than conformity of national law and practice with ratified Conventions. The various States, in virtue of their national sovereignty, retain the power to decide whether they will accept the texts adopted by the Conference. Nevertheless, in virtue of their membership of the International Labour Organisation, Governments accept certain obligations even in relation to decisions of the Conference which are not considered capable of acceptance by the States concerned. These obligations include the requirement, which is in no way new but has existed ever since the International Labour Organisation was founded, to submit the Conventions and Recommendations adopted by the International Labour Conference to the competent national authorities. What is new in this regard is the requirement under the revised Constitution to report to the International Labour Office on the steps taken to fulfil this obligation. It is this new reporting obligation which has brought the matter within the sphere of the activities of the Committee of Experts. Another new obligation is the requirement to submit reports from time to time on the state of national law and practice in regard to unratified Conventions and in regard to Recommendations.

12. The whole work of the Committee, however—irrespective of which of the obligations it relates to and whatever its object, immediate or ultimate—depends in the first instance upon one fundamental assumption, *i.e.*, that the Governments will scrupulously observe their obligations to submit the various reports which are called for and will do so at the time and in the form requested. This assumption is far from being completely realised in practice. While many Governments have throughout consistently observed their obligations in this respect without default, there are a few others which have almost as consistently ignored them entirely over long periods. Moreover, the standard of conformity with the new obligations resulting from the revised Constitution is distinctly disappointing. This

is so particularly in regard to the obligation to supply information on the measures taken to bring Conventions and Recommendations before the competent authorities and to submit reports on unratified Conventions and on Recommendations. The standard of conformity in these respects is less than 50 per cent., which compares distinctly unfavourably with the standard of conformity in respect of the traditional obligation to submit reports on ratified Conventions. In previous years the Committee has been prepared to accept the view that this disappointing result could be explained, if not excused, by the comparative novelty of the new obligations, but such an explanation becomes each year of diminishing validity. The Committee would therefore again stress the fundamental nature of the obligations imposed upon Governments by Articles 19 and 22 of the Constitution to submit all information and reports in accordance with these Articles. Failure to do so renders it impossible to operate the whole of the remainder of the procedure. As the Committee pointed out in its last report, the countries concerned, by their very default, place themselves in an unduly privileged position as they escape the detailed scrutiny to which countries which fulfil their reporting obligations submit themselves.

13. With regard to the reports on measures taken to give effect to ratified Conventions, the Committee feels that the procedure it has adopted in recent years of devoting special attention to the first reports submitted by Governments after ratification has been fruitful. The observations it has made on such reports and the subsequent action taken by Governments, or the explanations which they have been good enough to supply, have enabled the Committee in many cases to satisfy itself that there is full conformity with the ratified Conventions.

14. On the general effectiveness of the observations made by the Committee of Experts and the Conference Committee on reports submitted by Governments on ratified Conventions, the Committee was particularly interested in the results of a pilot enquiry which the International Labour Office has made on this question relative to a number of Conventions. The Committee has itself tended at times to be disheartened by the instances where it has had to repeat, year after year without result, the same observations. It is not surprising if a general impression has grown that these instances are typical, rather than the vastly greater number of cases which have called for no observations at all or where observations

made have produced satisfactory results within a reasonable period. The enquiry made by the Office is only of a tentative nature and is limited to four Conventions, but its results so far are distinctly encouraging. The Committee did not consider that it was in any way part of its functions to undertake responsibility for such an enquiry but it agreed with the Office that the latter might well proceed further with the enquiry on an extended basis. If the conclusions so far drawn should prove typical, they may serve to correct certain misapprehensions in regard to the general standard of compliance with ratified Conventions.

15. A further question in regard to ratified Conventions to which the Committee has long devoted earnest attention is the importance of assessing not merely the extent of formal conformity between national legislation and the international Conventions but the extent to which the provisions are effectively applied in practice. The Committee has not hesitated in the past to express the doubts it has felt about its ability to judge this question. Recent developments, however, suggest grounds for a moderate degree of optimism. The Committee has noted with satisfaction the increasing response of Governments to the questions calling for statistical information and for particulars regarding inspection and enforcement. The importance in this regard of an efficient system of labour inspection has always been urged by the Committee. The adoption by the Conference in 1947 of the Labour Inspection Convention was, therefore, welcomed by the Committee and it was gratified to learn that this Convention has already achieved 16 ratifications. It expresses the hope that the great majority of countries will, before long, find it possible so to organise their systems of labour inspection as to enable them to ratify this Convention and so provide one of the surest guarantees of efficient enforcement in practice of the Conventions which they have ratified. The Committee has also, for many years, emphasised that the task of ensuring adequate information regarding practical application of Conference decisions is one calling not merely for Government action but also for the co-operation of employers' and workers' organisations. The Governments are now required to communicate to these organisations copies of the reports which they submit to the International Labour Office and they are invited to forward to the Office a summary of any observations which have been received from these organisations regarding the practical fulfilment of the requirements of ratified Conventions. The almost entire absence in the past of any indication in the Governments' reports of any such

observations received from these organisations had caused the Committee to wonder whether this procedure was proving really effective. The Committee was therefore gratified this year to learn that one Government has drawn the special attention of these organisations in its country to the opportunity thereby afforded to them "of participating in the supervision of the implementation of the relevant constitutional obligations". The Committee was also interested this year to receive observations submitted by workers' organisations in two countries on the reports submitted by their Governments on a number of ratified Conventions. The Committee would be glad to see the further development of the practice hereby inaugurated as a means of enabling it to report with greater confidence to the Governing Body on the practical application of ratified Conventions.

16. With regard to the procedure under which Governments are called upon from time to time 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 in certain Recommendations, the object of this procedure is twofold. It is designed, in the first place, to measure the effect which Conventions, even though not ratified, and Recommendations have had on national law and practice. In this respect, the Committee has found it difficult this year again to make any precise assessment. This is partly the result of the failure of the majority of the Governments to supply the reports requested. It is largely, however, a difficulty inherent in the nature of the task itself, involving as it does the assessment of the merits of widely differing methods of national social protection as compared with the standards laid down in international texts. On the other hand, the replies submitted by the Governments to the specific question whether they have modified their legislation or practice to give effect to the international texts does enable a certain measure of judgment to be arrived at. The procedure is designed, in the second place, to bring to light difficulties which have prevented or delayed ratification of Conventions and acceptance of Recommendations. In this respect, the Committee has not considered it to be within its terms of reference to express opinions on the validity of the difficulties cited by Governments. It has, however, endeavoured to analyse and classify these difficulties in the hope that the information so obtained may be of assistance to the International Labour Organisation in considering its future legislative programme and decisions.

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 1951 to 30 June 1952. The Committee also had before it a number of reports for the preceding year which arrived too late for examination at last year's session and which were referred to it by the Governing Body at the request of last year's Conference Committee. For the period 1951-1952 the Governments were called upon to supply a total of 981 annual reports in respect of the application of 69 Conventions then in force. Up to the date of the session of the Committee the Office had received 743 reports (*i.e.*, 76 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 reports due which were received by the date of the meeting of the Committee and by the date of the opening of the International Labour Conference.

18. The Committee notes that the proportion of reports received this year is practically the same as last year. It should, however, be pointed out that up to 15 October 1952, the date by which reports had been requested, only 268 reports had been received as against 288 on the corresponding date last year. Nevertheless, the great majority of the reports received came to hand within six weeks of the due date.

19. Of the 52 countries called upon to supply reports, 38 submitted all those requested. On the other hand no reports at all for the year 1951-1952 have so far been received from Brazil, Bulgaria, Czechoslovakia, China, Colombia, Hungary, Indonesia, Israel, Liberia, Mexico, 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 Austria (Nos. 87, 89), Canada (No. 88), Ceylon (Nos. 4, 5, 8, 15, 16, 29, 41, 45), France (Nos. 10, 62, 74, 81), Iceland (No. 87), India (No. 90), Netherlands (Nos. 62, 74), New Zealand (Nos. 52, 89), Norway (No. 96), Poland (No. 62), Sweden (Nos. 96, 98), Switzerland (No. 89), Turkey (No. 88) and the United Kingdom (No. 98). The Committee noted with particular regret

that the list of countries having submitted no reports included five countries (Bulgaria, Czechoslovakia, Indonesia, Israel¹, Syria) from which first reports on ratified Conventions were due.

21. Voluntary reports (reports on Conventions which are not yet in force for the country concerned) were submitted by Belgium (Nos. 54, 57) and New Zealand (Nos. 47, 61, 84, 97, 99).

(b) *Examination of Reports by the Committee*

22. 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 28 first reports. The Committee is grateful to many of the Governments concerned for the care with which they have drafted these reports and to the International Labour Office for the detailed documentation it has prepared in regard thereto. This has enabled the Committee in most cases to satisfy itself that the national legislation is in full conformity with the ratified Conventions. It has also been able, where necessary, to draw attention in certain cases to discrepancies or matters of doubt in regard to compliance.

23. At its last session the Committee was informed that it would have before it at its present session the first reports submitted by the Federal Republic of Germany and by Japan since they resumed their collaboration with the International Labour Organisation in 1951. The Committee on that occasion expressed the hope that the Governments concerned would be asked, in view of the long period which had elapsed since the previous receipt of German and Japanese reports, to submit particularly detailed information similar to that requested from Governments on the first occasion after ratification of a Convention. This procedure was approved by the Governing Body and the reports received from the two Governments concerned were examined by a subcommittee of the Committee of Experts which met in advance of and during the session of the Committee. The report of the subcommittee, as approved by the Committee, is attached to this report (Appendix I D).

24. The Committee has also examined with special care any changes in legislation which appear from the reports other than first

¹ The three reports due from Israel were received in the course of the Committee's session.

reports. It has also continued to scrutinise the information which both first reports and subsequent reports contain in regard to matters of practical application. The Committee is gratified to note the number of cases in which Governments have responded to previous requests made either by the Committee of Experts or by the Conference Committee for additional information. It also notes with satisfaction the steps which have been taken by a number of Governments to rectify defects to which their attention has been so drawn.

25. 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 these observations, both those of a general character and those in relation to individual Conventions, will be found in Appendix I.

IV. APPLICATION OF CONVENTIONS TO NON-METROPOLITAN TERRITORIES

Introduction

26. The work of the Committee has once again this year been considerably facilitated by the number and quality of reports received from some Governments. The Committee wishes to express its thanks to the Governments which are providing fuller information each year on the extent to which it has been found possible to give effect to the provisions of the Conventions they have ratified, in the non-metropolitan territories for whose international relations they are responsible. In general the reports received are more detailed and follow more closely the questions contained in the report forms as established by the Governing Body, although there is still a tendency to fail to furnish statistical data and particulars of the extent to which exceptions to and derogations from the provisions of Conventions are taken advantage of in practice.

27. Some of the reports provided for the first time this year on the application of certain Conventions took the form of a statement in very general terms regarding the impossibility of application of the provisions of the Convention. The Committee hopes that, in future, when such reports are submitted for the first

time by Governments, they will contain, when the Convention has been declared applicable with modifications, the fullest possible information on the extent of application of the Convention, the modifications which have appeared necessary and the local conditions which necessitate such modifications. When the Convention has been declared inapplicable, as detailed information as possible on the character of the local conditions which prevent application should be provided.

28. The Committee has also to note that a number of Governments have not fulfilled, or have fulfilled only in part, their obligation to provide reports in accordance with the provisions of Article 22 in respect of their non-metropolitan territories. Up to the present no report had been received from the Government of Denmark regarding the application of ratified Conventions to the Faroe Islands and to Greenland, or from the Government of Italy on the application to the Trust Territory of Somaliland of the Conventions ratified by Italy. Once again, this year, no reports have been received in respect of Netherlands non-metropolitan territories. The position in respect of certain French and British territories is subsequently referred to.

29. The Committee has taken note of a number of declarations which have been communicated to the Director-General since its last session. The Protection Against Accidents (Dockers) Convention (Revised), 1932 (No. 32) has been declared inapplicable to the Belgian Congo and to Ruanda-Urundi by the Government of Belgium. The Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84) has been declared by the Government of New Zealand applicable to the Cook Islands, including Nieu, and inapplicable to the Tokelau Islands; in regard to the Trust Territory of Western Samoa the decision in regard to application has been left to the local authorities of the territory. Convention No. 84 and the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85) have been accepted in the name of the Government of Somaliland under Italian Trusteeship in a declaration of acceptance submitted by the Government of Italy. The Government of Belgium has declared inapplicable to the Belgian Congo and to Ruanda-Urundi the Employment Service Convention, 1948 (No. 88) and the Night Work (Women) Convention (Revised), 1948 (No. 89). The Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99) has been declared applicable by New Zealand to the Cook Islands, including Nieu and inapplicable to the Tokelau Islands; in regard to the Trust Territory of Western Samoa, the decision in

regard to application has been left to the local authorities of the territory. The Equal Remuneration Convention, 1951 (No. 100) has been declared by the Government of Belgium inapplicable to the Belgian Congo and to Ruanda-Urundi.

Progress in Particular Aspects of the Application of Conventions

30. In previous years the Committee has stressed the utility of progressive application of the provisions of ratified Conventions to non-metropolitan territories by the Governments. In 1950 and in 1951 the Committee drew the attention of the Governments concerned to the provisions of Article 35 of the Constitution of the International Labour Organisation which allows of such application in stages, either by modification in the light of local conditions or through limitation of the application of the provisions of Conventions to those sections of the community to which such provisions are possible of application at the stage of social and economic development of the community concerned. Last year the Committee also suggested to Governments the desirability of adapting legislation progressively to changes in local conditions, and it repeats and emphasises that suggestion now.

31. Examination of the reports provided this year has enabled the Committee to note that in a number of territories the provisions of some ratified Conventions are applied by law and practice to a more satisfactory extent. Last year the Committee noted with appreciation that considerable progress had been made in a number of areas in respect of the application of some Conventions (Conventions Nos. 12 and 17, regarding accident compensation, in the British and Portuguese territories, Convention No. 5, regarding the minimum age for entry into industrial employment and Convention No. 26, regarding wage-fixing machinery, in the British and French territories). This year the Committee has noted with satisfaction that the Conventions relating to labour inspection, as well as Convention No. 11, regarding the right of association in agriculture might, in respect of a large number of territories, be added to this list. The Committee hopes that the effort which has been undertaken by the different Governments will be pursued and that the Committee will be able, when in 1955 it undertakes, in respect of the period 1953-54, the detailed study which it proposes to undertake every five years, to note that considerable further progress has been made in the extent to which ratified Conventions are applied by law and practice in the different non-metropolitan territories.

32. The Committee would also like to draw the attention of the Governments to the possible utility, in the process of applying international labour Conventions to non-metropolitan territories, of the Labour Standards (Non-Metropolitan Territories) Convention, 1947 (No. 83) as amended in 1948. This Convention has so far been ratified by one country only and is not yet in force. The Convention reproduces in its Schedule the text of a number of other Conventions, covering particularly the question of the protection of women, young persons and children in employment. The Convention contains no substantive provisions in its main text but is a declaratory instrument of application or acceptance in respect of non-metropolitan territories of the Conventions comprised in the Schedule. This Convention, therefore, permits States Members which are not in a position to ratify the Conventions contained in the Schedule (whether because of their constitutional position (federal States) or because in the metropolitan country custom or collective agreements already provide for the application of more advanced social standards) to apply to the non-metropolitan territories for whose international relations they are responsible the provisions of the Conventions contained in the Schedule.

Declarations Regarding Application

33. The Committee has noted with the greatest of interest a document prepared by the Office and appended to the present report (Appendix VII) in which are listed all the declarations regarding the application of Conventions to non-metropolitan territories, whether communicated to the League of Nations before 1946 or to the Director-General of the International Labour Office since that date. As this is perhaps the first time that an attempt has been made to present such declarations in a single document, and as some of these declarations date back nearly 30 years, it is not unlikely that there may be some omissions. The Committee would therefore appreciate it if the Governments concerned would be so good as to check the relevant information and communicate to the Office any comments they may have to make on the contents of this document. Although this document shows clearly the number and the importance of the declarations already communicated, yet very often Conventions ratified for over 20 years have not yet been the subject of declarations relating to application. The Committee wishes to draw attention to the constitutional obligation under which Members responsible for the international relations of non-metropolitan territories "shall as soon as possible after ratification communicate to the

Director-General of the International Labour Office a declaration". The Committee had already noted last year that the Committee of Experts on Social Policy in Non-Metropolitan Territories, set up by the Governing Body, had recommended that the Governing Body should suggest to all the Governments concerned that they "should review the subjects covered by I.L.O. Conventions . . . with a view to seeing . . . whether any existing modifications can be withdrawn". The Committee supports fully this suggestion and considers that it would be perhaps possible for the Office to seek to obtain from Governments, as soon as possible after ratification of a Convention, a declaration indicating the degree to which the Government concerned envisaged applying the Convention concerned to its non-metropolitan territories. Any action along the above lines might be supplemented by appropriate action to encourage Governments to modify their previous declarations or reservations whenever local conditions so permit.

34. In this regard, the Committee noted that at the 35th Session of the International Labour Conference the representatives of the Governments of France and of the United Kingdom stated that their respective Governments envisaged accepting formally the application of a number of ratified Conventions to French and British non-metropolitan territories. The Committee notes these promises with satisfaction and hopes that, in the course of its subsequent sessions, it may be able to note that a number of declarations of application or of acceptance have been communicated to the Director-General not only by the Governments of these two countries but by those of other Members responsible for the international relations of non-metropolitan territories.

Local Conditions Affecting Application

35. The Committee has, however, observed once again that Governments which make a declaration to the effect that a Convention is inapplicable to certain of their non-metropolitan territories too often simply report that application is impossible because of local conditions, without specifying the nature of those conditions. As the Committee has remarked on a number of occasions, and particularly in 1949, it considers it most desirable that Governments indicate in a more explicit manner the conditions which preclude the application of Conventions, even if these are often of an administrative or financial character. The Committee has noted with the greatest interest the statement made by the United Kingdom Government representative at the 35th Session of the Con-

ference to the effect that the United Kingdom Government had established a very precise criterion for decisions in regard to the problem of the application or non-application of ratified Conventions to British non-metropolitan territories. The representative indicated that the Government "considered as inapplicable only such provisions as related to matters which were quite unlikely to arise in a given territory. In all other cases, Conventions were considered to be potentially if not immediately applicable, with such modifications as local conditions might require." The Committee welcomes this statement and the attitude towards the application of Conventions in non-metropolitan territories which it implies.

36. Since 1948 the Committee has stressed in each of its reports the utility of the adoption of legislation of a preventive character. It considers that there should be no objection to the adoption of such legislation which, even if in the immediate future it might serve no practical purpose, would nevertheless permit the competent authority in a territory to have at its disposal the necessary legislation. The Committee considers this type of procedure particularly desirable in the light of the fact that every year in its study of the annual reports it has had to note the long period, sometimes inevitable, required for the preparation of legislation in many territories.

Need for Legislation Covering Existing Practice in Conformity with a Convention

37. The Committee has noted this year that in two territories (French Somaliland and Tunisia) the provisions contained in the Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27) are applied through the internal rules of private companies operating from metropolitan France. While the value of such arrangements is appreciated, the Committee considers that, since the Convention is largely applied in practice, it should be possible for the Government to ensure by the enactment of legislation the continued and complete application of the Convention.

Declarations Regarding Classification of Non-Metropolitan Territories

38. The Committee has noted this year two declarations of a special character concerning certain territories. The French Government representative in the Conference Committee indicated at the 35th Session that Algeria and the French Overseas Departments should no longer be classified among non-metropolitan territories. On the other hand, the Committee

has been informed that on the request of the United Kingdom Government the Channel Islands and the Isle of Man should henceforth be considered as non-metropolitan territories. In order to facilitate its work, the Committee suggests that the Governing Body examine the possibility of inviting Members to submit to the Office a declaration specifying which are the territories for whose international relations they are responsible and which, for the purposes of Article 35 of the Constitution, should be classified as non-metropolitan territories. In making such a declaration the Governments concerned might undertake to keep the Office informed of any changes which might arise in respect of the constitutional status of such territories. It would be particularly valuable if such declarations also stated which among the territories named are territories which should be regarded as falling within the scope of paragraphs 4 and 5 of Article 35 of the Constitution.

Communication of Reports to Local Employers' and Workers' Organisations

39. The Committee has noted at previous sessions that some Governments take steps to ensure that reports on the application of Conventions to non-metropolitan territories are communicated regularly to local organisations of employers and workers, where they exist, in the territories. The Committee has already expressed its appreciation of such action and the hope that this procedure would be generally followed by Governments responsible for non-metropolitan territories. The study which the Committee has been able to make this year of the reports provided by the different Governments, under the terms of Article 19, on the action taken to give effect to the Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84) enables it to express the hope that this practice would tend to become general.

V. SUBMISSION TO THE COMPETENT AUTHORITIES OF THE CONVENTIONS AND RECOMMENDATIONS ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCE

40. The amended Constitution of the International Labour Organisation having come into force, the Governing Body, wishing to give effect to the recommendation of the Conference Delegation on constitutional questions, decided at its 103rd Session that the Committee should examine each year the information supplied by States Members on the action taken to submit to their competent authorities the Conventions and Recommendations adopted by the Conference.

41. At the 35th Session of the International Labour Conference the Committee on the Application of Conventions and Recommendations suggested that "it would be useful if the Committee of Experts would also include in its report a third appendix indicating, country by country, cases of failure to comply with the obligations contained in Article 19 of the Constitution, in regard to the submission of Conventions and Recommendations to the competent authorities, or cases where further information would appear to be required". In order to comply with this request the Committee has included, in Appendix IV to its report, the observations which it considers appropriate with regard to the information communicated, together with requests for further information where this appears necessary.

42. In accordance with the suggestion put forward by the Committee in 1951, and with the request made by the Conference Committee at the 34th Session (1951), the information requested this year related not only to the Conventions and Recommendations adopted by the Conference at the session immediately preceding the period of 18 months laid down as a maximum by Article 19 of the Constitution; it related also to the decisions adopted at the three other sessions held since the coming into force in 1948 of the amended Constitution. On 16 March 1953, the opening date of the present session of the Committee, information concerning the measures taken to submit these various instruments to the national competent authorities had been received from the following 36 States: Afghanistan, Austria, Belgium, Brazil, Burma, Canada, Chile, Costa Rica, Cuba, Denmark, Ecuador, Finland, France, the Federal Republic of Germany, Greece, Guatemala, Iceland, India, Ireland, Israel, Mexico, the Netherlands, New Zealand, Norway, Pakistan, the Philippines, Portugal, Sweden, Switzerland, Turkey, the Union of South Africa, the United Kingdom, the United States, Uruguay, Viet-Nam and Yugoslavia. Although the Committee noted with regret that no information had been received from certain States which, in previous years, had replied in due time, it found with satisfaction that there had been an increase this year as regards both the number of replies and the volume of information.

43. The information received this year related mainly to the Conventions and Recommendations adopted by the Conference at its 34th Session (1951).¹ Of the 63 States which were Members of the Organisation in 1951, the following 25 have submitted all the decisions

¹ The last session since the close of which the period of 18 months has expired.

of that session to the competent authorities : Afghanistan, Austria, Belgium, Brazil, Canada, Cuba, Ecuador, Finland, France, the Federal Republic of Germany, Iceland, India, Ireland, New Zealand, Norway, Pakistan, the Philippines, Portugal, Sweden, Switzerland, the Union of South Africa, the United Kingdom, the United States, Viet-Nam and Yugoslavia. In addition, four States (Denmark, Mexico, the Netherlands, Uruguay) have submitted to their competent authorities some of the decisions of the 34th Session. Furthermore, nine Governments (Australia, Belgium, Burma, Chile, France, Greece, Israel, Turkey, the United States) have also forwarded supplementary information relating to the decisions of the 31st, 32nd and 33rd Sessions of the Conference.¹ Finally, two Governments (Costa Rica, Guatemala) indicated that it was not possible, for various reasons, to submit these decisions to the competent authorities.²

44. The present position of States Members with regard to the submission to the competent authorities of the Conventions adopted by the Conference since the coming into force of the new provisions of the Constitution is accordingly summarised in the table herewith.

45. The Committee noted with satisfaction that 15 States (Afghanistan, Austria, Canada, the Federal Republic of Germany³, Iceland, India, Ireland, New Zealand, Norway, Sweden, Switzerland, the Union of South Africa, the United Kingdom, the United States, Viet-Nam⁴) had fully discharged their obligations and had submitted to their competent authorities all the decisions adopted by the Conference at its 31st, 32nd, 33rd and 34th Sessions. It was noted with regret, on the other hand, that, since the coming into force of the new provisions of the Constitution, a number of States Members (El Salvador, Ethiopia, Hungary, Lebanon, Liberia, Panama, Poland, Venezuela) had not so far communicated any information on the measures which they should have taken to submit the decisions of the Conference to the competent authorities. The Committee finds it necessary

¹ The other sessions held since the coming into force of the provisions of the Constitution which require States Members, *inter alia*, to provide information regarding submission to the competent authorities.

² The observations or requests for additional information made by the Committee in the case of these countries are contained in Appendix IV to its report.

³ As the Federal Republic of Germany became a Member of the Organisation in 1951 it was under the obligation to submit only the decisions adopted by the Conference at its 34th Session.

⁴ As Viet-Nam became a Member of the Organisation in 1950 it was under the obligation to submit only the decisions adopted by the Conference at its 33rd and 34th Sessions.

POSITION OF STATES MEMBERS WITH REGARD
TO SUBMISSION OF THE DECISIONS ADOPTED
AT THE 31ST, 32ND, 33RD AND 34TH SESSIONS
OF THE INTERNATIONAL LABOUR CONFERENCE

	31st Session (June 1948)		32nd Session (June 1949)		33rd Session (June 1950)		34th Session (June 1951)
	20 Mar. 1950	16 Mar. 1953	27 Mar. 1951	16 Mar. 1953	17 Mar. 1952	16 Mar. 1953	16 Mar. 1953
Number of States in which :							
all these decisions have been sub- mitted.	16	27 ¹	17	22 ²	21	25 ³	25 ⁴
some of these deci- sions have been submitted. . . .	7	14 ⁵	2	12 ⁶	—	—	4 ¹¹
none of these deci- sions appear to have been sub- mitted.	34	16 ⁷	40	24 ⁸	40	37 ⁹	35 ¹⁰
Doubtful cases. .	—	1 ⁴	—	1 ⁴	—	—	—

¹ Afghanistan, Austria, Canada, Colombia, Cuba, Czechoslovakia, Denmark, the Dominican Republic, Finland, Guatemala, Iceland, India, Iran, Ireland, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, the Philippines, Portugal, Sweden, Switzerland, Thailand, the Union of South Africa, the United Kingdom, the United States.

² Australia, Belgium, Brazil, Bulgaria, Burma, Ceylon, France, Greece, Iraq, Italy, Pakistan, Syria, Turkey, Uruguay.

³ Argentina, Bolivia, Chile, China, Costa Rica, Egypt, El Salvador, Ethiopia, Haiti, Hungary, Lebanon, Liberia, Panama, Peru, Poland, Venezuela.

⁴ Ecuador.

⁵ Afghanistan, Austria, Canada, Cuba, Denmark, the Dominican Republic, Finland, Iceland, India, Iran, Ireland, Israel, Luxembourg, the Netherlands, New Zealand, Norway, the Philippines, Sweden, Switzerland, the Union of South Africa, the United Kingdom, the United States.

⁶ Australia, Belgium, Brazil, Czechoslovakia, France, Greece, Guatemala, Iraq, Italy, Pakistan, Portugal Uruguay.

⁷ Argentina, Bolivia, Bulgaria, Burma, Ceylon, Chile, China, Colombia, Costa Rica, Egypt, El Salvador, Ethiopia, Haiti, Hungary, Lebanon, Liberia, Mexico, Panama, Peru, Poland, Syria, Thailand, Turkey, Venezuela.

⁸ Afghanistan, Australia, Austria, Belgium, Brazil, Burma, Canada, Denmark, Dominican Republic, Finland, France, Iceland, India, Iran, Ireland, Israel, the Netherlands, New Zealand, Norway, Sweden, Switzerland, the Union of South Africa, the United Kingdom, the United States, Viet-Nam.

⁹ Argentina, Belgium, Bolivia, Bulgaria, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Greece, Guatemala, Haiti, Hungary, Indonesia, Iraq, Italy, Lebanon, Liberia, Luxembourg, Mexico, Pakistan, Panama, Peru, the Philippines, Poland, Portugal, Syria, Thailand, Turkey, Uruguay, Venezuela.

¹⁰ Afghanistan, Austria, Belgium, Brazil, Canada, Cuba, Ecuador, Finland, France, the Federal Republic of Germany, Iceland, India, Ireland, New Zealand, Norway, Pakistan, the Philippines, Portugal, Sweden, Switzerland, the Union of South Africa, the United Kingdom, the United States, Viet-Nam, Yugoslavia.

¹¹ Denmark, Mexico, the Netherlands, Uruguay.

¹² Argentina, Australia, Bolivia, Bulgaria, Burma, Ceylon, Chile, China, Colombia, Costa Rica, Czechoslovakia, the Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Greece, Guatemala, Haiti, Hungary, Indonesia, Iran, Iraq, Italy, Lebanon, Liberia, Luxembourg, Panama, Peru, Poland, Syria, Thailand, Turkey, the United Kingdom, Venezuela.

to call the attention of the Governing Body to these cases of States which consistently ignore the obligation imposed on them by Article 19 of the Constitution, paragraphs 5(c), 6(c), 7(a) and 7(b) (iii), namely, to "inform the Director-General of the International Labour Office of the measures taken . . . to bring the Convention (or the Recommendation) before the said competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them". The Committee is aware that special circumstances may prevent a Government from fulfilling this obligation within the prescribed period. However, it believes that no circum-

stance whatever can justify the failure of Governments to give at least the reasons for which they were unable to carry out their constitutional obligations. Whereas in previous years the Committee could believe that an insufficient number of replies had been received because the procedure was new and Governments were not yet fully aware of their obligations, it is unable, after four years, to maintain this view.

46. In the course of its previous sessions, the Committee attempted to define the principal rules with which States should comply in carrying out their obligations under paragraphs 5 (b), 6 (b), 7 (a) and (b) of Article 19 of the Constitution. The Committee considers it desirable once again to state the purport of this constitutional obligation, of which too many States still seem unaware :

(a) The Committee recalls, as it has done in the course of its three previous sessions, that "Conventions and Recommendations must be submitted to the competent authorities *in all cases* and not only when the ratification of a Convention appears possible" or when it is deemed advisable to give effect to the provisions of a Recommendation. If this principle were neglected and Governments were left to decide which texts should be submitted to the competent authorities, Article 19 of the Constitution would cease to have effect and the intentions of its authors would be disregarded.

(b) It is doubtless advisable also to state clearly once again that the expression "competent authority" means the body empowered to legislate in respect of the question to which the Convention or Recommendation relates—i.e., as a rule, the Parliament. The Committee is aware that in certain cases the power to legislate may be conferred on the governmental organ vested with executive power or the power to ratify, either because the national Constitution does not provide for the separation of powers, or in virtue of constitutional provisions which empower the executive to legislate in certain matters, or as a result of a general or special delegation of powers granted by Parliament to the Government. The Committee therefore considers it necessary for the Government of a State Member to indicate on each occasion, with regard to each Convention or Recommendation, what authority is regarded as competent.

(c) The obligation to submit the decisions of the Conference to the competent authority cannot be regarded as satisfactorily performed if the Government, when reporting to Parliament on the activities of its delegation to the Conference, merely appends the text of the decisions of the session without making any

proposal. As the Conference Committee has already indicated in 1951, "Since Article 19, paragraph 5 (b) of the Constitution provides that Conventions must be brought before the authority within whose competence the matter lies for the enactment of legislation or other action, this provision seemed clearly intended to bring about a decision on the part of the legislator". The Committee wishes to emphasise that this opinion seems all the more founded since the next subparagraph—5(c)—of Article 19 of the Constitution lays down that Governments shall inform the Director-General of the International Labour Office of the action taken by the competent authorities.

(d) In virtue of the formal provisions of Article 19, the submission of Conference decisions to the competent authorities must be effected within one year or, in exceptional circumstances, not later than 18 months from the close of the session of the Conference. The Committee wishes to stress that this provision applies not only to non-federal but also to federal States; in the case of the latter, the period of 18 months is applicable only in respect of Conventions and Recommendations which the federal Government considers to be appropriate for action by the constituent States, provinces or cantons. In order that it may be possible to ascertain that States Members have respected the prescribed time limits, the Committee considers that it would be advisable for the date on which the decisions of the Conference had been submitted to the competent authorities to be indicated in the communication to the Director-General.

(e) As regards federal States, the Committee wishes to point out that, under Article 19 of the Constitution, paragraph 7(b) (i), whenever action by the constituent States, provinces or cantons is considered "appropriate", the Government must make effective arrangements for the reference of Conventions and Recommendations adopted by the Conference to the "appropriate authorities" of the constituent States, provinces or cantons for the enactment of legislation or other action. In this connection the Committee refers to paragraph 65 of its last year's report and considers that it would be appropriate to invite the Governments of the States Members concerned to indicate, in their communications to the Director-General of the International Labour Office, what arrangements they have been able to make in this respect and whether the Conventions and Recommendations have been submitted to the legislative body of each of the constituent units.

(f) Finally, the Committee would recall once more that, under Article 23, paragraph 2,

of the Constitution, the information communicated to the Director-General must be sent also to the representative employers' and workers' organisations.

47. According to a strict interpretation of the provisions of Article 19 of the Constitution, States which become Members of the Organisation are required to submit to the competent authorities only the decisions adopted by the Conference after their admission to the Organisation. As a result, a large number of Conventions and Recommendations, including the most important, are not covered by the procedure laid down in Article 19 of the Constitution. Although this situation is in conformity with the letter of Article 19, it appears desirable that an effort should be made to secure the submission to the competent authorities in such cases of at least the more important of the decisions taken by the Conference before such States became Members of the Organisation. As regards States Members which did not belong to the Organisation since it was first established, the International Labour Office might be invited to call the attention of Governments to the desirability of submitting to the competent authorities, within a reasonable period, certain of the basic Conventions and Recommendations adopted by the Conference before their admission to the Organisation. As regards States which may in future apply for admission to the Organisation, the Governing Body and the Conference might consider the possibility of negotiations being undertaken with them at the time to secure assurances that they will submit to their competent authorities, within a reasonable period, certain of the basic Conventions and Recommendations previously adopted by the Conference.

48. The Conference Committee, in the course of the 35th Session, discussed the possibility of adding to the appendix which contains the observations and requests for additional information made by the Committee "a tabular statement which would show the position in summary form. It appeared, however, that this suggestion would give rise to certain difficulties.¹ The Committee nevertheless expressed its interest in having at its disposal such additional documentation which might help to clarify the issues involved and suggests that the attention of the Committee of Experts might be drawn to the matter." The Committee, which took note of this wish on the part of the Conference Committee, believes that the suggestion should be carefully examined. It may be hoped that the adoption of tables summarising the manner

in which the various Governments have fulfilled their obligations might have favourable results and in any case might give a clearer picture of the situation. Nevertheless, the Committee considers that if it is to be in a position to comply with this request it would first be necessary to standardise as far as possible the presentation of information communicated to the Director-General of the International Labour Office. Furthermore, the need for this standardisation will inevitably be felt if it is considered desirable to follow in future the practice adopted during the last two years and to ask Governments to furnish information on the action taken to submit to the competent authorities the decisions adopted by the Conference at its previous sessions. The Committee therefore ventures to suggest that the Governing Body should examine the possibility of establishing for States Members a form or memorandum setting out the various points on which information is to be supplied. The Committee hopes that this solution, which would simplify its own work by enabling it both to carry out its terms of reference more easily and to examine information received with greater care, would also simplify the task of Governments and perhaps enable some of these to appreciate more exactly the purport of their constitutional obligations.

VI. REPORTS SUBMITTED BY GOVERNMENTS ON UNRATIFIED CONVENTIONS AND ON RECOMMENDATIONS

(a) *Supply of Reports*

49. This year is the fourth occasion on which the Committee has been called upon to examine reports submitted by Governments on unratified Conventions and on Recommendations. The reports which the Governments were asked by the Governing Body to supply this year related to three Conventions and one Recommendation dealing with freedom of association and migrant workers, as follows:

Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84).

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

Migration for Employment Convention (Revised), 1949 (No. 97).

Migration for Employment Recommendation (Revised), 1949 (No. 86).

50. The reports concerning the Conventions and Recommendation in question covered the period up to 1 January 1952 and the Governments were requested to send in their reports before 1 July 1952.

¹ Due mainly to the inadequacy or the imprecise character of the information provided by Governments.

51. The total number of reports due was in the neighbourhood of 185, but the total number received by the time the Committee met was only 59 reports on the Unratified Conventions and 33 reports on the Recommendation. A table showing in detail the number of reports supplied by the various Governments will be found in Appendix V.

52. In its last report the Committee expressed the hope that the request to the Governments this year for these reports would meet with a much better response than in previous years in view of the much smaller number of texts on which reports were called for and the fact that they related to Conference decisions of more recent date dealing with matters which many countries might consider of more current interest. The proportion of reports received is, in fact, slightly better than in previous years but the Committee cannot but regard it as still gravely disappointing. 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. The Committee was particularly disappointed not to have before it reports from a number of important countries which cannot but be greatly interested in the subject matter with which the Conventions and Recommendation in question deal.

53. This was particularly the case in regard to the texts dealing with migration, and the Committee regretted not to have before it reports from countries so vitally concerned with questions of migration as Brazil, Mexico and the United States. The result has been to prevent the Committee from drawing any valid over-all conclusion as to the international situation in regard to the matters with which the Conference decisions in question deal.

54. The Committee has no doubt that certain of these reports will come to hand at a later date and it noted with interest the passage in the report of last year's Conference Committee referring to the reports submitted by the Government of the United States under Article 19 last year, where it was stated that these reports, which arrived too late for examination by the Committee of Experts, were of a very detailed nature and of great interest.¹ The Committee of Experts, however, would again emphasise that the failure to submit these

reports in time for examination by it prevents the Committee from performing an essential part of the task which the reports in question are designed to facilitate.

(b) *Examination of Reports by the Committee*

55. As in the case of the reports submitted by the Governments under Article 22 on ratified Conventions, such of the reports on unratified Conventions and on the Recommendation 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 remarks on reports resulting from this procedure were examined and approved by the Committee as a whole and will be found in Appendix V.

56. Within the limits imposed by the failure of many Governments to submit reports, the Committee has again this year endeavoured to present a picture of the state of national law and practice on the matters dealt with in the Conference decisions in question. So far as the Conventions are concerned, the Committee would draw attention to the fact that the reports under this heading relate only to the cases where the Conventions have not been ratified. It is necessary, therefore, in order to obtain a clearer picture of national law and practice, to have regard not only to these reports but to the reports submitted under Article 22 by Governments which have ratified the Conventions in question. The Migration for Employment Convention (Revised), 1949 (No. 97) has so far been ratified by only six States, and the Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84) has so far been ratified by only two States and will not enter into force until 1 July 1953. The Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) has, however already achieved 14 ratifications and a number of other ratifications are under contemplation. The information submitted by the Governments in regard to all three Conventions gives reason to hope that a substantially greater number of ratifications will be achieved in the near future.

* * *

57. The Committee again desires to record its indebtedness to the Members of the International Labour Organisation for the reports and information which they have supplied in accordance with Articles 19 and 22 of the Constitution. It is grateful to the many Members who have discharged their obligations under these Articles in full and it trusts that the example

¹ The report of the United States on the Migration for Employment Convention (Revised), 1949, (No. 97) was received during the closing days of the Committee's session.

which they have thus set will be followed by all States and so enable the Committee to perform its task in the light of all the essential information which is necessary for that purpose.

58. The Committee is also again sincerely grateful to all members of the staff of the International Labour Office who were concerned with the preparation of the material which came before the Committee at its session and who were associated with the work of the Committee during the session. Without the knowledge and

skill which they so freely placed at the disposal of the Committee it would have been impossible for the Committee to have performed the tasks assigned to it by the Governing Body.

Geneva, 28 March 1953.

(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.
Part B.—No. 14.

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, 33, 45, 81, 89.

Belgium :

Part B.—Nos. 42, 56.
Part C.

Brazil :

Part A.

Bulgaria :

Part A.

Burma :

Part B.—Nos. 1, 4, 14, 41.

Canada :

Part B.—No. 1.

Ceylon :

Part B.—Nos. 4, 6, 7, 8, 15, 16, 29.

Chile :

Part B.—Nos. 2, 3, 4, 11, 14, 17, 24, 25, 35, 36.

China :

Part A.

Colombia :

Part A.

Cuba :

Part B.—Nos. 8, 26, 33.

Czechoslovakia :

Part A.
Part B.—Nos. 4, 17, 35, 36, 37, 38, 39, 40, 43.

Denmark :

Part A.
Part B.—Nos. 14, 63.
Part C.

Dominican Republic :

Part B.—Nos. 1, 5.

Egypt :

Part B.—Nos. 53, 63.

Finland :

Part B.—Nos. 29, 32, 62, 81.

France :

Part A.
Part B.—Nos. 3, 4, 10, 33, 41, 43, 62, 81.
Part C.

Federal Republic of Germany :

Part D.—Nos. 3, 15, 26, 27.

Greece :

Part B.—Nos. 1, 41.

Hungary :

Part A.

India :

Part B.—Nos. 1, 14, 89, 90.

Indonesia :

General report, paragraphs 19-20.

Iraq :

Part A.
Part B.—No. 41.

Israel :

General report, paragraphs 19-20.

Italy :

Part B.—Nos. 4, 6, 26.
Part C.

Japan :

Part D.—Nos. 7, 15, 16, 27, 29.

Liberia :

Part A.

Luxembourg :

Part B.—No. 14.

Mexico :

Part A.

Netherlands :

General report, paragraph 27.
Part B.—Nos. 17, 26, 48, 63, 87.

New Zealand :

Part B.—Nos. 60, 88.
Part C.

Norway :

Part A.
Part B.—Nos. 14, 43, 63, 96.

Peru :

Part A.

Poland :

Part A.
Part B.—Nos. 2, 24, 25, 37, 38, 39, 40, 62, 77,
78, 79.

Portugal :

Part C.

Sweden :

Part B.—Nos. 19, 29, 63, 87, 96.

Switzerland :

Part B.—Nos. 6, 62, 81.

Syria :

Part A.

Turkey :

Part B.—Nos. 2, 14, 34, 88.

Union of South Africa :

Part B.—No. 2.

United Kingdom :

Part C.

United States :

Part C.

Uruguay :

Part A.
Part B.—Nos. 2, 3, 4, 7, 13, 15, 16, 17, 24, 25, 26.

Venezuela :

Part A.
Part B.—Nos. 2, 3, 22, 26.

Yugoslavia :

Part B.—Nos. 2, 3, 4, 6, 9, 13, 14, 19, 27.

A. General Observations

Afghanistan. The Committee notes that the information supplied is very succinct and consists mainly of a statement that certain Conventions are not applicable in Afghanistan either because white lead is not used in the country (Convention No. 13) or because women are not employed in industry (Nos. 4, 41, 45). The Government had, however, indicated in 1952 that the competent authorities had decided to incorporate the above Conventions in the Labour and Employment Act. The Committee expresses the hope that the Government will take action at an early date so as to bring national law into conformity with the international instruments to which Afghanistan is a party.

The Committee also ventures to draw attention to Article 23, paragraph 2, of the Constitution which provides for the communication of copies of its reports to the representative organisations of employers and workers.

Argentina. In reply to the Committee's observations in 1952 a Government representative in the Conference Committee promised that his Government would give wholehearted attention to fulfilling its formal obligations in a more satisfactory manner and that future reports would reply to the observations made by the Committee of Experts.

While the Committee is glad to note that some additional information has been supplied this year, part B below clearly shows the need, in a considerable number of cases, to make further observations on the effect given to the Conventions ratified by Argentina. The Committee would be grateful, therefore, if the Government would do all that is necessary to eliminate the discrepancies in question at an early date and to reply to the various points raised.

Brazil. The Committee took note with interest of the information supplied by the Government representative in the Conference Committee of 1952 in reply to certain of its observations made that year. As, however, no explanations were given at that time concerning the discrepancies still existing between the national legislation and Conventions Nos. 3, 6, 41 and 42, the Committee must register its regret at the Government's failure to supply reports for the period under review and must express the earnest hope that the Government will take measures to avoid in future such irregularity in the submission of its reports.

Bulgaria. The Committee must put on record its concern at the absence of reports for several years running. The Government's failure to carry out its obligations under Article 22 of the Constitution is all the more serious since this country is a party to a very large number of Conventions (some of them ratified in recent years) providing for the adoption of social measures in a wide variety of fields.

China. At past sessions of the Conference a representative of the Government had indicated that the state of war had prevented it from submitting reports. The Committee could only take note of this general statement.

Colombia. For several years past the Government has failed to supply its reports in time for examination by the Committee, and such information as was submitted to the Conference has resulted in observations being made concerning a number of Conventions (Nos. 1, 2, 3, 4, 7, 8, 9, 13, 14, 15, 16, 17, 20, 22, 23, 24 and 26). Replying to expressions of concern in the Conference Committee in 1952, a Government representative had promised that he

would do everything necessary to ensure that his Government carried out in future the obligations which it had undertaken. As the Government has again failed this year to supply the reports due under Article 22 of the Constitution, the Committee cannot but register its keen disappointment at such a situation which prevents it, in effect, from carrying out its work.

Czechoslovakia. The Government's reports for the period 1950-51, which arrived during the 1952 Session of the Conference, were referred by the Conference to this Committee for study. It must be noted with regret that the Government's reports due for the period 1951-52, including a certain number of first reports, have again failed to arrive this year.

The Committee's observations on certain of the reports covering the period 1950-51 will be found under B below. These reports did not contain any statistical information, and the Government stated that such data had not yet been published. The Committee would be glad if the Government would include in its next reports the statistical information requested in the forms of report.

Denmark. The Committee wishes to express its appreciation of the considerable amount of detail given in the Government's reports, in reply to the observation made in 1952.

France. At the 35th Session of the Conference (1952) the French Government member of the Committee on the Application of Conventions and Recommendations made the following statement: "Some French territories which appeared in the report of the Committee of Experts amongst the non-metropolitan territories should in future not be classified in this way. Under the new Constitution, Algeria and the Overseas Departments are part of metropolitan France. The labour legislation applicable in Algeria and the Overseas Departments is in principle the metropolitan legislation, subject to special conditions of application."

The Committee is bound to observe that the French Government representative has stated—

(1) that Algeria and the Overseas Departments are part of metropolitan France;

(2) that *in principle* the metropolitan legislation is applicable there;

(3) that, however, "special conditions of application" may be provided for.

There remains a difficulty arising from this statement.

The Committee would like to be enlightened as to whether the "special conditions of application" in question are not contrary to ratified Conventions. It is bound for example to point out in this respect that, according to the reports concerning Guadeloupe and Martinique, certain Conventions are not applied in these Overseas Departments. Thus, in the report supplied on the application of the Unemployment Provision Convention, 1934 (No. 44) the Government states: "The legislation and regulations in force in metropolitan France as regards assistance to unemployed workers have not yet been applied to the Department of Guadeloupe because of the special labour conditions prevailing there." Further, in the report on the application of this Convention in Martinique the Government states that "the relevant metropolitan legislation has not been applied to Martinique where there exist no internal local regulations setting up any kind of assistance

scheme for unemployed workers. The Convention is not applied."

However, in compliance with the Government's request, the reports submitted this year on the application of Conventions in Algeria and the Overseas Departments were examined together with reports on the other metropolitan Departments. The Committee is glad to find, to the extent to which it was able to carry out an examination, that many of the Conventions are fully applied in Algeria and in the Overseas Departments. It was not always possible, however, to carry out a thorough examination, either because the available information was insufficient or because, in a number of cases, the reports had not been received (Guiana: Conventions Nos. 26, 27, 33, 62, 74; Martinique: Conventions Nos. 10, 35, 36, 37, 38; Réunion: Convention No. 10). The Committee also notes that the reports do not indicate whether copies had been communicated to the representative organisations of employers and workers.

The Committee would be grateful, therefore, if the Government would be good enough to—

(1) supply detailed information on the manner in which ratified Conventions are applied in all these Departments (its work would be greatly facilitated if a single report could be submitted on each Convention);

(2) present this information in the manner provided for in the report forms, in so far as this has not already been done;

(3) indicate whether the reports on Algeria cover also the Territories of the South;

(4) indicate whether copies of the reports on Algeria and the Overseas Departments have been communicated to the representative organisations of employers and workers, in accordance with Article 23, paragraph 2, of the Constitution.

Hungary. In the face of the Government's consistent failure, for the past several years, to submit reports, the Committee must draw attention to the basic nature of the reporting obligation which alone enables an assessment to be made of the extent to which States implement the social measures provided for in the Conventions to which they are a party.

Iraq. The Conference Committee has requested the Government in 1952 to be good enough to indicate whether copies of the Government's reports had been communicated to the workers' organisations recognised as representative under Article 3 of the Constitution of the International Labour Organisation. As the present reports make no mention of such communication either to workers' or to employers' organisations, the Committee draws the Government's attention to Article 23, paragraph 2, of the Constitution, which provides for such communication and expresses the hope that this obligation will be carried out in future.

Liberia. The Committee notes that no report has been received since 1950 on the application of the Forced Labour Convention, 1930 (No. 29), the only one to which Liberia is a party. As certain points of doubt arose in connection with the report supplied at that time, the Committee expresses the hope that the Government will in future submit reports regularly showing that it is carrying out all its obligations arising from the above Convention.

Mexico. Despite the formal promise made by the Mexican Government representative in the Conference Committee in 1952 that his Government would send in future more detailed and clearer

reports, taking into account past observations, the Committee notes with regret that no reports have as yet been received for the period 1951-52, thus depriving the Committee of an opportunity to consider the Government's replies to the points previously raised. As some of these points are fundamental in character and relate to the manner in which legislative effect is given to certain Conventions ratified by Mexico, the Committee must express its concern at the Government's failure to supply reports.

Norway. In the great majority of reports the Government merely refers to previous information and fails to supply the particulars on practical application requested in the forms of report, without which it is impossible to form an idea of the actual effect given to a Convention. The Committee would be glad if the Government would supply the missing data in its next reports.

Peru. In reply to certain observations made by the Committee in 1951, a Government representative gave preliminary explanations to the Conference Committee that year and indicated in particular that a full reply would be forthcoming in the next annual reports. Unfortunately neither those for the following nor those for the present period have been received and the Committee is therefore obliged to draw urgent attention to the queries it had previously made as regards Conventions Nos. 4, 24, 35, 37, 39 and 41 and to ask the Government to be good enough to resume carrying out its obligations under Article 22 of the Constitution.

Poland. The Committee had expressed the hope in 1952 that the Government would be able to include in its future reports the statistical information requested in the forms of report and had stated that such information would be particularly valuable with regard to Conventions Nos. 24, 25, 35, 36, 37, 38, 39 and 40 (persons covered, benefits in cash and in kind, financial resources of the insurance system, etc.).

The Committee notes with regret that this information is again not given in the present reports and expresses the hope once again that the Government will find it possible to make good this omission at an early date.

Syria. The Committee notes with regret that the Government has not as yet supplied its first report on the application of the Night Work (Women) (Revised) Convention, 1948 (No. 89), which has been due since 1951. As this is the only Convention so far ratified by Syria the Committee ventures to draw the Government's attention to the importance of submitting a report at the earliest possible moment.

Uruguay. The Committee notes with appreciation that several of the Government's reports give more detailed information than in the past. It regrets on the other hand that there has been no material change in the unsatisfactory position which has existed in respect of certain Conventions (e.g., Nos. 7, 24 and 25) ever since their ratification almost 20 years ago. Attention is drawn to the relevant facts under B below and the Committee trusts that the Government will find it possible to overcome the difficulties in question.

Venezuela. The Committee is glad to note that the Government has found it possible, in reply to the Committee's observation on this point, to communicate copies of its reports to the representative organisations of employers and workers, thus complying with Article 23, paragraph 2 of the Constitution.

B. Observations and Requests for Supplementary Information on the Application of Conventions

Convention No. 1 : Hours of Work (Industry), 1919.

Number of reports requested : 21.

Number of reports received : 15.

Reports missing : 6.

(Bulgaria, Colombia, Czechoslovakia, Israel¹, Nicaragua, Peru.)

Burma (ratification : 14.7.1921). The Committee would be very grateful if the Government could forward the texts in English of the Factories Act, 1951 and the Oil Fields (Labour and Welfare) Act, 1951.

The Committee would also be glad if the Government could indicate in its next report whether the Oil Fields (Labour and Welfare) Act of 1951 regulates temporary and permanent exceptions in accordance with the provisions of Article 6 of the Convention. If work in the oilfields is considered as a necessarily continuous process the Committee would like to point out that it should be included in the list of processes requested in Article 7(a) of the Convention.

Canada (ratification : 21.3.1935). The Committee took note with particular interest of the information showing that the average weekly hours of work in various industries lie between 39.5 and 45.3, that is, well below the maximum fixed by the Convention.

However, the Committee noted a certain trend towards less favourable hours of work (relaxation of overtime requirements and exclusion of numerous groups from the operation of the Act in Saskatchewan; deletion of the limit of 10 hours daily but maintenance of the maximum of 60 hours weekly in Ontario highway transport industry) and it hopes that the Government will find it possible to continue its action in favour of the co-ordinated application of the Convention and discourage this tendency.

Dominican Republic (ratification : 4.2.1933). The Committee took note with much interest of the very detailed report submitted by the Government. However, it wishes to draw attention to the following discrepancies existing between the provisions of the Convention and the legislation now in force.

Article 2: Section 137 of the Labour Code provides that normal hours of work may not exceed eight a day or 48 a week of six days, whilst the Convention provides for an eight-hour day and a 48-hour week. The Committee would be glad to know whether this clause of the Labour Code makes it possible for workers to be employed for more than eight hours a day in the course of the 48-hour week.

Section 138 of the Code excludes from the prescriptions regarding the eight-hour day or 48-hour week employees in small establishments situated in rural districts. This exception is not authorised under the Convention.

Article 3: Section 142 of the Code provides that the limit of hours of work may be exceeded in the case of national, regional or communal interest. These exceptions, which may be very widely interpreted, are not authorised under the Convention, which contains a limiting clause not found in the national legislation, providing that the hours of work may be exceeded "only so far as may be necessary to avoid serious interference with the ordinary work of the undertaking".

Article 4: Section 149 of the Labour Code authorises work up to 12 hours a day during eight months of the year in undertakings working conti-

nuously and also authorises work on non-working days; thus, according to this text, the weekly hours of work might amount to 84. The Committee points out that this is unacceptable since the Convention specifies a maximum of 56 hours in a week on the average in such undertakings.

Article 6, paragraph 1(a): Sections 268 and 269 of the Code provide for the exclusion, from the hours of work prescribed, of nearly all workers employed in road transport. In view of the fact that Article 2 specifically lays down that the transport of passengers and goods by road should be included in the scope of the Convention, the Committee feels that the exceptions authorised by the Code are wider than those envisaged by this Article.

Article 6, paragraph 1(b): Some of the exceptions referred to in the report under Article 3 of the Convention (urgent work, work the interruption of which might damage raw materials, and unforeseen events: Section 142 of the Labour Code) may be considered as temporary exceptions authorised by this paragraph. It is not, however, clear if the consultation with employers' and workers' organisations took place.

Article 6, paragraph 2: The report states that, since the exceptions authorised under Article 6 are determined by legislation and not by regulations made by public authorities, it is not necessary for the Government to consult the organisations of employers and workers concerned. The Committee wishes to point out that the question is one of substance and not of form; whatever form the authorisation to make exceptions may take consultation provided for in this paragraph is essential. Further, the Convention provides that the maximum of additional hours in each instance shall be fixed in the regulations and this does not appear to be the case under the legislation now in force in the Dominican Republic.

Article 7: The list of necessarily continuous processes communicated by the Government includes such general items as transport agencies and "any other establishment or undertaking which by its nature cannot suspend its activities". The Committee points out that this list not only is open to a very wide interpretation but does in fact cover undertakings other than those normally considered as necessarily continuous.

The Committee hopes that the next report communicated by the Government will contain information on the steps taken to eliminate the discrepancies noted above.

Greece (ratification : 19.11.1920). The Committee recalled that following the assurance given by the Government representative to the Conference Committee at the 34th Session that full implementation of the Convention would be brought about by stages, this same Committee was informed at the 35th Session of the Conference (1952) that the Ministers of Labour and Communications had prepared a Decree which would ensure the progressive application of the eight-hour day to all railway workers. The representative of Greece added that the workers' organisations had been consulted and were in agreement with this new Decree which had been submitted to the Council of State and signed by the King and would shortly be published.

The Committee notes with much regret that the Government now indicates in its report that this Decree has not been published and that no undertaking is given as to the possibility of its promulgation in the near future.

It believes that the Government is fully aware of the importance of the implementation of the Convention and it hopes that the Government will

¹ Report received too late for examination by the Committee.

find it possible in the near future to take all necessary steps to ensure the application of the eight-hour day to all the railway workers in conformity with the formal assurances given during the last two years to the Conference Committee.

India (ratification : 14.7.1921). The Committee has examined with interest the recently adopted State Factory Rules which were attached to the Government's report. It would be glad to know whether the employers' and workers' organisations concerned were consulted prior to the determination by these rules of the temporary and permanent exceptions authorised, as required by Article 6 (2) of the Convention.

Convention No. 2 : Unemployment, 1919.

Number of reports requested : 30.

Number of reports received : 26.

Reports missing : 4.

(*Bulgaria, Colombia, Hungary, Nicaragua.*)

General Observation

The reports from Turkey, Uruguay, Venezuela and Yugoslavia do not state whether the Governments intend to submit to the International Labour Office, "at intervals as short as possible and not exceeding three months", the information regarding unemployment, etc., required under Article 1 of the Convention.

Argentina (ratification : 30.11.1933). In connection with the observation which it made in 1952, the Committee notes with interest that an advisory committee comprising employers' and workers' representatives has been set up to deal with all matters relating to labour supply and demand for persons employed by public entertainment undertakings.

The Committee also notes that the report for 1951-1952 contains detailed statistical information showing the number of vacancies and applications and placings effected by the employment service. However, the Committee would be glad if the Government would be good enough to supply to the International Labour Office statistical and other information at intervals specified in Article 1 of the Convention.

Chile (ratification : 31.5.1933). With reference to the observation which it made last year, the Committee notes that the Government is awaiting technical assistance in respect of the employment service, which it has requested from the I.L.O. before promulgating the Supreme Decree to provide for the setting up of joint advisory committees representing all categories of workers.

Poland (ratification : 21.6.1924). The Committee takes note of the following supplementary information supplied by the Government in writing to the Conference Committee (35th Session) and reproduced in this year's report, in response to the observations made by the Committee.

As has been pointed out in previous reports, there is no unemployment in Poland and the problem of unemployment benefits does not arise. Consequently, while the Act of 6 July 1923 remains in force and extends to foreign nationals the statutory provisions providing for benefits in respect of accident compensation, invalidity, old age or death, the application of this Act as regards benefits under unemployment insurance is of no practical importance.

Turkey (ratification : 14.7.1950). The Committee notes that advisory committees on the lines indicated in Article 2 of the Convention will be set up as soon as the Council of State has approved the

relevant regulations, which have been drawn up by the Ministry of Labour. The Committee would be glad to have information as to when these regulations are likely to come into effect.

See also the general observation.

Union of South Africa (ratification : 20.2.1924). The Committee notes that the labour bureaux, regional bureaux and central bureau to be established under the Secretary of Native Affairs will render their services completely free of charge to workers and employers. However, the report also states that the municipal authorities called upon by the Minister to conduct local bureaux in respect of urbanised areas "will be permitted to reimburse themselves by levying a fee, not exceeding 2s. 6d. per placement, on employers". This would not appear to be in accordance with Article 2 (1) of the Convention, which calls for a "system of free public employment agencies".

Further, the Committee would be glad to know (1) whether any arrangements have been made to co-ordinate, under a central authority, the activities of the two networks of employment offices which operate under the Department of Labour and the Department of Native Affairs, respectively, and (2) whether the committees (apprenticeship committees, Unemployment Insurance Board, and local committees, and juvenile affairs board)—which in its report for the period 1948-1949, the Government indicated as carrying out the functions of advisory committees in the sense of the Convention—operate also as advisory committees in respect of the employment service activities of the Native Labour Bureaux.

Uruguay (ratification : 6.6.1933). The Committee notes that, in response to the observation which it made in 1952, the Government has supplied more detailed information under the various Articles of the Convention, which appear to be applied in principle.

However, the Committee wishes to draw the attention of the Government to the following :

Article 2 : No steps appear to have been taken to set up the national employment service, which was provided for under Act No. 9196 of 11 January 1934. Although various labour exchanges exist for a number of different occupations, these exchanges do not appear to constitute a system of public employment offices. Further, the report does not state whether the existing labour exchanges operate on a free basis or if there are any advisory committees, comprising employers' and workers' representatives. The Committee would be glad to have further information on these points.

See also the general observation.

Venezuela (ratification : 20.11.1944). The Committee notes that section 397 of the Regulations of 1938 (issued under the Labour Act) provides for the setting up by the Director of the National Employment Office of committees comprising representatives of employers and workers. The Committee would be glad to be informed whether steps have been taken to ensure the setting up of such committees.

The Committee would also be glad to be informed whether any measures have been taken to co-ordinate the activities of existing private non-fee-charging employment agencies with those of the public agencies.

See also the general observation.

Yugoslavia (ratification : 1.4.1927). The Committee notes with satisfaction that, according to the supplementary information submitted by the Government in writing to the Conference Committee in 1952, the legislation promulgated in 1952, respecting the organisation of the employment service, ensures the application of Articles 2 and 3 of the Convention.

See also the general observation.

Convention No. 3 : Maternity Protection, 1919.

Number of reports requested : 15.

Number of reports received : 10.

Reports missing : 5.

(Brazil, Bulgaria, Colombia, Hungary, Nicaragua.)

Chile (ratification : 15.9.1925). With reference to the observation which it made in 1952, the Committee notes with satisfaction that Act No. 10383 of 28 July 1952 (which replaces Act No. 4054) provides for the payment of maternity benefits by social insurance during six weeks before and six weeks after confinement.

The Committee notes that the position as regards the lack of nursing periods for women employees is as stated by the Government in its report for 1950-1951, and expresses the hope that the Government will take steps at an early date to ensure full conformity with the Convention in this respect.

France (ratification : 16.12.1950). With reference to the observations which it made in 1952, the Committee takes note of the information supplied by the Government in writing to the Conference Committee (35th Session), to the effect that section 54 of Book II of the Labour Code provides that, in undertakings where the employer places the required accommodation for nursing mothers at the disposal of his workers or employees inside or near the place of work, the nursing break is reduced from 30 to 20 minutes. The Government states that this latter case is not detrimental to the women concerned, as the shorter time granted to them is fully compensated for by the elimination of the journey and by the hygienic conditions in such accommodation, which are particularly favourable.

The Committee points out, however, that Article 3 (d) of the Convention provides that "in any case the woman nursing her child shall be allowed nursing breaks of half an hour twice a day". The Committee hopes that it will be possible for the Government to bring its legislation into harmony with the Convention as regards this point.

Uruguay (ratification : 6.6.1933). The Committee takes note of the supplementary information supplied by the Government in response to the observations made in 1952.

Section 16 of Act No. 11577 of 14 October 1950 provides that pregnant women are entitled to four months' maternity leave (on full pay) and to a further two months' leave (on half pay). This provision supplements section 37 of the Children's Code under which maternity leave is granted during the final month of pregnancy and for one month after confinement.

From this information, it would appear that the period of maternity leave is divided into pre-natal and post-natal periods as required by the Convention (Article 3, paragraphs (a) and (b)). However, the Committee points out that Act No. 11577 does not specify clearly what part of the maternity leave is allowed before and after confinement.

As regards the financing of maternity benefits, Article 3(c) of the Convention stipulates that maternity benefits are to be paid out of public funds or by means of a system of insurance. However, the Government states the employers bear the entire burden of financing maternity benefits and that women workers are not called upon to pay insurance contributions. Although the Government adds that this is not detrimental to the women concerned, the Committee points out that it is contrary to the provisions of the Convention.

As regards the observation made by the Committee concerning free attendance by a doctor or midwife, the Committee is pleased to note that Chapter V of the Children's Code provides that any expectant mother may receive free attendance in a

maternity hospital and that subsidised private institutions also contribute to these services to a large extent.

Finally, as regards the lack of provision of nursing periods, the report states that very few women take their children with them to work; the children are left in the crèches provided by the Children's Council and private institutions. However, the Committee points out that the provision of crèches does not satisfy the requirements of Article 3(d) of the Convention, which lays down that women shall be allowed the necessary time to nurse their infants during working hours.

The Committee expresses the hope that it will soon be possible for the Government to take steps to ensure full conformity between the national legislation and the provisions of the Convention as regards the various points mentioned above.

Venezuela (ratification : 20.11.1944). The Committee takes note with satisfaction of the supplementary information supplied by the Government representative to the Conference Committee (35th Session), in reply to the observations made by the Committee of Experts in 1952, namely : the Government is attempting to extend social security to all the industrial centres and is considering its extension to other regions where it is not as yet being applied. In this connection, the Committee notes that according to this year's report Section 154 of Decree No. 317 of 5 October 1951 makes provision for such extension.

The Committee hopes that the system ensuring the payment of maternity benefits will be extended to the whole of Venezuela in the near future.

Yugoslavia (ratification : 1.4.1927). The Committee takes note with satisfaction of the supplementary information which was supplied in writing to the Conference Committee (35th Session) and is reproduced in this year's report, in response to the observation made by the Committee in 1952. According to this information, the qualifying period for maternity leave is six months of uninterrupted employment or 18 months of interrupted employment during the two years preceding maternity leave and is intended solely to prevent abuse. Women who do not fulfil the qualifying period laid down in the Social Insurance Act receive appropriate aid in cash through a general public assistance scheme. A woman on maternity leave receives benefit during the whole of this leave, even if the doctor is mistaken in estimating the date of confinement.

Convention No. 4 : Night Work (Women), 1919.

Number of reports requested : 20.

Number of reports received : 15.

Reports missing : 5.

(Bulgaria, Colombia, Czechoslovakia, Nicaragua, Peru.)

Austria (ratification : 12.6.1924). The Committee takes notes of the Government's statement in its report on Convention No. 89 that as the latter has practically superseded the provisions of Convention No. 4 the Government will report in future only on Convention No. 89.

The Committee points out, however, that unless Convention No. 4 has been denounced the Government still remains bound by its provisions.

Burma (ratification : 14.7.1921). The Committee would be grateful if the Government would be good enough to supply copies of the Factories Act 1951 and the Oilfields (Labour and Welfare) Act 1951.

The Committee would also be glad to have information regarding the nature of the contraventions of the legislation regarding the employment of women during the night, which are referred to by the Government in its report.

Ceylon (ratification : 8.10.1951). Under Article 3 of the Convention, the Government states that advantage has been taken of Article 8 of Convention No. 41, according to which the Convention is not applicable to women holding responsible positions of management. The Committee draws the attention of the Government to the fact that Convention No. 4 makes no provision for this exception. At the same time, the Committee notes that Convention No. 41, which authorises this exception, appears to be correctly applied by Ceylon.

Chile (ratification : 8.10.1931). In reply to the observations made by the Committee in 1951 and 1952, the report states that "up to the present it has not been possible to obtain a decision by the National Congress regarding the ratification of Conventions Nos. 41 or 89. This decision would permit the denunciation of Convention No. 4, the provisions of which are not fully observed in respect of salaried employees". However, the Government adds, the national legislation is in complete harmony with the provisions of Conventions Nos. 41 and 89.

The Committee takes note of this information and once again draws the attention of the Government to the importance of an early solution of this question in order to remove the discrepancy between the national legislation and the international Convention. The Committee would point out, however, that, according to Article 14(b) of Convention No. 41, the latter ceased to be open to ratification on 27 February 1951, when the new revising Convention (No. 89) came into force.

Czechoslovakia (ratification : 24.8.1921). No report has been received for the period 1951-1952. From the Government's report for the period 1950-1951, which was received too late to be examined last year, the Committee notes that, under Order No. 19 of 1951 replacing Order No. 226 of 1949 and No. 79 of 1950, the changing of regular working hours is not limited to the winter. Moreover, the reasons for which such changes may be made have been extended. Working hours may now be changed in order to ensure the regular transport of workers to their place of employment and to ensure supplies of gas or steam. If night work is temporarily necessary as a result of such changes, women over 18 years of age may be employed at night. The Government states that these measures are necessary in view of the great development of industrial production and the heavy consumption of electric energy in winter and at the time of threshing in summer. The Government adds that these are temporary measures and may be authorised only in agreement with the trade union movement.

The Committee would point out, nevertheless, that Convention No. 4 does not authorise exceptions for these reasons and that, as Convention No. 89 has now come into force for Czechoslovakia, the Government can only make use of the provisions of Article 5 thereof (providing for the suspension of the prohibition of night work for women after consultation with the employers' and workers' organisations concerned, when in case of serious emergency the national interest demands it) provided it has denounced Convention No. 4.

France (ratification : 14.5.1925). With reference to the observations which it made in 1952, the Committee takes note of the following supplementary information supplied by the Government in writing to the Conference Committee (35th Session) :

Although Section 22(a) of Book II of the Labour Code (which provides for the possibility of allowing exceptions to the prohibition of night work in undertakings where work concerning national defence is carried out and where a shift system operates) does not provide for prior consultation with the employers' and workers' organisations concerned, this omission has no unfavourable effect in practice,

as no important measures regulating labour conditions are taken in France without consulting the employers' and workers' organisations concerned.

In addition, the Government representative to the Conference Committee in 1952 stated that the relevant chapter of the Labour Code was being completely modified; the Government has decided to make the necessary legislative changes at a later date—probably in 1953. France intended to ratify Convention No. 89. The consultations with employers' and workers' organisations, provided for in Article 5 of Convention No. 89, take place automatically. Once the revised Convention had been ratified, France was free to denounce Convention No. 4 if it deemed such action necessary.

The Committee hopes that the proposed legislative changes will take due account of the provisions of Article 5 of Convention No. 89 (which authorises the suspension of the prohibition of night work, after consultation with the employers' and workers' organisations concerned, but only in cases of serious emergency).

The Committee ventures to point out that, until Convention No. 4 has been denounced, the Government remains bound by its provisions, which do not authorise the above-mentioned exception.

The Committee also points out that, under Article 14 of Convention No. 41, the ratification of the revising Convention (No. 89) involves *ipso jure* the immediate denunciation of Convention No. 41.

Italy (ratification : 10.4.1923). The Committee takes note with satisfaction of the statement made in writing by the Government to the Conference Committee in 1952 and reproduced in this year's report. According to this statement the Government had decided to apply in full once again Act No. 653 of 26 April 1934 by refusing all requests for the authorisation of night work for women, except in the case of *force majeure* and in the case of undertakings dealing with raw materials subject to rapid deterioration, cases which are in full conformity with the provisions of the Convention (Article 4).

Uruguay (ratification : 6.6.1933). The Committee again notes with regret that the Senate has not yet discussed the Bill, which was submitted to it as far back as 1938, to introduce legislation to give effect to the Convention. The Government states that, for this reason, the report does not contain all the information required under the report form.

The Committee also notes that a report has been submitted to Parliament requesting the ratification of Convention No. 89. However, the Committee wishes to draw the attention of the Government to the necessity of taking immediate action to protect the workers covered by Convention No. 4.

Yugoslavia (ratification : 1.4.1927). The Committee notes with interest that measures to adapt the national legislation to the terms of the Convention have been taken by inserting provisions which are in harmony with the Convention in the last draft Decree concerning labour relations. This draft Decree consolidates the labour legislation as a whole and adapts it to the new economic system.

The Committee hopes that the amending legislation will soon be brought into force.

Convention No. 5 : Minimum Age (Industry), 1919.

Number of reports requested : 26.

Number of reports received : 21.

Reports missing : 5.

(Brazil, Bulgaria, Colombia, Czechoslovakia, Nicaragua.)

Dominican Republic (ratification : 4.2.1933). The Committee thanks the Government for its very detailed report and notes with satisfaction that the Labour Code to which it had referred in

its observation in 1951 is now in force and that it prohibits the employment of young persons under 14 years of age without exception. The Committee finds, however, that according to the Report of the Director of the Labour Department of the District of Santo Domingo, which is appended to the report, the employment of 14 young persons was authorised during the period 1951-52 under specified conditions in cases where this was considered necessary in the interest of their own maintenance and that of their families. The Committee would be glad to know whether such authorisations, which are contrary to the terms of Article 2 of the Convention, continue to be granted even after the entry into force of the above-mentioned Labour Code.

The Committee further notes that under section 234 of the Code the Labour Department may authorise the apprenticeship of young persons over 12 years of age in cases where this employment does not involve any physical or moral danger and in any event with the previous consent of the father or guardian. The Committee hopes that such cases are subject to approval and supervision by the public authority as provided for in Article 3 of the Convention as regards vocational training.

Convention No. 6 : Night Work of Young Persons (Industry), 1919.

Number of reports requested : 27.

Number of reports received : 22.

Reports missing : 5.

(Brazil, Bulgaria, Hungary, Mexico, Nicaragua.)

Ceylon (ratification : 26.10.1950). The Committee notes that the question of the application by Ceylon of this Convention is under consideration by the Governing Body. The Committee will await the decision of the Governing Body before making any further observations.

Italy (ratification 10.4.1923). The Committee notes with satisfaction that the Government has decided to apply once again in full Act No. 653 of 26 April 1934, which gives effect to the Convention. The Committee also notes with satisfaction that the number of infringements of the prohibition of night work in bakeries appreciably decreased after the coming into force of Act No. 63 of 11 February 1952, which prohibits the employment of young persons under 18 years of age in bakeries on Saturday night.

Switzerland (ratification : 9.10.1922). The Committee notes that the proposed meeting to deal with the difficulties encountered in applying Article 7 of the Convention in the case of bakers' apprentices took place in December 1951. However, the Government states that it is not possible for the moment to raise the minimum age for entry into apprenticeship in the baking industry and that the only solution to this matter lies in the strict observance of the provisions of the Act relating to the employment of young persons and women in arts and crafts.

The Committee notes with appreciation that the Government proposes sending a circular to the cantonal Governments bringing this matter to their attention and hopes that in this way full conformity will be secured between the provisions of the Convention and those of the national legislation.

Yugoslavia (ratification : 1.4.1927). The Committee notes with satisfaction that provisions have been inserted in the draft Decree concerning labour relations which are in conformity with the Convention. The Committee also takes note of the statement, made in writing by the Government to the Conference Committee in 1952, to the effect that it has not yet been possible to promulgate this Decree as the national labour legislation as a whole is under

review with a view to adapting it to the new conditions created by the introduction of the new economic system. The Government added that it hoped to be able in 1953 to inform the Committee of the adoption of the relevant regulations.

Convention No. 7 : Minimum Age (Sea), 1920.

Number of reports requested : 30.

Number of reports received : 23.

Reports missing : 7.

(Brazil, Bulgaria, China, Colombia, Hungary, Mexico, Nicaragua.)

Ceylon (ratification : 2.9.1950). The Government of Ceylon indicates in its report that the United Kingdom Act of 31 January 1925, which was made applicable by the Order of 18 March 1937, continues to be in force. The Committee notes that this Order appears to limit the scope of application of the Convention which covers all vessels engaged in maritime navigation; this seems to be confirmed by the statement in the report that Ceylon does not possess any foreign-going ships and that questions concerning practical application therefore do not arise.

The Committee would be grateful if the Government would be good enough to indicate in its next report the scope of the legislation in force and to state, in particular, whether a register or a list of the members of the crew under 16 years is required to be kept in accordance with Article 4 of the Convention.

Uruguay (ratification : 6.6.1933). The Committee has drawn attention on several occasions to the fact that no legislative measures have been taken to ensure application of this Convention, which was ratified almost 20 years ago. In 1950 the Committee had noted the Uruguayan Government delegate's statement in the Conference that his Government had submitted to Parliament the question of the lack of conformity between the national legislation and a certain number of ratified Conventions, and that a parliamentary commission was due to report within 40 days in order to achieve full compliance with the obligations undertaken by Uruguay. Since then the Government's reports merely indicate that a Uruguayan merchant marine is being formed. The Committee must, once again, draw the attention of the Government to the lack of conformity between the legislation and the terms of the Convention, and request the Government to be good enough to enforce these provisions by appropriate measures.

Convention No. 8 : Unemployment Indemnity (Shipwreck), 1920.

Number of reports requested : 26.

Number of reports received : 22.

Reports missing : 4.

(Bulgaria, Colombia, Mexico, Nicaragua.)

Argentina (ratification 30.11.1933). The Committee wishes to thank the Government for enclosing with its report the texts of Acts Nos. 11729 and 12921 requested in 1952. These do not, however, enable the Committee to ascertain if effect is given by Argentina to Article 2, paragraph 2, of the Convention, which provides that the indemnity to be paid to a seaman who remains in fact unemployed due to the loss or foundering of his vessel shall be at the same rate as the wages payable under the contract but may be limited to two months' wages. The Committee finds that Article 67 of the above-mentioned Act No. 12921 of 1946 setting up the National Wages Institute (which had been referred to in a previous report as giving effect to Article 2, paragraph 2, of the Convention) prohibits employers from discharging their workers unless there are good and sufficient reasons justifying such dismissal.

Article 1004 of the Code of Commerce, however, provides that in the case of loss or confiscation or shipwreck seamen may not claim any wages, etc., which clearly is at variance with Article 2, paragraph 2, of the Convention. The Committee would be grateful if the Government would indicate how it intends to apply this provision of the Convention.

Ceylon (ratification: 25.3.1951). See under Convention No. 7 as regards the observation on the scope of the legislation.

Cuba (ratification: 6.8.1928). The Committee takes note of the Government's reply to the observation made in 1952 concerning the continued discrepancy between the national legislation and the terms of the Convention and that the Bill which was intended to eliminate these discrepancies and was submitted to the National Congress two years previously seems to have made no progress. The Committee is glad to learn, however, that the Council of Ministers has given consideration to this problem and that a Bill has been submitted for approval to the Consultative Council.

The Committee expresses the sincere hope that this Bill will shortly be passed into law, thus ensuring full conformity with the terms of the Convention.

Convention No. 9 : Placing of Seamen, 1920.

Number of reports requested : 24.

Number of reports received : 20.

Reports missing : 4.

(*Bulgaria, Colombia, Mexico, Nicaragua.*)

Yugoslavia (ratification: 30.11.1929). The Committee wishes to thank the Government for the detailed additional information supplied in respect of Articles 4, 5, 7, 8 and 9 of the Convention, in compliance with its request in 1952.

Convention No. 10 : Minimum Age (Agriculture), 1921.

Number of reports requested : 19.

Number of reports received : 15.

Reports missing : 4.

(*Bulgaria, Czechoslovakia, Hungary, Nicaragua.*)

Argentina (ratification: 26.5.1936). The Committee notes that the report does not reply to the last question contained in its observation in 1952 on the cases where admission to employment had been authorised prior to the minimum age of 14 years. As the Government merely indicates, however, in its report, that the age of admission is "always close to the limit" fixed by the Convention, the Committee would be glad to receive an assurance that no children under 14 years of age work in agricultural undertakings during the hours of school attendance.

France (ratification: 7.6.1951). The Committee wishes to thank the Government for its detailed first report on the application of the Convention and notes with satisfaction that its provisions appear to be fully applied by the national legislation. The Committee also notes that while the relevant legislation is applicable in Algeria and in the Overseas Departments the existing educational facilities render it difficult at times to apply the provisions respecting school attendance. Since full compliance with the terms of the Convention depends on school attendance by children under 14 years of age, the Committee would be glad if the Government could indicate in its future reports what progress is being made in this direction.

The Committee would in any case be glad to know how children who have no possibility of attending school are protected from doing excessive or unduly strenuous work.

Convention No 11 : Right of Association (Agriculture), 1921.

Number of reports requested : 32.

Number of reports received : 25.

Reports missing : 7.

(*Bulgaria, China, Colombia, Czechoslovakia, Mexico, Nicaragua, Peru.*)

Chile (ratification: 15.9.1925). The Committee takes note with interest of the reply made to its observation of 1952, both by the Government representative in the Conference Committee and in the Government's annual report.

It appears from this report that the Bill to replace section 431 of the Chilean Labour Code so as to permit unions of agricultural workers to amalgamate and federate in the same manner as unions of industrial workers, which was submitted to Congress on 27 September 1951, has not yet been adopted. The Committee expresses the sincere hope that the passage of this Bill will now be possible at an early date.

The Committee also notes the Government's statement in the report that section 470 of the Labour Code, 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 being at least 60 days every year), does not, in practice, obstruct in any way the exercise of the right of petition by agricultural workers since these claims can normally be made to the employer at other times than during the above-mentioned "short" periods. The Committee is unable to accept this point of view and must reiterate the earnest hope it had expressed last year that the Government will see its way to amend this section of the Labour Code so as to secure to agricultural workers the same rights of combination as those enjoyed by industrial workers, who, under section 505 of the same Code, are able to submit claims to the head, agent or manager of an undertaking on giving 24 hours' notice.

In view of the considerable time which has elapsed since the Committee had first to draw attention to the discrepancies between the terms of the Convention and the provisions of sections 431 and 470 of the Chilean Labour Code (as adopted in 1947) the Committee wishes to register its deep concern over the non-application during the past five years of a Convention which was fully applied in Chile from the time of its ratification in 1925 until the coming into force of the above provisions.

Convention No. 12 : Workmen's Compensation (Agriculture), 1921.

Number of reports requested : 22.

Number of reports received : 17.

Reports missing : 5.

(*Bulgaria, Colombia, Czechoslovakia, Mexico, Nicaragua.*)

No observations.

Convention No. 13 : White Lead (Painting), 1921.

Number of reports requested : 22.

Number of reports received : 17.

Reports missing : 5.

(*Bulgaria, Colombia, Czechoslovakia, Mexico, Nicaragua.*)

Uruguay (ratification: 6.6.1933). The Committee notes with deep satisfaction that, following the statement made by the Government representative to the Conference Committee in 1952, a new Decree of 15 September 1952 provides for medical examination of cases, or suspected cases, of white lead poisoning (Article 5, III (a) and (b)) and

for methods of organising statistics (Article 7), thus bringing Uruguayan legislation into conformity with the Convention.

Yugoslavia (ratification : 30.9.1929). The Committee takes note of the Government's reply to the Conference Committee as regards the Observations it made in 1952 and also the information supplied in the report for the period under review. It is noted that, although no specific provision exists in the Constitution, the procedure followed by the authorities and courts gives force of law to the provisions of a ratified Convention. Furthermore, the Committee notes that a Decree of 5 March 1952 prohibits the employment of women and young persons under 18 years of age in certain types of work, including industrial painting work using white lead, sulphate of lead and products containing these pigments, and that it is intended to apply this provision to all workers. It takes also into account the Government's statement that the use of these substances is practically non-existent throughout the country.

The Committee finds, however, that the available information is not sufficient to permit a complete examination of the manner of application of all the provisions of the Convention. It would be obliged if the Government would be good enough to supply next year, together with the legislative texts applying the Convention, a detailed report answering the questions of the report form, to enable the Committee to assess the extent of application of the Convention.

Convention No. 14 : Weekly Rest (Industry), 1921.

Number of reports requested : 33.

Number of reports received : 25.

Reports missing : 8.

(*Bulgaria, China, Colombia, Czechoslovakia, Israel¹, Mexico, Nicaragua, Peru.*)

Afghanistan (ratification : 12.6.1939). The Committee takes note with interest of the more detailed report supplied by the Government for the period 1951-1952. However, it hopes that the next report will include a definition of the term "industrial undertaking" in Afghanistan (Article 2 of the Convention). The Committee would also be glad if the Government would communicate a list of the exceptions authorised under Articles 3 and 4 as required in Article 6 of the Convention, since the information furnished in the report is not sufficiently detailed.

Burma (ratification : 11.5.1923). The Committee takes note of the statement made with respect to Article 6 of the Convention to the effect that no exceptions are authorised under Article 3. However, it points out that Article 6 requires each member to draw up a list of the exceptions made under both Article 3 and Article 4 and it would be grateful if the Government would include in its next report a list of the exceptions authorised in Burma under Article 4.

See observation under Convention No. 1 with regard to the text of the Factories Act, 1951 and the Oil Fields (Labour and Welfare) Act, 1951.

Chile (ratification : 15.9.1925). The Committee takes note with interest of the information supplied by the Government with regard to Decree No. 1001 of 24 November 1951 by which an exception from the provisions regulating weekly rest is made with regard to the manufacture of tyres and inner tubes. It draws the attention of the Government to Article 4 of the Convention which provides that exceptions may be granted "after consultation with responsible associations of employers and workers, wherever such exist". The Committee would therefore be

grateful if the Government would indicate in its next report whether the associations in question were consulted.

Denmark (ratification : 30.8.1935). The Committee thanks the Government for the detailed report which it has been good enough to submit in response to the request made in 1952.

The Committee would be grateful if the Government would indicate in its next report whether the legislation by which the Convention is applied covers transport and construction workers.

India (ratification : 8.5.1923). The Committee draws the attention of the Government to Article 4 of the Convention which provides that the responsible associations of employers and workers shall be consulted prior to the granting of exceptions from the provisions of Article 2. The Committee would be glad to know whether the employers' and workers' organisations were consulted prior to the enactment of the Mines Act of 1952.

Luxembourg (ratification : 16.4.1928). The Committee takes note with interest of the information communicated to the Conference Committee following the request for information which it had made in 1952 with regard to compensatory periods of rest for hours worked on Sundays. The Committee hopes that the substance of this reply will be confirmed in the Government's next report, in respect of hours worked on Sundays during both 1950-1951 and 1951-1952.

Norway (ratification : 7.7.1937). The Committee would be interested to know whether any exceptions have been authorised under Articles 3 and 4 of the Convention since 1939 (the date of the last report containing information on this matter). In case such exceptions have been made, the Committee draws the attention of the Government to Article 6 of the Convention, which provides for the periodical communication of lists of exceptions, and to Article 4, which provides for the consultation of employers' and workers' organisations with regard to exceptions authorised. The Committee hopes that the next report will contain information on these points.

Turkey (ratification : 27.12.1946). The Committee takes note with interest of the statement made before the Conference Committee and confirmed in the annual report in reply to an observation made in 1952. It is glad to see that Article 7 of the Convention concerning the posting of notices is in fact applied under Turkish legislation.

Yugoslavia (ratification : 1.4.1927). The Committee notes that the Government states once again that it has not been possible to draw up a list of the total or partial exceptions made under Article 4 of the Convention. The Committee draws attention to Article 6 which provides for the communication of such a list to the Office and expresses the hope that the next annual report will be accompanied by a list of such exceptions.

Convention No. 15 : Minimum Age (Trimmers and Stokers), 1921.

Number of reports requested : 31.

Number of reports received : 26.

Reports missing : 5.

(*Bulgaria, China, Colombia, Hungary, Nicaragua.*)

Ceylon (ratification : 25.4.1951). See under Convention No. 7.

Uruguay (ratification : 6.6.1933). See under Convention No. 7.

¹ Report received too late for examination by the Committee.

Convention No. 16 : Medical Examination of Young Persons (Sea), 1921.

Number of reports requested : 32.

Number of reports received : 25.

Reports missing : 7.

(Brazil, Bulgaria, China, Colombia, Hungary, Mexico, Nicaragua.)

Ceylon (ratification : 25.4.1951). See under Convention No. 7.

Uruguay (ratification : 6.6.1933). See under Convention No. 7.

Convention No. 17 : Workmen's Compensation (Accidents), 1925

Number of reports requested : 22.

Number of reports received : 16.

Reports missing : 6.

(Bulgaria, Colombia, Czechoslovakia, Hungary, Mexico, Nicaragua.)

Argentina (ratification : 14.3.1950). The Committee takes note of the information contained in the report supplied by the Government indicating that the proposed amendments to bring the national legislation into conformity with the Convention are still being studied by a special Committee, and would be obliged if the Government would be so good as to indicate the progress accomplished towards this end. The Committee expresses the earnest hope that the new legislation will be enacted shortly.

Chile (ratification : 8.10.1931). The Committee notes that no progress has as yet been made towards amending the national legislation so as to provide that compensation in cases of permanent partial incapacity—which is at present limited in Chile to the 12 months following the accident—shall normally take the form of a pension, as required by Article 5 of the Convention.

The Committee expresses the hope that the Government will, as stated by the Government representative to the Conference Committee in 1952, undertake at an early date the revision of the legislation in order to eliminate this discrepancy.

Czechoslovakia (ratification : 12.6.1950). The Committee wishes to thank the Government for the detailed information contained in its first report (covering the period 1950-1951 and referred to the Committee by the Conference Committee in 1952). As it notes, however, that, at the request of the beneficiary, the compensation can, in certain cases, take the form of a lump sum, the Committee would be grateful if the Government would be good enough to indicate what measures are taken in that case to ensure, as required by Article 5 of the Convention, that lump-sum payments are properly utilised.

Netherlands (ratification : 13.9.1927). The Committee takes note with interest of the statement made by the Government representative to the effect that the Government intends to amend, at an early date, the provisions of the Act of 1921 respecting industrial accidents, relating to additional compensation in cases in which an insured worker needs the constant help of another person, as provided for in Article 7 of the Convention, and that this Article is in the meantime applied in practice.

The Committee would be glad if the Government would be good enough to indicate in its next report the progress made in amending the legislation.

Uruguay (ratification : 6.6.1933). The Committee notes that, in spite of the Government representative's statement to the effect that the

supplementary information requested by the Committee regarding the progress accomplished towards the elimination of the insolvency risk of the employer, as provided for in Article 11 of the Convention, would be given in the report for the period under review, no mention whatsoever of this point is made in the report.

The Committee expresses the earnest hope that it will be possible for the Government to bring its law into full conformity with the provisions of the Convention at an early date.

Convention No. 18 : Workmen's Compensation (Occupational Diseases), 1925.

Number of reports requested : 26.

Number of reports received : 21.

Reports missing : 5.

(Bulgaria, Colombia, Czechoslovakia, Hungary, Nicaragua.)

No observations.

Convention No. 19 : Equality of Treatment (Accident Compensation), 1925.

Number of reports requested : 39.

Number of reports received : 30.

Reports missing : 9.

(Bulgaria, China, Colombia, Czechoslovakia, Hungary, Indonesia, Mexico, Nicaragua, Peru.)

General Observation

The Committee finds that bilateral social security agreements concluded by countries which have ratified the Convention appear to provide in certain cases for workmen's compensation payments to the nationals of the contracting parties which are not granted to the nationals of other ratifying countries. Since it is not possible, on the basis of the available information, to evaluate the relevance of such agreements to the full application of the Convention, the Committee would be grateful if Governments would be good enough to append to their next reports the text of any bilateral agreements covering workmen's compensation which they may have concluded in recent years.

Argentina (ratification : 14.3.1950). The Committee notes that the Employment Injury Compensation Bill, which, according to the Government's report for the period 1950-1951, is designed to ensure full conformity with the provisions of the Convention, is now being studied by a special commission. The Committee hopes the Government will be in a position to state in its next report that this Bill has been passed into law.

Sweden (ratification : 8.9.1926). The Committee notes with satisfaction that a Royal Order issued on 15 May 1952 grants equality of treatment as regards accident compensation to the nationals of Egypt, Peru and Venezuela (which had ratified the Convention during and after the war). The Committee also notes with interest the statement in the report that the Government intends to issue an Order granting such equality to the nationals of all States Members which ratify the Convention in future.

Yugoslavia (ratification 1.4.1927). The Committee takes note with interest of the Government's statement, in reply to the Committee's observation made in 1952, that foreign workers employed by private employers enjoy the same rights in matters of social insurance as those employed in public, co-operative or social undertakings.

Convention No. 20 : Night Work (Bakeries), 1925.

Number of reports requested : 11

Number of reports received : 7.

Reports missing : 4.

(Bulgaria, Colombia, Israel¹, Nicaragua.)

No observations.

Convention No. 21 : Inspection of Emigrants, 1926.

Number of reports requested : 21.

Number of reports received : 14.

Reports missing : 7.

(Bulgaria, Colombia, Czechoslovakia, Hungary, Mexico, Nicaragua, Venezuela.¹)

Argentina (ratification : 14.3.1950). The Committee wishes to thank the Government for the texts of legislation and of international agreements which it was good enough to attach to its present report, in reply to the request made in 1952 by the Committee.

Convention No. 22 : Seamen's Articles of Agreement, 1926.

Number of reports requested : 28.

Number of reports received : 22.

Reports missing : 6.

(Bulgaria, China, Colombia, Mexico, Nicaragua, Venezuela.¹)

Argentina (ratification : 14.3.1950). The Committee is gratified to note that the Government has included in its report additional information which was requested in 1952. It finds it, however, still insufficient to permit a complete analysis of the application of all Articles of this Convention.

The Committee would, therefore, be obliged if the Government would be good enough to supply in its next report more detailed data concerning the application of the provisions of the Convention, particularly as regards the vessels to which the Convention applies (Article 1), the certificate to be given to the seamen with the record of work performed (Articles 5 and 14), and the application for discharge due to qualifications for a higher grade (Article 13).

Venezuela (ratification : 20.11.1944). The Committee refers to the observations which it has repeatedly made since 1949 regarding the application of Articles 5, 6 and 8 of the Convention and regrets to note that no additional information on these points has been supplied by the Government in its report for 1950-1951, referred to the Committee of Experts by the Conference Committee in 1952.

The Committee again requests the Government to be so good as to supply next year a detailed report furnishing information on the application of the Articles referred to above and answering all the questions on the report form, so as to enable the Committee to appreciate that this Convention is duly applied.

The Government refers in its report to the Regulation respecting the list of the crew, of 20 July 1951. The Committee would appreciate it if the Government would append a copy of these regulations to its next report.

Convention No. 23 : Repatriation of Seamen, 1926.

Number of reports requested : 17.

Number of reports received : 12.

Reports missing : 5.

(Bulgaria, China, Colombia, Mexico, Nicaragua.)

¹ Report received too late for examination by the Committee.

Argentina (ratification : 14.3.1950). The Committee thanks the Government for the additional information supplied in the report for the period under review. However, the Committee again notes that the report does not reply to some of the observations made in 1952. The information regarding the scope of application (Article 1) only refers to "home trade" and "inland navigation". The situation of foreign seamen who are not resident in the country is not mentioned (Article 3, paragraph 4) and no reference is made to the repatriation expenses due to seamen in case of shipwreck (Article 4, paragraph (b)) or to the maintenance of the repatriated seaman up to the time fixed for his departure (Article 5, paragraph 1).

The Committee would therefore be grateful if the Government would be good enough to supply, in its next report, all available details on these points, together with the legislative texts, regulations and articles of agreement covering the various provisions of the Convention.

Convention No. 24 : Sickness Insurance (Industry), 1927.

Number of reports requested : 15.

Number of reports received : 9.

Reports missing : 6.

(Bulgaria, Colombia, Czechoslovakia, Hungary, Nicaragua, Peru.)

Chile (ratification : 8.10.1931). Having expressed the hope for several years that the legislation fixing the waiting period at four days would be amended, the Committee notes with satisfaction the information given in the Government's report, in confirmation of the statement made by the Government representative in the Conference Committee of 1952, that Act No. 10383 of 8 August 1952 respecting compulsory sickness, old-age and survivors' insurance reduces the waiting period to three days in accordance with Article 3, paragraph 2, of the Convention.

Poland (ratification : 20.9.1948). The Committee notes that, unlike previous reports, the Government's report does not contain information about judicial decisions, the practical application of the Convention (statistical data on the scope of insurance, on benefits and on insurance funds) or on any observations by the organisations concerned.

The Committee would be grateful if the Government would supply this information in its next report, in accordance with the form of report (Questions III, IV and V).

Uruguay (ratification : 6.6.1933). The Committee has had, for a number of years, to draw attention to the fundamental discrepancy existing between this Convention, which provides for the setting-up of a sickness insurance scheme, and the situation in Uruguay where such a scheme has not as yet been introduced.

In 1949 the Government delegation of Uruguay had informed the Conference that the Executive Branch had submitted the question of non-conformity of the national legislation with a certain number of ratified Conventions to Parliament and that the latter had set up a Committee which was to make a report within 40 days with a view to ensuring full compliance with the obligations undertaken by Uruguay.

In reply to a series of repeated observations by the Committee the Government representative of Uruguay stated in the Conference Committee in 1952 that his Government would take all necessary measures to rectify the situation as regards the application of this Convention. The Conference Committee took note of this statement and expressed the hope that the Government would take definite

measures in respect of this Convention which, though ratified in 1933, had not, as yet, been given effect to.

The Committee regrets to have to note that despite this assurance the Government's report reproduces once again the information supplied since 1948 and does not add anything new apart from mentioning a current practice of employers not to make any deductions from wages in cases of absence due to sickness.

The Committee cannot but draw attention once again to a situation arising out of the fact that no progress whatever has been achieved towards ensuring the application of a Convention which was ratified 20 years ago but has not even begun to be applied.

Convention No. 25 : Sickness Insurance (Agriculture), 1927.

Number of reports requested : 11.

Number of reports received : 7.

Reports missing : 4.

(Bulgaria, Colombia, Czechoslovakia, Nicaragua).

Chile (ratification : 8.10.1931). See under Convention No. 24.

Poland (ratification : 20.9.1948). See under Convention No. 24.

Uruguay (ratification : 6.6.1933). As in the case of Convention No. 24, the Committee has noted for too long a period that sickness insurance has not yet been introduced in the country, although the Convention was ratified in 1933. The Committee had in fact noted with regret in 1952 the statement contained in the Government's report that the conditions existing in Uruguay appeared to exclude the possibility of applying the Convention in that country. It had repeated on that occasion that such a situation, which is contrary to the provisions of the Convention, implied an obligation on the part of the Government of Uruguay to proceed to a full re-examination of this question and to indicate in its next report the measures which it intended to take to put an end to this unsatisfactory situation.

The Committee noted that the Government representative stated at the Conference Committee of 1952 that the Government would take all necessary measures with a view to overcoming the existing situation as regards the application of this Convention. The Conference Committee took note of this statement and expressed the hope that the Government would take definite measures in respect of this Convention which, though ratified in 1933, has not yet been given effect to.

The Committee notes with regret that the Government repeats what it had said in the previous report and particularly affirms that existing conditions in Uruguay appear to exclude the possibility of applying the Convention in that country since this Convention is stated to be more suited to the agricultural problems of Europe than to those of Uruguay. The report simply adds that Article 16 of Act No. 10809 compels the employers to grant workers and their families the means of obtaining the necessary medical care.

In these circumstances, the Committee cannot but draw the attention of the Governing Body once again to the situation arising from the fact that it has not as yet been possible for Uruguay to apply a Convention which was ratified 20 years ago. The Committee takes the view, already expressed last year, that the Government should re-examine this question and should indicate as soon as possible the measures it intends to take to put an end to the present situation, either by giving effect in the near future to the Convention which was freely ratified or, if this should be found impossible to achieve, by considering the possibility of denunciation.

Convention No. 26 : Minimum Wage-Fixing Machinery, 1928.

Number of reports requested : 25.

Number of reports received : 17.

Reports missing : 8.

(Bulgaria, China, Colombia, Czechoslovakia, Hungary, Mexico, Nicaragua, Venezuela.¹)

Argentina (ratification : 14.3.1950). The Committee had noted in 1952 that the minimum wages fixed in Argentina can be abated for a limited period if an undertaking proves to the National Wage Institute that the payment of the minimum wage fixed would be likely to affect the economic and financial stability of the undertaking; the Committee had raised the question whether the authorisation in these circumstances to pay wages lower than the minimum wages was subject to the conclusion of a collective agreement on the point.

The Committee notes the Government's statement in its report in reply to this question that the special authorisation granted in exceptional cases by the National Wage Institute, which includes representatives of employers and workers, is not subject to the conclusion of a collective agreement. The Government adds that this condition does not appear to be prescribed by the Convention. The Committee notes that, while the Spanish text may lead to the conclusion that a general or special authorisation by the competent authority is sufficient for the abatement of wages, the English and French texts, which are both authentic, lay down clearly that two conditions are necessary to justify the abatement of wages : a collective agreement providing for such abatement *and* a general or special authorisation by the competent authority.

The Committee would be grateful if the Government would indicate the measures which it proposes to take with a view to bringing about conformity between the national legislation and this provision of the Convention.

The Committee had also asked the Government in 1952 to be good enough to supply 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. The Committee notes the statement contained in this year's report from the Government that all the workers in the country are covered by collective agreements and that it would therefore be useless to supply the list of industries asked for, but that in a certain number of special occupations enumerated in the report special legislative and administrative decisions were taken to fix minimum wages; the previous report had also mentioned various texts relating to the fixing of wages of domestic workers and the functioning of wages committees in various industries.

If the Committee therefore is right in assuming that for certain occupations minimum wage fixing machinery does in fact exist, it would be grateful if the Government would supply the information required by Article 5 of the Convention.

Cuba (ratification: 24.2.1936). The Committee, which had made certain requests for supplementary information in 1952, took note with interest of the statement made by the Government representative to the Conference Committee (35th Session, June 1952) as well as of the information contained in the report about the number of workers covered by the various minimum wage agreements. It would be grateful if the Government would be good enough to indicate also, in its next report, the approximate

¹ Report received too late for examination by the Committee.

number of workers whose wages are fixed by the governmental Decrees and the Resolutions of the Ministry of Labour.

The Committee noted the Government representative's statement to the Conference Committee in 1952 that the Government of Cuba had requested the International Labour Office to send an expert under the Technical Assistance Programme for the purpose of assisting in the reorganisation of the statistical services. The Committee trusts that as a result the Government will be able in the near future to supply the statistical information required by the Convention.

The Committee also noted with interest the statement of the Government representative that the Government intended to entrust some of the inspectors with the special supervision of the application of legislation relating to ratified Conventions. The Committee would be obliged if the Government would supply in its next report information concerning the organisation of the system of supervision and of sanctions (Article 4, paragraph 1, of the Convention) and, in particular, of the organisation of the inspection service.

Italy (ratification : 9.9.1930). The Committee takes note with interest of the statistical information supplied by the Government in a supplementary report, in response to the request made in 1952.

It also notes with interest that the Bill regulating the legal relations between employers and workers is now before the Chamber of Deputies, and would be grateful if the Government would supply in its report, once this text has been adopted, information on those provisions which are relevant to the Convention.

Netherlands (ratification : 10.11.1936). The Committee notes the Government's statement in its report that in its opinion there are no trades or parts of trades (and, in particular, home-working trades) in the Netherlands where, as contemplated in Article 1 of the Convention, there exist no arrangements for the effective regulation of wages by collective agreement or otherwise and wages are exceptionally low; the Government points out in this connection that legislation respecting home-working trades was adopted in 1933 but that the procedure laid down by this legislation was not made use of during the period under review.

The Committee also notes the view expressed by the Government that the purpose of the Special Order of 1945 respecting labour relations, which was adopted after the war with a view to the reconstruction of the country, is totally different from that of the Convention, which provides for the setting up of minimum wage fixing machinery, and that in the Government's view this Order is not relevant to the provisions of the Convention.

The Committee notes that while the purpose of the Order of 1945 may differ from that of the Convention this Order has none the less been made use of to fix wages in practically the whole of Netherlands industry, as is apparent from the Government's previous report, and it considers that there would be advantage in the Government's communicating, in respect of the application of this Order within the sphere of minimum wage fixing, general information on the points covered by Article 5 of the Convention.

Uruguay (ratification : 6.6.1933). The Committee, which had repeated in 1952 certain requests for supplementary information made in the course of the preceding years, took note with interest of the information supplied by the Government representative to the Conference Committee (35th Session, June 1952) as well as of the detailed particulars contained in the Government's report, especially as regards the composition and functioning of the wages councils, the consultation of the representatives of

the employers and workers concerned, and the prohibition of the abatement of minimum wage rates. It thanks the Government for having put this additional information at its disposal.

The Committee also takes note of the statistical data on the total number of workers covered by minimum wage regulations and of the measures taken with a view to compiling statistics. It would be grateful if in future reports the Government would supply, in accordance with Article 5 of the Convention, a list of the trades or parts of trades in which the minimum wage fixing machinery has been applied, the approximate numbers of workers covered by these regulations and the minimum wage rates established.

Venezuela (ratification : 20.11.1944). The Committee took note in 1950 of the statement made by a Government representative on the Conference Committee that the Labour Acts of 1945 and 1947 had not taken full account of the provisions of the Convention but that new regulations would shortly be adopted under the labour legislation with a view to solving this problem. The 1951 Conference Committee asked the Government to indicate in its next report the progress made towards adopting these regulations.

The Committee notes that the report for the period 1951-1952 has not yet been received and that the report for the period 1950-1951, which arrived too late to be examined by the Conference Committee in 1952, did not contain any information on this point. The Committee would be grateful if the Government would be good enough to give the particulars requested in its next report.

The 1951 Conference Committee also asked the Government to supply in its next report the statistical information required by Article 5 of the Convention as regards the workers covered by minimum wage regulations. Since the report for 1950-1951, as well as the preceding report, indicated that during the period under review no minimum wages had been fixed, the Committee requests the Government, if minimum wage rates fixed previously are still in force, to indicate the approximate number of workers covered by these regulations and the minimum rates established.

Convention No. 27 : Marking of Weight (Packages Transported by Vessels), 1929.

Number of reports requested : 33.

Number of reports received : 26.

Reports missing : 7.

(*Bulgaria, China, Czechoslovakia, Hungary, Indonesia, Mexico, Nicaragua.*)

Argentina (ratification : 14.3.1950). In its observation on the Government's report for the period 1950-1951, the Committee had drawn attention to the fact that Article 1 of the Convention provides for its application by means of national laws or regulations. In the absence of such legislation in Argentina and in the absence of any new information in the report for the period 1951-1952, the Committee would again request the Government to take appropriate action "to make effective the provisions" of the Convention, in accordance with the obligation contained in Article 19, paragraph 5(d) of the Constitution of the International Labour Organisation.

Yugoslavia (ratification : 22.4.1933). The Committee was glad to note the Government's statement in reply to its observation of 1952 that a Decree applying the Convention is at present being drafted and hopes that the Government will indicate in its next report whether this Decree has been put into force.

Convention No. 28 : Protection against Accidents (Dockers), 1929.

Number of reports requested : 3.

Number of reports received : 2.

Reports missing : 1.

(Nicaragua.)

No observations.

Convention No. 29 : Forced Labour, 1930.

Number of reports requested : 24.

Number of reports received : 18.

Reports missing : 6.

(Bulgaria, Indonesia, Liberia, Mexico, Nicaragua, Venezuela.¹)

Ceylon (ratification : 5.4.1950). The Government's first report is very brief and states merely that the conditions envisaged in the Convention do not exist in the country. The Committee would be grateful if the Government would include in its next report a detailed reply regarding the various provisions of the Convention. It would be of interest, in particular, to have information—(a) about the work or service exacted from any person as a consequence of a conviction in a court of law, and the manner in which work carried out by convict labour is organised and supervised (Article 2, paragraph 2(c) of the Convention); (b) about the work or service exacted in cases of emergency such as war, calamity, etc. (Article 2, paragraph 2(d)).

Finland (ratification : 13.1.1936). The Government indicates in its report that Finland does not possess any territory where the provisions of the Convention might be applicable. The Committee had, however, noted in 1950 that the Convention is general in character and that its Articles 1 and 2 in particular are of universal application; it had therefore requested all ratifying States to supply detailed information on the legislation and practice in their metropolitan territory. The Committee would be grateful if the Government would be good enough to supply the information requested in the next report.

Sweden (ratification : 22.12.1931). The Government indicates in its report that Sweden does not possess any territory where the provisions of the Convention might be applicable. The Committee had, however, noted in 1950 that the Convention is general in character and that its Articles 1 and 2 in particular are of universal application; it had therefore requested all ratifying States to supply detailed information on the legislation and practice in their metropolitan territory. The Committee would be grateful if the Government would be good enough to supply the information requested in the next report.

Convention No. 30 : Hours of Work (Commerce and Offices), 1930.

Number of reports requested : 9.

Number of reports received : 6.

Reports missing : 3.

(Bulgaria, Mexico, Nicaragua.)

Argentina (ratification : 14.3.1950). The Committee examined with interest the information supplied by the Government in reply to the observation made in 1952 concerning the number of additional hours authorised under Article 5 of the Convention. It took note in particular of the statements that, in practice, there had been no cases of prolongation of hours of work to make up for time lost for reasons for which the employee is not responsible,

and that those provisions of the Decree of 11 March 1930 which related to the Convention and on which the observation had been based were no longer in force.

However, the Committee wishes to point out that Section 16 of the Decree of 16 March 1933, to which the present report refers with regard to recuperation of hours of work, does not restrict the number of additional hours permitted to 30 in the year as required in Article 5(1) of the Convention and that it would be desirable to bring the legislation into harmony with this provision of the Convention, even if the practice has, up to the present, been in conformity with the Convention.

Since the Committee is now informed that the Decree of 11 March 1930 is no longer in force as regards this Convention it would be glad to know what regulations determine the temporary exceptions that may be granted in the case of abnormal pressure of work (Article 7(2)(d) of the Convention), which were formerly covered by Section 13 of the Decree of 1930.

Convention No. 32 : Protection against Accidents (Dockers) (Revised), 1932.

Number of reports requested : 14.

Number of reports received : 11.

Reports missing : 3.

(Bulgaria, China, Mexico.)

Argentina (ratification : 14.3.1950). The Committee notes with regret that the Government has not found it possible to supply a fuller report as requested last year. This Convention contains technical provisions of a very detailed character; to enable the Committee to assess the extent to which effect has been given to these provisions a detailed report on the manner in which the various provisions are applied is necessary. As an example, the Committee ventures to draw attention again to Article 9 of the Convention which contains numerous provisions to ensure the safe working condition of hoisting machines and gear and on the application of which the Government has so far failed to supply any information.

Finland (ratification : 29.8.1949). The Committee wishes to thank the Government for the reply to its observation made in 1952. It is glad to note that full effect is given to Article 2, paragraph 2(2) of the Convention (clear passage on wharves and quays) and to Article 12 (precautions for the proper protection of the workers).

It notes that there continues to be some difficulty in complying with Article 2, paragraph 2(1) (safe and efficient lighting of working places), but that the Ministry of Social Affairs is doing all in its power to apply this provision as fully and as rapidly as possible.

Finally, the Committee would like to draw the Government's attention once again to its observation as regards Article 16 of the Convention requesting information on the measures contemplated to ensure the application of the Convention to ships already constructed, within four years after the date of ratification "as far as reasonable and practicable".

Convention No. 33 : Minimum Age (Non-Industrial Employment) 1932.

Number of reports requested : 7.

Number of reports received : 7.

Argentina (ratification : 14.3.1950). The Committee refers to its observations made in previous years concerning the employment of children between 12 and 14 years of age which, according to Article 1 of Act No. 11317, may be authorised by the office responsible for the protection of children provided their employment is considered essential for their subsistence or that of their parents or

¹ Report received too late for examination by the Committee.

brothers or sisters, and provided that they have undergone the minimum schooling prescribed by law. The Committee would wish to point out that Article 3 of the Convention permits the employment of children between 12 and 14 years of age on light work only and on specific conditions relating, for instance, to the limitation of their hours of work and to their rest periods, conditions which do not seem to be applied by Argentine legislation.

The Committee hopes the Government will take measures to ensure that national legislation is in strict conformity with the Convention.

Austria (ratification : 26.2.1936). The Committee notes with satisfaction that the Federal Act of 13 February 1952 amending the Youth Employment Act has eliminated a discrepancy between Austrian legislation and the Convention which has been mentioned in previous observations by the Committee, by making the Act applicable to children employed in private households.

The Committee wishes, however, to point out that the Youth Employment Act as amended still exempts (Section 4, paragraph 2) the employment of children for occasional services from the application of the Act, an exception which is not provided for by the Convention.

As regards the employment of young persons in itinerant trading (Article 6 of the Convention) which, under Section 23, paragraph 2, of the Youth Employment Act, and according to the Schedule to this Act, is forbidden for boys under the age of 16 and girls under the age of 18 years, the Committee would be grateful to receive information about the manner in which Article 7(b) of the Convention (means of facilitating the identification and supervision of persons under a specified age engaged in itinerant trading) is applied.

Cuba (ratification : 24.2.1936). The Committee takes note of the Government's statement that the only discrepancy existing between the national legislation and the Convention is now being studied by the Council of Ministers and that a legislative decree including all the relevant provisions and prohibiting the employment of young persons under 16 years of age in occupations classified as dangerous or unhealthy has already been approved by the Consultative Council and is about to be adopted.

The Committee hopes that this legislation which should ensure full conformity with the provisions of the Convention will be adopted in the near future.

France (ratification : 29.4.1939). The Committee is glad to note that the Government has decided to amend section 60 of Book II of the Labour Code in response to the Committee's observation made in 1952 that Article 4 of the Convention does not authorise any exceptions for undertakings where the employment of young persons and adolescents involves any danger to their life, health or morals. The Committee would be glad to be kept informed of further developments and in particular of the results of the enquiry which, according to the report, is being undertaken among the labour inspection services and the employers' and workers' organisations concerned.

Convention No. 34 : Fee-Charging Employment Agencies, 1933.

Number of reports requested : 7.

Number of reports received : 4.

Reports missing : 3.

(*Bulgaria, Czechoslovakia, Mexico.*)

Turkey (ratification : 27.12.1946). The Committee took note with much interest of the information supplied to the Conference Committee and confirmed in the Government's report, in reply to the observations it had been called upon to make in 1952. The Committee was particularly glad to

note in the statement supplied to the Conference Committee that the Government had taken steps with a view to increasing the efficiency of the employment services in agriculture and to promoting the abolition of fee-charging agencies, and that a number of agencies had already been set up in the regions where the mobility of agricultural labour was particularly pronounced.

The Committee hopes that the Government will continue to promote action in this direction and that the next report will contain further information on the development of the agricultural placing activities of the employment service administration.

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 had noted in 1952 that the old-age insurance scheme then in force permitted the conversion of old-age pensions into a lump-sum payment, whereas the Convention, which provides in its Article 4 for the payment of a pension, does not contain any provision authorising the payment of a lump sum in lieu thereof. The Government had indicated that such conversion was authorised by the national legislation and that the beneficiaries preferred as a rule the payment of a lump sum since the pension instalments were not sufficiently high to ensure an adequate living to the persons concerned. The Committee had then been informed that a draft amendment to the Compulsory Old-Age and Invalidity Insurance Act had been submitted to the National Congress and that this draft permitted the payment of pensions varying from 50 to 100 per cent. of the insured person's wage. It had expressed the wish that the Government would indicate in its next report the progress made towards the adoption of this draft, and the hope that the amendment contemplated would limit, in future, the conversion of pensions into a lump-sum payment.

The Committee is glad to note from the report of the Government, which confirms the statement made by the Government representative to the Conference Committee (35th Session, June 1952), that Act No. 10383 of 8 August 1952 respecting compulsory sickness, invalidity, old-age and survivors' insurance will tend to obviate the conversion of pensions into a lump-sum payment, since the pensions will henceforth amount to from 50 to 70 per cent. of the basic wage and family allowances may be added to them, thus bringing the pension up to an amount which may equal the basic wage, and since a readjustment of the pension rates is provided for by the Act.

Czechoslovakia (ratification : 1.7.1949). The Committee takes note with interest of the detailed information supplied in this first report (received too late for examination by the Committee last year) about the measures taken to give effect to the various provisions of the Convention.

It notes as regards the rights in respect of contributions paid by an insured person who ceases to be liable to insurance that, under Article 6, paragraph 2, of the Convention, the national legislation may terminate rights in respect of such contributions on the expiry of a term which, where it is variable, shall not be less than one-third of the total of the period for which contributions have been credited since entry into insurance, less the periods for which contributions have not been credited, whereas the term provided for by Czechoslovak law is only a quarter of this period; the Committee notes, however, on the other hand, that Czechoslovak legislation does not consider various periods for which con-

tributions do not appear to be payable (such as periods of study, military service, involuntary unemployment and incapacity to work) as an interruption of the period of insurance. The Committee also takes note of the Government's statement that sickness insurance not only covers wage earners but also independent workers and, generally speaking, the whole of the population; it notes the conclusion drawn by the Government that the question of the term of protection of the insured who ceases to be liable to insurance is of no practical importance in Czechoslovakia.

The Committee notes with satisfaction that the Czechoslovak legislation thus goes, in certain respects, beyond the provisions of the Convention. It cannot, however, but draw attention to the above-mentioned discrepancy as regards the term provided for by Article 6 of the Convention.

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.

Czechoslovakia (ratification : 1.7.1949). 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.)

Czechoslovakia (ratification : 1.7.1949). See under Convention No. 35.

Poland (ratification : 29.9.1948). The Committee requested the Government in 1951 to be good enough to indicate the measures taken to give effect to Article 5, paragraph 3, of the Convention which provides that periods for which benefit has been paid in respect of temporary incapacity for work or of unemployment shall be reckoned as contribution periods. The Government indicated to the Conference Committee in 1951 that this principle would be generally recognised when the social insurance legislation was revised. Following this reply the Committee had asked the Government in 1952 to indicate in its next report the measures it intended to take to bring about harmony between the national legislation and the Convention on this point.

Since the report does not contain any reference to this matter, the Committee would be grateful if the Government would indicate the measures taken with a view to achieving full conformity on this point between its legislation and the Convention.

Convention No. 38 : Invalidity Insurance (Agriculture), 1933.

Number of reports requested : 7.
Number of reports received : 5.
Reports missing : 2.

(Bulgaria, Czechoslovakia.)

Czechoslovakia (ratification : 1.7.1949). 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.)

Czechoslovakia (ratification : 1.7.1949). See under Convention No. 35 the observation made as regards Article 6, which also applies to Article 5 of Convention No. 39.

Poland (ratification : 29.9.1948). The Committee refers, as regards the application of Article 4, paragraph 3, of the Convention, to the observation made in respect of 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.)

Czechoslovakia (ratification : 1.7.1949). See under Convention No. 39.

Poland (ratification : 29.9.1948). As regards Article 4, paragraph 3 of this Convention, see the observation made under Convention No. 37.

Convention No. 41 : Night Work (Women) (Revised), 1934.

Number of reports requested : 15.
Number of reports received : 12.
Reports missing : 3.

(Brazil, Hungary, Peru.)

Burma (ratification : 22.11.1935). See under Convention No. 4.

France (ratification : 25.1.1938). See under Convention No. 4.

Greece (ratification : 30.5.1936). The Committee takes note with interest of the supplementary information supplied by the Government representative to the Conference Committee in 1952 and reproduced in this year's report. According to this information, the four Decrees authorising exceptions (under Article 4(b) of the Convention) to the prohibition of the night work of women in various industries during certain periods of the year, are no longer being applied.

Iraq (ratification : 28.3.1938). The Government states in its report that it has nothing to add to the information supplied in 1950. The Committee therefore refers to the observation which it made in 1951 and would be glad to be informed whether any progress has been made with the proposed measures to amend Section 9 of the Labour Law so as to bring it into conformity with the provisions of Article 4(a) of the Convention (exceptions to the prohibition of the night work of women in cases of *force majeure*).

Convention No. 42 : Workmen's Compensation (Occupational Diseases) (Revised), 1934.

Number of reports requested : 22.
Number of reports received : 17.
Reports missing : 5.

(Brazil, Bulgaria, Czechoslovakia, Hungary, Mexico.)

Belgium (ratification : 3.8.1949). With reference to the observations it made last year, the Committee wishes to thank the Government for its full replies, through the statement made by the Government representative to the Conference Committee,

and the information supplied in this year's report. It ventures, however, to point out that the fact that some of the substances listed in the Convention and not included in the legislation are not used in the country does not necessarily imply conformity between the Convention and the legislation.

The Committee hopes that it will be possible for the Government, at an early date, to incorporate in the national legislation the necessary provisions in order to ensure complete conformity with the Convention.

Convention No. 43 : Sheet-Glass Works, 1934.

Number of reports requested : 8.

Number of reports received : 5.

Reports missing : 3.

(Bulgaria, Czechoslovakia, Mexico.)

Czechoslovakia (ratification : 19.9.1938). The Committee notes that no new information is included in the report submitted by the Government for the period 1950-1951 (received too late to be examined by the Conference Committee in 1952 and referred by the latter to this Committee) and that the position noted in the report for the period 1949-1950 presumably still obtains, i.e., the Government is unable to apply the provisions of the Convention in view of the fact that the country is suffering from a labour shortage. The Committee also notes that the Government had stated in the same report that it would renew the full application of the Convention as soon as economic conditions permitted.

The Committee would be glad to know, therefore, whether the Government has considered the question of ensuring once again the full application of the Convention.

France (ratification : 5.2.1938). The Committee notes that for the fifth consecutive year the report supplied by the Government contains no information as to the practical application of the Convention. It notes, in particular, that, although the Government undertook in its report for 1946-1947 to supply information as to the application of the legislation concerning hours of work in glass works, and although the Government has been twice reminded of this, the information has not yet been furnished. The Committee hopes that it will be included without fail in the next report.

Moreover, since the Convention provides for the application of Article 3(2) by means of collective agreements, the Committee would be glad to be informed whether the collective agreements adopted during recent years contain provisions for the adequate compensation for additional hours.

Norway (ratification : 21.5.1935). The Committee notes that since 1940 no information has been given by the Government with regard to the practical application of the Convention, and that the last reference to a collective agreement in application of Article 3 (2) was made in 1938.

The Committee therefore hopes that the Government will ensure that all relevant information on these points is included in the next report.

Convention No. 44 : Unemployment Provision, 1934.

Number of reports requested : 7.

Number of reports received : 5.

Reports missing : 2.

(Bulgaria, Czechoslovakia.)

No observations.

Convention No. 45 : Underground Work (Women), 1935.

Number of reports requested : 31.

Number of reports received : 23.

Reports missing : 8.

(Brazil, Bulgaria, China, Czechoslovakia, Hungary, Indonesia, Mexico, Peru.)

Austria (ratification : 3.7.1935). With reference to its observation made in 1952, the Committee notes with satisfaction that the amendment to the Youth Employment Act of 1948 whereby the employment of female young persons at work underground in mines is prohibited has now been adopted, thus bringing Austrian legislation into full harmony with the Convention.

Convention No. 48 : Maintenance of Migrants' Pension Rights, 1935.

Number of reports requested : 5.

Number of reports received : 3.

Reports missing : 2.

(Czechoslovakia, Hungary.)

Netherlands (ratification : 6.10.1938). The Committee notes with satisfaction that, in reply to the observation made in 1951 as regards the application of Article 10 of the Convention (rights acquired by persons affiliated to an insurance institution of a State Member), the Government states in its report that, since 1 May 1952, Section 168 of the Invalidity Insurance Act which gave rise to this discrepancy is no longer applied pending the entry into force of an amendment of the Act, so that national practice is already in full conformity with this provision of the Convention.

The Committee takes note with pleasure of the action taken by the Government to eliminate this discrepancy in practice and would be glad if the Government would indicate in its next report the substance of the amendment to the Act to which it refers in the report.

Convention No. 49 : Reduction of Hours of Work (Glass-Bottle Works), 1935.

Number of reports requested : 7.

Number of reports received : 4.

Reports missing : 3.

(Bulgaria, Czechoslovakia, Mexico.)

No observations.

Convention No. 50 : Recruiting of Indigenous Workers, 1936.

Number of reports requested : 6.

Number of reports received : 6.

See under part C.

Convention No. 52 : Holidays with Pay, 1936.

Number of reports requested : 9.

Number of reports received : 5.

Reports missing : 4.

(Brazil, Bulgaria, Czechoslovakia, Mexico.)

Argentina (ratification : 14.3.1950). The Committee refers once again to the fact that the provision relating to the exclusion from holidays of interruptions due to sickness (Article 2(3) of the Convention) is applied in practice and not by legislation in Argentina, and it expresses the hope that legislative conformity on this point will soon be brought about.

The Committee is aware that the national legislation provides for holidays with pay in respect of all categories of employed persons and not only commercial employees. However, it refers to the observation made in 1952 and it would be glad to know whether the provisions of the Convention relating to the prohibition of agreements to relinquish the right to annual holidays (Article 4) and to the keeping of records (Article 7) are applied by legislative provisions other than those of the Commercial Code.

Convention No. 53 : Officers' Competency Certificates, 1936.

Number of reports requested : 11.
 Number of reports received : 8.
 Reports missing : 3.

(Brazil, Bulgaria, Mexico.)

Egypt (ratification : 20.5.1939). The Committee notes with regret that the information on the practical application of the Convention (statistics of certificates issued, numbers of contraventions reported etc.) which it had had occasion to request in 1951 and 1952 is not given in the Government's report. It would greatly appreciate receiving this information at an early date.

Convention No. 55 : Shipowners' Liability (Sick and Injured Seamen), 1936.

Number of reports requested : 5.
 Number of reports received : 3.
 Reports missing : 2.

(Bulgaria, Mexico.)

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). In reply to the Committee's observation made in 1952, the report states that new rates of sickness benefits for seamen are at present being fixed and that a comparative table of benefits payable under the seamen's and the general social security system will be supplied as soon as the new rates have been approved by the Minister of Marine. The Committee looks forward with interest to having this information.

The Committee also takes note of the Government's additional explanations as regards the withholding of benefits in whole or in part under certain circumstances (Article 2, paragraph 4(c) of the Convention) which appear to indicate full compliance with the terms of this provision.

Convention No. 58 : Minimum Age (Sea) (Revised), 1936.

Number of reports requested : 10.
 Number of reports received : 8.
 Reports missing : 2.

(Brazil, Bulgaria.)

No observations

Convention No. 59 : Minimum Age (Industry) (Revised), 1937.

Number of reports requested : 3.
 Number of reports received : 2.
 Report missing : 1.

(China.)

No observations.

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 1952 the Committee had referred to its previous observations concerning voluntary reports and had expressed

the hope that, in view of the entry into force of the Convention for New Zealand, steps would be taken to enact legislation which is in full accordance with its terms. A Government representative had in fact stated in the Conference Committee in 1951 that the Government intended to amend the relevant legislative provisions.

As no such amendments appear to have been made during the period under review, the Committee wishes to point out that Regulation No. 10 of the Education (School Age) Regulations, 1943, allows the employment within school hours or at any other time of children of school age (seven to 15 years) on the production of evidence that they are exempted from the obligation to be enrolled as pupils in any school, whereas Article 3 of the Convention only allows the employment of children over 13 years of age outside school hours on light work and under specified conditions.

As regards Article 4 of the Convention, the Committee notes that the Infants Act, 1908, only prescribes a licence and safeguarding conditions for the employment of children between seven and ten years of age in certain types of employment whereas the Convention prescribes such safeguards in the case of all children under 15 years of age. The same observation applies as regards the provision of the Convention ensuring for children under 15 years of age adequate rest and the continuation of their education.

As regards Article 5 of the Convention, which lays down the obligation of fixing a higher age or ages for dangerous work, the Government has stated that no regulations have been considered necessary to ensure its application. However, the Infants Act only fixes a higher minimum age (16) for girls for admission to certain occupations which may be considered as dangerous, such as begging in the street or employment during the night in premises licensed for the sale of intoxicating liquor; it would appear that boys can be admitted to such employment at the age of 14. The Act, in fact, allows the employment of children at ten years of age during the day in premises licensed for the sale of intoxicating liquor.

As regards Article 6 of the Convention, which provides for the fixing of a higher age than 15 years for the admission to employment to itinerant occupations, the Infants Act fixes this age at ten years.

As regards Article 7 of the Convention, which covers measures to enforce its provisions, the New Zealand legislation does not appear to provide for suitable measures for facilitating the identification and supervision of young persons engaged in the occupations covered by Article 6.

The Committee expresses the hope that the legislative amendments which the Government has repeatedly indicated it intends to make and which are intended to eliminate the various discrepancies enumerated above will be enacted at an early date.

Conventions No. 62 : Safety Provisions (Building), 1937.

Number of reports requested : 7.
 Number of reports received : 5.
 Reports missing : 2.

(Bulgaria, Mexico.)

Finland (ratification : 8.4.1927). The Committee had made an observation in 1951 drawing attention to a number of discrepancies still existing between certain provisions of the Convention and the national legislation. In reply, the Government had stated the same year that the points in question would be taken into consideration when the relevant legislation is revised.

Since the report does not mention such a revision, the Committee ventures to recall the various

provisions of the Convention which do not appear as yet to have been given full effect to in Finland :

Article 7, paragraph 1 (provision of suitable scaffolds) ;

Article 7, paragraph 7 (periodical inspection of scaffolds) ;

Article 9, paragraph 2 (fixing of the height above which precautions must be taken to prevent falls from a roof) ;

Article 12, paragraph 1 (periodical re-examination of hoisting machines and tackle) ;

Article 14, paragraph 1 (determination of the safe working loads for hoisting machines and gear) ;

Article 15, paragraph 3 (precautions to prevent accidental displacement of a suspended load) ;

Article 17 (provision of appropriate safety equipment in places where there is a risk of drowning).

The Committee would be glad if the Government would be good enough to take early steps to give effect to these provisions of the Convention.

France (ratification : 16.12.1950). The Committee wishes to thank the Government for its full first report on the legislative provisions applying the Convention. It notes, however, as regards the provisions applicable in the metropolitan and Algerian Departments and in Guadeloupe, that the following requirements of the Convention do not appear to be fully covered by these provisions :

Article 7, paragraphs 1, 2, 3(c) and 5 to 8 (use of scaffolds) ;

Article 8, paragraph 1(a) and (b) (construction of platforms, gangways and stairways) ;

Article 9, paragraph 2 (precautions to be taken to prevent falls from a roof) ;

Article 10, paragraphs 1 and 5 (safe access to working places and stacking of materials) ;

Article 13, paragraph 2 (control of hoisting machinery) ;

Article 16, paragraph 1 (personal safety equipment).

As regards the Departments of Martinique and Réunion, the relevant provisions in force appear to be less detailed and complete than those applying in the other Departments.

The Committee would be glad if the Government will be good enough to indicate in its next report what measures it intends to take to give full effect to the Convention. The Committee also wishes to point out that no report has yet been received on the effect given to the Convention in the Department of French Guiana.

Poland (ratification : 17.4.1950). The Committee wishes to thank the Government for its full first report on the application of the Convention. It appears from an analysis of the relevant legislation that the following provisions of the Convention are not yet fully given effect to :

Article 8, paragraph 2(b) (width of working platforms and gangways) ;

Article 13, paragraph 2 (minimum age of a person who gives signals to the operator of a crane or other hoisting appliance) ;

Article 14, paragraph 3 (indication of the various safe working loads in the case of a hoisting machine having a variable load) ;

Article 16, paragraph 2 (instructions for the proper use of safety equipment by the workers) ;

Article 17 (provision of appropriate safety equipment in places where there is a risk of drowning).

As the report states under Articles 11 and 13 of the Convention that new regulations regarding

safety in building work are at present being prepared, the Committee would be glad if the above-mentioned provisions of the Convention are taken into account in preparing these regulations.

Switzerland (ratification : 23.5.1940). The Committee wishes to thank the Government for the detailed reply it was good enough to give to its questions concerning the application of Articles 12 and 13, paragraph 2, of the Convention (testing and control of hoisting machinery) and notes with interest that these provisions are fully complied with.

Convention No. 63 : Statistics of Wages and Hours of Work, 1938.

Number of reports requested : 15.

Number of reports received : 13.

Reports missing : 2.

(*Czechoslovakia, Mexico.*)

Denmark (ratification : 22.6.1939). The Committee was glad to note that the first statistics of earnings classified by industries have now been compiled and submitted to the International Labour Office, in accordance with Article 5, paragraph 3, of the Convention. The Committee also notes with interest that, as a consequence of consultations held with the International Labour Office and of discussions shortly to be entered into with the Danish Employers' Confederation, the Government hopes to be able to compile the statistics of hours actually worked also provided for in Article 5, paragraph 3, of the Convention.

Egypt (ratification : 5.10.1940). The Committee notes with satisfaction that the publication of the half-yearly statistics of wages and hours of work is being speeded up with a view to ensuring such publication during the succeeding six months, as provided for in Article 1(b) of the Convention.

The Committee also notes the statement contained in the report that the index numbers showing the general movement of wages (per week) provided for in Article 12 of the Convention have not yet been compiled but that this problem is to be referred to a committee of technicians soon to be appointed. The Committee hopes that the Government's next report will contain information on the conclusions reached by these technicians.

Netherlands (ratification : 9.3.1940). The Committee took note with interest of the statement made by a Government representative before the Conference Committee in 1952 that statistics of hours actually worked in the principal mining industries would be published.

Publication of these data, in addition to those already available on the number of standard eight-hour shifts worked per month in mining, would ensure full compliance with the provisions of Article 5, paragraph 1, of the Convention.

Norway (ratification : 29.3.1940). Further to its observation made in 1952 the Committee notes with interest that statistics of average hours worked in industry as a whole have been published for 1950, and that an effort is being made to provide statistics of average hours actually worked in individual industries for 1951 (Article 5 of the Convention). The Committee would be glad if the next report would indicate the results of this effort.

Sweden (ratification : 21.6.1939). The Committee notes the Government's statement in reply to its observation of 1952 that the transformation of statistics in the building and construction industries in order to provide statistics of hours of work in these industries (Article 5 of the Convention) has been referred, together with other topics, to the joint consideration of the Social Welfare Board, the

Swedish Employers' Confederation, and the Swedish Confederation of Trade Unions. The Committee would be glad if the Government would indicate in its next report the progress made as a result of these deliberations.

Convention No. 64 : Contracts of Employment (Indigenous Workers), 1939.

Number of reports requested : 3.
Number of reports received : 3.
See under C.

Convention No. 65 : Penal Sanctions (Indigenous Workers), 1939.

Number of reports requested : 2.
Number of reports received : 2.
See under C.

Convention No. 74 : Certification of Able Seamen, 1946.

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 notes from this year's report and from the statement made by the Government to the Conference Committee in 1952 that the Polish legislation provides for preliminary medical examination for workers over 18 years of age only in a series of industries where danger to health exists. It also notes that, in practice, such preliminary medical examinations are conducted in the larger undertakings, whilst smaller ones are being progressively brought under the same procedure.

As Article 4 of the Convention requires that persons up to 21 years of age be medically examined on entering into occupations involving high health risks, the Committee would be grateful if the Government would be good enough to indicate in its next report the progress which is being made towards bringing the legislation into complete conformity with 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 detailed reply to the observations it made in 1952. It notes the statement made by the Government to the Conference Committee to the effect that, as regards domestic servants, the national economy is based on the principle, laid down in the Decree of 2 August 1951 respecting the work and vocational training of young persons in undertakings, that a specified vocational education is compulsory for all adolescents and that the cases where young persons are employed in domestic service are at present very few and, in future, this type of work will disappear completely since it offers no possibility of social advancement.

The Committee feels that the fact that the number of young domestic servants is comparatively small is not sufficient reason to deprive them of the protection of the Convention, and would therefore

be glad if the Government could take steps to extend the Decree of 2 August 1951 to such workers as well.

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 takes note with interest of the more detailed report supplied for the period under review and of the information furnished in writing to the Conference Committee at its last session. It notes in particular that those provisions of the Act of 2 July 1924 dealing with adolescents are no longer in force.

The Committee would be glad if the Government would indicate whether the relevant national legislation applies effectively to children and young persons in "non-industrial occupations", that is all occupations other than those recognised by the competent authority as industrial, agricultural or maritime occupations (Article 1(2) of the Convention), and whether the competent authority has defined the line of division separating non-industrial occupations from industrial, agricultural and maritime occupations (Article 1(3) of the Convention).

Article 3 of the Convention lays down that adolescents between 14 and 18 years of age may not be employed during a minimum period of 12 consecutive hours at night, including the interval between 10 p.m. and 6 a.m. On the other hand, the Committee notes that the national legislation does not provide for this minimum period although the employment of young persons between 14 and 16 years is prohibited from 9 p.m. to 6 a.m. and of young persons between 16 and 18 years between 9 p.m. and 5 a.m. The Committee considers that the fact that hours of work for the first category of young persons are limited to six in a day and 36 in a week does not necessarily ensure the minimum period of rest of 12 consecutive hours; moreover these limits do not seem to apply to the second category of young persons, between 16 and 18 years. It thus appears that the national legislation is not in conformity with Article 3(1) of the Convention.

The Committee takes note with interest of the information on the well-developed inspection system in Poland; it would like to know under what national laws or regulations provision is made for the keeping of registers by employers, formerly covered by Section 11 of the Act of 2 July 1924 (Article 6(1)(b) of the Convention), and for the penalties for breaches of such laws or regulations formerly covered by Section 17 of the Act of 1924 (Article 6(1)(d) of the Convention).

The Committee hopes that the Government will supply the information requested above and will, where necessary, take appropriate steps to ensure conformity with the provisions of the Convention.

Convention No. 81 : Labour Inspection, 1947.

Number of reports requested : 9.
Number of reports received : 8.
Report missing : 1.

(Bulgaria.)

Austria (ratification : 30.4.1949). The Committee wishes to express its appreciation of the detailed supplementary information given in response to its request. It has also noted with interest the Survey of Activities of the Transport Labour Inspection Service for the year 1951. The Committee hopes that the Government will find it possible in due course to publish an annual general report on the work of the mining inspectorate, in

accordance with Article 20, paragraph 1, of the Convention.

Finland (ratification : 20.1.1950). The Committee notes with satisfaction that the "transitory volume" of labour inspection reports for the period 1939-1949 has been published and would be glad to be informed of further progress made toward the publication of the annual general report on the activities of the labour inspection service, in accordance with Article 20, paragraph 1, of the Convention.

France (ratification : 16.12.1950). The Committee wishes to thank the Government for its full first report on the application of this Convention and ventures to raise the following points, which could no doubt be answered most conveniently in the next report :

1. Under Article 2, the report indicates that certain undertakings, such as those engaged in the production, transport and distribution of gas and electricity, and in harbours, shipyards, etc., are not supervised by the Labour Inspection Service but by special officials who are placed for this purpose under the authority of the Minister of Labour. The Committee would be glad if the Government could indicate which officials are entrusted with the supervision of the above-mentioned undertakings.

2. The report states, under Articles 20 and 21, that the Labour Inspection Service was instructed in July 1949 to furnish again the annual Inspection Report, which had been interrupted during the war. The Committee would be glad if the Government would inform it if this report has since been published and communicate a copy thereof in due course.

3. The report indicates, under Article 29, that the Labour Inspection Service in the Algerian Departments is at present being transformed and that it will be governed shortly by the Regulations applicable to Metropolitan inspectors. The Committee would be glad to have information on the progress achieved in this connection.

Switzerland (ratification : 13.7.1949). The Committee takes note with interest of the Government's reply to its observation of 1951 concerning the subjects dealt with in the annual inspection report (Article 21 of the Convention). The Committee is glad to note in this connection that the particulars enumerated in clauses (b) (d) and (e) of this Article (staff of the inspection service, statistics of inspection visits and of violations and penalties imposed) which had not been given in the annual inspection report for 1950 are contained in that for 1951.

Convention No. 87 : Freedom of Association and Protection of the Right to Organise, 1948.

Number of reports requested : 8.

Number of reports received : 7.

Report missing : 1.

(*Mexico.*)

Netherlands (ratification : 7.3.1950). The Committee takes note of the information in the report that an occupational organisation (*organisation professionnelle*) has submitted a complaint to the United Nations concerning a violation of trade union freedom which the Government is alleged to have committed in respect of the right of officials to join the organisation in question.

The Committee understands that, in accordance with the procedure which the I.L.O., acting both in its own name and in that of the United Nations, established to safeguard trade union rights, this complaint will be submitted for a preliminary examination to the Committee on Freedom of Association of the Governing Body.

Sweden (ratification : 25.11.1949). The Committee notes with interest that, following the request which it made in 1952 and the statement of the Swedish Government representative to the Conference Committee (35th Session, June 1952), the Government has appended to its report a list of the cases brought before the Labour Court, as well as the text of the decisions of this Court relating to alleged infringements of the right of association.

The Committee wishes to thank the Government for this information, and would be grateful if it would continue to supply, in its future reports, information about judicial decisions, if any, involving questions of principle relating to the application of the Convention, together with the texts of these decisions as provided for in the form of report.

Convention No. 88 : Employment Service, 1948.

Number of reports requested : 10.

Number of reports received : 8.

Reports missing : 2.

(*Bulgaria, Czechoslovakia.*)

New Zealand (ratification : 3.12.1949). The Committee notes with satisfaction that the Government's reply to its observation made in 1952 indicates full conformity with the provisions of the Convention as regards the existence of a free employment service and as regards the arrangements made for the training of officials of the service.

Turkey (ratification : 14.7.1950). The Committee takes note with great interest of the Government's first report on the application of this Convention. It appears from the information submitted that the organisation and functioning of the employment service is in general conformity with the provisions of the Convention. The Committee would, however, be grateful if the Government's next report would give more detailed information on the following points :

1. Whether the representatives of employers and workers on the advisory committees are appointed after consultation with the representative organisations concerned (Article 4, paragraph 3 of the Convention).

2. Whether appropriate measures have been taken to facilitate occupational mobility (Article 6(b)(i)).

3. Whether information is collected and analysed on the situation of the employment market, in co-operation with other authorities and with management and trade unions, and whether such information is made available to the employers' and workers' organisations (Article 6(c)).

4. Whether measures have been taken to facilitate within the employment offices specialisation by occupations and by industries as well as to meet the needs of disabled persons (Article 7).

Convention No. 89 : Night Work (Women) (Revised), 1948.

Number of reports requested : 7.

Number of reports received : 5.

Reports missing : 2.

(*Czechoslovakia, Syria.*)

Austria (ratification : 5.10.1950). The Committee notes with interest the detailed information supplied by the Government in its first report.

The Committee also notes that an Hours of Work Bill, which was submitted to the National Council on 18 November 1950, will give effect to the provisions of the Convention in full. In addition, the Government states that the present Hours of Work Order is in conformity with the provisions of Convention No. 89 except as regards one point. However, the Committee points out that, from a

comparative analysis of the provisions of the Convention and the national legislation, there appear to exist (as regards women employees over 18 years of age) a number of other discrepancies which are indicated below. The Committee draws the attention of the Government to these discrepancies in the hope that the new legislation will take the various points into consideration.

1. No prohibited interval of at least seven consecutive hours (Article 2 of the Convention) is provided for female employees in the Hours of Work Order.

2. No provision is made in the Order for the previous consultation of employers' and workers' organisations in the case of an interval beginning after 11 o'clock in the evening (Article 2 of the Convention) nor in the case of exceptions in the national interest (Article 5 of the Convention).

3. Exceptions to the interval prohibited by the national law (8 p.m. to 6 a.m.) are allowed by Section 20, paragraph 1 of the Hours of Work Order for "technical and general economic reasons"; such exceptions are allowed by Article 4(b) of the Convention only to prevent the loss of materials subject to rapid deterioration.

4. An exception to the interval prohibited by the national law (8 p.m. to 6 a.m.) would appear to be allowed under Section 20, paragraph 4 of the Hours of Work Order in the hot season of the year in undertakings where the employees are exposed to an unusual degree to the action of heat. However, the Convention allows a similar exception only "in countries where the climate renders work by day particularly trying", a circumstance which would not seem to apply in the case of Austria.

Finally, the Committee notes, under Article 8 of the Convention, that the present regulations (Hours of Work Order, Section 1, paragraph 2) do not apply to certain categories of women. However, as Austria has ratified both Conventions Nos. 4 and 89, it still remains bound by the provisions of Convention No. 4 which do not allow the exception in question (women holding responsible positions of a managerial or technical character and women employed in health and welfare services who are not ordinarily employed in manual work).

India (ratification : 27.2.1950). With reference to the observation which it made in 1952, the Committee notes that, according to the report for this year, the Government hopes that legislative amendments to ensure harmony between the Factories Act, 1948, and the Convention would be passed during the November 1952 Session of Parliament. The Committee would be glad to be informed of the action taken in this connection.

The Committee notes with satisfaction that Section 46 of the Mines Act, 1952, which came into force on 1 July 1952, prohibits the employment of women in mines between 7 p.m. and 6 a.m. However, the Committee also notes that, under the same section, the Central Government may vary these hours in respect of any mine or class or description of mines, provided that no employment of any women between 10 p.m. and 5 a.m. is permitted thereby. The Committee would be grateful if the Government would inform it by what measures the eleven consecutive hours' rest period prescribed by Article 2 of the Convention is ensured for women employed in mines when the Government so varies the hours of employment.

Convention No. 90 : Night Work of Young Persons (Industry) (Revised), 1948.

Number of reports requested : 2.

Number of reports received : 1.

Report missing : 1.

(Czechoslovakia.)

India (ratification : 27.2.1950). The Committee thanks the Government for its detailed first report.

The Committee notes with appreciation that the Factories Act 1948 is to be amended (1) to bring the provisions of the Act into conformity with Article 2, paragraph 1, of the Convention, which defines the term "night" as "a period of at least twelve consecutive hours", and (2) to prohibit the employment during the night of all adolescents under 17 years of age, including those certified to be fit to work as adults. There is at present no prohibition in the national legislation in this connection.

The Committee would be glad to have information on the following points :

Article 2, paragraph 3. Under Section 40 (2) of the Mines Act 1952, adolescents under 18 years of age who have been certified fit to work as adults may not be employed in a mine between 6 p.m. and 6 a.m.; it further provides that the Central Government may vary their hours of work provided that their employment is not permitted between 10 p.m. and 5 a.m. It is not quite clear if these adolescents are always assured of the twelve consecutive hours' night rest provided by the Convention.

Article 3, paragraph 2. The Employment of Children Act exempts children in railways or ports employed or permitted to work as apprentices or for the purposes of receiving vocational training, "under such circumstances and in accordance with such conditions as may be prescribed"; the Act does not, however, specify, as prescribed by the Convention, that this exception only applies to specified industries or occupations which are required to be carried on continuously.

Article 6, paragraph 1(e). It would appear that the information shown in the registers which employers are required to keep under Section 73 of the Factories Act is in respect of child workers only, i.e., those under 15 years of age, and that these registers do not include dates of birth. The Convention, on the other hand, requires the employer to maintain a register showing the names and dates of birth of all persons under 17 years employed by him (Article 8, paragraph 8).

Convention No. 96 : Fee-Charging Employment Agencies (Revised), 1949.

Number of reports requested : 2.

Number of reports received : 2.

Norway (ratification : 29.6.1950). The Committee takes note with much interest of the detailed first report submitted by the Government. It expresses the hope that the next report submitted by the Government will include information as to whether or not any areas have been exempted from the application of the Convention either generally or with regard to particular undertakings or occupations (Article 15). The Committee would also be glad to have information concerning the practical application of the Convention including, for instance, extracts from official reports, information regarding the number and nature of the contraventions reported, etc. (point V of the report form).

Sweden (ratification : 18.7.1950). The Committee takes note with much interest of the detailed first report communicated by the Government. It would be very grateful if the Government would include in its next report information of the following points with regard to which some slight doubt appears to exist :

1. Whether, as the Committee believes, the meaning attaching to the term "fee-charging employment agencies" in Sweden corresponds with the definition of this term given in Article 1 of the Convention.

2. What methods are employed with a view to consulting the employers' and workers' organisations concerned with regard to the supervision of fee-charging employment agencies conducted with a view to profit during the period preceding abolition (Article 4(3)).

3. Whether there are any provisions regulating the placing and recruiting abroad of musicians, theatre artists, etc., by fee-charging agencies not conducted with a view to profit (Article 6).

4. Whether all parts of the country are in fact covered by the Convention (Article 15).

Convention No. 98 : Right to Organise and Collective Bargaining, 1949.

Number of reports requested : 2.

Number of reports received : 2.

No observations.

C. Observations and Requests for Supplementary Information on the Application of Conventions to Non-Metropolitan Territories

OBSERVATIONS CONCERNING CERTAIN COUNTRIES

Australia

The Committee drew the attention of the Government in 1951 and 1952 to the fact that reports regarding non-metropolitan territories had been provided in respect of only a few of the ratified Conventions. The Committee notes that reports have been provided this year in respect of a greater number of ratified Conventions. It nevertheless draws the attention of the Government to the fact that, in respect of a number of ratified Conventions, no reports have been provided this year¹ and reiterates the hope it expressed in 1951 and 1952 that the Government would be good enough to supply, for the next report period, detailed reports covering the application to Australian non-metropolitan territories of all the Conventions ratified by the Government, and that particular attention should be given to the drawing up of such reports on the basis of the standard report forms prepared by the Governing Body.

In its 1952 report, the Committee took note of the statement made by the Australian Government delegate to the Conference Committee in 1951, to the effect that the Government had decided to extend the application of Conventions 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. The Committee therefore hopes that, in its next reports, the Government will supply information on the results of the further study which has been undertaken, and on the action taken in respect of the two Conventions.

Belgium

The report supplied last year by the Government on the application of Conventions to the Belgian Congo and to Ruanda-Urundi were received too late to be examined by the Committee. In conformity with the decision taken by the Conference Committee, the Committee examined, in the course of its session, the report supplied by the Government for the periods 1950-1951 and 1951-1952.

The Committee wishes to thank the Government for the very detailed information communicated, particularly as regards the application of the Workmen's Compensation (Accidents) Convention, 1925 (No. 17) in respect of which full statistical information was attached to the report.

In 1951 the Committee had taken note of the statement made by the representative of the Belgian Government during the session of the Conference on the possibility of sending reports on all ratified Conventions. It had expressed the hope that the Government would find it possible to communicate reports on all these Conventions indicating, wherever necessary, what are the local conditions which

prevent their application. The Committee would be glad to know whether the Government is now in a position to give effect to the wish it had expressed in this respect.

Moreover, the reports received, together with the information previously supplied by the Government, had led the Committee to wonder whether the Government should continue to refrain from declaring some of the ratified Conventions to be formally applicable to its non-metropolitan territories since they seem to be applied in fact. This is the case, in particular, for the White Lead (Painting) Convention, 1921 (No. 13), the Weekly Rest (Industry) Convention, 1921 (No. 14), the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), and the Marking of Weight (Packages transported by Vessels) Convention, 1929 (No. 27).

Denmark

In its general report the Committee has drawn attention to the fact that no reports had been received from the Government in respect of the non-metropolitan territories for whose international relations it is responsible—the Faroe Islands and Greenland. The Committee ventures to express the hope that the Government may be able to supply, for the next report period, detailed reports drawn up on the basis of the standard form adopted by the Governing Body on the application to these territories of the Conventions which it has ratified.

France

Some of the reports supplied this year by the French Government contain much more detailed information and relate to Conventions on which, up to the present, no reports had been communicated. The Committee thanks the Government for the new information supplied. It notes, however, that the reports on the application of Conventions to the French settlements in Oceania and to Tunisia were limited, as a rule, to general statements that the provisions of the Conventions in question were applied. As regards Tunisia, the Committee noted with regret the lack of information supplied by the Government whilst the reports on the application of Conventions to Morocco, which is in a position largely similar to that of Tunisia, contain very detailed information. The Committee hopes that the reports to be supplied in future for Tunisia will also contain all the required information.

The Committee noted with interest that the reports on French West Africa and Togoland stated that the extension of certain Conventions to these territories was to be desired. This was the case, in particular, in respect of the Maternity Protection Convention, 1919 (No. 3), the Right of Association (Agriculture) Convention, 1921 (No. 11), the Workmen's Compensation (Agriculture) Convention, 1921 (No. 12), the Weekly Rest (Industry) Convention, 1921 (No. 14), the Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18),

¹ These reports were received during the closing days of the Committee's session.

and the Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33).

The Committee also believes that, according to the information contained in the reports received, a certain number of Conventions, in particular the Workmen's Compensation (Accidents) Convention, 1925 (No. 17) and the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26) could doubtless be declared applicable to all the territories in respect of which France ensures international relations. It hopes that, in view of the coming into force of the new Labour Code for Overseas France, the Government will shortly find it possible, in conformity with the assurance given by its representative to the Conference in 1952, to communicate to the Director-General declarations on the application of these Conventions to its territories.

Finally, the Committee would be grateful if the Government would kindly indicate in future whether its reports on the application of Conventions to non-metropolitan territories are communicated to the local employers' and workers' representative organisations.

Italy

The Committee had last year expressed its gratitude to the Italian Government which, shortly after having assumed the responsibility for administering the Trust Territory of Somaliland, had supplied a report on the application of the Forced Labour Convention, 1930 (No. 29). No report was supplied by the Government this year, but the Committee hopes that the Government will find it possible to supply next year detailed reports on all the ratified Conventions and on all the Conventions in respect of which it assumed obligations in the name of the Trust Territory of Somaliland.

New Zealand

The Committee was glad to note that the Government has provided reports in respect of the Conventions which it has ratified for the non-metropolitan territories for whose international relations it is responsible—the Cook Islands (including Niue Island), Western Samoa and the Tokelau Islands. The report on the last-named territory took the form of a general report on social and economic conditions in the territory; detailed reports on ratified Conventions were submitted in respect of the other two territories, including new information in respect of the application of a number of Conventions.

With respect to the Cook Islands, the report states that copies of the reports have been communicated to the New Zealand Employers' Federation and to the New Zealand Federation of Labour, which are representative organisations of employers and workers. The Committee notes, however, that although the report on Convention No. 84 mentions the registration of the Cook Islands (excepting Niue) Industrial Union of Workers in 1947, it is not clear whether copies of the reports have been communicated to this organisation. The Committee would be glad to have information on this point.

Portugal

The Committee thanks the Government for the information supplied with regard to the application of ratified Conventions to non-metropolitan territories. It noted that some of the reports on Portuguese India contained the statistical information requested in the report forms drawn up by the Governing Body, as well as information on decisions given by courts of law. However, the Committee noted that some reports merely indicate that the provisions of the Conventions are applied and that

no difficulties have arisen with regard to their application. The Committee therefore hopes that the Government will shortly find it possible to accept formally the application of these Conventions to its non-metropolitan territories. In particular, the Committee understood that, according to the information supplied, declarations of application could be made in respect of the Weekly Rest (Industry) Convention, 1921 (No. 14) and the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19). Finally, the Committee would be grateful if the Government would kindly state in future whether the reports supplied have been communicated to the local representative employers' and workers' organisations.

United Kingdom

The Government has provided reports on the majority of British non-metropolitan territories in respect of nearly all ratified Conventions. However, no reports were provided in respect of the application of the ratified Conventions to the Channel Islands and the Isle of Man, on which reports were due for the first time this year, in the light of the request of the United Kingdom Government that these two areas should henceforth be considered as non-metropolitan territories. The Committee ventures to express the hope that, for the next report period, reports will be submitted in respect of the Isle of Man and the Channel Islands and that reports on all ratified Conventions will be provided in respect of each British non-metropolitan territory.

The Committee was glad to note that progress continues to be made in the matter of the communication of reports to local organisations of employers and workers, where such exist, and refers in this respect to its General Report.¹

Legislation Without Practical Effect.

Last year the Committee noted that, in some instances, no practical steps had been taken to put into effect legislation which had been passed for the application of Conventions to non-metropolitan territories. It drew special attention to the case of Bermuda where, although a Social Security Act had been passed with the object of implementing the provisions of Conventions Nos. 17, 19, 24, 37, 38, 39 and 40, no financial provisions had as yet been made by the Legislature of the territory. The Committee notes that, in reply to the Committee's request to be informed when those provisions were likely to be made, the Government has stated that the competent legislative body is averse to the implementation of a social security scheme, on the grounds that "the benefits to be derived therefrom were not commensurate with the expense of administering the scheme and the obligations and inconveniences which would be imposed on employers and employed alike". The Committee notes further the statement that, in Bermuda "there is only limited industrial employment and the risk of industrial accidents is very low", a fact which mitigates the delay in giving effect to the Act. It notes also that the major employers are said to operate their own schemes of insurance on a contributory basis. While the Committee has noted with some surprise the altered decision of the Legislature it does not feel called upon to make any further comments in this connection.

United States

The report of the Government states that the provisions of Convention No. 58 are not appropriate to the peculiar circumstances of the Trust Territory

¹ See p. 9, paragraph 39.

of the Pacific Islands. The Committee would be most grateful if in its next report the Government could provide it with more precise information on the precise character of the peculiar circumstances mentioned.

OBSERVATIONS REGARDING THE APPLICATION OF CERTAIN CONVENTIONS

Convention No. 4 : Night Work (Women), 1919.

France. The Government's report on the application of the Conventions concerning the night work of women in industry states that there are no measures prohibiting night work in Saint Pierre and Miquelon. The Committee would be grateful if the Government would indicate in its next report what measures it intends to take to bring the local legislation into conformity with the Convention, which was declared applicable to this territory without modification.

Convention No. 29 : Forced Labour, 1930.

Belgium. The Committee notes that, in virtue of section 37 of Ordinance No. 76(j) of the Belgian Congo, dated 15 October 1931, persons detained on remand by a court of law may be called upon to perform light work. This provision does not appear to be in conformity with the provisions of Article 2, paragraph 2(c) of the Convention, which excludes from the definition "forced or compulsory labour", only "any work or service exacted from any person as a consequence of a conviction in a court of law". The Committee would be grateful if the Government would be good enough to indicate any measures which it intends taking to bring the legislation into conformity with the provisions of the Convention.

France. The Committee notes that the report regarding the application of this Convention to Madagascar states that no text has yet been adopted providing for punishment in the event of contraventions of the provisions of the Act of 11 April 1946 which prohibits forced labour. Last year the Committee requested the Government to state whether the information furnished in the reports on some territories, and according to which the general provisions of the Penal Code could be applied in case of infringement, were equally valid for the other territories. The Committee would be grateful if the Government would be good enough to supply the required information regarding Madagascar.

United Kingdom. According to the statistical information contained in the report for Tanganyika, there has been a considerable increase in the number of days of forced labour as compared with last year. The Committee would be grateful if the Government would be good enough to give details concerning the nature of minor communal services referred to in the statistical information and to supply, in its next report, the information which the Committee requested in 1949, so that it may be able to form an opinion regarding the nature of the local work which, in certain cases, may be exacted with the authorisation of the Chief Secretary.

As the Committee noted in 1949, the report again states that in Zanzibar compulsory cultivation is still carried on, in conformity with wartime provisions. The Committee is surprised to note that, seven years after the cessation of hostilities, exceptional legislation—which was adopted for the duration of the war—still remains in force.

Convention (No. 50) : Recruiting of Indigenous Workers, 1936.

Belgium. In its report for 1950-1951 the Committee requested the Government to be good

enough to supply supplementary information regarding the application of Articles 11-23 of the Convention to the Belgian Congo and to Ruanda-Urundi. The Committee thanks the Government for the information which it has supplied in response to this request. Nevertheless the Committee would be glad if the Government would supplement this information by specifying if the granting of licences to recruiting agents, provided for in Article 12 of the Convention, is subject to the various formalities and guarantees laid down in Article 13.

United Kingdom. The report of the Government on the application of Convention No. 50 to Hong Kong states that it has not been deemed necessary, up to the present, to take legislative measures to apply all the provisions of the Convention. As the report refers to an increase in the movement of labour to outside the territory the Committee hopes that the Government—which when the Convention was ratified in 1939 stated that the provisions of the Convention were applicable without modification to the Territory of Hong Kong—will not fail to take the necessary legislative measures in this connection. In its report for 1952 the Committee noted that draft legislation, designed to give effect to the provisions of the Convention in British Somaliland, had been submitted to the Colonial Office for consideration. The Committee hoped that no effort would be spared to arrive at a satisfactory solution of the problem of the recruitment of labour. The Committee also asked the Government to be good enough to keep it informed of any progress which might be made in this connection. As the report for this year does not show that any progress has been made, the Committee reiterates its previous request.

Finally the Committee notes that, in the report supplied on the application of Convention No. 50 to Tanganyika, it is stated, on the one hand, that the Order designed to implement the provisions of the Convention has not yet come into force and, on the other hand, that there are still in the territory professional recruiters whose activities are justified by local economic conditions. As regards the first point the Committee would be grateful if the Government would be good enough to explain why the legislation in question has not been brought into force and, as regards the second point, to state whether the licences provided for in Article 12 of the Convention have been issued in compliance with the various formalities provided for by Article 13.

Convention (No. 64) : Contracts of Employment (Indigenous Workers), 1939.

United Kingdom. The Committee notes that, in its report on the application of Convention No. 64 to St. Vincent, the Government states that it is awaiting the adoption of legislative measures regarding the application of the Convention to Trinidad and Tobago. The Committee would be grateful if, in its next reports, the Government would be good enough to state what measures are contemplated to bring the legislation of these territories (to which it stated that the Convention was applicable without modification, at the time of ratification in 1943) into conformity with the provisions of the Convention.

In the case of Barbados, in respect of which the decision as to the application of the Convention has been reserved and where the conditions seem to be comparable to other over-populated West Indian territories where the emigration of manpower is highly desirable, the Committee suggests that consultations between the local authorities concerned—through the regional labour board—might provide a solution which would enable the reservation to be withdrawn.

Convention (No. 65): Penal Sanctions (Indigenous Workers), 1939.

New Zealand. The Committee would be grateful if the Government would be good enough to supply in its reports for Western Samoa information on the practical application of the Convention (statistics, etc.), as requested in the report forms. The Committee would also be glad if the Govern-

ment would be good enough to indicate the position regarding the application of the Convention to the Tokelau Islands.

United Kingdom. The Committee thanks the Government for the information which it has supplied regarding the measures taken to give effect to Convention No. 65 in the Gilbert and Ellice Islands, and notes with satisfaction that penal sanctions have been abolished in these Islands.

D. Report of the Subcommittee

EXAMINATION OF REPORTS SUPPLIED BY THE FEDERAL REPUBLIC OF GERMANY AND BY JAPAN

The Committee of Experts on the Application of Conventions and Recommendations was informed at its 22nd Session (March 1952) that it would have before it at its next meeting the first reports rendered by the Federal Republic of Germany and by Japan since they resumed their collaboration with the International Labour Organisation in 1951. It expressed the hope that the Governments concerned would be asked, in view of the long period which had elapsed since the previous receipt of German and Japanese reports, to submit particularly detailed information similar to that requested from States Members on the first occasion after ratification. The examination of these reports would then be entrusted to a Subcommittee of three of its members (Mr. Berg, Mr. Rappard and Mr. Tschoffen). The Governing Body having agreed to the above suggestion, the procedure decided upon was put into operation and the Subcommittee met on 13, 14, 17 and 19 March 1953 under the chairmanship of Mr. Tschoffen.

The Subcommittee noted first of all that both the Federal Republic of Germany and Japan had communicated all their reports in good time, thus enabling a thorough preliminary examination to be carried out. This scrutiny was facilitated by the fact that the information supplied by these Governments covered all the particulars asked for in the relevant forms of report. The Subcommittee wishes to express its satisfaction at the detailed and complete nature of the reports. It was thus able to subject them to a rigorous comparative analysis to ascertain the extent to which effect is given to the provisions of the Conventions ratified by these countries.

The Subcommittee examined, Article by Article, the legislative provisions applying the ratified Conventions. It would not wish to burden this report with detail by reproducing the Subcommittee's analytical study. The *Summary of Reports on Ratified Conventions (Article 22 of the Constitution)* which will be laid before the Conference (Report III, Part I) will contain full particulars of the contents of the Governments' reports, including a description of the manner in which national legislation gives effect to the Conventions ratified by these countries. The Subcommittee therefore feels that the enumeration in Annex I of the principal legislative texts by which the Conventions are applied in the Federal Republic of Germany and in Japan and which formed the basis of the Subcommittee's examination should be adequate for the purpose of this report.

As a result of this study the Subcommittee was glad to note that a very substantial measure of conformity appears to exist between such Conventions and the relevant national legislation. It felt called upon to make some observations, however, either because there is an apparent divergence between the national legislation and the related provisions of a ratified Convention or because some additional information seemed to be required to clear up points of doubt. The Subcommittee adds that these observations, nine in number, which are appended

to the present report (Annex II) are almost exclusively concerned with questions of detail and that even these arose in connection with only four of the 17 Conventions ratified by Germany and five of the 14 Conventions ratified by Japan. There is thus complete legislative conformity in the case of 13 out of 17 Conventions ratified by Germany and in the case of nine out of 14 Conventions ratified by Japan, and even as regards the other Conventions there seems to exist a substantial harmony with their provisions.

As regards the practical implementation of the relevant legislation, the Subcommittee took note with interest of the information given on the working of the labour inspection service, as well as of the statement in several reports that certain enactments were adopted too recently for any data to be given on their implementation. The Subcommittee hopes that the Governments' next reports will contain full particulars on the results of inspection and the statistical data requested in the forms of report.

The Japanese reports indicate in some cases that the period since the country has regained control over its external relations has been too brief to enable the Government to make the arrangements with other States required under such texts as, for example, the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19) and the Inspection of Emigrants Convention, 1926 (No. 21). The Subcommittee trusts that future reports will contain particulars of the progress made in concluding such arrangements.

It is natural that the Subcommittee's examination should concern itself only with the matters dealt with in ratified Conventions and it cannot therefore be looked upon as a survey of labour and social policy in general. The comprehensive nature of the reports could not fail, however, to impress on the Subcommittee the variety of new labour measures adopted in both the Federal Republic of Germany and Japan during the post-war years, a particularly difficult period in the history of these countries.

As indicated above, the various Acts and Regulations which apply ratified Conventions will be fully described in the Summary of Annual Reports submitted to the next session of the Conference. The Subcommittee need therefore do no more than mention in brief the most important measures elaborated and adopted during the above period.

In the Federal Republic of Germany comprehensive texts have been enacted relating to the employment service, to unemployment insurance, to maternity protection, to workmen's compensation for industrial accidents and occupational diseases, to social insurance, to minimum conditions of employment and to home work. This country has also been able to conclude bilateral social security agreements with several neighbouring States, such as Austria, France, the Netherlands and Switzerland.

In Japan a new and comprehensive Labour Code has come into force which deals *inter alia* with employment security, unemployment insurance, labour conditions, the protection of seafarers,

workmen's compensation and industrial safety and hygiene.

Its analysis of German and Japanese legislation in the light of ratified Conventions thus enabled the Subcommittee to gain an idea of the considerable progress achieved in both countries in matters of labour and social policy. There is little doubt that these developments are important beyond the scope of previous ratifications and cover many of

the questions dealt with in other Conventions, and should in due course enable the Governments of these countries to ratify more Conventions and thus conform in an increasing measure to the social standards adopted by the International Labour Conference.

Geneva, 19 March 1953.

ANNEXES TO THE REPORT OF THE SUBCOMMITTEE

ANNEX I

LEGISLATION

FEDERAL REPUBLIC OF GERMANY

Unemployment Convention, 1919 (No. 2).

Act of 16 July 1927 respecting employment exchanges and unemployment insurance (L.S. 1927—Ger. 5).

Act of 10 March 1952 concerning the creation of the Federal Institute of employment exchanges and unemployment insurance.

Act of 5 November 1935 respecting employment exchanges (L.S. 1935—Ger. 11 A).

Maternity Protection Convention, 1919 (No. 3)

Insurance Code (L.S. 1924—Ger. 10), as subsequently amended (paragraphs 195(a), 195(b), 196 and 199).

Act of 24 January 1952 respecting maternity protection.

Minimum Age (Sea) Convention, 1920 (No. 7).

Seamen's Code of 2 June 1902 as amended by the Act of 30 May 1929 respecting young persons at sea (L.S. 1929—Ger. 8 A).

Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8).

Seamen's Code of 2 June 1902 as amended by the Act of 24 December 1929 respecting seamen (unemployment) (L.S. 1929—Ger. 9).

Placing of Seamen Convention, 1920 (No. 9).

Order of 8 November 1924 respecting seamen's employment exchanges (L.S. 1924—Ger. 8), as amended by the Order of 20 September 1927.

Act of 16 July 1927 respecting employment exchanges and unemployment insurance (L.S. 1927—Ger. 5).

Order of 26 November 1935 respecting employment exchanges (L.S. 1935—Ger. 11 B).

Right of Association (Agriculture) Convention, 1921 (No. 11).

Basic Law of the Federal Republic of Germany, Section 9, paragraph 3.

Workmen's Compensation (Agriculture) Convention, 1921 (No. 12).

Federal Insurance Code of 9 January 1926 (L.S. 1926—Ger. 1).

Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15) and Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16).

See under Convention No. 7.

Order of 8 May 1929 respecting the medical examination of seamen (L.S. 1929—Ger. 8 B).

Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18).

Federal Insurance Code of 9 January 1926 (L.S. 1926—Ger. 1).

Third, Fourth and Fifth Orders concerning the extension of accident insurance to occupational diseases, dated 16 December 1936, 29 January 1943 and 26 July 1952, respectively.

Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19).

Federal Insurance Code, Third Book (L.S. 1926—Ger. 1).

Social Insurance Adaptation Act of 17 June 1949.

Act of 10 August 1949 to improve the accident insurance system.

Act of 22 February 1951 respecting self-government in social insurance.

Act of 29 April 1952 respecting additional and minimum benefits under the accident insurance system.

Decrees of Federal Minister of Labour dated 8 August 1951 and 29 April 1952 respecting the application of Convention No. 19.

Decree of Federal Minister for Economy dated 10 July 1952.

Decree of Federal Minister of Labour dated 7 August 1952.

Seamen's Articles of Agreement Convention, 1926 (No. 22).

Seamen's Code of 2 June 1902.

Regulations of 16 June 1903 concerning the non-application of the Seamen's Code to small craft.

Act of 24 July 1930 respecting Seamen's Articles of Agreement (L.S. 1930—Ger. 6).

Repatriation of Seamen Convention, 1926 (No. 23).

Seamen's Code of 2 June 1902.

Regulations of 16 June 1903 concerning the non-application of the Seamen's Code to small craft.

Act of 14 January 1930 concerning Convention No. 23.

Act of 2 June 1902 concerning the obligation of cargo vessels to take on board seamen who are being repatriated.

Sickness Insurance (Industry) Convention, 1927 (No. 24) and the Sickness Insurance (Agriculture) Convention, 1927 (No. 25).

Act of 23 June 1923 concerning miners' benefit societies (L.S. 1923—Ger. 5).

Insurance Code of the Reich (L.S. 1924—Ger. 10), as amended by the Order of 26 July 1930 respecting unemployment and sickness insurance (L.S. 1930—Ger. 5), by the Act of 15 January 1941 respecting insurance (war amendments) (L.S. 1941—Ger. 2) and by the Order of 2 November 1943.

Decree of 20 May 1941.

Order of 4 November 1941 respecting sickness insurance for pensioned persons.

Order of 17 March 1945 concerning benefits and contributions.

Act of 17 January 1949 to amend the social insurance scheme.

Minimum Wage-Fixing Machinery Convention, 1928 (No. 26).

Act of 14 March 1951 respecting home work.

First Federal Ordinance of 9 September 1951 concerning the application of the Home Work Act.

Act of 11 January 1952 respecting the fixing of minimum conditions of employment.

Marking of Weights (Packages Transported by Vessels) Convention, 1929 (No. 27).

Act of 28 June 1933 respecting the marking of the weight on heavy packages transported by vessels (L.S. 1933—Ger. 9).

JAPAN

Unemployment Convention, 1919 (No. 2).

Employment Security Law No. 141 of 30 November 1947 (L.S. 1947—Jap. 4).

Ministry of Labour Establishment Law No. 97 of 31 August 1947.

Ministry of Labour Organisation Order (Cabinet Order No. 393) of 30 August 1952.

Unemployment Insurance Law No. 146 of 1 December 1947 (L.S. 1947—Jap. 1 B).

Enforcement Ordinance of the Unemployment Insurance Law (Ministry of Labour Ordinance No. 10) of 1 December 1947.

Minimum Age (Industry) Convention, 1919 (No. 5).

Labour Standard Law No. 49 of 5 April 1947 (L.S. 1947—Jap. 3).

Ordinance on labour standards for women and minors (Ministry of Labour Ordinance No. 8 of 31 October 1947).

School Education Law No. 26 of 31 March 1947.

Minimum Age (Sea) Convention, 1920 (No. 7).

Mariners' Law No. 100 of 1 September 1947 (L.S. 1947—Jap. 5).

Regulation for the Enforcement of the Mariners' Law (Ministry of Transport Ordinance No. 23 of 1947).

Placing of Seamen Convention, 1920 (No. 9).

Labour Standard Law No. 49 of 5 April 1947 (L.S. 1947—Jap. 3).

Mariners' Law No. 100 of 1 September 1947 (L.S. 1947—Jap. 5).

Employment Security Law No. 141 of 30 November 1947 (L.S. 1947—Jap. 4) as amended by Law No. 88 of 20 May 1949 (L.S. 1949—Jap. 2).

Ministerial Ordinance for the Public Mariners' Employment Security Office.

Ministerial Ordinance for the Mariners' Employment Security Council.

Enforcement Regulations for the Mariners' Employment Security Law.

Minimum Age (Agriculture) Convention, 1921 (No. 10).

See under Convention No. 5.

Minimum Age (Trimmmers and Stokers) Convention, 1921 (No. 15) and Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16).

See under Convention No. 7.

Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18) and Workmen's Compensation (Occupational Diseases) (Revised) Convention, 1934 (No. 42).

Labour Standards Law No. 49 of 5 April 1947 (L.S. 1949—Jap. 3).

Enforcement Ordinance of Labour Standard Law (Ministry of Welfare Ordinance No. 23 of 1947).

Workmen's Compensation Insurance Law No. 50 of 5 April 1947 (L.S. 1947—Jap. 6).

Enforcement Ordinance of Workmen's Compensation Insurance Law (Ministry of Labour Ordinance No. 1 of 1947).

Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19).

Constitution of Japan (Article 14).

See also under Convention No. 18.

Inspection of Emigrants Convention, 1926 (No. 21).

Emigrant Protection Law No. 70 of 1886.

Regulations operating the Emigrant Protection Law (Ministry of Foreign Affairs Ordinance No. 3 of 1907).

Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27).

Labour Standard Law No. 49 of 5 April 1947 (L.S. 1947—Jap. 3).

Regulations of labour safety and sanitation (Ministry of Labour Ordinance, No. 9 of 1947).

Forced Labour Convention, 1930 (No. 29).

Constitution of Japan (Article 18).

Labour Standard Law No. 49 of 5 April 1947 (L.S. 1947—Jap. 3).

Local Autonomy Law.

Fire Service Law.

Law concerning Execution of Duties of Police Officials.

Recruiting of Indigenous Workers Convention, 1936 (No. 50).

Not applicable.

ANNEX II

OBSERVATIONS AND REQUESTS FOR SUPPLEMENTARY INFORMATION

Convention No. 3 : Maternity Protection, 1919.

Federal Republic of Germany (ratification: 31.10.1927). The Committee takes note with interest of the detailed report supplied by the Government of the Federal Republic of Germany and notes that in principle the legislation is in conformity with the Convention and even goes beyond the latter in some respects (e.g., pregnant women or women who nurse their children may not be employed on heavy physical, unhealthy or injurious work and the employer must continue to pay to the women concerned the full amount of their previous earnings; pregnant women may not be dismissed during the entire period of pregnancy and up to the end of the fourth month after confinement).

However, there would appear to be certain discrepancies between the provisions of the Convention and those of the national legislation as regards the following points:

The Maternity Protection Act (Section 12) provides that women who are not covered by insurance, in particular (according to the Government's report) employed women in the higher wage category, must continue to receive their normal remuneration during statutory periods of absence before and after confinement. However, Article 3(c) of the Convention requires such benefits to be provided either out of public funds or by means of a system of insurance.

As regards rest periods for nursing the child, the Maternity Protection Act (Section 7, paragraph 1) only provides for a rest period of 45 minutes for a period of uninterrupted work varying between four-and-a-half and eight hours, whereas the Convention (Article 3(d)) provides for two rest periods of half an hour in any case.

The Committee hopes that the Government will be able to take measures in the near future to bring its legislation into conformity with the Convention as regards these points.

Finally, the Committee notes that the Maternity Protection Act (Section 9, paragraph 2) permits the dismissal of a woman during her absence on post-natal and pre-natal leave in "particular cases" and as an exceptional measure, whereas the Convention prohibits the dismissal of a woman during such absence. The Committee therefore requests the Government to be good enough to state in its next report the circumstances in which this exception is applied, if at all.

Convention No. 15 : Minimum Age (Trimmers and Stokers) Convention, 1921.

Federal Republic of Germany (ratification: 11.6.1929). The Committee would be grateful if

the Government would be good enough to indicate in its report whether the provisions of the last clause of paragraph 6(a) inserted in the Second Order of 8 May 1929 and in the Seamen's Code, which provides that the prohibition of signing on young persons under the age of 18 years as trimmers and stokers does not apply to fishing vessels, continues to be in force. If this is the case, the Committee would be glad to know what measures the Government intends to take with a view to ensuring conformity between the national legislation and the Convention, which does not include the above exception.

Convention No. 26 : Minimum Wage-Fixing Machinery Convention, 1928.

Federal Republic of Germany (ratification: 30.5.1929). The Committee takes note with interest of the information contained in the report on the regulations introduced by the Act of 1951 concerning home work and by the Act of 1952 concerning the fixing of minimum conditions of employment. It notes that the home work legislation gives effect on the whole to the provisions of the Convention. It would be glad, however, if the Government could supply in its next report additional information on the regulations framed under the Act concerning the fixing of minimum conditions of employment, in respect of the following points:

The Convention provides in its Article 3, paragraph 2(3), that "minimum rates of wages which have been fixed shall be binding on the employers and workers concerned so as not to be subject to abatement by them by individual agreement, nor, except with general or particular authorisation of the competent authority, by collective agreement". Since Section 8, paragraph 2, of the Act concerning the fixing of minimum conditions of employment lays down that "the provisions of collective agreements shall have precedence over the minimum labour conditions", the Committee would be glad if the Government would be good enough to indicate whether in such cases the collective agreement providing for an abatement of the minimum wage rates is subject to approval by the competent authority as provided by the Convention.

The Committee also notes that Section 8, paragraph 3, of the Act concerning the fixing of minimum conditions of employment provides that rights acquired under the minimum conditions may be waived by way of agreement if such an agreement has been approved by the competent authority. The Committee ventures to point out that the Convention prohibits any individual agreement involving the abatement of minimum wage rates even with the

authorisation of the competent authority, and it would be grateful if the Government would indicate whether the agreements referred to in Section 8, paragraph 3 of the Act concerning the fixing of minimum conditions of employment include individual agreements whereby minimum wage rates may be abated.

As regards the implementation of the minimum wage legislation (provided for by Article 4 of the Convention), the Committee notes that the principal labour authorities are responsible for this task and would be grateful if the Government would describe in its next report the methods followed to supervise effective implementation, the sanctions laid down and, in particular, the organisation and functioning of the inspection service.

The Committee finally notes that the Government has not communicated statistical information on the application of the Convention, principally due to the fact that the legislation mentioned in the report was introduced so recently that no minimum wage rates were fixed during the period under review. It would be grateful if the Government would include in its next report, in accordance with Article 5 of the Convention, a general statement giving a list of the trades or parts of trades to which the minimum wage fixing machinery may have been applied, together with a general indication of the approximate number of workers covered by these regulations and of the minimum wage rates fixed.

Convention No. 27 : Marking of Weight (Packages Transported by Vessels) Convention, 1929.

Federal Republic of Germany (ratification : 5.7.1933). The Committee notes that, under Section 2 of the Act of 28 June 1933 which applies the Convention, the obligation to mark packages or objects of 1,000 kilograms or more gross weight does not apply to unwrapped goods transported in bulk nor to the frequently recurring transportation of objects of known weight by vessels engaged in inland navigation in local traffic where public harbours are not used. With a view to ascertaining the practical manner in which these provisions are applied, the Committee would be grateful if the Government could supply in its next report some concrete examples of the cases where use is made of these exceptions.

Convention No. 7 : Minimum Age (Sea) Convention, 1920.

Japan (ratification : 7.6.1924). The Committee wishes to thank the Government for its detailed report on the application of the Convention. It notes that Section 1 of the Mariners' Law (No. 100) of 1947, which applies the Convention, excludes from its scope fishing vessels under 30 tons gross, whereas the Convention covers "all ships and boats of any nature whatsoever engaged in maritime navigation" (Article 1). The Committee would be glad if the Government would take appropriate steps to eliminate this discrepancy.

Convention No. 15 : Minimum Age (Trimmers and Stokers) Convention, 1921.

Japan (ratification : 4.12.1930). The Committee wishes to thank the Government for its very detailed

report. It would be glad to have further information in the next report on the measures it intends to take to give effect to Article 6 of the Convention which prescribes that the articles of agreement shall contain a brief summary of the provisions of the Convention. The Committee would also be grateful if the Government would be good enough to supply as regards this Convention the information requested above under Convention No. 7.

Convention No. 16 : Medical Examination of Young Persons (Sea) Convention, 1921.

Japan (ratification : 7.6.1924). See under Convention No. 7.

Convention No. 27 : Marking of Weight (Packages Transported by Vessels) Convention, 1929.

Japan (ratification : 16.3.1931). The Committee notes that under Article 123 of the Ordinance on Labour Safety and Sanitation of 1947 all "cargoes" weighing one ton or more must have their weight marked. As the legislation under which the Convention was previously applied (Ordinance No. 16 of 6 May 1930) did not cover certain objects such as lumber, stone, iron bars and sheets, and similar unpacked materials, the Committee would be grateful if the Government would be good enough to include a definition of the term "cargo" in its next report.

The Committee further notes that neither the Labour Standards Law of 1947 nor the above-mentioned Ordinance specifies the person or persons upon whom falls the obligation for having the weight marked on heavy packages (Article 1, paragraph 4 of the Convention). Additional information to clarify this point would also be appreciated.

Convention No. 29 : Forced Labour Convention, 1930.

Japan (ratification 21.11.1932). The Committee wishes to thank the Government for its very detailed report on the application of the Convention. However, the report makes mention of only one exception to the prohibition of forced labour, i.e., work carried out in the case of *force majeure* under conditions laid down by law. The Committee would, therefore, be glad if the Government would indicate in its next report whether certain types of work may be exacted from persons who are imprisoned as a consequence of a conviction in a court of law and, if so, whether this work is carried out under the supervision and control of a public authority, in accordance with Article 2, paragraph 2(c) of the Convention.

The Committee would also be grateful if the Government would indicate: (a) what sanction would be taken, in accordance with Article 25 of the Convention, against a person who, without being an "employer" as defined in Article 10 of the Japanese Labour Standards Law, would exact or attempt to exact work from another person without the latter's consent; (b) what guarantees exist enabling persons from whom forced labour is exacted to forward complaints relative to the conditions of labour to the authorities and to ensure that such complaints are examined and taken into consideration, in accordance with Article 23, paragraph 2 of the Convention.

APPENDIX II

ANNUAL REPORTS FOR 1951-1952 (ARTICLE 22 OF THE CONSTITUTION)

Received or Still Due 16 March 1953

Total requested: 981. Reports received: 743. Reports still due: 238

Country	Reports received		Reports still due	
	Number received	Conventions Nos.	Number due	Conventions Nos.
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	20	2, 4, 5, 6, 10, 11, 13, 17, 18, 19, 21, 24, 25, 27, 33, 42, 45, 81, 87, 89	0	—
Belgium	34	1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 26, 27, 29, 33, 41, 42, 43, 45, 50, 53, 55, 56, 58, 64	0	—
Brazil	0	—	11	3, 5, 6, 7, 16, 41, 42, 45, 52, 53, 58
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	12	1, 7, 8, 14, 15, 16, 22, 26, 27, 32, 63, 88	0	—
Ceylon	10	4, 5, 6, 7, 8, 15, 16, 29, 41, 45	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	—	34	1, 4, 5, 10, 11, 12, 13, 14, 17, 18, 19, 21, 24, 25, 26, 27, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 48, 49, 52, 63, 88, 89, 90
Denmark	18	2, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19, 29, 42, 52, 53, 63	0	—
Dominican Republic	4	1, 5, 7, 10	0	—
Egypt	5	19, 41, 45, 53, 63	0	—

Country	Reports received		Reports still due	
	Number received	Conventions Nos.	Number due	Conventions Nos.
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	42	2, 3, 4, 5, 6, 8, 9, 10, 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, 62, 74, 81	0	—
Germany (Federal Republic)	17	2, 3, 7, 8, 9, 11, 12, 15, 16, 18, 19, 22, 23, 24, 25, 26, 27	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
Iceland	1	87	0	—
India	17	1, 4, 6, 11, 14, 15, 16, 18, 19, 21, 22, 27, 32, 45, 81, 89, 90	0	—
Indonesia	0	—	4	19, 27, 29, 45
Iraq	5	18, 19, 41, 42, 58	0	—
Ireland	27	2, 5, 6, 7, 8, 10, 11, 12, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 41, 42, 43, 44, 45, 49, 63	0	—
Israel	0	—	3	1, 14, 20
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	—
Japan	14	2, 5, 7, 9, 10, 15, 16, 18, 19, 21, 27, 29, 42, 50	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	0	—	30	6, 7, 8, 9, 11, 12, 13, 14, 16, 17, 19, 21, 22, 23, 26, 27, 29, 30, 32, 34, 42, 43, 45, 49, 52, 53, 55, 62, 63, 87
Netherlands	29	2, 5, 6, 8, 9, 11, 12, 13, 15, 16, 17, 19, 21, 22, 23, 26, 27, 29, 33, 41, 42, 45, 48, 58, 62, 63, 74, 87, 88	0	—
New Zealand	29	1, 2, 9, 10, 11, 12, 14, 17, 21, 22, 26, 29, 30, 32, 42, 44, 45, 49, 50, 52, 53, 58, 59, 60, 63, 64, 65, 88, 89	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, 42, 43, 49, 50, 53, 58, 59, 63, 81, 87, 88, 96	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

Country	Reports received		Reports still due	
	Number received	Conventions Nos.	Number due	Conventions Nos.
Poland	33	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, 62, 77, 78, 79	0	—
Portugal	9	1, 4, 6, 14, 17, 18, 19, 27, 45	0	—
Sweden	26	2, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 27, 29, 32, 42, 45, 58, 63, 81, 87, 88, 96, 98	0	—
Switzerland	16	2, 5, 6, 11, 14, 18, 19, 26, 27, 29, 44, 45, 62, 63, 81, 89	0	—
Syria	0	—	1	89
Turkey	6	2, 14, 34, 42, 45, 88	0	—
Union of South Africa	6	2, 19, 26, 45, 63, 89	0	—
United Kingdom ...	35	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, 98	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	13	1, 2, 3, 5, 6, 7, 11, 13, 14, 19, 27, 41, 45	4	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	—

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	761	83.9
1951-1952	981	743	75.7	—	—

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

OBSERVATIONS AND REQUESTS FOR SUPPLEMENTARY INFORMATION CONCERNING THE SUBMISSION TO THE COMPETENT AUTHORITIES OF THE CONVENTIONS AND RECOMMENDATIONS ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCE

(Article 19 of the Constitution)

Afghanistan

The Committee thanks the Government for the information supplied; it would be grateful if the Government would indicate whether the Council of Ministers (Sadarat-i-Azma) is the authority which is considered as the competent authority in accordance with Article 19 of the Constitution and, if so, under what provisions of the national Constitution this power is conferred on the Council.

The Committee would also be glad to know whether proposals were made to the Council when the decisions of the Conference were submitted to this body and, if so, what were these proposals.

Argentina

In previous years the Government informed the Committee that the competent organs (*organismos especializados*) were examining the Conventions and Recommendations adopted by the Conference at its 31st, 32nd and 33rd Sessions with a view to submitting these instruments to the competent authorities.

The Committee would be grateful if the Government would forward all the required information on the action it has taken to perform its constitutional obligations regarding the decisions adopted at the three sessions mentioned above and at the 34th Session of the Conference.

Australia

The Committee would be grateful if the Government would communicate as soon as possible all necessary information regarding the action taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference at its 34th Session.

Belgium

The Committee was glad to learn that the Government had just introduced a new procedure which would permit it to communicate to the Chamber of Deputies and the Senate each year the Conventions and Recommendations adopted by the International Labour Conference. The Committee thanks the Government for the information it has already communicated and would be grateful for supplementary information indicating what action it has taken to submit to Parliament the Conventions which it has not yet ratified, and the Recommendations, adopted by the Conference at its 31st and 32nd Sessions.

Bolivia

When communicating information to the Committee in previous years the Government stated that the Conventions and Recommendations had reached the Ministry of Labour and Social Welfare

too late for it to be possible to submit them to the Legislature. The Government added that part of the contents of the Conventions and Recommendations was already contained in Bolivian legislation and that they would be submitted to Congress during the earliest sittings of the next session.

The Committee hopes that the Government will soon be in a position to complete this information and to indicate what action it has taken to submit to Congress all the Conventions and Recommendations adopted by the Conference at its 31st, 32nd, 33rd and 34th Sessions.

Brazil

The Committee thanks the Government for the information communicated on the action taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference at its 34th Session.

The Committee would be glad if the Government would in future state with regard to each Convention and Recommendation what is the authority to be considered as competent and what are the provisions of the national Constitution which determine such competence.

Bulgaria

The only information communicated to the Committee is that Bulgaria has ratified the Employment Service Convention, 1948 (No. 88). The Committee would be grateful if the Government would be so good as to communicate all necessary information on the action taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference at its 31st, 32nd, 33rd and 34th Sessions.

Burma

The Committee would be grateful if the Government, when communicating the required information on the action taken to submit to the competent authorities the instruments adopted by the Conference at its 31st, 32nd and 34th Sessions, would state, in particular, what is the authority which it considers as competent and what are the provisions of the national Constitution which determine such competence.

Canada

The Government of Canada states that, when the Conventions and Recommendations are partly within the competence of the Federal Parliament and partly within that of the Provincial Legislative Assemblies, they are sent to the Lieutenant-Governor of each province.

The Committee thanks the Government for the information supplied; it would also be grateful if the Government would be so good as to state whether the said Conventions and Recommendations have ultimately been submitted to the Provincial Assemblies.

Ceylon

The only information submitted by the Government in previous years refers to some of the Conventions adopted by the Conference at its 31st Session.

The Committee hopes that the Government will soon be in a position to communicate the necessary further information regarding the instruments adopted at the 31st, 32nd, 33rd and 34th Sessions of the Conference.

The Committee would be grateful if the Government, when submitting the information requested, would be so good as to state: (a) what is the authority considered to be competent and which are the provisions of the national Constitution conferring this competence upon it; (b) whether, when the above-mentioned instruments were submitted to the competent authorities, they were accompanied by proposals by the Government and what these proposals were.

Chile

According to the information communicated, the Government is competent to accept the Recommendations and would only require action by Congress "to the extent to which their provisions affected the terms of a Treaty".

The Committee thanks the Government for the information supplied; it considers, however, that this information did not have regard to the intentions of the authors of the Constitution of the International Labour Organisation when they established the machinery of submission to the "competent authorities", since this expression means the authority which has the power to legislate on the questions to which a Recommendation relates.

The Committee would be grateful if the Government would be so good as to state what are the provisions of the national Constitution which define the competent authority. The Committee would also be glad to receive from the Government the necessary further information on the action taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference at its 31st, 32nd, 33rd and 34th Sessions.

The Committee would be glad if this information made it clear whether, when so submitted, the Conventions and Recommendations were accompanied by proposals on the part of the Government and what these proposals were.

China

The Government had stated in previous years that the state of war had prevented it from taking action to perform its constitutional obligations. The Committee could only take note of this statement.

Colombia

The Government had indicated in previous years, as regards the Conventions adopted by the Conference at its 31st Session, that a Bill had been introduced in Congress and that the Government had not been able to submit the Conventions and Recommendations adopted by the Conference at its 32nd and 33rd Sessions owing to circumstances which prevented Congress from sitting.

The Committee hopes that the Government will soon be able to communicate all necessary informa-

tion on the action taken to submit to Congress all the Conventions and Recommendations adopted by the Conference at its 31st, 32nd, 33rd and 34th Sessions.

Costa Rica

The Committee took note of the information communicated by the Government to the effect that the latter had not been in a position, owing to special circumstances, to perform its constitutional obligations.

The Committee hopes that the Government will in the near future be able to submit to the competent authorities all the Conventions and Recommendations adopted by the Conference at its 31st, 32nd, 33rd and 34th Sessions and that it will thus be in a position to communicate all necessary information in this regard.

Cuba

The Government states that in accordance with Article 133 of the Constitution the authority competent to act in a legislative capacity is the Council of Ministers. The Committee thanks the Government for this information.

It would, however, be grateful if the Government would communicate all the necessary information on the action taken to submit to the competent authorities the Conventions which it has not yet ratified, and the Recommendations, adopted by the Conference at its 31st, 32nd, 33rd and 34th Sessions.

Czechoslovakia

The Committee would be grateful if the Government would supplement the information supplied in previous years, by indicating the measures which may have been taken to submit to the competent authorities the Freedom of Association and Protection of the Right to Organise Convention (No. 87), and the Conventions and Recommendations adopted by the Conference at its 33rd and 34th Sessions.

The Committee would also be glad if the Government would state in its next communication—(a) what authority it considers to be the competent authority and in virtue of what provisions of the national Constitution this competence has been conferred; and (b) whether any proposals were made by the Government when submitting the texts in question and, if so, what were these proposals.

Denmark

The Committee thanks the Government for the information supplied on the measures taken to submit to the competent authorities the Conventions adopted by the Conference at its 34th Session.

The Committee would be grateful if the Government would state whether the Recommendations adopted in the course of this session have also been submitted to the competent authorities, and if it would indicate on future occasions, in respect of each Convention and each Recommendation, what authority is considered to be competent by the Government.

Dominican Republic

In the information communicated in previous years, the Government stated that the Secretary of State for Labour was the competent authority. The Committee would be grateful if the Government would indicate in virtue of what provisions of the national Constitution the Secretary of State is considered to be the competent authority, in accordance with Article 19 of the Constitution of the

International Labour Organisation. The Committee would also be glad if the Government would supplement this information and communicate all the required information on the measures it has been able to take to submit to the competent authorities the Conventions and Recommendations adopted by the Conference at its 32nd, 33rd and 34th Sessions.

Egypt

In the information communicated in previous years, the Government stated that it would shortly take the necessary measures for submitting Recommendation No. 88 to the competent authorities.

The Committee hopes that the Government will find it possible to supplement this information in the near future by communicating, in particular, all necessary information with regard to the measures taken by the Government to submit to the competent authorities all the Conventions and Recommendations adopted by the Conference at its 31st, 32nd, 33rd and 34th Sessions.

Ecuador

The Committee thanks the Government for the information supplied on the measures taken to submit to the competent authorities the Conventions adopted by the Conference at its 34th Session. It hopes that the Government will find it possible in the near future to supplement this information with regard to the Recommendations adopted by the Conference at its 31st, 32nd, 33rd and 34th Sessions, and with regard to the Conventions adopted at the 31st Session.

Ethiopia

See General Report.

Finland

The Committee thanks the Government for the information supplied and would be grateful if it would indicate in future whether any proposals were made when the Conventions and Recommendations were submitted to Parliament, and, if so, what were these proposals.

France

The Committee thanks the Government for the information communicated on the measures taken to submit to Parliament the Conventions and Recommendations adopted by the Conference at its 33rd and 34th Sessions.

It hopes that the Government will find it possible, in the near future, to supplement the information already supplied in respect of the texts adopted by the Conference at its 31st and 32nd Sessions, particularly in respect of Conventions Nos. 89, 90 and 93 and Recommendations Nos. 86 and 87.

Greece

The Committee thanks the Government for the information communicated with regard to the measures taken to submit to the legislative authority some of the Conventions adopted by the Conference at its 31st and 32nd Sessions.

It hopes that the Government will find it possible, in the near future, to supplement this information by communicating all the required information with regard to the other Conventions and Recommendations adopted at these sessions, and with regard to the Conventions and Recommendations adopted at the 33rd and 34th Sessions of the Conference.

Guatemala

The Government states that it has not found it possible to submit the Conventions and Recommendations adopted by the Conference at its 31st, 32nd, 33rd and 34th Sessions in view of the fact that it has not yet received the Spanish translation of the authentic texts. The Committee believes that this translation has been forwarded to the Government. It hopes, therefore, that it will be possible for the Government to indicate in the near future whether it has submitted these Conventions and Recommendations to the competent authorities and to supply all the required information in this respect.

Haiti

The only information so far communicated by the Government indicated that the latter was examining whether the provisions of the national legislation were such as to enable it to ratify Convention No. 87.

The Committee would like to recall that all Conventions and Recommendations must be submitted to the competent authorities. It would be grateful if the Government would forward all the required information on the measures which it may have taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference in the course of its 31st, 32nd, 33rd and 34th Sessions, and if it would state what authority is considered as the competent authority and under what provisions of the national Constitution this competence is conferred.

Hungary

See General Report.

Iceland

The Committee thanks the Government for the information supplied; it would, however, be grateful if the Government would indicate whether proposals were laid before Parliament with regard to the Conventions and Recommendations adopted by the Conference at its 34th Session and, if so, what were these proposals.

The Committee would also be glad if the Government would indicate in future the date on which the texts were submitted.

Indonesia

The Government indicated in the information supplied in the previous year that it had taken the required measures for the application of some of the provisions of Recommendation No. 88.

The Committee would be grateful if the Government would forward the required information on the steps which it proposes to take with a view to submitting to the competent authorities this text as well as the Conventions and Recommendations adopted by the Conference at its 34th Session.

Iran

The Committee would be grateful if the Government would communicate the required information on the measures which it may have taken to submit to the Senate and Chamber of Deputies the Conventions and Recommendations adopted by the Conference at its 33rd and 34th Sessions.

The Committee would also be glad if the Government would indicate whether any proposals were made at the time of this submission and, if so, what were these proposals and what decisions have been taken by the competent authorities.

Iraq

The Committee would be grateful if the Government would supplement the information communicated in previous years and would indicate, in particular, what measures, if any, have been taken with a view to submitting to the competent authorities Conventions Nos. 87, 89 and 90, as well as all the Conventions and Recommendations adopted by the Conference at its 32nd, 33rd and 34th Sessions.

Ireland

The Committee thanks the Government for the information communicated; it would, however, be grateful if the Government would indicate in future whether any proposals were made when submitting the decisions of the International Labour Conference to Parliament, and the nature of these proposals.

Israel

The Committee would be grateful if the Government would communicate, as soon as possible, all the required information on the measures taken to submit to Parliament the Conventions and Recommendations adopted by the Conference at its 34th Session.

Italy

It appears from the information communicated by the Government in previous years that it submits to Parliament only those Conventions which it proposes to ratify.

The Committee wishes to emphasise that this procedure is not in conformity with the provisions of Article 19 of the Constitution which lays down that all Conventions and Recommendations adopted by the Conference must be submitted to the competent authorities; the Committee hopes that the Government will find it possible in the near future to supplement the information already supplied and will communicate all the required information on the measures which may have been taken to submit to Parliament Conventions Nos. 87, 91, 92, 93 and 98, as well as the Conventions and Recommendations adopted by the Conference at its 33rd and 34th Sessions.

Lebanon

See General Report.

Liberia

See General Report.

Luxembourg

The Committee would be grateful if the Government would forward as soon as possible all the required information on the measures which it may have taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference at its 33rd and 34th Sessions.

Mexico

The Committee would be grateful if the Government would supplement the information communicated in previous years by supplying all the required information on the measures which may have been taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference at its 32nd Session, as well as the Recommendations adopted at the 33rd and 34th Sessions.

Netherlands

The Committee thanks the Government for the information communicated on the measures taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference at its 34th Session.

It hopes that the Government will shortly find it possible to supplement this information as regards Convention No. 100 and Recommendation No. 90.

New Zealand

The Committee thanks the Government for the information supplied and it would be grateful if the Government would indicate in future whether the submission of decisions of the Conference to Parliament was accompanied by proposals and, if so, what were these proposals.

Pakistan

The Committee thanks the Government for the information communicated on the measures taken to submit to the Constituent Assembly the Conventions and Recommendations adopted by the Conference at its 34th Session. It hopes that the Government will shortly find it possible to supplement this information and to indicate whether Convention No. 88 and Recommendations Nos. 83 and 88 have been submitted to the competent authorities.

Panama

See General Report.

Peru

The Government had indicated in the information supplied in previous years that the decisions adopted by the Conference at its 31st Session would be submitted to the legislative authority in a report drafted by the Ministry of Labour. The Committee hopes that the Government will shortly find it possible to supplement the information already supplied, by furnishing all the required information on the measures which it may have taken to submit to the legislative authority the Conventions and Recommendations adopted by the Conference at its 31st, 32nd, 33rd and 34th Sessions.

Philippines

The Committee would be grateful if the Government would communicate all the required information on the measures taken to submit to the competent authorities the Vocational Training (Adults) Recommendation (No. 88) adopted by the Conference at its 33rd Session.

Poland

See General Report.

Portugal

The Committee noted that, in a letter of 13 December 1950 to the Director-General, the Portuguese Government stated that under the national Constitution the competence in regard to legislative powers lay on both the National Assembly and the Government.

The Committee would be grateful if the Government would indicate the line dividing this competence and would, in future, state with regard to each of the Conventions and Recommendations

adopted by the Conference, what authority is considered to be competent and under what provisions of the national Constitution this competence is conferred.

The Committee would also be glad if the Government would indicate whether any proposals were made at the time of submission and if so what were these proposals and what decisions may have been taken by the competent authorities.

El Salvador

See General Report.

Syria

In the information communicated in previous years, the Government stated that the ratification of Convention No. 87 was not possible for the time being and that Conventions Nos. 88 and 90 had been submitted to the Council of Ministers.

With regard to the first of these points, the Committee wishes to point out that, under Article 19 of the Constitution of the I.L.O., all Conventions and Recommendations must be submitted to the competent authority, and not only those Conventions which the Government intends to ratify.

With regard to the second point, the Committee would be grateful if the Government would indicate in virtue of what provisions of the national Constitution the Council of Ministers is considered to be the competent authority as set out in Article 19 of the Constitution of the International Labour Organisation.

Finally, the Committee hopes that the Government will shortly find it possible to supplement this information by supplying all the required information on the measures which it may have taken to submit to the competent authorities all the Conventions and Recommendations adopted by the Conference at its 32nd, 33rd and 34th Sessions.

Thailand

In the information communicated in previous years the Government stated that the Ministry of the Interior was the competent authority to which the Conventions and Recommendations adopted at the 31st Session of the Conference had been submitted.

The Committee would be grateful if the Government would state in virtue of what provisions of the national Constitution the Ministry of the Interior is considered to be the competent authority as set out in Article 19 of the Constitution of the International Labour Organisation.

The Committee hopes that the Government will shortly find it possible to supplement this information by furnishing all the required information on the measures which may have been taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference at its 32nd, 33rd and 34th Sessions.

Turkey

It appears, from the information supplied by the Government, that the latter submits to the Grand National Assembly only those Conventions which it proposes to ratify. The Committee finds it necessary to point out that all the Conventions and Recommendations adopted by the Conference must, in conformity with the provisions of the Constitution of the International Labour Organisation,

be submitted to the national competent authorities. It hopes that the Government will shortly find it possible to communicate all the required information on the measures which it may take to fulfil its constitutional obligations with regard to all the Conventions and Recommendations adopted by the Conference at its 31st, 32nd, 33rd and 34th Sessions.

United States

The Committee thanks the Government for the detailed information communicated this year and in previous years. It would, however, be grateful if the Government would on future occasions indicate whether the text of the Conventions and Recommendations was ultimately submitted to the legislative bodies of the constituent States.

Uruguay

The Committee thanks the Government for the information communicated on the measures taken to submit to the legislative power all unratified Conventions.

It would be grateful if the Government would supplement this information by stating what measures it intends to take to submit to the competent authorities the Recommendations adopted by the Conference at its 31st, 32nd, 33rd and 34th Sessions.

Venezuela

See General Report.

Yugoslavia

The Government stated that, in virtue of Article 74 of the national Constitution, the Presidium of the National Assembly is the competent authority with regard to the ratification of Conventions and that Recommendations must be submitted to the Government of the Republic.

The Committee would be grateful if the Government would indicate, in accordance with Article 19 of the Constitution of the International Labour Organisation, whether the Presidium of the National Assembly and the Government are the authorities as regards Conventions and Recommendations respectively "within whose competence the matter lies for the enactment of legislation or other action".

COMMUNICATION TO THE REPRESENTATIVE ORGANISATIONS

(Article 23, paragraph 2, of the Constitution)

The Committee would be grateful if the Governments of the States Members mentioned below would indicate in the information to be forwarded to the Director-General of the International Labour Office whether, in conformity with Article 23, paragraph 2, of the Constitution of the International Labour Organisation, this information has been communicated to the representative employers' and workers' organisations:

Afghanistan, Argentina, Belgium, Bolivia, Bulgaria, Burma, Ceylon, Chile, China, Colombia, Cuba, Czechoslovakia, the Dominican Republic, Ecuador, Egypt, Finland, Greece, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Italy, Luxembourg, Mexico, the Netherlands, New Zealand, Peru, the Philippines, Syria, Thailand and Uruguay.

APPENDIX V

GENERAL REMARKS CONCERNING REPORTS ON UNRATIFIED CONVENTIONS AND ON RECOMMENDATIONS

(Article 19 of the Constitution)

RIGHT OF ASSOCIATION (NON-METROPOLITAN TERRITORIES) CONVENTION, 1947 (No. 84)

Introduction

The Right of Association (Non-Metropolitan Territories) Convention (No. 84) was adopted in Geneva in 1947 at the 30th Session of the International Labour Conference.

Some of the provisions contained in the Convention had already been included, in virtually the same form, in texts previously adopted by the Conference and, in particular, in Section 13, Articles 43 and 44, of the Social Policy in Dependent Territories Recommendation, 1944 (No. 70), and in Section 7, Article 19, of the Social Policy in Dependent Territories (Supplementary Provisions) Recommendation, 1945 (No. 74).

It appears that, in adopting this Convention, the Conference wished to take into account the evolution noted in the majority of the non-metropolitan territories.

Further, it is of interest to note that, during the same session at which this Convention was adopted, the Conference had before it, for a first discussion, a proposed Convention on an identical subject which was to become the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

The objective of Convention No. 84 is to establish the right of association for employers and workers in non-metropolitan territories and, in the case of labour disputes, to provide for the participation of the local representative organisations in the procedures of conciliation and settlement.

The Convention will enter into force on 1 July 1953 and has been ratified by two States Members responsible for the international relations of non-metropolitan territories: New Zealand and the United Kingdom.¹

In accordance with Articles 8 and 9 of the Convention, these two Governments have communicated to the Director-General of the International Labour Office declarations indicating the extent to which the provisions of the Convention would be applicable to their non-metropolitan territories. The declaration of the New Zealand Government states that the Convention is applicable without modification to the Cook Islands, that it is inapplicable to the Tokelau Islands because of local conditions and that the Government reserves its position in respect of Western Samoa. The declaration of the United Kingdom Government states that the Convention is applicable without modification to all the non-metropolitan territories for whose relations the Government is responsible, with the exception of Brunei, the Gilbert and Ellice Islands and the Solomon Islands in regard to which decision was

reserved; no declaration relating to British Somaliland was communicated.¹

In addition, Italy, while not having ratified Convention No. 84, has communicated to the Director-General of the International Labour Office a statement accepting the provisions of the Convention in the name of the Territory of Somaliland under Italian Trusteeship.

It is likewise of interest to note that the Netherlands Government has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and has declared this Convention applicable to all the non-metropolitan territories for whose international relationships it is responsible.

*Reports Received*²

Reports have been received from the five following States Members responsible for the international relations of non-metropolitan territories: Australia, in respect of all Australian non-metropolitan territories; Belgium, in respect of all Belgian non-metropolitan territories; Denmark, without reference to non-metropolitan territories by name; France, in respect of all French non-metropolitan territories except Morocco and Tunisia; the Union of South Africa, in respect of South-West Africa.

In addition, 23 States Members without responsibilities in respect of non-metropolitan territories have communicated brief reports to the International Labour Office indicating that the provisions of the Convention do not relate to them (Austria, Bolivia, Burma, Canada, Ceylon, Chile, Cuba, Finland, the Federal Republic of Germany, Greece, Guatemala, Iceland, India, Ireland, Israel, Japan, Norway, Sweden, Switzerland, Turkey, Uruguay, Viet-Nam, Yugoslavia).

Content of Reports

Some Governments—Australia (for Nauru, New Guinea and Papua), Belgium and France—have submitted adequately detailed reports on the manner in which effect is given to the provisions of the Convention. Other Governments have limited their reports to indicating either that the Convention was being given detailed consideration (Denmark) or that the population was for the most part self-

¹ As regards the Channel Islands and the Isle of Man, which were considered to be an integral part of the national territory of the United Kingdom when this Convention was ratified, it should be noted that the Convention (No. 87) concerning freedom of association and protection of the right to organise, 1948, ratified by the United Kingdom on 27 June 1949, as well as the Convention (No. 98) concerning the application of the principles of the right to organise and to bargain collectively, 1949, ratified by the United Kingdom on 30 June 1950, are applicable *de jure* to these islands.

² These reports were due from States which have not ratified the Convention.

¹ In conformity with Article 22 of the Constitution of the I.L.O., Governments will be required, when the Convention has entered into force, to supply each year reports on the measures taken to give effect to the Convention.

employed and that the problem of employer-worker relationships therefore did not arise (Australia for Norfolk Island) or that, in the territory concerned, employers' and workers' organisations did not exist and that therefore "no special legislation was necessary" (the Union of South Africa).

Extent to which Effect has been given to the Convention

Below is summarised the content of the reports in respect of the various provisions of the Convention.

Article 2.

This Article provides that the rights of employers and employed to associate for all lawful purposes shall be guaranteed.

Three reports (Australia, Belgium, France) state either that there is no legislation which would invalidate the right to associate freely or that this right is formally guaranteed. In the Nauru Islands, New Guinea and Papua, for whose international relations Australia is responsible, no legal provisions preclude the establishment of employers' and workers' organisations.

In the Belgian Congo and Ruanda-Urundi freedom of association is accepted in principle and as a matter of right, but the establishment of employers' and workers' organisations requires the authorisation of the District Commissioner, who may withhold authorisation if the organisation is of a kind likely to retard the progress of civilisation or to disturb public peace and order.

In the non-metropolitan territories for whose international relations France is responsible, freedom of association is as ample as in France, since the relevant metropolitan legislation has been made applicable to these territories.

Article 3.

The right to conclude collective agreements, as provided for in this Article, is recognised according to Belgian and French reports in all the non-metropolitan territories for whose international relations these countries are responsible. The report of the Government of Australia does not indicate the extent to which effect has been given to the provisions of this Article.

Article 4.

This Article provides that employers' and workers' organisations should be consulted on all questions relating to the protection of workers and the application of labour legislation. Two reports (Belgium, France) indicate that special Committees have been established for this purpose.

Article 5.

This Article stipulates that all procedures for the investigation of disputes between employers and workers shall be as simple and expeditious as possible. Only one report (Belgium) supplies detailed information on the working of these procedures. It would appear from two other reports (Australia, France) that the procedures employed are in conformity with this provision.

Article 6.

This Article provides for the establishment of conciliation machinery with which employers' and workers' organisations should be associated, and that public officers, wherever practicable officers specially assigned to such duties, should investigate disputes and endeavour to secure their fair settlement.

In a general way, the three reports under consideration show that effect has been given to these provisions. Two reports only, however (Belgium, France), state that the organisations concerned are associated in the work of the conciliation machinery. Likewise, only two reports (Australia, France), specify that the public officers performing conciliation functions are to some extent specially assigned to such duties.

Article 7.

This Article provides for the creation of machinery to settle disputes between employers and workers, in which representatives of employers and workers, or of their organisations, should be associated in equal numbers and on equal terms.

Two reports (Belgium, France), indicate that effect has been given to this provision and that employers' and workers' organisations are associated, in equal numbers and on equal terms, with the work of the Committees responsible for the settlement of labour disputes.

* * *

The three reports analysed above (Australia, Belgium, France) specify the competent authorities which supervise the application of legislative or administrative provisions in this field and two reports (Belgium, France), describe the manner in which employers' and workers' organisations may collaborate in such application.

No Government has indicated the extent to which it proposes to amend existing legislation so as to give effect to the Convention. The report of the Government of France, however, mentions that the coming into effect of a new Labour Code, recently adopted by the Legislature, will unify existing legislation for all French non-metropolitan territories.

It is stated in three reports either that ratification of the Convention is envisaged (Chile, Denmark) or that the ratification procedure has already been initiated (France). One report only (the Union of South Africa) states specific reasons for not envisaging ratification of the Convention; the reason stated is that cited above, namely, the complete absence of employers' and workers' organisations. The Australian report indicates, on the other hand, that the interests of the indigenous inhabitants are better served by Administration supervision.

Conclusion

The Committee has noted with satisfaction that—taking into account the ratifications and declarations of acceptance mentioned above—in the majority of non-metropolitan territories for whose international relations States Members of the I.L.O. are responsible, effect has been given to the provisions of the Right of Association (Non-Metropolitan Territories) Convention (No. 84), provisions which, in the opinion of a delegate at the 30th Session of the International Labour Conference, "provide workable machinery for the encouragement of collective bargaining and the settlement of labour disputes by methods of voluntary conciliation".

Nevertheless, the Committee notes that the degree to which the Convention has been given effect varies considerably between territories at apparently similar stages of development and with apparently similar social conditions. The Committee therefore hopes that the experience of the States Members which have endeavoured to give effect, despite local difficulties, to the provisions of the Convention in the widely varying circumstances of the non-metropolitan territories may be of utility to other States Members which have not yet found it possible to give effect to the Convention, thus facilitating a larger number of ratifications.

FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE CONVENTION, 1948 (No. 87)

Introduction

The Freedom of Association and Protection of the Right to Organise Convention (No. 87), which was adopted in 1948 by the International Labour Conference following a resolution of the Economic

and Social Council referring the question of freedom of occupational association to the I.L.O., marks a decisive stage in the programme of international social legislation. The principle of freedom of association is fundamental to the International Labour Organisation, as indicated in the preamble to the Constitution. The Organisation has concerned itself actively with this problem since 1920, although its efforts to obtain a Convention dealing with freedom of association twice proved unsuccessful during the inter-war period. The continued interest of the Conference and the various bodies of the I.L.O. in this question was emphasised in the post-war period by the Declaration of Philadelphia and a number of resolutions; thus the procedure put in movement in 1947 by the memoranda of the World Federation of Trade Unions and the American Federation of Labor through the medium of the United Nations rapidly resulted in the adoption of the Convention concerning freedom of association and protection of the right to organise and other texts dealing with industrial relations.

Moreover, the importance of the question of freedom of association led the I.L.O., acting both in its own name and in that of the United Nations, to establish a special procedure to safeguard trade union rights. Thus, the Governing Body decided at its 110th Session (Mysore, January 1950), to set up a Fact-Finding and Conciliation Commission on Freedom of Association, which decision was approved by the Conference at its 33rd Session and received the adherence of the United Nations. In November 1951 the Governing Body modified the procedure of the preliminary examination of complaints concerning infringements of trade union rights. In order to improve this procedure, the Governing Body established a committee of nine of its members to undertake the duty of preliminary examination of complaints. Up to the 121st Session of the Governing Body (February-March 1953), this committee had submitted to the Governing Body six reports on complaints of which it had been informed.

In its reports, the Committee on Freedom of Association has examined various aspects of the situation existing in such or such a country in respect of freedom of association. When carrying out this examination, the Committee acted within its terms of reference and in this respect stated in its first report, approved by the Governing Body on 13 March 1952, that "its function is not to formulate general conclusions concerning the position of trade unions in particular countries on the basis of vague general statements but to evaluate specific allegations".

The Committee of Experts, however, necessarily proceeds on a different basis. Its conclusions are based on the information contained in the reports furnished by various States Members on the general situation existing in their countries in the field covered by the Convention concerning freedom of association and protection of the right to organise.

The object of this Convention is to define as concisely as possible the principles governing freedom of association, whilst refraining from prescribing any code or model regulations. It should be borne in mind, however, that this Convention is only one of several adopted in the field of industrial relations, such as the Convention concerning the right to organise and collective bargaining, 1949 (No. 98).

The Freedom of Association and Protection of the Right to Organise Convention, which came into force on 4 July 1950, has been ratified by 14 States, namely, Austria, Belgium, Cuba, Denmark, Finland, France, Guatemala, Iceland, Mexico, the Netherlands, Norway, Pakistan, Sweden and the United Kingdom. The Governments of these countries are required to submit reports under Article 22 of the Constitution of the I.L.O., and observations arising therefrom are dealt with in Appendix I to this Report. The ratifications by

Cuba and Guatemala were registered after the date on which reports were requested from States Members in virtue of Article 19 of the Constitution.

Reports Received¹

Reports under Article 19 were received from 23 States: Argentina, Australia², Bolivia, Burma, Canada, Ceylon, Chile, Cuba, the Dominican Republic, the Federal Republic of Germany, Greece, Guatemala, Ireland, Israel, Italy, Japan, New Zealand, Switzerland, Turkey, the Union of South Africa, Uruguay, Viet-Nam and Yugoslavia. In addition, the Government of El Salvador forwarded a communication respecting a statement made by its delegation at the 35th Session of the Conference.

Content of the Reports

Although all the reports received show that freedom of association is guaranteed in varying degrees under national law and/or practice, few of these reports enter into details as to the practical application of the provisions concerning this right. Thus a certain number of Governments communicated reports which were largely limited to the declaration that freedom of association was guaranteed by legislation (Argentina, Cuba, the Federal Republic of Germany), or practice (Bolivia, Israel). A communication from the Government of Salvador indicates that the national legislation guarantees the right of employers and workers to associate.

Other Governments supply more detailed reports (the Dominican Republic, Italy, Turkey, Yugoslavia), but only seven Governments (Australia, Burma, Canada, Ceylon, Chile, Japan, New Zealand) furnish reports giving information, either positive or negative, on all or most of the points of the Convention. The remaining reports contain information relating to certain aspects only of the Convention (Greece, Guatemala, Ireland, Switzerland, the Union of South Africa, Uruguay).

Effect given to the Convention

Apart from the more detailed analysis given below, it should be borne in mind that six Governments indicate that the provisions of the Convention are fully applied (Argentina, Cuba, the Dominican Republic, the Federal Republic of Germany, Japan, New Zealand); one Government states that there is compliance in practice (Israel) and one indicates that most of the Articles of the Convention are applied in practice (Bolivia). More detailed information on the various points of the Convention will be found below.

Article 2.

This Article lays down that workers and employers shall be entitled to establish and join organisations. It also provides (a) that this right shall belong to workers and employers without distinction, (b) that they may join organisations of their own choosing, and (c) that they may do so without previous authorisation. Conformity with these three qualifications may be considered as essential if freedom of association as laid down in the Convention is to be fully effective.

All the reports state that the principle of freedom of association is respected. In the majority of cases no restrictions are placed on this right. It should be noted that only one Government states specifically that workers and employers without

¹ These reports were due from States which have not ratified the Convention.

² Report received too late to be summarised in Report III (Part II).

distinction may join organisations (Canada); two other reports show that all citizens enjoy this right (the Federal Republic of Germany, Switzerland). However, in some countries the law excludes or limits the right of association of Government employees (Ceylon, New Zealand, Switzerland, the Union of South Africa), indigenous persons (the Union of South Africa), certain categories of employers (Yugoslavia), public services, guards, married women not having their husbands' authorisation (certain Canadian provinces), specified persons (Chile), and persons employed in intellectual or agricultural occupations (Turkey). It is understood that in the above States where certain categories of persons are excluded from the right of association these groups do not benefit from any of the other provisions of the Convention.

Four reports show that the right of employers and workers to join organisations of their own choosing is recognised (Australia, Canada, Ceylon, Japan).

Conformity with the clause of this Article which provides that no previous authorisation is needed with regard to the right of association is specifically indicated in the reports of six Governments (Argentina, Australia, Canada, Cuba, Greece, Japan); one report shows that such authorisation is necessary (the Union of South Africa). The Government of one country states that although organisations may be constituted by workers and employers there is not conformity between the national legislation and this Article (Chile).

Article 3.

Paragraph 1. This paragraph provides that workers' and employers' organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.

Six Governments indicate that the organisations in question have this right (Australia, Canada, Ceylon, Japan, New Zealand, Yugoslavia). The majority of the remaining reports indicate that organisations may freely draw up their constitutions (Argentina, Burma, the Dominican Republic, Greece, Guatemala, Switzerland). It should be noted that the legislation of a number of States lays a certain restriction on this right by stipulating the basic provisions to be included in constitutions; similarly, in cases where it is specified that associations may freely organise their activities, the legislation nevertheless frequently provides for the supervision of the funds of organisations.

Paragraph 2. This paragraph provides that public authorities shall refrain from any interference which would restrict the right referred to in paragraph 1 or impede the lawful exercise thereof. Only a small number of reports indicate that the public authorities refrain from interference which would restrict this right (Australia, Ceylon, Israel, Japan, New Zealand).

Article 4.

This Article lays down that workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority. A number of the reports submitted contain references to this Article which is an essential part of the system of freedom of association contemplated by the Convention (Argentina, Guatemala, Ireland, Israel, Italy, the Union of South Africa, Uruguay, Viet-Nam, Yugoslavia). A considerable number of reports show that effect is given to this Article (e.g. Australia, Ceylon, the Dominican Republic, the Federal Republic of Germany, Greece, Japan, Turkey); some of these reports show that registration may be cancelled by administrative authority but that this does not involve dissolution. The legislation existing in one country, by which organisa-

tions could be suspended by the administrative authorities, is stated to have lapsed (Bolivia); one report shows that company unions may be dissolved (certain Canadian provinces); one Government states in certain cases the police may suspend an association (Switzerland) and one report states that associations other than agricultural associations may be dissolved or suspended (Chile).

Article 5.

This Article provides that workers' and employers' organisations shall have the right to establish and join federations and confederations and that any such organisation, federation or confederation shall have the right to affiliate with international organisations of workers and employers. It is stated in the reports from 11 countries that effect is given to the provisions by which organisations may establish or join federations (Australia, Burma, Canada, Ceylon, Cuba, the Dominican Republic, Israel, Italy, New Zealand, Turkey, Yugoslavia); in one case it is stated that there is conformity in practice (Bolivia), one report indicates that federations may be formed subject to certain conditions (Chile), and one Government indicates that only recognised trade unions may join or establish federations (Argentina).

The reports of seven States (Canada, Ceylon, Ireland, Israel, Japan, New Zealand, Yugoslavia) indicate that affiliation with international organisations is permitted; one report (Turkey) shows that authorisation must be obtained prior to such affiliation.

Article 6.

It is laid down in this Article that the provisions of Articles 2, 3 and 4 shall apply to federations and confederations of workers' and employers' organisations. The reports communicated by four States show that the provisions of these Articles apply to federations and confederations (Australia, Canada, the Dominican Republic, Japan); one indicates that there is conformity in practice (Bolivia); two show that effect is given to this provision with regard to Article 2 (Ireland) and Article 4 (Cuba), and one indicates that the legislation is not in conformity with Article 6 (Chile). The information in some other reports is not clear on this point. In one case where the Government indicates that Articles 2, 3 and 4 apply to federations and confederations, the report gives no information as to the effect given as a whole to Article 3 in respect of employers' and workers' organisations (the Dominican Republic).

Article 7.

This Article provides that the acquisition of legal personality by workers' and employers' organisations shall not be made subject to conditions of such a character as to restrict the application of the provisions of Articles 2, 3 and 4. It is difficult to estimate the effect given to this Article both because of the complex nature of the problem involved and of the lack of information available in the reports communicated. Yet it seems certain that non-conformity with this provision of the Convention can nullify the advantages conferred by conformity with Articles 2, 3 and 4.

Only two reports show clearly full conformity with this Article (Canada, Japan), and one indicates that the legal recognition of associations does not affect freedom of association as guaranteed by the law (Chile). In the case of three other States, conformity may be assumed since the registration or cancellation of registration does not affect the legal personality as such (Australia, Italy, New Zealand); but where registration is an essential condition to the acquiring of legal personality, and where registration is subject to certain stipulations (the Dominican Republic), these stipulations might be such as to restrict the application of Articles 2, 3 and 4. In

one country, the recognition of trade unions is subject to the fulfilment of important and detailed conditions (Argentina).

Article 8.

This Article lays down in its first paragraph that in exercising the rights provided for in this Convention, workers and employers and their respective organisations, like other persons or organised collectivities, shall respect the law of the land which according to the second paragraph shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Convention. The reports supplied by eight States show that the law must be respected by associations (Argentina, Australia, Burma, Chile, the Dominican Republic, the Federal Republic of Germany, Japan, New Zealand) but only a very small number of States indicate that effect is given to paragraph 2 of this Article (Canada, Japan), or that the rights of organisations must be respected and protected (Argentina).

Article 9.

Only a small number of reports supply information showing whether national laws and regulations establish the extent to which the Convention is applied to the armed forces and the police. One Government states that the question is being examined (Burma), another indicates that the application of the Convention to the armed forces and police is incompatible with the nature of these bodies (the Dominican Republic), and another that the country has no armed forces and that the police are excluded from trade union law (Japan). Two Governments state that their respective armed forces do not have the right of association but that the police enjoy this right to a limited extent (Australia, New Zealand). One Government states that there are no such legislative provisions but that the police and armed forces are covered by the provisions relating to civil servants (Canada).

Article 11.

This Article provides that States should undertake to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise.

Only seven reports contain information relating to protection of the right to organise. Of these, five reports show conformity with this Article (Australia, Canada, Guatemala, Japan, New Zealand) and two indicate that measures are taken to protect workers from dismissal by reason of their activities in organisations (Bolivia, Uruguay).

* * *

In reply to the question in the report form as to whether any modifications have been made in the legislation or practice with a view to giving effect to the provisions of the Convention, a large number of reports indicate that no modifications have been made (Argentina, Australia, Ceylon, Chile, the Federal Republic of Germany, Greece, Guatemala, Ireland, Japan, New Zealand, Switzerland, Turkey, the Union of South Africa); one report shows that the national law was amended in 1951 (the Dominican Republic).

In reply to the question as to whether measures are being considered, or have already been taken, with a view to giving effect to the provisions of the Convention some reports indicate that this is the case (Bolivia, Chile, Guatemala, Ireland, Israel, Italy, Turkey, Uruguay, Viet-Nam); account should also be taken of the fact that, as indicated above, six Governments state that the provisions of the Convention are fully applied (Argentina, Cuba, the Dominican Republic, the Federal Republic of Germany, Japan, New Zealand) and that two States indicate that effect is given in practice to

the whole Convention (Israel) or to most of its provisions (Bolivia).

Four reports indicate that ratification is being considered (Argentina, Bolivia, the Dominican Republic, Japan); and one report states that ratification has already been proposed to Parliament (Greece). As stated above, two of the reporting States ratified the Convention in the course of 1952 (Cuba, Guatemala).

A certain number of reports show why the ratification of the Convention has been delayed or prevented. Thus, one Government states that there is not full conformity between the national legislation and the Convention (Ceylon), others that there are discrepancies under Article 2 (Turkey), Articles 3 and 4 (Burma), Articles 2, 4, 5 and 6 (Chile); one Government states that employers do not have the right to associate (Yugoslavia) and another that a Bill to amend the law on this subject has not yet been passed (Italy). One Government (Switzerland) indicates that, before a decision is taken with regard to the ratification of the Convention, a certain number of points relating to Articles 2 and 4 of the Convention would have to be elucidated, together with other matters not expressly provided for in the Convention.

Some reports state that action is delayed or prevented because of the coming revision of legislation (Ireland, Israel), of constitutional reasons (Canada), the desire to have the operation of the Convention more clearly established by experience and precedent (New Zealand), local conditions (Viet-Nam), or the backward condition of certain population groups (the Union of South Africa).

Some of the reports communicated are from federal States. Three Governments state that freedom of association and protection of the right to organise are considered as appropriate for federal action (Argentina, Burma, the Federal Republic of Germany), one indicates that the question comes within the jurisdiction of the provincial legislatures (Canada), and one states that the Convention falls within the spheres of both the Commonwealth and the States (Australia). The information supplied in the remaining reports is not clear as to the competence of the federal and constituent authorities respectively. Thus, one report shows that the right of workers to associate is guaranteed in both the federal constitution and those of the constituent States (Yugoslavia); another indicates merely that the cantonal legislation prescribes the measures necessary to prevent infractions (Switzerland). It is noted that only one federal Government supplies detailed information on the situation in the various provinces with regard to the provisions of the Convention (Canada).

Conclusion

The Committee was glad to note that at least the principle of freedom of association is recognised in all the countries which have submitted reports. However, it finds it necessary to point out that although the various clauses of the Convention were inserted with a view to ensuring that full effect was given to the basic principle, the lack of information in many of the reports communicated makes it impossible for the Committee to form a clear picture of the position in the different countries with regard to freedom of association and protection of the right to organise as provided in the Convention. Many Governments seem to consider that the only Article of importance in the Convention is Article 2; whereas in fact the various other Articles form an essential part of the scheme contemplated by the Convention. Thus, 23 States supply information under Article 2 but only 14 indicate whether effect is given to Article 4 which relates to the dissolution or suspension of organisations, only eight States refer to Article 7 which relates to the acquisition of

legal personality, and only nine supply information on Article 11 which provides that measures shall be taken to ensure that workers and employers may exercise freely their right to organise. Even in respect of the 23 States having furnished replies on the general principle set out in Article 2, only one Government shows how far effect is given to the three important clauses prescribed in this Article (right of workers and employers to establish and join organisations—(a) without distinction whatsoever; (b) of their own choosing; (c) without previous authorisation).

However, the Committee noted with satisfaction that a sizeable proportion of the countries having submitted reports were considering the adoption or modification of legislation relating to freedom of association and protection of the right to organise, and that only one Government suggests that it is impracticable to give effect to those provisions of the Convention not yet covered by national legislation. It would appear, however, that only a very small number of Governments consider the text of the Convention to be such that full conformity therewith cannot be attained.

MIGRATION FOR EMPLOYMENT CONVENTION (REVISED), 1949 (No. 97)

Introduction

This Convention, which revises a previous instrument adopted in 1939, owes its existence to the I.L.O.'s basic interest in the social protection of workers employed away from home and to the increased importance which migration has assumed since the end of the last war. It was recognised that in dealing with migration problems account must be taken not only of the best interests of the States concerned but also of the welfare of the persons who leave their country in search of a better, more secure, livelihood.

The present text, which concerns emigration and immigration countries alike, was adopted by the Conference in 1949 following thorough preliminary discussions by the Permanent Migration Committee and represents a new departure in drafting international labour Conventions. It contains, in addition to general provisions which are binding on all ratifying Members, three optional Annexes which may be excluded from ratification by a simple declaration. It was thought that this method would add greatly to the flexibility of the instrument and would therefore promote its acceptance by a wider circle of countries.

The general provisions of the Convention contain a charter of the basic rights of migrants for employment: they are entitled to full and free information, to assistance (including medical attention) during their departure, journey and arrival, to equality of treatment in the country of immigration as regards conditions of work, social security, taxation and legal proceedings, to free employment and migration services, to protection in case of disablement and finally to the transfer of a part of their savings or earnings. The first two Annexes deal with recruitment, placing and conditions of labour of migrants for employment recruited either under Government sponsored arrangements for group transfer or otherwise; the third Annex relates to the importation of the personal effects, tools and equipment of migrants for employment.

The Convention has so far been ratified by six States Members: Cuba, Guatemala, Italy, the Netherlands, New Zealand and the United Kingdom. The Governments of those countries are required to submit reports under Article 22 of the Constitution of the I.L.O. The Convention came into force on 22 January 1952.

*Reports Received*¹

The following 31 countries have submitted reports on the Convention in accordance with Article 19 of the Constitution: Argentina, Australia², Austria, Belgium, Bolivia, Burma, Canada, Ceylon, Chile, Cuba³, Denmark, Finland, France, the Federal Republic of Germany, Greece, Guatemala³, Iceland, India, Ireland, Israel, Italy³, Japan, Norway, Pakistan, Sweden, Switzerland, Turkey, the Union of South Africa, Uruguay, Viet-Nam and Yugoslavia.

Contents of Reports

There is great diversity in the amount of detail given. Very full reports were received from Argentina, Australia, Belgium, Bolivia, Canada, Denmark, France, the Federal Republic of Germany, India, Italy, Norway and Switzerland. Some replies (Austria, Ceylon, the Union of South Africa) confine themselves to stating the difficulties which prevent the ratification of the Convention. Other countries (Burma, Finland, Ireland, Turkey) provide only scanty information and imply that the Convention is of little practical importance to them.

Effect Given to the Convention

As in the case of other Conventions, the analysis which follows is based exclusively on data given in the various reports and attention is focused on cases where the provisions of the Convention are implemented or where existing discrepancies are such as not to prevent full effect being given in due course to its requirements.

In the review below the general provisions of the Convention are grouped under six major headings (information and assistance, travel services, equality of treatment, international co-operation, return of disabled immigrants and transfer of funds) followed by a brief survey of the effect given to the Annexes.

Articles 1-3. (Provision of accurate information and of free assistance.)

The reports of France, the Federal Republic of Germany, Italy and Norway state that information on migration policies and legislation is already regularly supplied to the International Labour Office, in accordance with Article 1. These countries, as well as Argentina, Australia, Belgium, Canada, Denmark, Greece, India, Pakistan, Sweden, Switzerland and Viet-Nam, state that they give free assistance to migrants for employment and provide them with accurate information. The Belgian report includes a special reference to joint arrangements made for this purpose by the Brussels Treaty Powers. Several reports (Denmark, India, Pakistan, Switzerland, Viet-Nam) specify that this aid is only given to emigrants. Mention is also made in all the above reports (except those of Argentina, Greece and Norway) of the steps taken against misleading propaganda relating to migration. Prospective immigrants to the Union of South Africa are supplied with information by that country's overseas representatives.

Articles 4 and 5. (Facilities, including medical services, to cover the departure, journey and reception of migrants for employment.)

Facilities for emigrants and/or immigrants, as the case may be, are provided by Argentina, Australia, Canada, France, the Federal Republic of Germany, Greece, India, Israel, Italy, Pakistan, Switzerland (only for emigrants) and Viet-Nam.

¹ These reports were due from States which have not ratified the Convention.

² Report received too late to be summarised in Report III (Part II).

³ Has ratified the Convention since submitting its report.

Belgium, Norway and Sweden provide adequate facilities for migrants (Article 4) and state that they are prepared to institute the medical services (specified in Article 5) for their benefit. Denmark has taken the measures described in Article 4, only as regards emigrants.

Article 6. (Equality of treatment for immigrant workers.)

Argentina, Australia, Belgium, Bolivia, Canada, Chile (with some exceptions), Denmark, France, the Federal Republic of Germany, Iceland, Israel, Norway, Sweden, Switzerland and Viet-Nam, place immigrants regularly admitted as migrants for employment on the same footing as nationals in respect of conditions of work, trade union rights, accommodation, employment taxes and legal proceedings (paragraph 1 (a), (c) and (d)).

The above-mentioned countries also indicate that immigrants enjoy equal treatment as regards social security (paragraph 1 (b)) with these reservations : in Australia, where social security benefits are paid out of public funds, migrants are accorded the same treatment as nationals in the case of short-term contingencies, but old-age, invalidity and widows' pensions are not paid to aliens ; in Canada, full equality exists for all benefits regulated by federal law (old age, unemployment, family allowances and pensions for blind persons) and for most of those regulated by the provinces ; Denmark states that many social security benefits are reserved to nationals ; Iceland grants social security benefits to immigrants only in virtue of bilateral agreements ; in Norway foreign workers do not receive old-age benefits, family allowances or aid to the blind and crippled ; in Sweden certain social security benefits (old-age pensions, widows' and maternity and children's allowances) are extended to foreigners only on the basis of reciprocity. Switzerland, which excludes immigrants from old-age and survivors' insurance and from family allowances, has, however, provided coverage for some by means of social security conventions concluded with several countries. Foreign specialists employed in Yugoslavia enjoy full social security coverage.

Articles 7 and 10. (International co-operation on migration for employment.)

Australia, Belgium, Canada, Denmark, France, the Federal Republic of Germany, India, Italy, Norway and Sweden state that they collaborate or are prepared to collaborate with other countries for the purpose of organising and facilitating migration for employment. Argentina and Switzerland mention co-operation at the level of the employment service (Article 7), while Greece refers to bilateral migration agreements.

Article 8. (Return of disabled immigrants.)

Unemployment or invalidity due to sickness contracted or injuries sustained by immigrants admitted on a permanent basis are not considered grounds for obliging the worker to return in Australia, Belgium, Canada, France, the Federal Republic of Germany and Israel. In Iceland and Norway such return may be regulated by bilateral agreements. Ceylon, Denmark and Switzerland specifically state, on the other hand, that this provision of the Convention is not applied.

Article 9. (Transfer of funds.)

The transfer of migrants' earnings and savings, within specified limits, is permitted by Australia, Bolivia, Canada, France, the Federal Republic of Germany, Iceland, India, Israel (temporary immigrants only), Italy, Norway and Switzerland. Argentina has concluded bilateral agreements on this subject with Italy and Spain and Belgium has entered into a similar accord with Italy.

Annexes I and II. (Recruitment of migrants for employment.)

Only a few reports contain information on the effect given to these Annexes. Australian practice

is in conformity with both, except as regards Article 3 of Annex I (recruitment by private employers and agencies is not supervised in detail) and Article 9 of Annex II (the return passage of a migrant who fails through no fault of his own to find suitable employment is not reimbursed). France states that Annex I is given effect to but that Annex II (Government-sponsored arrangements for group transfer) cannot be accepted because of its provisions as regards the possible return of a migrant worker to the area of recruitment (Articles 10 and 11). The Federal Republic of Germany could give effect to Annex II but does not yet comply fully with Article 5 of Annex I (delivery of the contract of work to a foreign worker before his departure). Norway indicates that both Annexes could be applied. Bolivia already gives effect, on the whole, to Annex I and will take Annex II into account when occasion arises. Canada and Switzerland consider these provisions to be of little immediate concern to them.

Annex III. (Importation of essential belongings of migrants for employment.)

Canada, France, the Federal Republic of Germany, Israel, Norway and Switzerland state that migrants are authorised to bring their personal belongings, tools and equipment into the country free of duty. The Australian report states that by-laws have been issued to give effect to this Annex.

* * *

Application of the legislative and practical measures in the field of migration is entrusted to a variety of governmental organs, ranging from the Ministry of Labour, often in collaboration with the Foreign Affairs and other Ministries, to special agencies set up for this purpose and enjoying in some cases a certain degree of autonomy. Many reports stress the fact that employers' and workers' organisations co-operate with the competent governmental authorities in their efforts to facilitate and regulate migration for employment.

Conclusion

The relatively large number of reports submitted and the wide range of data they contain make it possible to strike a tentative balance of the results so far achieved in giving effect to the Convention. The validity of these conclusions would, of course, have been further enhanced had more replies been received from States Members which consider overseas immigration to be an important factor in their economic development.

As regards formal acceptance of the Convention, it was already noted above that three of the reporting States (Cuba, Guatemala and Italy) have in the meantime communicated their ratification to the International Labour Office. The Governments of four further countries (Belgium, France, Greece, Uruguay) have requested their legislatures to approve its ratification. The reports of the Federal Republic of Germany and of Israel state that there appear to be no major obstacles in the way of ratification, while Argentina explains that the delay in ratifying is due to reasons of an organisational nature. Japan is studying the possibility of taking measures "in the spirit of the Convention". Both Norway and Sweden stress their willingness to implement those provisions of the Convention which are not yet given full effect to, if necessary by stages. Bolivia signifies a similar intention, but only as regards the provisions which are "appropriate to the mentality and to the need of the Bolivian people". Finally the Canadian report refers to a practical problem regarding certain residence requirements in the existing welfare legislation and indicates that a solution is being sought through a joint federal-provincial plan for financing the necessary services. Since, however,

the relevant matters are regulated by the provinces and are therefore outside the scope of Article 6, paragraph 1 of the Convention (in accordance with paragraph 2 of this Article), the problem in question would not appear to involve a discrepancy with the terms of the Convention. It may also be noted at this point that very few reports from federal States indicate explicitly whether the central or the constituent authorities are competent to take action to give effect to the Convention. However, the information given by these States shows clearly that migration is primarily the responsibility of the federal Government.

Three States (Bolivia, Greece, Italy) mention the provision by the I.L.O. of technical assistance in the field of migration. The Governments of Chile, Cuba and Finland speak of new legislation which, when adopted, will have a direct bearing on migration for employment. On the other hand, several Governments (Austria, Ceylon, Denmark, India, Pakistan, Turkey, Viet-Nam) indicate that they do not propose at present to make any changes in their national law and practice with a view to ratifying the Convention. The Australian report merely states that no measures are contemplated to give effect to those provisions of the Convention not yet covered by law and practice. In certain other cases, the opinion is expressed that the Convention is of little interest either because it deals with permanent immigration which is prohibited under present policy (Burma) or because it relates mainly to migration on a large and organised scale (Ireland, Switzerland, the Union of South Africa). The Committee considers it necessary to draw attention to Article 11 of the Convention under which the only temporary migrants excluded from its scope are frontier workers, seamen, and members of the liberal professions and artists engaged on short-term contracts. Furthermore only Annex II (which is optional) relates exclusively to group transfer, whereas the main body of the text applies with equal validity to individual migrants who may in many instances be in greater need of protection than those covered by organised and sponsored arrangements for the transfer of workers from one country to another.

The information given in the various reports leaves little doubt that the Convention is proving equally useful to countries with a primary interest in emigration and to those principally concerned with immigration. Several States in both these categories have already communicated their ratification or have taken steps to do so, as indicated above. Few difficulties appear to arise in giving effect to those parts of the Convention which deal with national and international measures to organise and facilitate migration for employment. Such obstacles as may in certain cases stand in the way of full implementation relate in the main to the provision of adequate safeguards for protecting the health of migrants and for ensuring them a reasonable measure of security in their new employment. The adoption of these safeguards by more and more of the Member countries will constitute the clearest proof that the Convention is an effective instrument in attaining that fundamental social objective which the Preamble to the Constitution defines as one of the over-riding principles of the I.L.O.: the "protection of the interests of workers when employed in countries other than their own".

MIGRATION FOR EMPLOYMENT RECOMMENDATION (REVISED), 1949 (No. 86)

Introduction

This Recommendation, which was adopted by the Conference in 1949, was intended to supplement the provisions of the Migration for Employment Convention (Revised, 1949) (No. 97), and to revise

in certain respects the Migration for Employment Recommendation, 1939, (No. 61), and the Migration for Employment (Co-operation between States) Recommendation, 1939, (No. 62).

Recommendation No. 86 advocates that the general policy of Members should be to develop and utilise all possibilities of employment and for this purpose to facilitate the international distribution of manpower, and, in particular, the movement of manpower from countries which have a surplus to those countries which have a deficiency of manpower. In taking measures in this connection Governments are recommended to consult the appropriate organisations of employers and workers on all general questions concerning migration for employment, and to pay due regard to the manpower situation in the country.

This Recommendation contains detailed provisions concerning measures to assist migrants and their families before leaving the country of emigration, on arrival in the country of immigration, or on return to the country of origin. These measures include, in particular, the provision of accurate information, in languages or dialects which can be understood by the migrant, on matters relating to emigration and immigration formalities, laws and regulations, employment, living and health conditions, vocational training, technical selection, schools, the transfer of earnings and savings, recreational and welfare facilities and equality of treatment as regards employment conditions.

Finally, the Recommendation lays down that Members should in appropriate cases supplement the Migration for Employment Convention and the relevant Paragraphs of the Recommendation by bilateral agreements, which should specify the methods of applying the principles set forth in the Convention and in the Recommendation. In concluding such agreements, Members are recommended to take into account the provisions of the model agreement annexed to the Recommendation in framing appropriate clauses for the organisation of migration for employment and the regulation of the conditions of transfer and employment of migrants, including refugees and displaced persons.

Reports Received

Reports have been received from the following 33 countries: Argentina, Austria, Belgium, Bolivia, Burma, Canada, Ceylon, Chile, Cuba, Denmark, Finland, France, the Federal Republic of Germany, Greece, Guatemala, Iceland, India, Ireland, Israel, Italy, Japan, the Netherlands, New Zealand, Norway, Pakistan, Sweden, Switzerland, Turkey, the Union of South Africa, the United Kingdom, Uruguay, Viet-Nam and Yugoslavia.

Content of Reports

Some Governments (e.g., Burma, Denmark, Guatemala, Ireland, Sweden, the Union of South Africa) combine in one report information on the national law and practice which gives effect to the provisions of both the Convention (No. 97) concerning migration for employment (revised), 1949, and the Recommendation (No. 86) concerning migration for employment (revised), 1949. A number of countries (Ceylon, Chile, Greece, Iceland, Israel, Japan, Pakistan, Turkey, Yugoslavia) merely refer to the report supplied for the related Convention. As a detailed analysis of the information received from these two groups of countries has been made in respect of the national law and practice which gives effect to the provisions of Convention No. 97, a similar analysis is not reproduced for the Recommendation. In a number of cases (Canada, Cuba, Denmark, Finland, the Netherlands, Norway, Uruguay, Viet-Nam), the information

supplied is somewhat fragmentary or, (as is the case for Argentina, Bolivia, India, Sweden and Switzerland) only relates to some Paragraphs of the Recommendation. Finally, detailed and comprehensive reports have been received from the following countries : Austria, Belgium, France, the Federal Republic of Germany, Italy, New Zealand and the United Kingdom.

From the information contained in these various reports, it would appear that there are certain main features which characterise the manner in which effect has been given to the provisions of the Recommendation. These features are dealt with below.

Effect Given to the Recommendation

Generally speaking, all the reports received contain more or less detailed information regarding the national law and practice which gives effect to the provisions of the Recommendation.

In examining the contents of the various reports, it should not be overlooked that (as is also the case in respect of the related Convention) the questions of emigration and immigration do not interest all countries to the same extent. There are some countries for which the question of migration as a whole is of no interest or importance and there are others which are interested only in emigration or in immigration. Therefore some reports state that, for various reasons, measures cannot be taken to implement the Recommendation as a whole. In this connection, some Governments (Ceylon, Cuba, Turkey, the Union of South Africa) do not indicate that they are prepared to favour a policy of immigration. As regards a number of Governments (Ceylon, Denmark, Finland, Norway, Pakistan, Uruguay, Viet-Nam), it would appear that the provisions of the Recommendation are of little interest to them from the point of view of emigration from the country. One Government (India) adds that it will be unable to give effect to the provisions of the Recommendation while certain countries continue to practise policies of discrimination. Finally, a few Governments (Iceland, Ireland, Yugoslavia) state that owing to the national manpower situation, they are unable to encourage emigration or immigration.

Part I (Paragraphs 1-3).

The definitions contained in these Paragraphs, which reproduce in a more detailed manner the corresponding provisions of Convention No. 97, are accepted in general by the countries which have supplied complete reports.

Part II (Paragraph 4).

The provisions of this Paragraph, which lay down the general policy to be followed by States Members as regards the problems connected with the movement of manpower, are also accepted by the above-mentioned Governments.

Part III (Paragraphs 5-12).

The provisions of this part of the Recommendation, which relate to the principles to be followed by the service responsible for immigration questions, the information to be made available to the International Labour Office and to other States Members and, in general, all practical measures to facilitate the movement of workers, are, on the whole, accepted by the following countries : Belgium, France, the Federal Republic of Germany, Italy, New Zealand and the United Kingdom. On the other hand, one country (Switzerland) states that the provisions of the Recommendation are not in harmony with the legislation in force and do not correspond to the needs of the country. This is the case, in particular, as regards Paragraph 10 (provision of accommodation, food, etc.) and Paragraph 11 (access to recreational and welfare facilities, etc.), which cannot be

implemented. Finally, another country (Austria) states that its acceptance of these provisions is conditional upon its ratification of the related Convention.

Part IV (Paragraphs 13, 14, 15).

With the exception of the United Kingdom—which states that its acceptance of the Recommendation is subject to a reservation regarding the provisions of Paragraph 14 relating to the technical selection of migrants for employment, etc.—and of Switzerland—which cannot accept any of the provisions of this part of the Recommendation—the above-mentioned countries appear to be able to give effect to the provisions of these Paragraphs.

Part V (Paragraphs 16 and 17).

The provisions of Paragraph 16, relating to the removal of restrictions on the employment of migrant workers, are only applied partially or not at all by the majority of Governments, with the exception of Belgium, Italy and New Zealand. As regards the second subparagraph of this Paragraph, one Government (France) considers that it would have been preferable to draft the formulae employed in more specific terms, for, while these formulae leave a certain discretion to the country of immigration, they do not sufficiently take into account circumstances which might make it impossible to give effect to these provisions. Two other Governments (the Federal Republic of Germany and the United Kingdom as regards Northern Ireland) state that the period during which foreign workers' opportunities of employment remains restricted has been fixed in the relevant national legislation at ten years and not at five years as provided in Paragraph 16 (2) (a) of the Recommendation. One Government (Austria) states that it is not able at present to give effect to the provisions of the Paragraph in question. Finally, the Government of Switzerland states that it is unable to accept the provisions of this part of the Recommendation as a whole. With the exception of the last-named country, the provisions of Paragraph 17 relating to the inspection of migrants for employment appear to be accepted in general.

Part VI (Paragraphs 18 and 19).

These two Paragraphs appear to be implemented by the majority of the reporting countries. However, reservations are made by two countries, one of which (Switzerland) states that it is unable to give effect to the provisions of this part of the Recommendation as a whole, and the other (France) states that, owing to the reasons which have been outlined as regards Paragraph 16, it is unable to give effect to the provisions of Paragraph 18 (2), as it feels that the drafting of these provisions is not satisfactory.

Annex (Model Agreement).

In general, it would appear that the majority of Governments are inclined to be guided by the provisions contained in the Model Agreement relating to equality of treatment for both foreign and national workers as regards employment conditions, social security, etc. This is particularly true of Austria, Belgium, Bolivia, France, the Federal Republic of Germany, Italy, the Netherlands, New Zealand and the United Kingdom. These countries (with the exception of the United Kingdom) state that they have been guided in their negotiations and/or bilateral agreements with other countries by the principles laid down in the Model Agreement, or (Bolivia, the Netherlands) that in drawing up future bilateral agreements they will be guided by these principles.

However, in some cases the Governments state that they have experienced difficulties in giving full effect to the principles contained in the Model

Agreement (the Federal Republic of Germany) or that it is not possible to accept some of the Articles contained in this Agreement in their present drafting (France). The Government of the latter country is of the opinion that it would have been preferable to delete paragraphs 2 and 5 of Article 15 of the Agreement, to bring the provisions of Article 17 (equality of treatment) and of Article 21 (social security) into harmony with the provisions of Article 6 of Convention No. 97 and to modify the drafting of Articles 24 (1) and 26. The French Government also states that it is not in a position to accept the provisions of Article 18 (b) (equality of treatment as regards the acquisition of urban or rural property) and Article 25 (repatriation of immigrants against their will).

* * *

Reference to legislation or to administrative measures which have been taken to give effect to the provisions of the Recommendation are contained in the reports from a number of countries (Argentina, Austria, Bolivia, Canada, France, the Federal Republic of Germany, Greece, Iceland, India, Italy, Japan, Sweden, Switzerland, the United Kingdom, Viet-Nam, Yugoslavia). In some cases (Austria, Ceylon) the report states that the legislation is not in conformity with the Recommendation, and in another case (Finland) that draft legislation relating to the Recommendation is under consideration.

The supervision of the application of the required legislative, administrative or practical measures is entrusted to authorities which vary with different countries: the Ministry of Labour, the Employment Service, the competent Immigration or Emigration Services and, in some cases, special Manpower Committees.

Consultation with employers' and workers' organisations on matters connected with migration for employment and the placing in employment of foreign workers takes place in a number of countries, in particular in Austria, Belgium, France, the Federal Republic of Germany, Italy, New Zealand and the United Kingdom.

Two countries (Bolivia, Greece) refer to the technical assistance provided by the International Labour Office in the sphere of migration problems. France has recruited a number of young Italian workers with the assistance of the Office.

The reports which have been received from the following federal States either do not state clearly whether the federal Government or the constituent States, provinces or cantons are competent to take action to implement the provisions of the Recommendation or refer to the information supplied in this respect on Convention No. 97: Argentina, Austria, Canada, the Federal Republic of Germany, Pakistan and Switzerland.

Conclusion

The Committee notes with interest that, in the countries which have supplied full and comprehensive reports regarding the manner in which effect has been given to the provisions of the Recommendation, substantial measures have been taken to facilitate the movement of manpower, both in emigration countries as regards the departure of migrants for employment and in immigration countries as regards their arrival in the country.

However, the Committee notes, from the information supplied, that a considerable number of countries are not in a position to give effect to the provisions of the Recommendation. Some Governments (emigration countries) consider that these provisions, which are designed to encourage immigration, cannot be accepted because of the national manpower situation. Other Governments (immigration countries) consider that the provisions of the Recommendation or of the Model Agreement which is annexed to the latter do not allow the Governments sufficient liberty of action or sufficiently take into account questions relating to equality of treatment and the repatriation of migrants for employment, because questions of emigration or of immigration are of little interest for them at present.

Finally, the Committee points out that, in a few cases, Governments are of the opinion that the extent to which they can give effect to the Recommendation is dependent upon the extent to which they will be able to apply in full the provisions contained in the related Convention.

The Committee is of the opinion that, although the main object of the Recommendation is to supplement the provisions contained in Convention No. 97 and to render them more specific in certain respects, some provisions of the text of the Recommendation might well serve as guiding principles for the various Governments in framing their migration policy, even if they are unable to ratify the Convention.

APPENDIX VI

REPORTS ON UNRATIFIED CONVENTIONS AND ON RECOMMENDATIONS

(Article 19 of the Constitution)

Reports Received by 16 March 1953

Conventions : 59

Recommendation : 33

Country	Conventions		Recommendation	
	No. of reports received	Conventions Nos.	No. of reports received	Recommendation No.
Argentina	2	87, 97	1	86
Australia	3	84, 87, 97		
Austria ¹	1	97	1	86
Belgium ¹	2	84, 97	1	86
Bolivia	2	87, 97	1	86
Burma	2	87, 97	1	86
Canada	2	87, 97	1	86
Ceylon	2	87, 97	1	86
Chile	2	87, 97	1	86
Cuba	2	87, 97	1	86
Denmark ¹	2	84, 97	1	86
Dominican Republic.	1	87		
Finland ¹	1	97	1	86
France ¹	2	84, 97	1	86
Germany (Federal Republic)	2	87, 97	1	86
Greece	2	87, 97	1	86
Guatemala	2	87, 97	1	86
Iceland ¹	1	97	1	86
India	1	97	1	86
Ireland	2	87, 97	1	86
Israel	2	87, 97	1	86
Italy	2	87, 97	1	86
Japan	2	87, 97	1	86
Netherlands ³			1	86
Norway ¹	1	97	1	86
New Zealand ³	1	87	1	86
Pakistan ¹	1	97	1	86
Sweden ¹	1	97	1	86
Switzerland	2	87, 97	1	86
Turkey	2	87, 97	1	86
Union of South Africa	3	84, 87, 97	1	86
United Kingdom ⁴ ..			1	86
Uruguay	2	87, 97	1	86
Viet-Nam	2	87, 97	1	86
Yugoslavia	2	87, 97	1	86
Total ...	59		33	

¹ Has ratified Convention No. 87.

² Has ratified Conventions Nos. 87 and 97.

³ Has ratified Conventions Nos. 84 and 97.

⁴ Has ratified Conventions Nos. 84, 87 and 97.

APPENDIX VII

LISTS OF DECLARATIONS CONCERNING THE APPLICATION OF CONVENTIONS TO NON-METROPOLITAN TERRITORIES

(Article 35 of the Constitution) ¹

CONVENTION No. 1 : HOURS OF WORK (INDUSTRY), 1919

(in force : 13 June 1921)

Belgium. Ratification : 6 September 1936. Decision on application to non-metropolitan territories reserved.

¹ This Article reads as follows :

" Article 35

1. The Members undertake that Conventions which they have ratified in accordance with the provisions of this Constitution shall be applied to the non-metropolitan territories for whose international relations they are responsible, including any trust territories for which they are the administering authority, except where the subject matter of the Convention is within the self-governing powers of the territory or the Convention is inapplicable owing to the local conditions or subject to such modifications as may be necessary to adapt the Convention to local conditions.

2. Each Member which ratifies a Convention shall as soon as possible after ratification communicate to the Director-General of the International Labour Office a declaration stating in respect of the territories other than those referred to in paragraphs 4 and 5 below the extent to which it undertakes that the provisions of the Convention shall be applied and giving such particulars as may be prescribed by the Convention.

3. Each Member which has communicated a declaration in virtue of the preceding paragraph may from time to time, in accordance with the terms of the Convention, communicate a further declaration modifying the terms of any former declaration and stating the present position in respect of such territories.

4. Where the subject matter of the Convention is within the self-governing powers of any non-metropolitan territory the Member responsible for the international relations of that territory shall bring the Convention to the notice of the Government of the territory as soon as possible with a view to the enactment of legislation or other action by such Government. Thereafter the Member, in agreement with the Government of the territory, may communicate to the Director-General of the International Labour Office a declaration accepting the obligations of the Convention on behalf of such territory.

5. A declaration accepting the obligations of any Convention may be communicated to the Director-General of the International Labour Office—

- (a) by two or more Members of the Organisation in respect of any territory which is under their joint authority ; or
- (b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

6. Acceptance of the obligations of a Convention in virtue of paragraph 4 or paragraph 5 shall

*France.*² Ratification : 2 June 1927. No declaration on application.

*Italy.*² Ratification : 6 October 1924. No declaration on application.

New Zealand. Ratification : 29 March 1938. No declaration on application.

Portugal. Ratification : 3 July 1928. Decision on application to non-metropolitan territories reserved.

CONVENTION No. 2 : UNEMPLOYMENT, 1919

(in force : 14 July 1921)

Belgium. Ratification : 25 August 1930. Decision on application to non-metropolitan territories reserved.

Denmark. Ratification : 13 October 1921. Applicable without modification : Faroe Islands. Decision reserved : Greenland.

France. Ratification : 25 August 1925. No declaration on application.

Italy. Ratification : 10 April 1923. No declaration on application.

Japan. Ratification : 23 November 1922. Not applicable : Pacific Islands (League of Nations mandate).

Netherlands. Ratification : 6 February 1932. Applicable with modification : Netherlands Antilles

involve the acceptance on behalf of the territory concerned of the obligations stipulated by the terms of the Convention and the obligations under the Constitution of the Organisation which apply to ratified Conventions. A declaration of acceptance may specify such modification of the provisions of the Conventions as may be necessary to adapt the Convention to local conditions.

7. Each Member or international authority which has communicated a declaration in virtue of paragraph 4 or paragraph 5 of this Article may from time to time, in accordance with the terms of the Convention, communicate a further declaration modifying the terms of any former declaration or terminating the acceptance of the obligations of the Convention on behalf of the territory concerned.

8. If the obligations of a Convention are not accepted on behalf of a territory to which paragraph 4 or paragraph 5 of this Article relates, the Member or Members or international authority concerned shall report to the Director-General of the International Labour Office the position of the law and practice of that territory in regard to the matters dealt with in the Convention and the report shall show the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and shall state the difficulties which prevent or delay the acceptance of such Convention."

² Conditional ratification.

and Surinam. No declaration : Netherlands New Guinea.

New Zealand. Ratification : 29 March 1938. No declaration on application.

Union of South Africa. Ratification : 20 February 1924. Not applicable to South-West Africa.

United Kingdom. Ratification : 14 July 1921. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.¹ No declaration on application to other British non-metropolitan territories.

CONVENTION No. 3 : MATERNITY PROTECTION, 1919
(in force : 13 June 1921)

France. Ratification : 16 December 1950. No declaration on application.

Italy. Ratification : 22 October 1952. No declaration on application.

United Kingdom. Applicable with modification² : Fiji, Nigeria, Southern Rhodesia, Singapore, Solomon Islands. No declaration : British Somaliland, Channel Islands and Isle of Man. Decision reserved³ : all other British non-metropolitan territories.

CONVENTION No. 4 : NIGHT WORK (WOMEN), 1919
(in force : 13 June 1921)

*Belgium.*⁴ Ratification : 12 July 1924. Applicable without modification to the Belgian Congo and Ruanda-Urundi.

France. Ratification : 14 May 1925. Applicable without modification : Cameroons, French Equatorial Africa, French Establishments in India, French Settlements in Oceania, French West Africa, Madagascar, Morocco, New Caledonia, St. Pierre and Miquelon, Somaliland, Togoland. No declaration : Tunisia.

Italy. Ratification : 10 April 1923. No declaration on application.

*Netherlands.*⁵ Ratification : 4 September 1922. No declaration on application.

Portugal. Ratification : 10 May 1932. Not applicable to all Portuguese non-metropolitan territories.

*Union of South Africa.*⁶ Ratification : 1 November 1921. No declaration on application.

*United Kingdom.*⁷ Ratification : 14 July 1921. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.¹ No declaration on application for all other British non-metropolitan territories.

¹ Up to 16 October 1950 the Channel Islands and the Isle of Man were considered as an integral part of the national metropolitan territory of the United Kingdom. Since this date, at the request of the Government, these islands are to be considered as non-metropolitan territories. Conventions ratified after this request are to be applicable only under the procedure set out in Article 35 of the Constitution.

² Unratified Convention. These declarations were included in the ratification of Convention No. 83 and will only become effective when this Convention comes into force.

³ Ratification denounced : see under Conventions Nos. 41 and 89.

CONVENTION No. 5 : MINIMUM AGE (INDUSTRY), 1919
(in force : 13 June 1921)

Belgium. Ratification : 12 July 1924. Decision on application to non-metropolitan territories reserved.

Denmark. Ratification : 4 January 1923. Applicable without modification : Faroe Islands. Not applicable : Greenland.

France. Ratification : 29 April 1939. No declaration on application.

Japan. Ratification : 7 August 1926. Not applicable : Pacific Islands (League of Nations mandate).

Netherlands. Ratification : 21 July 1928. No declaration on application.

United Kingdom. Ratification : 14 July 1921. Applicable *ipso jure* without modification to the Channel Islands and the Isle of Man.¹ Decision on application reserved for all other British non-metropolitan territories.²

CONVENTION No. 6 : NIGHT WORK OF
YOUNG PERSONS (INDUSTRY), 1919
(in force : 13 June 1921)

Belgium. Ratification : 12 July 1924. Decision on application to non-metropolitan territories reserved.

Denmark. Ratification : 4 January 1923. Applicable without modification : Faroe Islands. Not applicable : Greenland.

France. Ratification : 25 August 1925. Applicable without modification : Cameroons, French Equatorial Africa, French Establishments in India, French Settlements in Oceania, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Somaliland, Togoland. No declaration on application : Morocco, Tunisia.

Italy. Ratification : 10 April 1923. No declaration on application.

Netherlands. Ratification : 17 March 1924. No declaration on application.

Portugal. Ratification : 10 May 1932. Not applicable to all Portuguese non-metropolitan territories.

*United Kingdom.*³ Ratification : 14 July 1921. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.¹ No declaration on application to other British non-metropolitan territories.

CONVENTION No. 7 : MINIMUM AGE (SEA), 1920
(in force : 27 September 1921)

Australia. Ratification : 28 June 1935. Not applicable to all Australian non-metropolitan territories.

Belgium. Ratification : 2 February 1925. Decision on application to non-metropolitan territories reserved.

Denmark. Ratification : 12 May 1924. Applicable without modification : Faroe Islands. Not applicable : Greenland.

¹ See footnote 1 under Convention No. 2.

² The declarations on the application of this Convention were included in the ratification of Convention No. 83 and will become effective when this Convention comes into force.

³ Ratification denounced : see under Convention No. 90.

Italy. Ratification : 14 July 1932. No declaration on application.

Japan. Ratification : 7 June 1924. Not applicable : Pacific Islands (League of Nations mandate).

*Netherlands*¹. Ratification : 26 March 1925. No declaration on application.

United Kingdom. Ratification : 14 July 1921. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.² No declaration on application to other British non-metropolitan territories.

CONVENTION No. 8 : UNEMPLOYMENT INDEMNITY (SHIPWRECK), 1920

(in force : 16 March 1923)

Australia. Ratification : 28 June 1935. Applicable without modification : New Guinea, Papua. Not applicable to all other Australian non-metropolitan territories.

Belgium. Ratification : 2 February 1925. Decision on application to non-metropolitan territories reserved.

Denmark. Ratification : 15 February 1938. Applicable without modification : Faroe Islands. Not applicable : Greenland.

France. Ratification : 21 March 1929. No declaration on application.

Italy. Ratification : 8 September 1924. No declaration on application.

Netherlands. Ratification : 15 December 1937. No declaration on application.

United Kingdom. Ratification : 12 March 1926. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.² No declaration on application to other British non-metropolitan territories.

CONVENTION No. 9 : PLACING OF SEAMEN, 1920

(in force : 23 November 1921)

Australia. Ratification : 3 August 1925. Not applicable to all Australian non-metropolitan territories.

Belgium. Ratification : 4 February 1925. Decision on application reserved for all non-metropolitan territories.

Denmark. Ratification : 23 August 1938. Applicable without modification : Faroe Islands. Not applicable : Greenland.

France. Ratification : 25 January 1928. No declaration on application.

Italy. Ratification : 8 September 1924. No declaration on application.

Japan. Ratification : 23 November 1922. Not applicable : Pacific Islands (League of Nations mandate).

Netherlands. Ratification : 9 January 1948. No declaration on application.

New Zealand. Ratification : 29 March 1938. No declaration on application.

CONVENTION No. 10 : MINIMUM AGE (AGRICULTURE), 1921

(in force : 31 August 1923)

Belgium. Ratification : 13 June 1928. Decision on application to non-metropolitan territories reserved.

¹ Ratification denounced : see under Convention No. 58.

² See footnote 1 under Convention No. 2.

France. Ratification : 7 June 1951. No declaration on application.

Italy. Ratification : 8 September 1924. No declaration on application.

Japan. Ratification : 19 December 1923. Not applicable : Pacific Islands (League of Nations mandate).

New Zealand. Ratification : 8 July 1947. No declaration on application.

CONVENTION No. 11 : RIGHT OF ASSOCIATION (AGRICULTURE), 1921

(in force : 11 May 1923)

Belgium. Ratification : 19 July 1926. Decision on application to non-metropolitan territories reserved.

Denmark. Ratification : 20 June 1930. Not applicable : Greenland. No declaration : Faroe Islands.

France. Ratification : 23 March 1929. No declaration on application.

Italy. Ratification : 8 September 1924. No declaration on application.

Netherlands. Ratification : 20 August 1926. No declaration on application.

New Zealand. Ratification : 29 March 1938. Applicable without modification : Cook Islands. No declaration on application for all other non-metropolitan territories.

United Kingdom. Ratification : 6 August 1923. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.¹ No declaration for other British non-metropolitan territories.

CONVENTION No. 12 : WORKMEN'S COMPENSATION (AGRICULTURE), 1921

(in force : 26 February 1923)

Belgium. Ratification : 26 October 1932. Applicable without modification : Belgian Congo and Ruanda-Urundi.

Denmark. Ratification : 26 February 1923. Not applicable to Greenland. No declaration for the Faroe Islands.

France. Ratification : 4 April 1928. No declaration on application.

Italy. Ratification : 1 September 1930. Not applicable to Italian Somaliland.

Netherlands. Ratification : 20 August 1926. No declaration on application.

New Zealand. Ratification : 29 March 1938. No declaration on application.

United Kingdom. Ratification : 6 August 1923. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.¹ No declaration on application for other British non-metropolitan territories.

CONVENTION No. 13 : WHITE LEAD (PAINTING), 1921

(in force : 31 August 1923)

Belgium. Ratification : 19 July 1926. Decision on application to non-metropolitan territories reserved.

France. Ratification : 19 February 1926. Applicable without modification : Cameroons, French Equatorial Africa, French Establishments in India,

¹ See footnote 1 under Convention No. 2.

French Settlements in Oceania, French West Africa, Madagascar, Morocco, New Caledonia, St. Pierre and Miquelon, Somaliland, Togoland, Tunisia.

Italy. Ratification : 22 October 1952. No declaration on application.

Netherlands. Ratification : 15 December 1939. No declaration on application.

CONVENTION No. 14 : WEEKLY REST
(INDUSTRY), 1921

(in force : 19 June 1923)

Belgium. Ratification : 19 July 1926. Decision on application to non-metropolitan territories reserved.

Denmark. Ratification : 30 August 1935. Applicable without modification to the Faroe Islands. Not applicable to Greenland.

France. Ratification : 3 September 1926. No declaration on application.

Italy. Ratification : 8 September 1924. No declaration on application.

New Zealand. Ratification : 29 March 1938. Applicable without modification : Cook Islands, Western Samoa. No declaration on application : Nauru.

Portugal. Ratification : 3 July 1928. Decision on application to non-metropolitan territories reserved.

*United Kingdom.*¹ Applicable without modification : Bahamas, Basutoland, Bechuanaland, Dominica, Falkland Islands, Gambia, Grenada, Kenya, Leeward Islands, Malta, Mauritius, St. Helena, St. Lucia, St. Vincent, Sarawak, Solomon Islands, Southern Rhodesia, Swaziland, Uganda. Decision on application reserved : Aden, Barbados, Bermuda, North Borneo, Brunei, Cyprus, Fiji, Gibraltar, Gilbert and Ellice Islands, Gold Coast, British Guiana, British Honduras, Hong Kong, Jamaica, Malaya, Nigeria, Northern Rhodesia, Nyasaland, Seychelles, Sierra Leone, Singapore, Tanganyika, Trinidad and Tobago, Zanzibar. No declaration on application : British Somaliland.

CONVENTION No. 15 : MINIMUM AGE
(TRIMMERS AND STOKERS), 1921

(in force : 20 November 1922)

Australia. Ratification : 28 June 1935. Not applicable to all Australian non-metropolitan territories.

Belgium. Ratification : 19 July 1926. Decision on application to non-metropolitan territories reserved.

Denmark. Ratification : 12 May 1924. Applicable without modification to the Faroe Islands. Not applicable to Greenland.

France. Ratification : 16 January 1928. No declaration on application.

Italy. Ratification : 8 September 1924. No declaration on application.

Japan. Ratification : 4 December 1930. Not applicable : Pacific Islands (League of Nations mandate).

Netherlands. Ratification : 17 June 1931. No declaration on application.

United Kingdom. Ratification : 8 March 1926. Applicable *ipso jure* without modification : Channel Islands, Isle of Man.²

¹ Unratified Convention. See footnote 2 under Convention No. 3.

² See footnote 1 under Convention No. 2.

Applicable without modification : Aden, Bermuda, North Borneo, Cyprus, Dominica, Gambia, Gibraltar, Gold Coast, Grenada, British Guiana, Hong Kong, Jamaica, Kenya, Malta, Mauritius, Nigeria, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.¹

Applicable with modification : Fiji, Malaya, Nyasaland, Solomon Islands.¹

Not applicable : Basutoland, Bechuanaland, Northern Rhodesia, Southern Rhodesia, Swaziland.¹

Decision on application reserved : Bahamas, Barbados, Brunei, Falkland Islands, Gilbert and Ellice Islands, British Honduras, Leeward Islands.¹

No declaration on application : British Somaliland.

CONVENTION No. 16 : MEDICAL EXAMINATION OF
YOUNG PERSONS (SEA), 1921

(in force : 20 November 1922)

Australia. Ratification : 28 June 1935. Not applicable to all Australian non-metropolitan territories.

Belgium. Ratification : 19 July 1926. Decision on application to non-metropolitan territories reserved.

Denmark. Ratification : 23 April 1938. Applicable without modification to the Faroe Islands. Not applicable to Greenland.

France. Ratification : 22 March 1928. No declaration on application.

Italy. Ratification : 8 September 1924. No declaration on application.

Japan. Ratification : 7 June 1924. Not applicable : Pacific Islands (League of Nations mandate).

Netherlands. Ratification : 9 March 1928. No declaration on application.

United Kingdom. Ratification : 8 March 1926. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.²

Applicable without modification : Aden, Bermuda, North Borneo, Cyprus, Dominica, Gambia, Gibraltar, Gold Coast, Grenada, Hong Kong, Jamaica, Malta, Mauritius, Nigeria, St. Helena, St. Lucia, St. Vincent, Solomon Islands, Sarawak, Seychelles, Sierra Leone, Singapore, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.¹

Applicable with modification : Fiji, Kenya, Malaya.¹

Not applicable : Basutoland, Bechuanaland, Northern Rhodesia, Southern Rhodesia, Swaziland.¹

Decision reserved : Bahamas, Barbados, Brunei, Falkland Islands, Gilbert and Ellice Islands, British Guiana, British Honduras, Nyasaland, Leeward Islands.¹

No declaration on application : British Somaliland.

CONVENTION No. 17 : WORKMEN'S COMPENSATION
(ACCIDENTS), 1925

(in force : 1 April 1927)

Belgium. Ratification : 3 October 1927. Applicable without modification : Belgian Congo and Ruanda-Urundi.

France. Ratification : 17 May 1948. No declaration on application.

¹ See footnote 2 under Convention No. 5.

² See footnote 1 under Convention No. 2.

*Italy.*¹ Applicable without modification : Italian Somaliland.

Netherlands. Ratification : 13 September 1927. No declaration on application.

New Zealand. Ratification : 29 March 1938. No declaration on application.

Portugal. Ratification : 27 March 1929. Decision on application to non-metropolitan territories reserved.

United Kingdom. Ratification : 28 June 1949. Application *ipso jure* without modification : Channel Islands and Isle of Man.²

Applicable without modification : Kenya, Malaya, Mauritius, Northern Rhodesia, Tanganyika.³

Decision on application reserved : Bermuda, Brunei, Gibraltar, Gilbert and Ellice Islands, Hong Kong, Sarawak, Seychelles, Solomon Islands, Zanzibar.³

No declaration on application : British Somaliland.

Applicable with modification : all other British non-metropolitan territories.³

CONVENTION No. 18 : WORKMEN'S COMPENSATION (OCCUPATIONAL DISEASES), 1925

(in force : 1 April 1927)

Belgium. Ratification : 3 October 1927. Applicable without modification : Belgian Congo and Ruanda-Urundi.

Denmark. Ratification : 18 June 1934. Applicable without modification : Faroe Islands. Not applicable : Greenland.

France. Ratification : 13 August 1931. No declaration on application.

Italy. Ratification : 22 January 1934. Decision on application to non-metropolitan territories reserved.

Japan. Ratification : 8 October 1928. Not applicable : Pacific Islands (League of Nations mandate).

*Netherlands.*⁴ Ratification : 1 November 1928. No declaration on application.

Portugal. Ratification : 27 March 1929. Decision on application to non-metropolitan territories reserved.

*United Kingdom.*⁴ Ratification : 6 October 1926. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.² No declaration for other non-metropolitan territories.

CONVENTION No. 19 : EQUALITY OF TREATMENT (ACCIDENT COMPENSATION), 1925

(in force : 8 September 1926)

Belgium. Ratification : 3 October 1927. Decision on application to non-metropolitan territories reserved.

Denmark. Ratification : 31 March 1928. Applicable without modification : Faroe Islands. Not applicable : Greenland.

France. Ratification : 4 April 1928. Applicable without modification : Morocco, Tunisia. No declaration on application for all other non-metropolitan territories.

¹ Unratified Convention. Italy forwarded a declaration accepting, in the name of the Italian Trust territory of Somaliland, the application of this Convention.

² See footnote 1 under Convention No. 2.

³ See footnote 2 under Convention No. 5.

⁴ Ratification denounced. See Convention No. 42.

Italy. Ratification : 15 March 1928. Applicable without modification : Italian Somaliland.

Japan. Ratification : 8 October 1928. Not applicable : Pacific Islands (League of Nations mandate).

Netherlands. Ratification : 13 September 1927. Applicable without modification : Surinam. No declaration : Netherlands Antilles, New Guinea.

Portugal. Ratification : 27 March 1929. Decision on application to non-metropolitan territories reserved.

Union of South Africa. Ratification : 30 March 1926. Applicable without modification : South-West Africa.

United Kingdom. Ratification : 6 October 1926. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.¹

No declaration on application : British Somaliland.

Decision on application reserved : Bermuda, Brunei, Gibraltar, Gilbert and Ellice Islands, Sarawak, Seychelles, Solomon Islands.²

Applicable with modification : North Borneo, Nyasaland.²

Applicable without modification : all other British non-metropolitan territories.²

CONVENTION No. 20 : NIGHT WORK (BAKERIES), 1925

(in force : 26 May 1928)

CONVENTION No. 21 : INSPECTION OF EMIGRANTS, 1926

(in force : 29 December 1927)

Australia. Ratification : 18 April 1931. No declaration on application.

Belgium. Ratification : 15 February 1928. Decision on application to non-metropolitan territories reserved.

*France.*³ Ratification : 13 January 1932. No declaration on application.

Japan. Ratification : 8 October 1928. Not applicable : Pacific Islands (League of Nations mandate).

Netherlands. Ratification : 13 September 1927. No declaration on application.

New Zealand. Ratification : 29 March 1938. No declaration on application.

*United Kingdom.*³ Ratification : 16 September 1927. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.¹ No declaration for other British non-metropolitan territories.

CONVENTION No. 22 : SEAMEN'S ARTICLES OF AGREEMENT, 1926

(in force : 4 April 1928)

Australia. Ratification : 1 April 1935. Not applicable to all Australian non-metropolitan territories.

Belgium. Ratification : 3 October 1927. Decision on application to non-metropolitan territories reserved.

France. Ratification : 4 April 1928. No declaration on application.

Italy. Ratification : 10 October 1929. Applicable without modification : Italian Somaliland.

¹ See footnote 1 under Convention No. 2.

² See footnote 2 under Convention No. 5.

³ Conditional ratification.

Netherlands. Ratification : 15 December 1937. No declaration on application.

New Zealand. Ratification : 29 March 1938. No declaration on application.

United Kingdom. Ratification : 14 June 1929. Applicable *ipso jure* without modification : Channel Islands, Isle of Man.¹ No declaration for other British non-metropolitan territories.

CONVENTION No. 23 :
REPATRIATION OF SEAMEN, 1926
(in force : 16 April 1928)

Belgium. Ratification : 3 October 1927. Decision on application to non-metropolitan territories reserved.

France. Ratification : 4 March 1929. No declaration on application.

Italy. Ratification : 10 October 1929. Applicable without modification : Italian Somaliland.

Netherlands. Ratification : 5 May 1948. No declaration on application.

CONVENTION No. 24 : SICKNESS INSURANCE
(INDUSTRY), 1927
(in force : 15 July 1928)

France. Ratification : 17 May 1948. No declaration on application.

United Kingdom. Ratification : 20 February 1931. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.¹ No declaration on application for other British non-metropolitan territories.

CONVENTION No. 25 : SICKNESS INSURANCE
(AGRICULTURE), 1927
(in force : 15 July 1928)

United Kingdom. Ratification : 20 February 1931. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.¹ No declaration on application for other British non-metropolitan territories.

CONVENTION No. 26 : MINIMUM WAGE-FIXING
MACHINERY, 1928
(in force : 14 June 1930)

Australia. Ratification : 9 March 1931. Decision on application reserved for all non-metropolitan territories.

Belgium. Ratification : 11 August 1937. Not applicable to Belgian Congo and Ruanda-Urundi.

France. Ratification : 18 September 1930. No declaration on application.

Italy. Ratification : 9 September 1930. No declaration on application.

Netherlands. Ratification : 10 November 1936. No declaration on application.

New Zealand. Ratification : 29 March 1938. No declaration on application.

Union of South Africa. Ratification : 28 December 1932. Not applicable to South-West Africa.

United Kingdom. Ratification : 14 June 1929. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.¹ No declaration on application for other British non-metropolitan territories.

¹ See footnote 1 under Convention No. 2.

CONVENTION No. 27 : MARKING OF WEIGHT
(PACKAGES TRANSPORTED BY VESSELS), 1929
(in force : 9 March 1932)

Australia. Ratification : 9 March 1931. Applicable without modification : Nauru. Decision on application reserved for all other Australian non-metropolitan territories.

Belgium. Ratification : 6 June 1934. Decision on application to non-metropolitan territories reserved.

*Denmark.*¹ Ratification : 18 January 1933. Applicable without modification : Faroe Islands. Not applicable : Greenland.

France. Ratification : 29 July 1935. No declaration on application.

Italy. Ratification : 18 July 1933. No declaration on application.

Japan. Ratification : 16 March 1931. Applicable without modification : Pacific Islands (League of Nations mandate).

Netherlands. Ratification : 4 January 1933. No declaration on application.

Portugal. Ratification : 1 March 1932. Not applicable to all Portuguese non-metropolitan territories.

*Union of South Africa.*¹ Ratification : 21 February 1933. No declaration on application.

*United Kingdom.*² No declaration : Somaliland. Decision on application reserved for all other British non-metropolitan territories.

CONVENTION No. 28 : PROTECTION AGAINST
ACCIDENTS (DOCKERS), 1929
(in force : 1 April 1932)

CONVENTION No. 29 : FORCED LABOUR, 1930
(in force : 1 May 1932)

Australia. Ratification : 2 January 1932. Applicable without modification to all non-metropolitan territories.

Belgium. Ratification : 20 January 1944. Applicable with modification to the Belgian Congo and Ruanda-Urundi.

Denmark. Ratification : 11 February 1932. Applicable without modification to the Faroe Islands and Greenland.

France. Ratification : 24 June 1937. Applicable without modification³ : French Establishments in India, French Settlements in Oceania, St. Pierre and Miquelon, Somaliland. Applicable with modification : Cameroons, French Equatorial Africa, French West Africa, Madagascar, New Caledonia, Togoland. Decision reserved : Morocco, Tunisia.

Italy. Ratification : 18 June 1934. Applicable without modification³ : Trust Territory of Somaliland.

Japan. Ratification : 21 November 1932. Applicable without modification : Pacific Islands (League of Nations mandate).

Netherlands. Ratification : 31 March 1933. Applicable without modification : Netherlands Antilles, Surinam. Applicable with modification : New Guinea.

New Zealand. Ratification : 29 March 1938. Applicable without modification³ : All non-metropolitan territories.

¹ Conditional ratification.

² Unratified Convention. See footnote 2 under Convention No. 3.

³ In conformity with Article 26 of the Convention, the absence of a declaration is tantamount to a declaration of application without modification.

United Kingdom. Ratification : 3 June 1931. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.¹ Applicable without modification to all other British non-metropolitan territories.

CONVENTION No. 30 : HOURS OF WORK
(COMMERCE AND OFFICES), 1930

(in force : 29 August 1933)

New Zealand. Ratification : 29 March 1938. No declaration on application.

CONVENTION No. 31 : HOURS OF WORK
(COAL MINES), 1931

(This Convention has not yet come into force)

CONVENTION No. 32 : PROTECTION AGAINST
ACCIDENTS (DOCKERS) (REVISED), 1932

(in force : 30 October 1934)

Belgium. Ratification : 2 July 1952. Not applicable to the Belgian Congo and Ruanda-Urundi.

Italy. Ratification : 30 October 1933. No declaration on application.

New Zealand. Ratification : 29 March 1938. No declaration on application.

United Kingdom. Ratification : 10 January 1935. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.¹ No declaration on application for other British non-metropolitan territories.

CONVENTION No. 33 : MINIMUM AGE
(NON-INDUSTRIAL EMPLOYMENT), 1932

(in force : 6 June 1935)

Belgium. Ratification : 6 June 1934. Decision on application to non-metropolitan territories reserved.

France. Ratification : 29 April 1939. No declaration on application.

Netherlands. Ratification : 12 July 1935. No declaration on application.

CONVENTION No. 34 : FEE-CHARGING
EMPLOYMENT AGENCIES, 1933

(in force : 18 October 1936)

CONVENTION No. 35 : OLD-AGE INSURANCE
(INDUSTRY, ETC.), 1933

(in force : 18 July 1937)

France. Ratification : 23 August 1939. No declaration on application.

Italy. Ratification : 22 October 1947. No declaration on application.

United Kingdom. Ratification : 18 July 1936. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.¹ No declaration on application to other British non-metropolitan territories.

CONVENTION No. 36 : OLD-AGE INSURANCE
(AGRICULTURE), 1933

(in force : 18 July 1937)

France. Ratification : 23 August 1939. No declaration on application.

Italy. Ratification : 22 October 1947. No declaration on application.

United Kingdom. Ratification : 18 July 1936. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.¹ No declaration on application to other British non-metropolitan territories.

CONVENTION No. 37 : INVALIDITY INSURANCE
(INDUSTRY, ETC.), 1933

(in force : 18 July 1937)

France. Ratification : 23 August 1939. No declaration on application.

Italy. Ratification : 22 October 1947. No declaration on application.

United Kingdom. Ratification : 18 July 1936. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.¹ No declaration on application to other British non-metropolitan territories.

CONVENTION No. 38 : INVALIDITY INSURANCE
(AGRICULTURE), 1933

(in force : 18 July 1937)

France. Ratification : 23 August 1939. No declaration on application.

Italy. Ratification : 22 October 1947. No declaration on application.

United Kingdom. Ratification : 18 July 1936. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.¹ No declaration on application to other British non-metropolitan territories.

CONVENTION No. 39 : SURVIVORS' INSURANCE
(INDUSTRY, ETC.), 1933

(in force : 8 November 1946)

Italy. Ratification : 22 October 1952. No declaration on application.

United Kingdom. Ratification : 18 July 1936. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.¹ No declaration on application to other British non-metropolitan territories.

CONVENTION No. 40 : SURVIVORS' INSURANCE
(AGRICULTURE), 1933

(in force : 29 September 1949)

Italy. Ratification : 22 October 1952. No declaration on application.

United Kingdom. Ratification : 18 July 1936. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.¹ No declaration on application to other British non-metropolitan territories.

CONVENTION No. 41 : NIGHT WORK (WOMEN)
(REVISED), 1934

(in force : 22 November 1936)

Belgium. Ratification : 4 August 1937. No declaration on application.

France. Ratification : 25 January 1938. Applicable without modification : Cameroons, French Equatorial Africa, French Establishments in India, French Settlements in Oceania, French West Africa, Madagascar, Morocco, New Caledonia, St. Pierre and Miquelon, Somaliland, Togoland. No declaration on application : Tunisia.

¹ See footnote 1 under Convention No. 2.

¹ See footnote 1 under Convention No. 2.

Netherlands. Ratification : 9 December 1935. Applicable without modification : Surinam. No declaration on application : Netherlands Antilles, New Guinea.

*New Zealand.*¹ Ratification : 29 March 1938. No declaration on application.

*Union of South Africa.*¹ Ratification : 25 May 1935. No declaration on application.

*United Kingdom.*¹ Ratification : 25 January 1937. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.² No declaration on application to other British non-metropolitan territories.

CONVENTION No. 42 : WORKMEN'S COMPENSATION (OCCUPATIONAL DISEASES) (REVISED), 1934

(in force : 17 June 1936)

Belgium. Ratification : 3 August 1949. No declaration on application.

Denmark. Ratification : 22 June 1939. Not applicable to Greenland. No declaration on applications : Faroe Islands.

France. Ratification : 17 May 1948. No declaration on application.

Italy. Ratification : 22 October 1952. No declaration on application.

Japan. Ratification : 6 June 1936. No declaration : Pacific Islands (League of Nations mandate).

Netherlands. Ratification : 1 September 1939. Applicable without modification : Surinam. No declaration on application : Netherlands Antilles, New Guinea.

New Zealand. Ratification : 29 March 1938. No declaration on application.

Union of South Africa. Ratification : 26 February 1952. No declaration on application.

United Kingdom. Ratification : 29 April 1936. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.² No declaration on application to other British non-metropolitan territories.

CONVENTION No. 43 : SHEET-GLASS WORKS, 1934

(in force : 13 January 1938)

Belgium. Ratification : 4 August 1937. Not applicable to the Belgian Congo and Ruanda-Urundi.

France. Ratification : 5 February 1938. No declaration on application.

United Kingdom. Ratification : 13 January 1937. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.² No declaration on application to other British non-metropolitan territories.

CONVENTION No. 44 : UNEMPLOYMENT PROVISION, 1934

(in force : 10 June 1938)

France. Ratification : 21 February 1949. No declaration on application.

Italy. Ratification : 22 October 1952. No declaration on application.

New Zealand. Ratification : 29 March 1938. No declaration on application.

¹ Ratification denounced : see under Convention No. 89.

² See footnote 1 under Convention No. 2.

United Kingdom. Ratification : 29 April 1936. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.¹ No declaration on application to other British non-metropolitan territories.

CONVENTION No. 45 : UNDERGROUND WORK (WOMEN), 1935

(in force : 30 May 1937)

Belgium. Ratification : 4 August 1937. Not applicable to the Belgian Congo and Ruanda-Urundi.

France. Ratification : 25 January 1938. No declaration on application.

Italy. Ratification : 22 October 1952. No declaration on application.

Netherlands. Ratification : 20 February 1937. No declaration on application.

New Zealand. Ratification : 29 March 1938. No declaration on application.

Portugal. Ratification : 18 October 1937. Not applicable to all Portuguese non-metropolitan territories.

Union of South Africa. Ratification : 25 June 1936. Applicable without modification to South-West Africa.

United Kingdom. Ratification : 18 July 1936. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.¹

Applicable without modification : Bahamas, Basutoland, Bechuanaland, Cyprus, Falkland Islands, Fiji, Gibraltar, Gold Coast, British Guiana, Hong Kong, Kenya, Malaya, Nigeria, Nyasaland, Northern Rhodesia, Solomon Islands, Southern Rhodesia, Sierra Leone, Singapore, Swaziland, Tanganyika, Uganda.²

Not applicable : Aden, Barbados, Bermuda, North Borneo, Dominica, Gambia, Grenada, British Honduras, Leeward Islands, Mauritius, St. Helena, St. Lucia, St. Vincent, Seychelles, Trinidad and Tobago, Zanzibar.²

Decision on application reserved : Brunei, Gilbert and Ellice Islands, Jamaica, Malta, Sarawak.²

No declaration on application : British Somaliland.

CONVENTION No. 46 : HOURS OF WORK (COAL MINES) (REVISED), 1935

(This Convention has not yet come into force)

CONVENTION No. 47 : FORTY-HOUR WEEK, 1935

(This Convention has not yet come into force)

New Zealand. Ratification : 29 March 1938. No declaration on application.

CONVENTION No. 48 : MAINTENANCE OF MIGRANTS' PENSION RIGHTS, 1935

(in force : 10 August 1938)

Italy. Ratification : 22 October 1952. No declaration on application.

Netherlands. Ratification : 6 October 1938. No declaration on application.

¹ See footnote 1 under Convention No. 2.

² See footnote 2 under Convention No. 5.

CONVENTION NO. 49: REDUCTION OF HOURS OF
WORK (GLASS-BOTTLE WORKS), 1935

(in force : 10 June 1938)

France. Ratification : 25 January 1938. No declaration on application.

New Zealand. Ratification : 29 March 1938. No declaration on application.

CONVENTION NO. 50: RECRUITING OF INDIGENOUS
WORKERS, 1936

(in force : 8 September 1939)

Belgium. Ratification : 26 July 1948. Applicable without modification to the Belgian Congo and Ruanda-Urundi.

Japan. Ratification : 8 September 1938. Applicable without modification : Pacific Islands (League of Nations mandate).

New Zealand. Ratification : 8 July 1947. Applicable without modification : Cook Islands and Western Samoa. No declaration on application : Tokelau Islands.

United Kingdom. Ratification : 22 May 1939. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.¹

Not applicable : Aden, Bermuda, Cyprus, Falkland Islands, Gibraltar, Malta, St. Helena, Zanzibar.

Decision on application reserved : Basutoland, Bechuanaland, Swaziland.

Applicable without modification to all other British non-metropolitan territories.

CONVENTION NO. 51: REDUCTION OF HOURS OF
WORK (PUBLIC WORKS), 1936

(This Convention has not yet come into force)

New Zealand. Ratification : 29 March 1938. No declaration on application.

CONVENTION NO. 52: HOLIDAYS WITH PAY, 1936

(in force : 22 September 1939)

Denmark. Ratification : 22 June 1939. Not applicable : Greenland. No declaration on application : Faroe Islands.

France. Ratification : 23 August 1939. No declaration on application.

Italy. Ratification : 22 October 1952. No declaration on application.

New Zealand. Ratification : 10 November 1950. Not applicable to all New Zealand non-metropolitan territories.

CONVENTION NO. 53: OFFICERS' COMPETENCY
CERTIFICATES, 1936

(in force : 29 March 1939)

Belgium. Ratification : 11 April 1938. Decision on application to non-metropolitan territories reserved.

Denmark. Ratification : 13 July 1938. Applicable without modification : Faroe Islands. Not applicable : Greenland.

France. Ratification : 19 June 1947. No declaration on application.

Italy. Ratification : 22 October 1952. No declaration on application.

New Zealand. Ratification : 29 March 1938. No declaration on application.

United States. Ratification : 29 October 1938. Applicable without modification : Alaska, Guam, Hawaii, Puerto Rico, Samoa, Virgin Islands. Not applicable : Panama Canal Zone. No declaration on application : Territories of the Pacific under Trusteeship.

CONVENTION NO. 54: HOLIDAYS WITH PAY
(SEA), 1936

(This Convention has not yet come into force)

Belgium. Ratification : 11 April 1938. Decision on application to non-metropolitan territories reserved.

France. Ratification : 19 June 1947. No declaration on application.

United States. Ratification : 29 October 1938. Applicable without modification : Alaska, Guam, Hawaii, Puerto Rico, Samoa, Virgin Islands. Not applicable : Panama Canal Zone. No declaration on application : Territories of the Pacific under Trusteeship.

CONVENTION NO. 55: SHIPOWNERS' LIABILITY
(SICK AND INJURED SEAMEN), 1936

(in force : 29 October 1939)

Belgium. Ratification : 11 April 1938. Decision on application to non-metropolitan territories reserved.

France. Ratification : 19 June 1947. No declaration on application.

Italy. Ratification : 22 October 1952. No declaration on application.

United States. Ratification : 29 October 1938. Applicable without modification : Alaska, Guam, Hawaii, Puerto Rico, Samoa, Virgin Islands. Not applicable : Panama Canal Zone. No declaration on application : Territories of the Pacific under Trusteeship.

CONVENTION NO. 56: SICKNESS INSURANCE
(SEA), 1936

(in force : 9 December 1949)

Belgium. Ratification : 3 August 1949. Decision on application to non-metropolitan territories reserved.

France. Ratification : 9 December 1948. No declaration on application.

United Kingdom. Ratification : 30 September 1944. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.¹

Not applicable : Basutoland, Bechuanaland, Gambia, Nyasaland, Northern Rhodesia, St. Helena, Swaziland, Uganda.

No declaration on application : Southern Rhodesia.

Decision on application reserved for all other British non-metropolitan territories.

CONVENTION NO. 57: HOURS OF WORK AND
MANNING (SEA), 1936

(This Convention has not yet come into force)

Australia. Ratification : 24 September 1938. Not applicable to all Australian non-metropolitan territories.

¹ See footnote 1 under Convention No. 2.

¹ See footnote 1 under Convention No. 2.

Belgium. Ratification : 11 April 1938. Decision on application to non-metropolitan territories reserved.

United States. Ratification : 29 October 1938. Applicable without modification : Alaska, Guam, Hawaii, Puerto Rico, Samoa, Virgin Islands. Not applicable : Panama Canal Zone. No declaration on application : Territories of the Pacific under Trusteeship.

CONVENTION No. 58 : MINIMUM AGE (SEA)
(REVISED), 1936

(in force : 11 April 1939)

Belgium. Ratification : 11 April 1938. Decision on application to non-metropolitan territories reserved.

France. Ratification : 9 December 1948. No declaration on application.

Italy. Ratification : 22 October 1952. No declaration on application.

Netherlands. Ratification : 8 July 1947. No declaration on application.

New Zealand. Ratification : 10 October 1946. No declaration on application.

*United Kingdom.*¹ Applicable without modification : Aden, Dominica, Fiji, Gambia, Grenada, Gold Coast, Jamaica, Kenya, Mauritius, St. Helena, Seychelles, Sierra Leone, Solomon Islands, Uganda, Zanzibar. Applicable with modification : Bahamas, Barbados, North Borneo, Cyprus, Falkland Islands, Gibraltar, Gilbert and Ellice Islands, British Guiana, British Honduras, Hong Kong, Leeward Islands, Malaya, Nigeria, Nyasaland, St. Lucia, St. Vincent, Sarawak, Singapore, Tanganyika, Trinidad and Tobago. Not applicable : Basutoland, Bechuanaland, Northern Rhodesia, Southern Rhodesia, Swaziland. Decision on application reserved : Bermuda, Brunei. No declaration on application : British Somaliland.

United States. Ratification : 29 October 1938. Applicable without modification : Alaska, Guam, Hawaii, Puerto Rico, Samoa, Virgin Islands. Not applicable : Panama Canal Zone. No declaration on application : Territories of the Pacific under Trusteeship.

CONVENTION No. 59 : MINIMUM AGE (INDUSTRY)
(REVISED), 1937

(in force : 21 February 1941)

Italy. Ratification : 22 October 1952. No declaration on application.

New Zealand. Ratification : 8 July 1947. No declaration on application.

*United Kingdom.*¹ Applicable without modification : Aden, Bechuanaland, Fiji, Gambia, Gold Coast, Kenya, Mauritius, Solomon Islands, Tanganyika, Zanzibar. Decision on application reserved : Brunei. No declaration on application : British Somaliland. Applicable with modification : all other British non-metropolitan territories.

CONVENTION No. 60 : MINIMUM AGE
(NON-INDUSTRIAL EMPLOYMENT) (REVISED), 1937

(in force : 29 December 1950)

Italy. Ratification : 22 October 1952. No declaration on application.

¹ Unratified Convention : see footnote 1 under Convention No. 3.

New Zealand. Ratification : 8 July 1947. No declaration on application.

CONVENTION No. 61 : REDUCTION OF HOURS OF
WORK (TEXTILES), 1937

(This Convention has not yet come into force)

New Zealand. Ratification : 29 March 1938. No declaration on application.

CONVENTION No. 62 : SAFETY PROVISIONS
(BUILDING), 1937

(in force : 4 July 1942)

Belgium. Ratification : 3 October 1951. Not applicable to the Belgian Congo and Ruanda-Urundi.

France. Ratification : 16 December 1950. No declaration on application.

Netherlands. Ratification : 2 May 1950. Applicable without modification : Surinam. Not applicable : New Guinea. Decision reserved : Netherlands Antilles.

CONVENTION No. 63 : STATISTICS OF WAGES AND
HOURS OF WORK, 1938

(in force : 22 June 1940)

Australia. Ratification : 5 September 1939. No declaration on application.

Denmark. Ratification : 22 June 1939. Not applicable : Greenland. No declaration on application : Faroe Islands.

France. Ratification : 28 June 1951. No declaration on application.

Netherlands. Ratification : 9 March 1940. No declaration on application.

New Zealand. Ratification : 18 January 1940. Not applicable to all New Zealand non-metropolitan territories.

Union of South Africa. Ratification : 8 August 1939. Not applicable to South-West Africa.

United Kingdom. Ratification : 26 May 1947. Applicable *ipso jure* without modification to the Channel Islands and Isle of Man.¹ No declaration on application for all other British non-metropolitan territories.

CONVENTION No. 64 : CONTRACTS OF EMPLOYMENT
(INDIGENOUS WORKERS), 1939

(in force : 8 July 1948)

Belgium. Ratification : 26 July 1948. Applicable without modification to the Belgian Congo and Ruanda-Urundi.

New Zealand. Ratification : 8 July 1947. Applicable without modification : Cook Islands, Western Samoa. No declaration on application : Tokelau Islands.

United Kingdom. Ratification : 24 August 1943. Applicable *ipso jure* without modification to the Channel Islands and Isle of Man.¹ Not applicable : Cyprus, Falkland Islands, Gibraltar, Malta. Decision on application reserved : Bahamas, Barbados, Bermuda, North Borneo. No declaration on application : Southern Rhodesia. Applicable without modification : all other British non-metropolitan territories.

¹ See footnote 1 under Convention No. 2.

CONVENTION No. 65 : PENAL SANCTIONS
(INDIGENOUS WORKERS), 1939

(in force : 8 July 1948)

*Italy.*¹ Applicable without modification : Italian Somaliland.

New Zealand. Ratification : 8 July 1947. Applicable without modification : Cook Islands, Western Samoa. No declaration on application : Tokelau Islands.

United Kingdom. Ratification : 24 August 1943. Applicable *ipso jure* without modification to the Channel Islands and Isle of Man.² Not applicable : Cyprus, Falkland Islands, Gibraltar, Malta. No declaration on application : Southern Rhodesia. Applicable without modification : all other British non-metropolitan territories.

CONVENTION No. 66 : MIGRATION FOR
EMPLOYMENT, 1939

(This Convention has not yet come into force)

CONVENTION No. 67 : HOURS OF WORK AND REST
PERIODS (ROAD TRANSPORT), 1939

(This Convention has not yet come into force)

CONVENTION No. 68 : FOOD AND CATERING
(SHIPS' CREWS), 1946

(This Convention has not yet come into force)

Belgium. Ratification : 5 December 1951. Not applicable to the Belgian Congo and Ruanda-Urundi.

France. Ratification : 9 December 1948. No declaration on application.

Italy. Ratification : 22 October 1952. No declaration on application.

Portugal. Ratification : 13 June 1952. No declaration on application.

CONVENTION No. 69 : CERTIFICATION OF
SHIPS' COOKS, 1946

(in force : 22 April 1953)

Belgium. Ratification : 5 December 1951. Not applicable to the Belgian Congo and Ruanda-Urundi.

France. Ratification : 9 December 1948. No declaration on application.

Italy. Ratification : 22 October 1952. No declaration on application.

Netherlands. Ratification : 23 February 1951. Applicable without modification : Netherlands Antilles. Not applicable : New Guinea, Surinam.

Portugal. Ratification : 13 June 1952. No declaration on application.

United Kingdom. Ratification : 29 July 1949. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.³ No declaration on application : all other British non-metropolitan territories.

CONVENTION No. 70 : SOCIAL SECURITY
(SEAFARERS), 1946

(This Convention has not yet come into force)

France. Ratification : 9 December 1948. No declaration on application.

¹ Unratified Convention : see footnote 1 under Convention No. 17.

² See footnote 1 under Convention No. 2.

CONVENTION No. 71 : SEAFARERS' PENSIONS, 1946

(This Convention has not yet come into force)

France. Ratification : 9 December 1948. No declaration on application.

CONVENTION No. 72 : PAID VACATIONS
(SEAFARERS), 1946

(This Convention has not yet come into force)

France. Ratification : 9 December 1948. No declaration on application.

CONVENTION No. 73 : MEDICAL EXAMINATION
(SEAFARERS), 1946

(This Convention has not yet come into force)

Belgium. Ratification : 5 December 1951. Not applicable : Belgian Congo and Ruanda-Urundi.

France. Ratification : 9 December 1948. No declaration on application.

Italy. Ratification : 22 October 1952. No declaration on application.

Portugal. Ratification : 13 June 1952. No declaration on application.

CONVENTION No. 74 : CERTIFICATION OF ABLE
SEAMEN, 1946

(in force : 14 July 1951)

Belgium. Ratification : 5 December 1951. Not applicable : Belgian Congo and Ruanda-Urundi.

France. Ratification : 9 December 1948. No declaration on application.

Netherlands. Ratification : 14 July 1950. Applicable without modification : Netherlands Antilles. Not applicable : New Guinea, Surinam.

Portugal. Ratification : 13 June 1952. No declaration on application.

United Kingdom. Ratification : 13 May 1952. No declaration on application.

CONVENTION No. 75 : ACCOMMODATION OF
CREWS, 1946

(This Convention has not yet come into force)

France. Ratification : 9 December 1948. No declaration on application.

CONVENTION No. 76 : WAGES, HOURS OF WORK
AND MANNING (SEA), 1946

(This Convention has not yet come into force)

Australia. Ratification : 24 January 1949. Not applicable to all Australian non-metropolitan territories.

CONVENTION No. 77 : MEDICAL EXAMINATION OF
YOUNG PERSONS (INDUSTRY), 1946

(in force : 29 December 1950)

France. Ratification : 28 June 1951. No declaration on application.

Italy. Ratification : 22 October 1952. No declaration on application.

*United Kingdom.*¹ Decision on application reserved for all British non-metropolitan territories.

CONVENTION No. 78: MEDICAL EXAMINATION OF YOUNG PERSONS (NON-INDUSTRIAL OCCUPATIONS), 1946

(in force : 29 December 1950)

France. Ratification : 28 June 1951. No declaration on application.

Italy. Ratification : 22 October 1952. No declaration on application.

CONVENTION No. 79: NIGHT WORK OF YOUNG PERSONS (NON-INDUSTRIAL OCCUPATIONS), 1946

(in force : 29 December 1950)

Italy. Ratification : 22 October 1950. No declaration on application.

CONVENTION No. 80: FINAL ARTICLES REVISION, 1946

(in force : 28 May 1947)

Australia. Ratification : 24 January 1949.

Belgium. Ratification : 3 August 1949.

Denmark. Ratification : 30 June 1949.

France. Ratification : 20 January 1948.

Italy. Ratification : 11 December 1947.

Netherlands. Ratification : 15 January 1948.

New Zealand. Ratification : 8 July 1947.

Union of South Africa. Ratification : 19 June 1947.

United Kingdom. Ratification : 28 May 1947.

United States. Ratification : 24 June 1948.

CONVENTION No. 81: LABOUR INSPECTION, 1947

(in force : 7 April 1950)

France. Ratification : 16 December 1950. No declaration on application.

Italy. Ratification : 22 October 1952. No declaration on application.

Netherlands. Ratification : 15 September 1951. Applicable without modification : Netherlands Antilles, Surinam. Not applicable : New Guinea.

United Kingdom. Ratification : 28 June 1949. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.² No declaration on application : other British non-metropolitan territories.

CONVENTION No. 82: SOCIAL POLICY (NON-METROPOLITAN TERRITORIES), 1947

(This Convention has not yet come into force)

United Kingdom. Ratification : 27 March 1950. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.² Applicable without modification : Aden, Bahamas, Bermuda, Dominica, Gambia, Gibraltar, Grenada, British Guiana, British Honduras, Jamaica, Leeward Islands, Malaya, Malta, Mauritius, Northern Rhodesia, Southern Rhodesia, St. Helena, St. Lucia, St. Vincent. Applicable with

modification : Barbados, Basutoland, Bechuanaland, North Borneo, Brunei, Cyprus, Falkland Islands, Fiji, Gilbert and Ellice Islands, Gold Coast, Hong Kong, Kenya, Nigeria, Nyasaland, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar. Decision on application reserved : Sarawak. No declaration on application : British Somaliland.

CONVENTION No. 83: LABOUR STANDARDS (NON-METROPOLITAN TERRITORIES), 1947

(This Convention has not yet come into force)¹

United Kingdom. Ratification : 27 March 1950. The declarations concerning application provided for in the Convention have been communicated in respect of all British non-metropolitan territories with the exception of the Channel Islands, the Isle of Man and British Somaliland.

CONVENTION No. 84: RIGHT OF ASSOCIATION (NON-METROPOLITAN TERRITORIES), 1947

(in force : 1 July 1953)

*Italy.*² Applicable without modification to Italian Somaliland.

New Zealand. Ratification : 1 July 1952. Applicable without modification : Cook Islands. Not applicable : Tokelau Islands. Decision reserved : Western Samoa.

United Kingdom. Ratification : 27 March 1950. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.² Decision on application reserved : Brunei, Gilbert and Ellice Islands, Solomon Islands. No declaration on application : British Somaliland. Applicable without modification : all other British non-metropolitan territories.

CONVENTION No. 85: LABOUR INSPECTORATES (NON-METROPOLITAN TERRITORIES), 1947

(This Convention has not yet come into force)

*Italy.*² Applicable without modification to Italian Somaliland.

¹ This Convention as modified by the 1948 Instrument of Amendment is merely a declaratory instrument concerning application of the following Conventions :

Convention No. 3: Maternity Protection, 1919.
Convention No. 14: Weekly Rest (Industry), 1921.
Convention No. 15: Minimum Age (Trimmers and Stokers), 1921.

Convention No. 16: Medical Examination of Young Persons (Sea), 1921.

Convention No. 17: Workmen's Compensation (Accidents), 1925.

Convention No. 19: Equality of Treatment (Accident Compensation), 1925.

Convention No. 27: Marking of Weight (Packages Transported by Vessels), 1929.

Convention No. 45: Underground Work (Women), 1935.

Convention No. 58: Minimum Age (Sea) (Revised), 1936.

Convention No. 59: Minimum Age (Industry) (Revised), 1937.

Convention No. 77: Medical Examination of Young Persons (Industry), 1946.

Convention No. 89: Night Work (Women) (Revised), 1948.

Convention No. 90: Night Work of Young Persons (Industry) (Revised), 1948.

¹ Unratified Convention : see footnote 2 under Convention No. 3.

² See footnote 1 under Convention No. 2.

² Unratified Convention : see footnote 1 under Convention No. 17.

³ See footnote 1 under Convention No. 2.

United Kingdom. Ratification : 27 March 1950. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.¹ Applicable with modification : Barbados, North Borneo, Brunei, Fiji, Nigeria, Nyasaland, Uganda. Decision on application reserved : Basutoland, Bechuanaland, Bermuda, Falkland Islands, Gilbert and Ellice Islands, Sarawak, Solomon Islands, Swaziland. No declaration on application : British Somaliland. Applicable without modification : all other British non-metropolitan territories.

CONVENTION No. 86 : CONTRACTS OF EMPLOYMENT
(INDIGENOUS WORKERS), 1947

(in force : 13 February 1953)

United Kingdom. Ratification : 27 March 1950. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.¹ Applicable with modification : Hong Kong, Nigeria, St. Helena, Tanganyika. Not applicable : Cyprus, Falkland Islands, Malta. Decision on application reserved : Basutoland, Bechuanaland, Bermuda, Brunei, Gilbert and Ellice Islands, Nyasaland, Sarawak, Solomon Islands, Swaziland. No declaration on application : British Somaliland. Applicable without modification : all other British non-metropolitan territories.

CONVENTION No. 87 : FREEDOM OF ASSOCIATION
AND PROTECTION OF THE RIGHT TO ORGANISE, 1948

(in force : 4 July 1950)

Belgium. Ratification : 23 October 1951. Not applicable to the Belgian Congo and Ruanda-Urundi.

Denmark. Ratification : 13 June 1951. No declaration on application.

France. Ratification : 28 June 1951. No declaration on application.

Italy. Ratification : 22 October 1952. No declaration on application.

Netherlands. Ratification : 7 March 1950. Applicable without modification : Netherlands Antilles, New Guinea, Surinam.

United Kingdom. Ratification : 27 June 1949. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.¹ No declaration on application for all other British non-metropolitan territories.

CONVENTION No. 88 : EMPLOYMENT SERVICE, 1948

(in force : 10 August 1950)

Australia. Ratification : 24 December 1949. No declaration on application.

Belgium. Ratification : 16 March 1953. Not applicable : Belgian Congo and Ruanda-Urundi.

France. Ratification : 15 October 1952. No declaration on application.

Italy. Ratification : 22 October 1952. No declaration on application.

Netherlands. Ratification : 7 March 1950. Applicable without modification : Surinam. Applicable with modification : Netherlands Antilles. Not applicable : New Guinea.

New Zealand. Ratification : 3 December 1949. Not applicable : Cook Islands, Tokelau Islands. Decision on application reserved : Western Samoa.

United Kingdom. Ratification : 10 August 1949. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.¹ No declaration on application : other British non-metropolitan territories.

CONVENTION No. 89 : NIGHT WORK (WOMEN)
(REVISED), 1948

(in force : 27 February 1951)

Belgium. Ratification : 1 April 1952. Not applicable to the Belgian Congo and Ruanda-Urundi.

Italy. Ratification : 22 October 1952. No declaration on application.

New Zealand. Ratification : 10 November 1950. Not applicable : Cook Islands, Tokelau Islands. Decision on application reserved : Western Samoa.

Union of South Africa. Ratification : 2 March 1950. Not applicable : South West Africa.

*United Kingdom.*¹ No declaration : Channel Islands, the Isle of Man and Somaliland. Decision on application reserved for all other British non-metropolitan territories.

CONVENTION No. 90 : NIGHT WORK OF YOUNG
PERSONS (INDUSTRY) (REVISED), 1948

(in force : 12 June 1951)

Italy. Ratification : 22 October 1952. No declaration on application.

*United Kingdom.*¹ No declaration : Channel Islands, Isle of Man, British Somaliland. Decision on application reserved for all other British non-metropolitan territories.

CONVENTION No. 91 : PAID VACATIONS
(SEAFARERS) (REVISED), 1949

(This Convention has not yet come into force)

France. Ratification : 26 October 1951. No declaration on application.

Portugal. Ratification : 29 July 1952. No declaration on application.

CONVENTION No. 92 : ACCOMMODATION OF CREWS
(REVISED), 1949

(in force : 29 January 1953)

Denmark. Ratification : 30 September 1950. No declaration on application.

France. Ratification : 26 October 1951. No declaration on application.

Portugal. Ratification : 29 July 1952. No declaration on application.

CONVENTION No. 93 : WAGES, HOURS OF WORK
AND MANNING (SEA) (REVISED), 1949

(This Convention has not yet come into force)

CONVENTION No. 94 : LABOUR CLAUSES
(PUBLIC CONTRACTS), 1949

(in force : 20 September 1952)

Belgium. Ratification : 13 October 1952. Not applicable : Belgian Congo and Ruanda-Urundi.

France. Ratification : 20 September 1951. No declaration on application.

Italy. Ratification : 22 October 1952. No declaration on application.

¹ See footnote 1 under Convention No. 2.

¹ Unratified Convention : see footnote 2 under Convention No. 3.

Netherlands. Ratification : 20 May 1952. No declaration on application.

United Kingdom. Ratification : 30 June 1950. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.¹ No declaration on application : all other British non-metropolitan territories.

CONVENTION No. 95 : PROTECTION OF WAGES, 1949
(in force : 24 September 1952)

France. Ratification : 15 October 1952. No declaration on application.

Italy. Ratification : 22 October 1952. No declaration on application.

Netherlands. Ratification : 20 May 1952. No declaration on application.

United Kingdom. Ratification : 24 September 1951. No declaration on application.

CONVENTION No. 96 : FEE-CHARGING EMPLOYMENT AGENCIES (REVISED), 1949
(in force : 18 July 1951)

Netherlands. Ratification : 20 May 1952. No declaration on application.

CONVENTION No. 97 : MIGRATION FOR EMPLOYMENT (REVISED), 1949
(in force : 22 January 1952)

Italy. Ratification : 22 October 1952. No declaration on application.

Netherlands. Ratification : 20 May 1952. No declaration on application.

New Zealand. Ratification : 10 November 1950. Not applicable : Tokelau Islands. Decision on application reserved : Cook Islands, Western Samoa.

United Kingdom. Ratification : 22 January 1951. No declaration on application.

CONVENTION No. 98 : RIGHT TO ORGANISE AND COLLECTIVE BARGAINING, 1949

(in force : 18 July 1951)

France. Ratification : 26 October 1951. No declaration on application.

United Kingdom. Ratification : 30 June 1950. Applicable *ipso jure* without modification : Channel Islands and Isle of Man.¹ No declaration on application for all other British non-metropolitan territories.

CONVENTION No. 99 : MINIMUM WAGE FIXING MACHINERY (AGRICULTURE), 1951

(in force : 23 August 1953)

New Zealand. Ratification : 1 July 1952. Applicable without modification : Cook Islands. Not applicable : Tokelau Islands. Decision on application reserved : Western Samoa.

CONVENTION No. 100 : EQUAL REMUNERATION, 1951
(in force : 23 May 1953)

Belgium. Ratification : 23 May 1952. Not applicable : Belgian Congo and Ruanda-Urundi.

France. Ratification : 10 March 1953. No declaration on application.

CONVENTION No. 101 : HOLIDAYS WITH PAY (AGRICULTURE), 1952

(This Convention has not yet come into force)

CONVENTION No. 102 : SOCIAL SECURITY (MINIMUM STANDARDS), 1952

(This Convention has not yet come into force)

CONVENTION No. 103 : MATERNITY PROTECTION (REVISED), 1952

(This Convention has not yet come into force)

¹ See footnote 1 under Convention No. 2.

¹ See footnote 1 under Convention No. 2.